

# Test Valley Borough Council

## Infrastructure and Developer Contributions Supplementary Planning Document

Consultation Draft

October 2022

## Contents

<b>1.</b>	<b>Introduction</b> .....	4
<b>2.</b>	<b>Purpose of the Document</b> .....	4
<b>3.</b>	<b>Policy Context</b> .....	5
<b>4.</b>	<b>Developer Contributions</b> .....	5
<b>5.</b>	<b>Section 106 Planning Obligations</b> .....	6
<b>6.</b>	<b>Section 278 and Section 38 Agreements</b> .....	6
<b>7.</b>	<b>Community Infrastructure Levy</b> .....	7
<b>8.</b>	<b>Summary of Developer Contributions</b> .....	7
<b>9.</b>	<b>Planning Obligations for Infrastructure</b> .....	7
<b>10.</b>	<b>Affordable Housing and Community Led Development</b> .....	7
<b>11.</b>	<b>Sports, Recreation and Open Space</b> .....	8
	General Public Open Space Requirements .....	9
	Outdoor Sports Facilities .....	9
	Parks and Public Gardens .....	10
	Informal Recreation Areas .....	10
	Children and Teenagers Play Space .....	11
	Allotments .....	11
	Maintenance of Public Open Space .....	11
	Biodiversity .....	12
	International Nature Conservation Designations .....	12
	The Solent Recreation Mitigation Strategy .....	13
	New Forest Recreation Mitigation Strategy .....	14
	Impact of Nutrients on Internationally Designated Water Bodies .....	14
	Flood Risk .....	15
	Sustainable Drainage Systems (SuDS) .....	15
	Green Infrastructure .....	16
<b>12</b>	<b>Facilities within New Communities</b> .....	17
	Commercial Facilities .....	17
	Community Centres .....	18
	Community Development Workers .....	20
	Other Non-commercial facilities .....	21
	Education .....	21
	Indoor Sports Facilities .....	21
<b>13</b>	<b>Health Infrastructure</b> .....	22
<b>14</b>	<b>Employment and Skills</b> .....	24

	Employment Skills Plan (ESP) .....	24
<b>15</b>	<b>Highways, Transport and Travel</b> .....	<b>26</b>
<b>16</b>	<b>Public art</b> .....	<b>28</b>
	Public Art Process .....	29
<b>17</b>	<b>Other Contributions</b> .....	<b>30</b>
	Site specific Public Services .....	30
	Utilities, telecommunications and broadband .....	30
<b>18</b>	<b>Development Viability</b> .....	<b>31</b>
	How will contributions be determined and prioritised? .....	31
	Land value .....	31
	What Should a Viability Assessment Contain? .....	32
	The Council's approach to negotiating proposals which are not viable .....	32
	Spending and Monitoring .....	32
	Fees .....	35
	Monitoring .....	33
	Indexing .....	33
	Invoicing .....	33
	Enforcement .....	34
	Payment of Monies .....	34
<b>19</b>	<b>Glossary</b> .....	<b>35</b>
<b>20</b>	<b>Appendix 1: A Map Showing the Residential Catchment Area for the Solent SPA</b> .....	<b>36</b>
<b>21</b>	<b>Appendix 2: A map showing the Recreational Impact Mitigation Zone for the New Forest SAC, SPA and Ramsar</b> .....	<b>37</b>
<b>22</b>	<b>Appendix 3: A Sample Community Development Worker Job Description and Person Specification</b> .....	<b>38</b>

Section 180 (5) (d) Planning Act (2008) removed the compulsory requirement for a Sustainability Appraisal for a Supplementary Planning Document (SPD). It is not considered that this SPD would have a significant social, environmental or economic effect, therefore this document has not been subject to assessment under The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended).

## 1. Introduction

- 1.1. This Supplementary Planning Document (SPD) has been prepared by Test Valley Borough Council as part of its planning policy framework. It supplements the policies of the Test Valley Revised Local Plan 2011-2029 (referred to as the Local Plan) which was adopted on 26th January 2016.
- 1.2. Infrastructure is key to the delivery of the objectives and strategy of the Local Plan and the priorities of the Council's Corporate Plan. This document supports the delivery of infrastructure and helps to guide the Council's approach to the delivery of infrastructure requirements associated with new development.
- 1.3. Section 216 of the Planning Act 2008 describes the types of infrastructure that can be supported. This description can be used as a basis for the definition of infrastructure generally and includes roads and other transport facilities, flood defences, school and other educational facilities, medical facilities, sporting and recreational facilities and open spaces.
- 1.4. For the ease of reference, the term 'infrastructure' in this SPD is used (unless stated otherwise) to include all matters for which contributions may be sought.

## 2. Purpose of the Document

- 2.1. This document provides detailed guidance on the application of the Adopted Local Plan policies in respect of developer contributions secured through planning applications. It sets out the Council's expectations regarding the approach to negotiation and specifies the standard required for the implementation and delivery of some items of infrastructure such as built facilities and public open space. The Council expects new development to contribute to site related and other infrastructure needs. On adoption, this document will replace the existing Infrastructure and Developer Contributions SPD (2009).
- 2.2. The purpose of this SPD is to:
  - Explain the Council's approach to using planning obligations to local residents, developers and the wider community;
  - Explain the circumstances under which the Council will collect Section 106 contributions to mitigate the impacts of a development on infrastructure;
  - Provide applicants with greater certainty on when planning obligations will be sought.
- 2.3. This guidance does not cover every possible circumstance and/or obligation that may need to be taken into account, but it provides a clear indication of the Council's essential requirements from new development in respect of the provision of infrastructure. It will inform applicants of planning obligations and costs which are likely to be required at an early stage in the development process and to assist in their costs formulation and undertaking financial appraisals.

### 3. Policy Context

- 3.1. All development proposals should be determined in accordance with national planning policy and guidance and the Council's development plan unless material planning considerations indicate otherwise.
- 3.2. Test Valley's Development Plan includes the Adopted Revised Test Valley Borough Local Plan 2011- 2029, made (adopted) Neighbourhood Plans and the Hampshire Minerals and Waste Plan (2013)<sup>1</sup>. A five year review of the Adopted Revised Local Plan was undertaken in January 2021 and concluded that the spatial strategy remains sound and plan policies remain up to date and continue to provide a robust basis for decision making in the determination of planning applications. This SPD supports the delivery of the Adopted Revised Local Plan 2011 - 2029 and will be an important material consideration. The main relevant policy is COM15 which sets out specific infrastructure requirements to support the strategic allocations identified within the individual site allocation policies. Infrastructure requirements for all other proposals are assessed on a site-by-site basis in accordance with relevant Local Plan Policies.
- 3.3. The Council is currently in the process of preparing the next Local Plan and is at Stage 1, Regulation 18 stage. Following the Adoption of the next Local Plan, this SPD will be updated.
- 3.4. Alongside the Development Plan there are a number of other relevant documents and strategies which development proposals will need to consider<sup>2</sup>. This includes the Council's Village Design Statements<sup>3</sup>, Masterplans for Andover and the South of Romsey Town Centre<sup>4</sup>, along with Hampshire County Council's plans and strategies. Hampshire County Council also have an Infrastructure and Planning Policy document setting out its approach to seeking planning contributions and how it will engage with the planning process reflecting the services they provide<sup>5</sup>.

### 4. Developer Contributions

- 4.1. Developer contributions seek to mitigate the negative impacts of development, address infrastructure needs and meet Local Plan policy requirements. This may either be delivered directly by the developer or through a financial or other contribution towards their provision or enhancement. The Council encourages early engagement as part of the pre-application advice service offered to discuss infrastructure requirements.
- 4.2. The main mechanisms used to secure infrastructure funding and provision are the Community Infrastructure Levy (CIL), planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended) and under Section 278 of the Highways Act 1980. In some circumstances conditions

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<sup>1</sup> [Hampshire Minerals and Waste Plan | Hampshire County Council \(hants.gov.uk\)](https://www.hants.gov.uk)

<sup>2</sup> [Strategies and Policy Statement | Test Valley Borough Council](#)

<sup>3</sup> [Village Design Statements | Test Valley Borough Council](#)

<sup>4</sup> [Town centre redevelopment | Test Valley Borough Council](#)

attached to planning permissions may also be used to secure non-financial mitigation, to define timings or apply standards.

