

Draft Infrastructure and Developer Contributions Supplementary Planning Document

Report of the Planning Portfolio Holder

Recommended:

1. That the Draft Infrastructure and Developer Contributions Supplementary Planning Document, as shown in the annex to the report, be published for public consultation.
2. That the Head of Planning Policy and Economic Development be given delegated authority in consultation with the Planning Portfolio Holder, to make changes of a minor nature.

SUMMARY:

- A draft Infrastructure and Developer Contributions Supplementary Planning Document (SPD) is recommended to be published for public consultation. The SPD provides a basis for securing infrastructure and developer contributions for new development.
- The draft SPD has been prepared to replace the existing SPD (adopted in 2009) taking account of relevant legislation and evidence on securing infrastructure and developer contributions.
- The options under consideration are whether or not to prepare the draft SPD and be subject to public consultation.

1 Introduction

- 1.1 This report is proposing that the appended draft Infrastructure and Developer Contributions Supplementary Planning Document (SPD) is published for public consultation. When adopted, the SPD will provide an updated framework for securing infrastructure and developer contributions to mitigate the impact of development.

2 Background

- 2.1 The Infrastructure and Developer Contributions Supplementary Planning Document (SPD) sets out detailed requirements for securing infrastructure and developer contributions based on policies and requirements in the Adopted Local Plan 2016 (RLP 2016) in particular Policy COM15: Infrastructure which requires infrastructure to be secured as part of new developments. Other RLP 2016 policies are also relevant as each topic in the SPD correlates with a policy.

- 2.2 An SPD is defined in the NPPF (2021) as “*Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.*” Therefore Supplementary Planning Documents must be in accordance with the Adopted Local Plan which forms part of the development plan.
- 2.3 The draft SPD sets out the type of infrastructure and developer contributions which are generally secured through legal agreements as part of the planning process. This includes new residential and commercial development. The SPD is split into the topics covering the various types of infrastructure including public open space, education, healthcare, community facilities, biodiversity enhancements and economic skills plans. The Council’s approach to securing these is set out, along with an explanation for the justification and evidence behind that contribution.
- 2.4 The document will be especially relevant to new developments in the borough which are nil-rated for the Community Infrastructure Levy (CIL). Infrastructure and developer contributions will be secured through legal agreements in these cases (such as the strategic allocation of Whitenap in Romsey). The SPD has been updated to reflect the Council’s current requirements and expectations. It takes into account the relevant evidence base, Council processes and legislation.
- 2.5 The nature of Infrastructure delivery has evolved since the adoption of the existing SPD in 2009. The Council adopted a CIL Charging Schedule in 2016 which levies CIL for certain developments and the SPD addresses the addition of CIL along with specific requirements for developer contributions (Regulation 122 of the Community Infrastructure Regulations, 2010 which set out the requirements for securing developer contributions). The Council has also been undertaking a review of the New Neighbourhoods which have been provided in the Borough. The findings from this work have informed the content of the document, for example the inclusion of a section detailing the role of Community Development Workers.
- 2.6 Infrastructure is delivered by a range of providers which the Council works in partnership with. For example Hampshire County Council has a responsibility as the Highways Authority for highway infrastructure and the Hampshire and Isle of Wight Integrated Care Board has a responsibility for healthcare facilities. Engagement with these providers is important in ensuring the delivery of infrastructure which is needed in the Borough. The Council supports these providers in the delivery of necessary infrastructure as much as possible, however is reliant on these providers to deliver the appropriate infrastructure, which can be out of the Council’s control. A collaborative approach has been therefore taken with engagement with other services within the Council and organisations to draft the SPD. This has involved reviewing the adopted SPD’s requirements and our existing processes.

- 2.7 The draft SPD is different to the existing document as new items of infrastructure have been included to reflect additional evidence of need. This has included a new section on healthcare facilities and reference to national requirements related to the protection of sensitive habitats and species (such as nutrient neutrality). We have streamlined the document and ensured there is a clear link to the relevant Local Plan policy. Changes from the adopted SPD include:
- (a) Change in how we calculate public art from 'Percent for Art' to a calculation based on amount secured on other developments
 - (b) Removal of Archaeology section
 - (c) Addition of requirements related to the protection of habitats and species (such as nutrient neutrality requirements)
 - (d) Requirements related to Community Development Workers
 - (e) Requirements related to commercial and non-commercial facilities
 - (f) Requirements related to healthcare facilities
 - (g) Requirements related to Economic Skills Plans
- 2.8 The Council is currently in the process of drafting the Local Plan 2040. The production of the new Local Plan (2040) provides an opportunity to review viability and the range of infrastructure/ mitigation required. There is potential for the draft SPD to be updated following the adoption of the Local Plan 2040, to reflect its policies.