## 5. Section 106 Planning Obligations

- 5.1. Planning obligations under Section 106 (S106) of the Town and Country Planning Act 1990 are entered into as legal agreements between local planning authorities, landowners, developers and any others with an interest in the land. In certain circumstances an applicant/developer may submit a unilateral undertaking by way of a planning obligation.
- 5.2. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms, in accordance with national policy. Planning obligations may impose financial and/ or non-financial obligations on those with an interest in the land to which they relate.
- 5.3. Planning Obligations will be negotiated on a site-by-site basis in accordance with Regulation 122 of the Community and Infrastructure Regulations 2010<sup>6</sup>. They may:
  - Be unconditional or subject to conditions;
  - Impose any restriction or requirement for an indefinite or specified period; and
  - Provide for payments of money to be made, either of a specific amount or by reference to a formula, and require periodical payments to be paid indefinitely or for a specified period.
- 5.4. Contributions may be sought to fund a single item of infrastructure or to fund part of an infrastructure item or service and for the initial provision and/or ongoing running and maintenance costs of services and facilities.
- 5.5. Local Planning Authorities have the discretion to secure contributions towards the monitoring of obligations secured through s106 agreements. Planning policies seeking planning obligations should be grounded in an understanding of development viability through the plan making process<sup>7</sup>.

## 6. Section 278 and Section 38 Agreements

- 6.1. Where development requires work to be carried out on the existing adopted highway, an agreement under Section 278 of the Highways Act 1980 will need to be completed between the developer and either the Secretary of State for Transport (for the strategic road network) or Hampshire County Council as the Local Highway Authority (for the local road network).
- 6.2. Amendments to the CIL Regulations in 2014 restrict the way Section 278 (S278) Agreements can be used. The purpose of the restriction is to ensure that S278 Agreements cannot be required for works that are intended to be funded through the Community Infrastructure Levy.
- 6.3. An agreement under Section 38 of the Highways Act 1980 can be used when a developer proposes to construct a new estate road for residential, industrial

<sup>6</sup> <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122>

<sup>7</sup> <https://www.gov.uk/guidance/viability>

or general purpose traffic that may be offered to the Highway Authority for adoption as a public highway.

## 7. Community Infrastructure Levy

- 7.1. The Community Infrastructure Levy (CIL) is a fixed, non-negotiable and enforceable locally set tariff which is levied upon commencement of development. The Council has an Adopted CIL Charging Schedule setting out the charges for CIL -liable development.
- 7.2. The Council's Spending Protocol and Infrastructure Funding Statement set out further details of how the Council's CIL is distributed and spent.
- 7.3. Where a development is liable for CIL but site specific mitigation are required to make the development acceptable in planning terms, the Council will seek to secure mitigation measures through the use of a S106 agreement.

## 8. Summary of Developer Contributions

- 8.1. Table 1 summarises the relationship between the mechanisms for securing developer contributions.

Mechanism	Purpose
Community Infrastructure Levy	Can be used for any infrastructure needed to support the development of the Borough
Section 106 Obligations	Planning obligations are frequently secured through Section 106 Agreement but may also be secured through a Section 106 Unilateral Undertaking. They can be used to secure on-site infrastructure and contributions towards off-site infrastructure required to make the development acceptable in planning terms.
Section 278 Agreements	Allows developers to fund alterations and improvements to the public highway in the public interest.
Planning Condition	To mitigate the potential adverse effects of the proposed development and ensure compliance with development plan policy. To enable development proposals to proceed where it would be otherwise necessary to refuse planning permission. To make the development acceptable (where the requirement does not involve the payment of money or the transfer of land ownership).

## 9. Planning Obligations for Infrastructure

- 9.1. This Section looks in further detail at the different types of planning obligations the Council will seek to secure via a legal agreement on a theme basis.

## 10. Affordable Housing and Community Led Development

- 10.1. The Council's policy on affordable housing is contained within Local Plan Policy COM7 and supplemented by the Affordable Housing SPD (2020) which sets out how Policy COM7 will be applied in light of national guidance<sup>8</sup>.

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<sup>8</sup> NPPF 2021.

- 10.2. Policy COM7 takes account of the economics of provision in both providing affordable housing on site and a financial contribution for off-site provision in lieu. Where circumstances arise, the Council will take into consideration financial viability in negotiating the tenure and mix of affordable housing, the percentage of affordable housing on site or a financial contribution for off-site provision. For further information on the Council's approach to securing affordable housing, please refer to the Council's Affordable Housing SPD.

Type of development	Residential development
Contribution Sought	A legal agreement will be used to secure affordable housing in the form of physical provision or a financial contribution towards off-site provision. The precise mix and tenure for provision on site will be specified in the legal agreement. Further details of this are set out in the Affordable Housing SPD (2020).
Relevant Adopted Local Plan Policies	COM7

## 11. Sports, Recreation and Open Space

- 11.1. The Adopted Local Plan Policy LHW1 sets out the public open space requirements for new housing development where there is a net increase in population, along with definitions of public open space for Outdoor Sports Facilities, Parks and Gardens, Informal Recreation Areas, Provision for Children and Teenagers and Allotments.

Type of development	Major residential development
Contribution Sought	Public open space will be required on major residential development in accordance with Policy LHW1. The scale and nature of the public open space requirements will be considered on a site by site basis. This may be in the form of on-site open space or financial contributions towards existing facilities and will be secured through a legal agreement.  Provision will be required for the long term maintenance of public open space, either by transferring the land to the Council along with a commuted sum, or by a maintenance schedule implemented by a management company.
Relevant Adopted Local Plan policies	Policies LHW1 and COM15

- 11.2. The Playing Pitch Strategy (2020) and Sports Facilities Strategy (2020) provide a full assessment of facilities in the Borough providing an evidence base for the requirements of these types of facilities which is used to inform the contributions to be secured<sup>9</sup>.

### General Public Open Space Requirements

- 11.3. Where public open space is provided on site, a legal agreement will be used to secure the delivery of the open space in line with the phasing of the development. The public open space should be provided as early in the development of a site as possible so that new occupants are able to access the open space when they move in.
- 11.4. Areas of public open space should be clean and un-contaminated and storage yards should not be located on areas of public open space (due to the risk of contamination). They should be located to provide maintenance access points in locations which have a minimal impact on local residents. Open Space should be secure, with features to ensure that only maintenance vehicles are able to access the site.
- 11.5. The Council's preferred approach is to adopt public open space or for it to be passed to the relevant town or parish council along with a commuted sum (as explained in paragraph 11.26 – 11.28). Where an area of open space is to be transferred to the Council, inspections of the open space will be required prior to adoption. There are fees associated with this service, further details of which are available online<sup>10</sup>.

### Outdoor Sports Facilities

- 11.6. Outdoor sports facilities are areas that are used for formal recreational activities and require pitches or specialised areas. They can include but are not limited to football or cricket pitches, tennis courts, wheeled sports (BMX or skate) or bowling greens.
- 11.7. Outdoor sport facilities are expected to meet relevant requirements from Sport England and/ or National Governing Bodies that also enables the efficient management of the site and provides flexibility to respond to changes in recreational demand. This is to be specified and agreed by the Council and relevant sporting bodies. The Council will apply the Green flag assessment criteria to all green spaces, specifically those 0.2ha or larger (equivalent to 3x tennis courts)<sup>11</sup>. This will be in addition to relevant guidance from organisations such as Fields in Trust, Sport England, UK Active, National Governing bodies which may be relevant to an application.
- 11.8. The Council will require external verification of the construction of formal surfaces at stages during their construction along with sign off on completion

<sup>9</sup> <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/evidence-base/evidence-base-leisure>

<sup>10</sup> [Planning & Building - General Fees and Charges | Test Valley Borough Council](#)

<sup>11</sup> [Green Flag Award](#)

where new facilities are provided as part of a development. A legal agreement will be used to secure financial contributions towards this.

- 11.9. Where ancillary facilities are required to be provided on site, such as sports pavilions, they will need to be constructed in accordance with relevant standards at time of construction. This will include compliance with Sport England requirements. Details of the following will be required as a minimum:
- Showers
  - Toilets
  - Changing rooms
  - Kitchens
  - Layout
  - Accessibility
  - Environmental sustainability
  - Local suitability/justification
  - Sporting requirements (facilities required for the sports to be provided at the facility)
  - Accessibility and parking

### **Parks and Public Gardens**

- 11.10. Parks and public gardens are high quality multifunctional spaces which are often used for walking and other forms of recreation. They usually serve wide areas and a contribution will be sought where there is a deficit in the local area.
- 11.11. Parks and public gardens may have a number of footpaths and cycle routes through the area to enable a number of different uses. These pathways should be well lit, accessible and designed to have a minimal number of junctions and crossovers to provide easy access for users. On larger areas of parkland, car-parking may be required along with associated features such as benches and formal planting.
- 11.12. Provision of parks and public gardens will not be sought in rural areas.

### **Informal Recreation Areas**

- 11.13. Informal recreation areas are predominantly grassed areas which can accommodate recreation and play activities of people of all ages. They should be at least 0.2 hectares in size and preferably larger, so they can be used for a variety of activities.
- 11.14. Areas of informal recreation may include equipment to meet the needs of a range of ages and users such as goal posts and trim trails. Informal recreation should be integrated into the design of a development and be located adjacent to children's play space. The Council will expect areas of informal recreation to be provided on site but where site constraints prevent this, the council will seek financial contributions towards improvements to nearby areas of informal recreation.

11.15. Pedestrian or cycle paths located within informal recreation areas should not limit the use of these spaces. Where paths are provided they will not be counted in the overall 0.2 hectare requirement.

### Children and Teenagers Play Space

11.16. Residential development will be required to make provision for children and teenagers play space. These play areas will need to be easily accessible by active modes of transport. The Council's preferred approach is for sites of a suitable scale to make provision on site for children and teenagers public open space unless they are of a type of development unlikely to generate demand for such facilities. This will be considered on a site by site basis, taking into account the site characteristics.

11.17. The layout and design of children and teenagers public open space should be carefully considered to reduce the risk of conflict between the needs of different age groups or the misuse of provisions. The play space should be provided in locations which is easily accessible by walking or cycling as guided by Fields in Trust. Play areas are expected to meet the current technical and quality standards (including BSEN 1176/1177), be appropriately landscaped, easily accessible by footpath and with good surveillance.

### Allotments

11.18. Allotments are a valuable facility for the local population in terms of exercise and providing space to grow food. Where provided on site, these will be transferred to the town or parish council. The local town and parish council will manage the allotments including their allocation to local residents.

11.19. Allotment sites should be located on land which:

- Is free from contamination
- Is flat
- Has basic services including a water supply and fence
- Is easily accessible for residents using active modes of transport
- Provides parking spaces (in accordance with the parking standards in the Adopted Local Plan at Annex G) close to the allotments

### Maintenance of Public Open Space

11.20. The long term maintenance of open space, sport and recreation and play facilities is critical to ensure that they achieve and maintain their maximum potential benefit and value. A legal agreement will be used to secure the ongoing maintenance of the public open space on the site. The developer will have a choice whether to appoint a management company to maintain the open space or to transfer the land to the Council along with a commuted sum towards its maintenance. It is the Council's preference that the land is transferred to the Council.

11.21. If a developer decides that a management company will maintain the public open space going forward, the Council will require a site-specific detailed management plan and details of the governance and long-term financial

arrangements of the management company. This will need to be approved by the Council and the open space will be required to be managed in accordance with this management plan for a minimum of 20 years.

- 11.22. A maintenance schedule may also be required which will need to be produced and implemented in accordance with the relevant standards. The Council will calculate the maintenance costs for on-site public open space based on the landscape plans submitted. These will be secured through a S106 agreement. The commuted sum will be reserved to be used towards the ongoing maintenance and management of the sites covering a twenty year period. The commuted sum will include inspection, ongoing maintenance and reasonable capital replacement which would be expected within this timescale.

## Biodiversity

- 11.23. Adopted Local Plan Policy E5 sets out the parameters through which development needs to have regard to biodiversity considerations. Policy E5 also sets out the habitats and species of importance and sites of geological interest considerations.
- 11.24. Many of the potential impacts of development on biodiversity can be addressed through scheme design and by conditions attached to a planning permission. Contributions may be sought towards the avoidance, mitigation against or, as a last resort, compensation for adverse effects which are likely to result from development through a legal agreement.
- 11.25. The Environment Act 2021 is introducing a system of mandatory biodiversity net gain in relation to certain planning applications. This is over and above the consideration of potential effects on habitats and species of importance. Details on the application of the mandatory biodiversity net gain provisions are still to be refined. There will be a transition period before the requirements come into effect from autumn 2023. It will be essential that biodiversity net gain is considered from a very early stage, including consideration of opportunities to meet this requirement on-site where this is appropriate to do so. The Biodiversity metric provides a calculation of how a development, or a change in land management, will change the biodiversity value of a site<sup>12</sup>.

## International Nature Conservation Designations

- 11.26. The Conservation of Habitats and Species Regulations 2017 (as amended) includes the requirement for the Council to consider the potential impact of development on certain nature conservation designations, as set out in Policy E5.
- 11.27. Development that is likely to result in a significant effect, on an International or European Nature conservation designation, or a site proposed for such designation, will need to satisfy the requirements of the Habitat Regulations.

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<sup>12</sup> [Biodiversity metric: calculate the biodiversity net gain of a project or development - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-metric-calculate-the-biodiversity-net-gain-of-a-project-or-development)

Any features or management required as a result of this legislation will be secured through planning conditions or a legal agreement.

### The Solent Recreation Mitigation Strategy

- 11.28. It has been identified that certain new developments within 5.6km of the Solent Special Protection Area (SPA) including the Solent and Southampton Water SPA, are likely to have a significant effect when considered in combination, as a result of recreational activity.
- 11.29. The Solent Recreation Mitigation Strategy sets out the approach to providing mitigation in relation to this matter. Unless evidence can be provided to demonstrate that relevant proposals would not lead to a likely significant effect, mitigation would need to be provided on applications for residential development. This could either be through a financial contribution, or a bespoke mitigation package, as set out within the Solent Recreation Mitigation Strategy. Additional information is available on the Bird Aware Solent website<sup>13</sup>.

Type of development	Residential development within 5.6km of the Solent SPA <sup>14</sup>
Contribution Sought	<p>A developer contribution needs to be paid for every net additional dwelling. The Bird Aware Solent Strategy introduced a sliding scale of developer contributions based upon bedroom size<sup>15</sup>. The contributions are updated each year in line with the Retail Price Index</p> <p>Some housing schemes, particularly those located close to a SPA boundary, may need to provide additional mitigation measures. The Council, with advice from Natural England, will consider the mitigation requirements for such development proposals on a case-by-case basis</p>
Relevant Adopted Local Plan policies	Policy E5

<sup>13</sup> <https://www.birdaware.org/home>

<sup>14</sup> Please see Appendix 1 for details of the locations to which this relates. For more information on the types of development that this is relevant to, please see the Solent Recreation Mitigation Strategy, which is available on the Test Valley website.

<sup>15</sup> [Developer contributions - Bird Aware Solent](#)

## New Forest Recreation Mitigation Strategy

- 11.39 Parts of the New Forest are designated as a Special Area of Conservation (SAC), an SPA, and a Ramsar site. Evidence has identified that recreational activity has the potential to impact on these areas and to address this the Council developed an interim mitigation framework<sup>16</sup>.
- 11.40 Following research by Footprint Ecology on the impact of recreational use on the New Forest international nature conservation designations the Council has produced a draft New Forest International Nature Conservation Designations: Recreational Disturbance Mitigation Framework Supplementary Planning Document (New Forest SPD)<sup>17</sup>. The draft New Forest SPD sets out the recreational disturbance mitigation zone and details of requirements for mitigation and will replace the current interim mitigation framework on adoption.