3 Corporate Objectives and Priorities

- 3.1 The Council's Corporate Plan 2019-2023 sets out four strategic priorities, relating to growing the potential of town centres, communities, people and the local environment. This matter relates to all four priorities as it provides a mechanism for securing developer contributions and infrastructure on a range of topics including environmental enhancements, community facilities and recreational spaces. The SPD can support the overarching intentions of the Corporate Plan in ensuring the provision of Infrastructure to improve the lives of residents, enhance and protect the environment and support communities by meeting their needs.

4 Consultations

- 4.1 It is a legal requirement to undertake public consultation on an SPD for a minimum period of 4 weeks (The Town and Country Planning (Local Planning) (England) Regulations 2012, Part 5 Regulation 12(b)). This would be undertaken in accordance with the Council's adopted Statement of Community Involvement. The Council is currently consulting on an update to the Statement of Community Involvement and the consultation on the SPD would be carried out in accordance with this document.

5 Options

- 5.1 There are three options for consideration
- (a) The preparation of an updated SPD and undertake public consultation on the draft SPD

- (b) To make amendments to the SPD before undertaking public consultation on the draft SPD
- (c) To not prepare an updated SPD and continue with the current Adopted SPD (2009)

Option 1

To prepare and undertake public consultation on the draft Infrastructure and Developer Contributions Supplementary Planning Document. This is the first stage in the process towards adopting an updated SPD. Once adopted, the Council will use the document in the negotiation of planning applications and associated developer contributions. It will provide up to date guidance to developers and the public on the infrastructure and developer contributions likely to be sought on applications.

Option 2

To make amendments to the draft Infrastructure and Developer Contributions Supplementary Planning Document before publishing the document for public consultation.

Option 3

If an SPD is not prepared, the Council would rely on the Adopted SPD from 2009. Continuing with the current SPD would lead to guidance being used to secure infrastructure and developer contributions that is out dated. This could lead to the Council not securing the required infrastructure and developer contributions to mitigate the impact of new development. It will also be unclear to developers and members of the public the Council's approach to securing infrastructure and developer contributions as the Council would need to deviate from the requirements in the adopted SPD.

- 5.2 The preferred is Option 1 as the SPD has been produced in collaboration with services within the Council and other infrastructure providers to ensure it provides an up-to-date indication of the Council's requirements. This document is the recommended version which has been prepared based on professional officer advice along with the Councils evidence and procedures. If the draft SPD proceeds to adoption we would seek formal withdrawal of the current SPD.

6 Resource Implications

- 6.1 Undertaking the public consultation exercise can be met within existing resources.

7 Legal Implications

- 7.1 Once adopted as an SPD, the document will form part of the Council's suite of planning documents and would be a material consideration in the determination of planning applications. In order to achieve the status the relevant Regulations have to be complied with.

8 Equality Issues

8.1 An EQIA screening has not identified any potential for unlawful discrimination or adverse impact.

9 Other Issues

9.1 Community Safety - none

9.2 Environmental Health Issues - none

9.3 Sustainability and Addressing a Changing Climate – none. The SPD would contribute towards the negotiation and securing of infrastructure and developer contributions to mitigate the impact of new development. This will contribute towards the provision of sustainable new development in the Borough as the infrastructure and developer contributions improves the sustainability of new development.

9.4 Property Issues - none

9.5 Wards/Communities Affected: All wards

10 Conclusion

10.1 It is considered that the Draft SPD (Annex) should be published for public consultation.

Background Papers (Local Government Act 1972 Section 100D)

[Revised Local Plan \(DPD\) | Test Valley Borough Council](#)

[Statement of Community Involvement \(SCI\) | Test Valley Borough Council](#)

[Draft Statement of Community Involvement in Planning \(SCI\) 2022 | Test Valley Borough Council](#)

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	1	File Ref:	N/A
(Portfolio: Planning) Councillor P Bundy			
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Report to:	Cabinet	Date:	26 October 2022