Type of development	Residential accommodation including tourism and overnight accommodation within the recreational disturbance mitigation zone for the New Forest SPA <sup>18</sup>
Contribution Sought	A financial contribution or bespoke mitigation package will be secured through a legal agreement in accordance with the Interim Mitigation Framework until the draft New Forest International Nature Conservation Designations: Recreational Disturbance Mitigation Framework Supplementary Planning Document is approved.
Relevant Adopted Local Plan policies	Policy E5

## Impact of Nutrients on Internationally Designated Water Bodies

- 11.41 There has been a growing awareness of the impact of excessive nutrients on water bodies in recent years, and the potential detrimental impact of new development on designated sites. Where this is identified, mitigation may be required to address the impact of new development in these locations.
- 11.42 It has been identified that there are high levels of certain nutrients entering the water environment of the Solent, in particular nitrogen which is having an adverse effect on the status of designated SACs and SPAs. The River Itchen and River Avon (Hampshire) SACs are similarly affected by excessive phosphorus. Due to uncertainty as to whether new development will cause further impact, Natural England advise that certain residential and overnight development will need to achieve nutrient neutrality.

<sup>16</sup> [Approach to certain International Nature Conservation Designations | Test Valley Borough Council](#)

<sup>17</sup> [Evidence Base - Environment | Test Valley Borough Council](#)

<sup>18</sup> <sup>18</sup> Please see Appendix 2 for details of the locations to which this relates

11.43 The Council will comply with the latest Natural England guidance. The latest advice is available on the Council's website<sup>19</sup>. This includes details of the location and type of development that will need to demonstrate nutrient neutrality along with a methodology and budget calculator tool to calculate a development's nutrient budget.

### Flood Risk

11.44 Adopted Local Plan Policy E7 requires all development to comply with national policy and guidance in relation to flood risk. This guidance may include a site specific flood risk assessment or drainage strategy in accordance with the Environment Agency's standing advice. Details of when to follow the standing advice is available online<sup>20</sup>.

11.45 Hampshire County Council is the Lead Local Flood Authority (LLFA) in Test Valley and it has a responsibility to work with other Risk Management Authorities to mitigate flood risk. More detail is provided on Hampshire County Council's website<sup>21</sup>.

Type of development	Residential and commercial development
Contribution Sought	Provision and maintenance of flood protection and water management measures (such as SuDs) will be secured through S106 agreements and planning conditions.
Relevant Adopted Local Plan policies	Policy E7

### Sustainable Drainage Systems (SuDS)

11.46 Policy E7 also relates to SuDS. Potential flooding and pollution risks from surface water can be decreased by reducing the volume and rate of water entering the sewerage system and watercourses. SuDS seek to manage surface water as close to its source as possible and mimic surface water flows arising from a site prior to its development.

11.47 SuDS are required to be included in new development where appropriate, and should be carefully designed as a structural feature of the development. SuDS are often integral to a development and cannot easily be accommodated within a site once a layout has been planned. Developers should liaise with the County Council (as lead local flood defence authority) and the Borough Council at an early stage to discuss options for an appropriate and sustainable approach to site drainage.

<sup>19</sup> <https://testvalley.gov.uk/planning-and-building/guidance/solent-southampton-water-special-protection-area>

<sup>20</sup> [Flood risk assessments if you're applying for planning permission - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/flood-risk-assessments-if-youre-applying-for-planning-permission)

<sup>21</sup> <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>

- 11.48 Where SuDS are to be provided the Council will seek to ensure ongoing management and maintenance for their whole life through a planning obligation, including financial contributions where the Council will be adopting facilities.
- 11.49 There is the potential for areas of public open space to be located adjacent to SuDS. Where this is the case, SuDS should be carefully designed to minimise the impact on usable public open space in the vicinity, and demonstrate that the land will be available for use as public open space for the majority of the year. The Lead Local Flood Authority will approve SuDS once constructed, which will be at the expense of the developer.

### Green Infrastructure

- 11.50 Green Infrastructure (GI) is defined in national policy as a network of multi-functional green and blue spaces and other natural features. It comprises of parks, playing fields, other areas of open space, woodland, allotments, private gardens, sustainable drainage features, green roofs and walls, street trees, streams, ponds, canals and other water bodies<sup>22</sup>.
- 11.51 Test Valley's GI and its importance in the borough is referenced throughout the Local Plan and delivered through several Local Plan policies (such as Policies LHW1, E1 and E2). The GI Strategy (2014) sets out an approach to enhance it supported by the Council's Green Space Strategy 2021 – 2031<sup>23</sup> including four key aims (creation, protection, enhancement and management). It provides a framework for supporting the existing GI assets and assisting in co-ordinating the work of partner strategies.
- 11.52 Early consideration should be given to the existing network and assets as well as potential opportunities to enhance the network of GI, including through connections to areas beyond the boundary of an application site.
- 11.53 There are a number of resources available that provide advice and guidance on GI. This includes guidance within the planning practice guidance on the Natural Environment<sup>24</sup> and the National Design Guide<sup>25</sup>. The Council encourages developers to consider the Building with Nature standards framework<sup>26</sup>, which provides a basis for ensuring high quality GI is at the heart of place making.

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<sup>22</sup><https://www.gov.uk/guidance/natural-environment#green-infrastructure>

<sup>23</sup><https://testvalley.gov.uk/communityandleisure/parksandgreenspaces/green-space-strategy>

<sup>24</sup><https://www.gov.uk/guidance/natural-environment#green-infrastructure>

<sup>25</sup><https://www.gov.uk/government/publications/national-design-guide>

<sup>26</sup><https://www.buildingwithnature.org.uk/>

Type of development	Residential development
Contribution Sought	The provision of Green Infrastructure will be secured through Local Plan requirements such as public open space secured under Policy LHW1 in accordance with the Green Infrastructure Strategy 2014 (or successor documents). A legal agreement will be used to secure the long term provision and management of the Green Infrastructure.
Relevant Adopted Local Plan policies	Policies E1, E2, E5, E6, LHW1 and COM15

## 12 Facilities within New Communities

### Commercial Facilities

- 12.39 Some facilities on new developments are commercial entities, such as convenience stores, hot-food takeaways or public houses. These facilities provide services for the day to day needs of local residents and are important in ensuring the long term sustainability of new communities. Where commercial facilities are to be provided, the Council will work with developers to secure a mix of uses that will meet the needs of the new community.
- 12.40 The Council expects the land set aside for commercial facilities to be in a sustainable location which is accessible for residents to walk or cycle. Careful consideration should be given to how the uses will integrate with existing development to attract trade from outside of the development and help financially support commercial uses.
- 12.41 Developers and site promoters should seek to engage the market to assess market conditions and the likelihood of potential commercial uses occupying the proposed site or building. The Council anticipates that local centres will be delivered in a comprehensive way, preferably through the engagement of a specialist local centre developer who will have expertise in how uses will interact with regard to the commercial viability of the local centre.
- 12.42 To support the delivery process of local centres the Council will require a marketing strategy to be agreed with the Council and this will be monitored throughout the delivery phase. The monitoring framework will be agreed and secured through the legal agreement. This provides flexibility in the delivery of local centre uses to take account of market conditions over time.

Type of development	Residential development
Contribution Sought	Allocated Local Plan sites will provide commercial facilities where identified in the Local Plan. The provision of commercial facilities and a marketing strategy will be secured through a legal agreement.
Relevant Adopted Local Plan policies	Includes policies COM3, COM4, COM5, COM6, COM6A and COM15



*Image 1: Commercial facilities within the Local Centre in East Anton, Andover*

## Community Centres

- 12.43 Community centres will need to be adaptable and suited to a range of community uses which might include community meetings, play-groups, exercise classes, private functions and drop-in surgeries. They should be designed to be suited to all members of the community, meeting the needs of young children, the disabled and the elderly. Community facilities are for the benefit of the whole community and are not run for commercial gain. They take a variety of forms but are likely to consist of a hall or meeting room and kitchen and bathroom facilities.
- 12.44 Community centres will need to have amenities such as suitable broadband and telephone connectivity, hard-wearing furnishing, a commercial kitchen, accessible toilet facilities, acoustic panelling, office facilities, refuse storage and general storage as a minimum requirement. The Council will seek a detailed specification of the building and, where appropriate, will seek to

- engage community groups in its design. This should be factored into the developer's timescales and resources. The Council encourages the inclusion of features relating to reducing the impact of new facilities on climate emissions, such as renewable energy and opportunities to embed carbon
- 12.45 Where a new community facility is to be provided, the trigger for its delivery will be negotiated by the Council and will be proportionate to the number of occupations and phasing of the development. Timescales for separate planning permission (if required), tendering, commencement, completion and legal transfer to the Council should be taken into account to ensure the triggers in the S106 are met. A detailed set of requirements is detailed in the TVBC Engineering Standard Specifications & Construction NBS (National Building Specification) and online guidance which sets out the expectations of the Council for community facilities that are to be transferred to the Council. This can be viewed on the Council's website (link tbc).
- 12.46 A temporary community facility will be required to be provided on site during the construction process to enable communities to have a space to start to come together. This should be provided at nil cost to the Council with all relevant planning permissions in place until the permanent facility is ready to be occupied. It should have adequate heating/cooling systems, a broadband connection and accessible toilet facilities and be provided alongside a financial contribution for set up costs (e.g. furniture and carpet).

Type of development	Residential development
Contribution Sought	<p>Allocated Local Plan sites will provide a community centre where identified in the Local Plan. This will be secured through a legal agreement.</p> <p>Where new facilities are required to support new development they will be secured through planning obligations. Where new residential developments do not meet the trigger to provide a community centre on site, financial contributions will be sought towards improvements to existing/ off-site community facilities.</p> <p>These contributions will be calculated based on the size of the development, the average size of community facilities and average build costs and will be confirmed during the planning process.</p> <p>The Council has developed a specification which sets out the standards to which the Council expects buildings to be implemented. This is updated periodically.</p>
Relevant Adopted Local Plan policies	Includes policies COM3, COM4, COM5, COM6, COM6A and COM15

## Community Development Workers

- 12.47 Community development workers (CDW) work with new communities to bring local residents together and to integrate new residents within the wider community. They will provide opportunities for residents to get involved in their community, help to build community cohesion and promote a sustainable neighbourhood by establishing networks, groups and activities enabling connections to develop within the community.
- 12.48 CDWs are particularly important where community facilities are provided or enhanced as they can build and support the development of a community association whose role is to manage the community building and continue to deliver community activities once the CDW role ends.
- 12.49 The CDW will remain in post for an agreed number of years aligned to the duration of the build for the site to liaise with and help develop the community as residents move into the new development. The role may be a part-time role with the potential for the CDW's weekly hours to increase as the occupations on a development grow.

Type of development	Residential development
Contribution Sought	<p>Allocated Local Plan sites that are required to provide a community centre on-site will also be required to provide financial contributions towards the employment of a Community Development Worker.</p> <p>Details of the job description for the CDW will be secured through a legal agreement<sup>27</sup>.</p> <p>CDWs will be employed by the Council and a legal agreement will be used to secure financial contributions towards the cost of their employment. Triggers for the payment of financial contributions will be secured early in the construction of the development so that a CDW may be recruited and in post to support residents as they move onto the development.</p>
Relevant Adopted Local Plan policies	Includes policies COM3, COM4, COM5, COM6, COM6A and COM15

<sup>27</sup> Please see Appendix 3 for an example CDW job description

## Other Non-commercial facilities

- 12.50 Other community facilities provide for the social, health, welfare, learning and cultural needs of residents and help to create and maintain sustainable communities. These include new or extended education facilities, indoor sports facilities or purpose built facilities such as youth centres.
- 12.51 Policy COM15 seeks to ensure that new development is supported by appropriate community facilities and to protect existing communities from the loss of essential services and community, leisure and cultural facilities.

## Education

- 12.52 Hampshire County Council is the Local Education Authority (LEA) responsible for primary and secondary education provision in the Borough.
- 12.53 The Council will work closely with the Education Authority and other providers to ensure that the Borough has the appropriate education infrastructure in accordance with Local Plan Policies COM15 and ST1.

Type of development	Residential development
Contribution Sought	<p>Contributions will be secured on behalf of the County Council to be used towards the provision of children's school places through a legal agreement.</p> <p>The County Council's guidance explains the developer contribution requirements, as part of their approach to the School Places Plan<sup>28</sup>.</p> <p>Detailed information regarding the calculations involved and contributions which are likely to be required are available through the HCC Developer Contributions Plan<sup>29</sup>.</p>
Relevant Adopted Local Plan policies	Policies COM3, COM4, COM5, COM6, COM6A, COM15 and ST1

## Indoor Sports Facilities

- 12.54 Where there is a deficit of indoor sports facilities in a local area (identified in the Sports Facilities' Strategy) contributions may be sought towards enhancing existing facilities or to provide new facilities. Any contributions which are sought towards indoor sports facilities will go towards projects which have been identified in the Sports Facilities Strategy (or subsequent documents).

<sup>28</sup> <https://www.hants.gov.uk/educationandlearning/schoolplacesplan>

<sup>29</sup> <https://www.hants.gov.uk/educationandlearning/schoolplacesplan>

Contributions from several sites may be pooled towards a specific facility. The Council has standard specifications relating to facilities which will need to be adhered to. The facility will be transferred to the Council's ownership on completion.

Type of development	Residential development
Contribution Sought	Indoor sports facilities may be required to meet the needs of a new development in accordance with the Sports Facilities' Strategy. In this case a legal agreement will secure either the provision of a new facility on site or financial contributions towards an off-site facility.
Relevant Adopted Local Plan policies	Policy COM15

### 13 Health Infrastructure

- 13.39 NHS Hampshire, Southampton and Isle of Wight Integrated Care Board (ICB) are responsible for ensuring the right healthcare services are provided for the benefit of the Borough's residents. The ICB do this by planning and buying healthcare services from local hospitals, GPs and other providers. It also supports these providers to continually improve services to meet the healthcare needs of the demographic, which can vary in different locations. The physical healthcare infrastructure needs to be adaptable to these needs and the way in which health services are delivered.
- 13.40 The ICB works in collaboration with other providers, including Primary Care Networks<sup>30</sup>.
- 13.41 New housing development in an area can result in additional pressure on a range of healthcare facilities, such as GP practices, community services and hospital services, all of which make up the network of healthcare provision. This pressure can be mitigated through improvements to existing facilities, such as extensions to GP practices to provide additional consultation rooms.
- 13.42 As part of a multi-faceted approach to healthcare provision, healthcare is provided in different settings to meet a variety of needs. For example, social prescribing, which is designed to enable people to take control of their health and wellbeing and connect people to community groups and statutory services for practical and emotional support, can take place outside of a clinical GP setting, such as in a community centre<sup>31</sup>. Local Pharmacies also help people manage chronic conditions.
- 13.43 This has resulted in additional space, both clinically within GP surgeries and local hospitals, and non-clinical space in the community being required to deliver services efficiently as local populations have grown significantly in the last 10 years.

<sup>30</sup> [Primary Care Networks \(hampshiresouthamptonandisleofwightccg.nhs.uk\)](http://hampshiresouthamptonandisleofwightccg.nhs.uk)

<sup>31</sup> [Social Prescribing Link Workers Handbook \(hampshiresouthamptonandisleofwightccg.nhs.uk\)](http://hampshiresouthamptonandisleofwightccg.nhs.uk)

- 13.44 Contributions towards healthcare provision will be sought on residential development which results in a net increase in population to mitigate the impact of the development. The ICB currently uses a national formulaic method to calculate the contribution required which is based on the number and type of housing units within a development. The use of the formulaic method is a starting point to calculate a financial contribution and will be used to mitigate the demand upon local health facilities generated by development. On major development where a financial contribution is requested by the ICB, the Council will work with the ICB on the scale of the contribution. Contributions from several sites may be pooled together.
- 13.45 The ICB undertakes statistical capacity modelling taking into account future demographic changes and population growth in order to assess the future demand on health facilities. From this the ICB are able to assess the impact of the proposed development on their existing facilities and to identify the future infrastructure needs in order to be able to respond to the additional pressure placed on its existing services. This includes independent reviews of the Primary Care and Community Health Estate as the Hampshire and Isle of Wight Local Care Strategy develops.
- 13.46 For further information on design and development of primary care premises, including the calculations for contributions, please refer to the Primary and Community Care Health Building Note 11-01: Facilities for Primary and Community Care Services (and successor documents)<sup>32</sup>.

Type of development	Residential development
Contribution Sought	<p>Financial contributions will be sought from new residential development to mitigate the impact on existing healthcare facilities.</p> <p>The Council will work with the ICB on the amount to be secured, taking into account relevant guidance along with the impact of a proposed development on healthcare provision.</p> <p>These contributions will be secured through a legal agreement and will be spent on projects identified by the Integrated Care Board.</p>
Relevant Adopted Local Plan policies	Policy COM15

<sup>32</sup> [health-build-pc.pdf \(england.nhs.uk\)](#)

## 14 Employment and Skills

- 14.39 The Adopted Local Plan sets out a clear economic strategy which positively encourages sustainable economic growth and recognises the need to support programmes of skills development to assist the local workforce. The Economic Strategy for Test Valley (2017 – 2019 and beyond) and Interim Economic Development Strategy (January 2021), and strategies such as the Partnership for Urban South Hampshire (PUSH) skills strategy provide the evidence to support the implementation of Policy ST1 which encourages the enhancement of skills training and apprenticeship provision within the community.
- 14.40 The Council's approach to enabling a strong and competitive economy reflects the approach envisaged in national policy which seeks to build on its strengths, counter any weaknesses and address the challenges of the future. As the borough lies across various functional economic areas the Council takes a geographically targeted approach in enabling the right skills in the right places. To take this forward, the Council has adopted a dual approach of seeking employment skills plans in the construction sector and where appropriate securing financial contributions to enable businesses to access workforce development funding support.
- 14.41 The Council has declared a Climate Emergency and through this work is keen to support the Green Economy through a focus on skills associated with this sector.

### Employment Skills Plan (ESP)

- 14.42 The Council uses the Construction Industry Training Board (CITB) Client Based Approach (CBA) to secure Employment Skills Plans (ESP) along with the triggers. An application to the CITB for the National Skills Academy for Construction was approved in February 2019.
- 14.43 The ESP lists a number of interventions based on a standard formula as set out by the CITB, relating to the financial scale of the scheme to cover both the construction phase of the development.
- 14.44 An ESP covers the following key performance indicators:
- Work placements
  - Jobs created
  - Construction careers, information, advice and guidance
  - Training weeks on site
  - Qualifications gained by workforce
  - Industry certificates gained
  - Training plans
  - Case studies
- 14.45 These performance indicators are monitored by the Council to ensure the ESP is achieving the agreed outcomes. The ESP will also be required to include a mechanism for reporting the key performance indicators to the Council and ongoing monitoring.

14.46 Where the principle of a financial contribution is agreed, the principal developer is required to work with the Council and its partners to develop a site specific ESP. The Council will require the details of an ESP and how it will be implemented to be submitted and approved by the Council. Funding to deliver the outcomes of the approved ESP is the responsibility of the developer working in consultation with the Council. The Council will also work with relevant skills and employment delivery partners such as Hampshire County Council to assist with evaluation and monitoring of ESP. Where a financial contribution is secured the appropriate amount will be considered on a case by case basis, taking into account the value of the measures that would generally be sought.

Type of development	Residential and commercial development
Contribution Sought	<p>An Employment Skills Plan will be secured through a S106 Agreement or a planning condition detailing construction training and construction placements for developments of:</p> <ul style="list-style-type: none"> <li>• 50 dwellings or more for residential development; or</li> <li>• 1000 square metres for commercial development<sup>33</sup>.</li> </ul> <p>The Employment Skills Plan will be required to be provided prior to commencement of development, under the Construction Industry Training Board's Client Based Approach. This will be secured through legal agreement. In exceptional circumstances, the Council will consider the scope for a financial contribution to the value of the measures that would be expected in an Employment Skills Plan in lieu of this document.</p> <p>A financial contribution towards training schemes to grow the local workforce and offset the impact on a tight labour market will be secured on major non-residential development which will generate a significant impact on the labour market. This contribution will be calculated based on £200 per job created multiplied by the employment density (calculated by the floorspace in square metres per full time equivalent employee in accordance with the Employment Density Guide<sup>34</sup>).</p>
Relevant Adopted Local Plan policies	Policy ST1

<sup>33</sup> TVBC Cabinet report 5th October 2016

<sup>34</sup> 3<sup>rd</sup> edition 2015 published by the Homes and Communities Agency, and successor documents

## 15 Highways, Transport and Travel

- 15.39 The provision of viable transport infrastructure, necessary to support sustainable development in the Borough, makes an important contribution towards wider sustainability and health objectives.
- 15.40 The highway network includes cycling, walking and vehicle routes and the Borough and County Councils work together to encourage greater levels of active travel in the borough. One of the main aims of transport-related obligations is to promote sustainable and active travel including walking, cycling and public transport. Hampshire County Council are working on Local Cycling and Walking Investment Plans within the Borough<sup>35</sup> and have consulted on a new draft Transport Plan (LTP4)<sup>36</sup>
- 15.41 Government guidance in recent years encourages ambitious approaches to active travel, including Cycle infrastructure design (LTN 1/20) and Gear Change<sup>37</sup>. Towards the end of 2022 a new organisation, Active Travel England, will be the government's executive agency responsible for improving the standards of cycling and walking infrastructure in England<sup>38</sup>.
- 15.42 New development in the Borough will place additional pressure on local transport and highway networks, including public transport infrastructure, bus services and pedestrian and cycle routes.
- 15.43 New development proposals will be required to provide for appropriate specific works and improvements, both on-site and off-site, to mitigate the direct impact of the development scheme on the transport network. This will be informed by the Adopted Local Plan, Local Transport Plan 2011-2031 (and successor documents)<sup>39</sup>, the Romsey Town, Andover Town and Test Valley Access Plans Supplementary Planning Documents, and will also have regard to the County Council's own non-statutory Infrastructure and Planning document. Discussions with Network Rail and bus operators in the area may also be necessary.
- 15.44 Site related transport works required as direct mitigation will have been identified in a Transport Assessment and may include: works to footways/cycle ways including public rights-of-way; raised kerbs; new junctions; access roads to and within the site; link roads; Traffic Regulation Orders; traffic lights; pedestrian crossings; signage; public transport on or adjacent to the site; lighting and street furniture.
- 15.45 The obligations can be secured either through a financial contribution, paid to the County Council to carry out the identified works, or through developer provision of the identified works. A Section 278 Agreement may also be

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<sup>35</sup> Southern Test Valley LCWIP has been consulted on. There may be other LCWIPS covering other areas of the Borough to follow. TVBC may consider adopting these as SPDs.

<sup>36</sup> [Local Transport Plan | Hampshire County Council \(hants.gov.uk\)](https://www.hants.gov.uk/transport/strategies/transportstrategies)

<sup>37</sup> [Cycling and walking - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/cycling-and-walking)

<sup>38</sup> [New executive agency Active Travel England launches - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/new-executive-agency-active-travel-england-launches)

<sup>39</sup> <https://www.hants.gov.uk/transport/strategies/transportstrategies>

required to be entered into and further guidance on this is available by contacting the County Council's Highways Team.

- 15.46 In addition to the provision of infrastructure improvements, Travel Plans can form an important part of a planning application proposal with the aim of reducing car usage and increasing the use of public transport, walking and cycling, in support of the Council's transport objective in the Adopted Local Plan. Travel Plans will normally be sought via a planning condition, with contributions towards monitoring of the Travel Plan secured through S106. Travel plans will be monitored by the local highway authority and developers may be required to collect and submit relevant data.
- 15.47 The County Council offers technical advice and guidance to developers through a pre-application service prior to a planning application being submitted. They provide highways advice on a number of aspects including whether a contribution towards highways or transport improvements is likely to be required.<sup>40</sup>

Type of development	All development
Contribution Sought	<p>Direct mitigation of individual site transport impacts (including roads, cycle ways, footpaths, public rights of way, public transport and the monitoring of travel plans) will be secured through S106. Infrastructure may be delivered through the developer entering into a S278 agreement with the County Council.</p> <p>Contributions towards strategic transport infrastructure projects will be secured where necessary to mitigate the impact of new development.</p> <p>Developments which will generate a significant amount of movements will require a Transport Statement or Transport Assessment and a Travel Plan.</p>
Relevant Adopted Local Plan policies	Includes policies COM15, T1, T2

<sup>40</sup> <https://www.hants.gov.uk/transport/developers/preapplication>

## 16 Public art

- 16.39 Public art has an important role in contributing to the visual interest of a site and character of an area, particularly within new developments. Public art will relate to the characteristics of the site, inspired by the historical context, geography or significant features within the site. The artwork will be site specific and contribute towards the public realm and community identity. This links to Adopted Local Plan Policy E1 which requires new development to be of a high quality design and local distinctiveness.
- 16.40 Public Art can take a variety of forms, permanent or temporary and may be located in a variety of contexts, such as within areas of public open space or on community buildings. The artwork can take the form of a focal point, way marker, gateway feature or a temporary installation. For example, at East Anton in Andover, developer contributions have funded public art including a sculpture which reflects the area's agricultural history.



*Image 2: Public Art in East Anton, Andover*

- 16.41 The Council has a Public Art Strategy which sets out the expectations and process involved in providing public art, from commissioning an artist to installing the artwork.
- 16.42 The Council will seek to secure public art on new residential and commercial developments. This will be secured by planning conditions or planning obligations.

Type of development	Residential and commercial development
Contribution Sought	<p>Financial contributions towards public art will be sought on commercial developments which have a floor space of above 1,000sqm and on residential developments of 300 dwellings or more. Public art will need to be delivered in accordance with the Council's Public Art Strategy (or successor documents).</p> <p>The financial contribution will be derived from the cost of commissioning and implementing public art of sufficient quality. This will be at least £3.07 per square metre of the proposed development on commercial development and £144.93 per dwelling towards the provision of public art (based on August 2022 RPI).</p> <p>Where the contribution for public art is paid to the Council the process will be managed by the Arts Officer in line with the Council's Public Art Strategy (or subsequent documents).</p> <p>If a developer chooses to provide public art on site, an Art and Design Statement will be secured which will explain their approach to commissioning, budget, community engagement (including a creation of a stakeholder group) and maintenance. This will be secured through a legal agreement.</p>
Relevant Adopted Local Plan policies	Policy E1

## Public Art Process

- 16.43 Public art projects will involve community engagement and consultation, be used to initiate discussion about a place or commissioned directly from an artist who identifies key themes inspired by a site. It will always include the employment of professional artists or makers and the involvement of the Arts Officer.
- 16.44 Where it is agreed that the Council will commission the public art, the Arts Officer will undertake site research, establish a stakeholder group, select appropriate sites and locations for artwork and create the artist's brief. They will manage recruitment and selection of artists or arts organisation, agree timescales, oversee the community engagement plans and agree contracts. They will support artists where required with the process of design, fabrication and installation with regards to promotion, securing permissions and licences and will agree maintenance schedules.

16.45 Where public art is to be provided by a developer, an Art and Design statement will be required to be submitted and approved by the Council. The Art and Design Statement should explain their approach to commissioning and details the budget for artwork, community engagement and maintenance. All public art must be in accordance with the Council's Public Art Strategy and a the creation of a stakeholder group that will include the Arts Officer will be required.

## 17 Other Contributions

### Site specific Public Services

17.39 Adopted Local Plan Policy CS1 requires proposals for new development to take into account the need to promote public safety and deter crime and disorder through careful layout, design and the use of Secured by Design principles and standards<sup>41</sup>. These can include measures to improve public safety or crime reduction such as provision of fire hydrants or CCTV. They will be negotiated on a site by site basis.

Type of development	All development
Contribution Sought	Development will be required to promote public safety and deter crime and disorder through its layout and design.
Relevant Adopted Local Plan policies	Includes policy CS1

### Utilities, telecommunications and broadband

17.40 Adopted Local Plan Policy COM15 requires appropriate investment is secured in the form of works and/ or financial contributions to mitigate the impact of new development on existing infrastructure. It identifies telecommunication, including broadband, as a form of infrastructure which is often necessary for development.

17.41 The type, scale and location and impact of the development will determine the necessary contribution.

17.42 Developers will be expected to provide information on the infrastructure necessary to make the proposal acceptable. This will include the timing of provision which should be phased to minimise the impact on existing resources.

17.43 Where relevant and necessary, planning conditions or a legal agreement may be used to secure the provision of infrastructure.

<sup>41</sup> [SBD Design Guides \(securedbydesign.com\)](http://SBD Design Guides (securedbydesign.com))

Type of development	All development
Contribution Sought	Development will be required to provide appropriate provision of utilities, telecommunications and broadband, in accordance with relevant guidance.
Relevant Adopted Local Plan policies	Includes Policy COM15

## 18 Development Viability

### How will contributions be determined and prioritised?

- 18.39 During the consideration of a planning application all contributions which are required to make the application acceptable in planning terms will be assessed. There may be instances where due to viability considerations, all contributions sought cannot be provided if plan-compliant development is to go ahead. For certain matters, the Local Plan specifically allows flexibility in its requirements to recognise viability challenges. In such cases, contributions may be prioritised and/or reduced where robustly demonstrated. However where an applicant is unwilling to agree to contributions which are considered entirely necessary to make the scheme acceptable in planning terms, viability will not be relevant and the application will be refused.
- 18.40 In certain circumstances, it may be considered that the viability of a scheme is jeopardised due to site constraints or other factors and that this would justify a reduction in the planning obligations. It is recommended in such cases that applicants seek pre-application advice from the Council prior to the formal submission of a planning application.
- 18.41 Viability assessments to be submitted as evidence in negotiations must be capable of independent expert verification carried out by a qualified surveyor/valuer. This will be at the cost of the developer. Any abnormal or exceptional development costs should be supported with robust and costed specialist reports and technical data. A viability assessment needs to be submitted with the planning application.

### Land value

- 18.42 A proportion of affordable housing on residential development sites should be considered as part of development costs embedded into the land values (as set out at COM7). This will make the viability process more consistent and transparent and ensure deliverability of appropriate levels of affordable housing to meet local needs.
- 18.43 The Council uses the Residual Land Value methodology (see Annex 1 of the Affordable Housing SPD 2020) to determine the underlying land value. This is

important as it forms the basis on which a developer should be able to agree a price for the land once the costs of the development, including the developer's profit, have been deducted from the gross development value.

### What Should a Viability Assessment Contain?

- 18.44 The Council will expect that the benchmark land value will be established on the basis of the Existing Use Value of the land plus a premium for the landowner as set out in the Planning Practice Guidance and the key principles in understanding viability should be followed. This method can work in two ways; either to determine the level of return on a scheme, where the costs of the site are known, or to establish the estimated value of the land by assuming a predetermined level of profit.
- 18.45 As set out in the National Planning Policy Framework all viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available unless there is clear justification for it to remain confidential.

### The Council's approach to negotiating proposals which are not viable

- 18.46 Where a scheme is demonstrated to be unviable with the policy-compliant level of contributions, the Council will negotiate with applicants to secure the maximum level of contributions.
- 18.47 Where permission is granted for a scheme that departs from the policies in the Local Plan, a review will be applied to the scheme to ensure that any uplift in values are captured to enable the delivery of the maximum amount of infrastructure in the development process. The review will assess the changes to the gross development value and build costs. If surplus profit is generated over and above the returns necessary for the scheme to be deemed viable, a review will apply.

## Spending and Monitoring

### Fees

- 18.48 The Council's legal costs of preparing the Legal Agreement and/or approving a unilateral undertaking are expected to be borne by the developer. These costs will be based on an hourly rate and will depend upon the complexity of the agreement and the length of time taken to settle the draft and proceed to completion. Developers will be required to provide a cost undertaking to pay for the Council's reasonable fees, prior to it being able to instruct its acting solicitors.
- 18.49 The Council's legal fees will need to be met even if the planning obligation is not completed.
- 18.50 Standard unilateral undertakings will be subject to a standard charge covering legal costs and if necessary the transfer of money to third parties.

## Monitoring

- 18.51 The Council monitors planning obligations and will work with developers to ensure that financial contributions and non-financial obligations are delivered on-time. Regulation 10 of the updated CIL Regulations (2019) allows a sum to be paid to the Council for monitoring the delivery of s106 planning obligations. Monitoring fees may be charged by the Council in order to undertake such work in the future.
- 18.52 The Council will secure measures to ensure that information regarding occupations is regularly provided. This will be secured through a legal agreement and the developer will be required to provide data on a quarterly basis as a minimum.
- 18.53 Test Valley Borough Council and Hampshire County Council are required to produce their annual Infrastructure Funding Statement which sets out in a prescribed form information on contributions. The Council is able to use Section 106 contributions to monitor and report on the planning obligations contained within those agreements.

## Indexing

- 18.54 Financial contributions are based upon the costs of infrastructure. Financial contributions will therefore be indexed (i.e. index-linked to inflation) to ensure that they retain their original 'real value'. The base date and appropriate index to be applied will be set out in the legal agreement.
- 18.55 Where a formula has been set for the calculation of contribution levels, any cost figures used will be updated regularly to take account of inflation and are the sums required at the time of negotiation.
- 18.56 All payment levels will be subject to an inflation factor (often Retail Price Index or Consumer Price Index) adjusted according to the fluctuations between the date of the obligation and the quarter period in which payment is due to the Borough Council. The County Council will also adjust payments to it but these might be subject to different measures of inflation.

## Invoicing

- 18.57 The Council will calculate the total financial contribution payable including any interest and/or indexation due and will provide a copy of this calculation to the developer. This calculation will be valid for a period of 14 days from the date of issue unless otherwise agreed in writing. If the calculation has not been agreed within 14 days and is shown to be arithmetically correct following the resolution of any dispute, then late payment interest will be charged.
- 18.58 Once the developer has agreed the calculation, the Council will issue an invoice to the developer for the agreed sum. The invoice issued will be subject to the Council's standard payment terms.
- 18.59 The Council will raise invoices when the relevant trigger has been reached which will be monitored by the Council. The Council will notify the County Council where necessary who will raise invoices relevant to them separately.

- 18.60 If payment of an invoice is not raised promptly (within 21 days) the calculations involved in the sums in the invoice will be redone which may result in the payment due increasing.

### Enforcement

- 18.61 The Council will monitor S106 agreements and take appropriate action against breaches to the legal agreement. It will also enforce against breaches to planning conditions in a way which is proportionate to the breach and where it is expedient to do so. There are different approaches to enforcement depending on the mechanism used to secure a contribution or other matter.
- 18.62 Where there is evidence of non-compliance with a planning obligation (such as the non-payment of financial contributions, failure to comply with an obligation to provide an item of infrastructure), the Council will seek to recover all legal and administration costs incurred. This could include, for example, site visits, the recovery of any unpaid monies and/or correspondence.

### Payment of Monies

- 18.63 Upon receipt, financial contributions will be held by the Council before being transferred to the relevant internal departments or third parties responsible for spending the contribution (such as another public sector body or a parish council).
- 18.64 Financial contributions payable to Hampshire County Council should be sent directly to the County Council but if contributions are paid to the Borough Council, they will be transferred on to the County Council.
- 18.65 Parish Councils may spend the money collected by the Borough Council on projects within their area, provided that they are spent in a way which matches the reason for which they were sought. They will be required to apply for funds through an application process, further details of which are available on the Borough Council's website<sup>42</sup>.
- 18.66 Local planning authorities are expected to use all of the funding received by way of planning obligation within a reasonable time frame. Agreements will normally include clauses stating when and how the funds will be used by and allow for their return, after an agreed period of time, where they are not. This period is usually five years but may be longer if deemed appropriate. If the money is not spent within the agreed period, the developer will be reimbursed with the outstanding amount, together with any interest accrued; unless the agreement is varied or if the amount is secured in perpetuity.
- 18.67 As unilateral undertakings generally do not have the Council as a party, there is not the same obligation on the Council to return any unspent monies.

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<sup>42</sup> [Use of Developer Contributions and Indexation | Test Valley Borough Council](#)

## 19 Glossary

Abnormal Development Cost	Costs that are associated with abnormal site conditions such as contamination, flood risk, substructure, listed buildings, etc <sup>43</sup> .
Community Infrastructure Levy	The Community Infrastructure Levy (the 'levy') is a charge which can be levied by local authorities on new development in their area <sup>44</sup> .
Green Infrastructure	A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities <sup>45</sup> .
Indexing	Financial contributions secured through legal agreements will be index-linked where specified in the agreement. This is where the amount secured is adjusted in line with the value of a retail price index
Local Plan	A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two <sup>46</sup> .
Neighbourhood Development Plan	A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004 <sup>47</sup> .
Open Space	All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity <sup>48</sup>
Planning Obligation	A legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal <sup>49</sup> .
Section 106 Agreement	A legal agreement made under Section 106 of the Town and Country Planning Act 1990. It provides that if planning permission is granted and implemented, then payment or provision must be made in the form of a planning contribution. This can include the provision of affordable housing on site or a financial contribution in lieu. The legal agreement is entered into

<sup>43</sup> [RICS guidance note on the National Planning Policy Framework](#)

<sup>44</sup> [Community Infrastructure Levy - GOV.UK \(www.gov.uk\)](#)

<sup>45</sup> [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](#)

<sup>46</sup> [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](#)

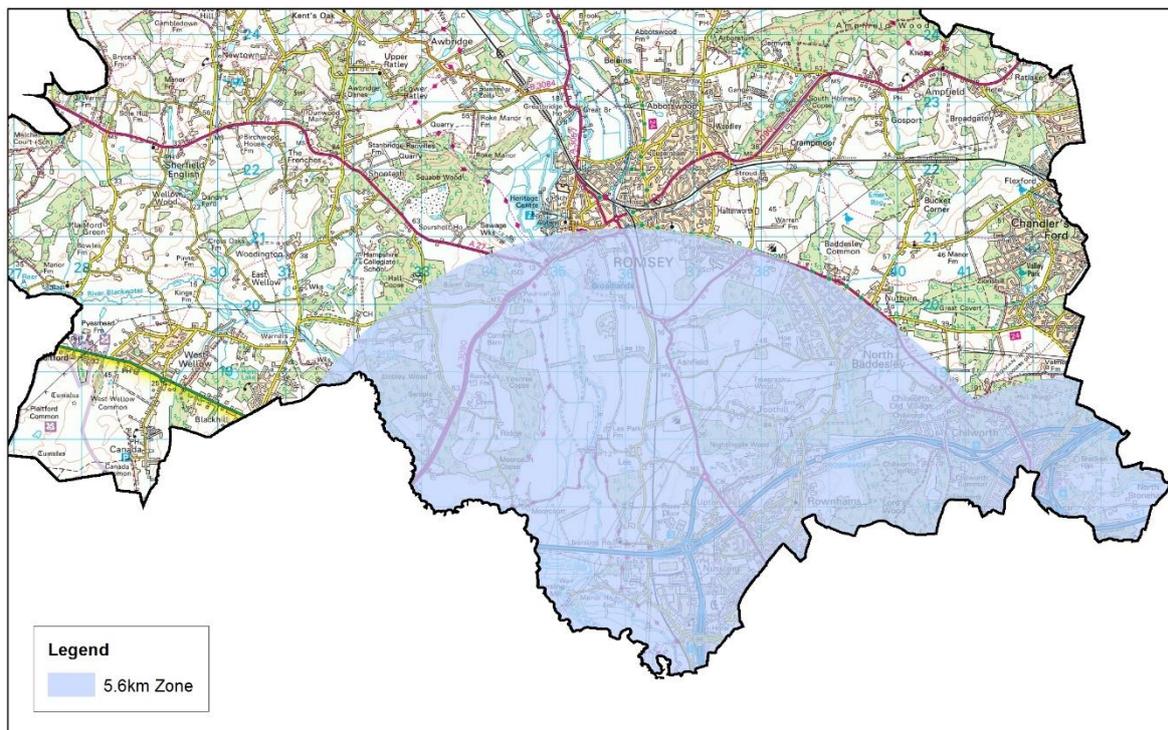
<sup>47</sup> [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](#)

<sup>48</sup> [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](#)

<sup>49</sup> [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](#)

	by the applicant, the Council and anyone else who has an interest in the land forming the application site. A Section 106 agreement is normally a more complex type of planning agreement than a Unilateral Undertaking.
Section 278 Agreement	A section of the Highways Act 1980 that allows developers to enter into a legal agreement with the Highways Authority to make alterations or improvements to a public highway, as part of planning approval.
Supplementary Planning Document	They provide additional guidance on detailed issues linked to policies in the Local Plan. They do not form part of the Development Plan itself however, but where relevant will be used when considering applications and are a material consideration.
Unilateral Undertaking	A simplified version of a S106 agreement which is entered into by the landowner and any other party with a legal interest in the development site, but not the Council.

## 20 Appendix 1: A Map Showing the Residential Catchment Area for the Solent SPA

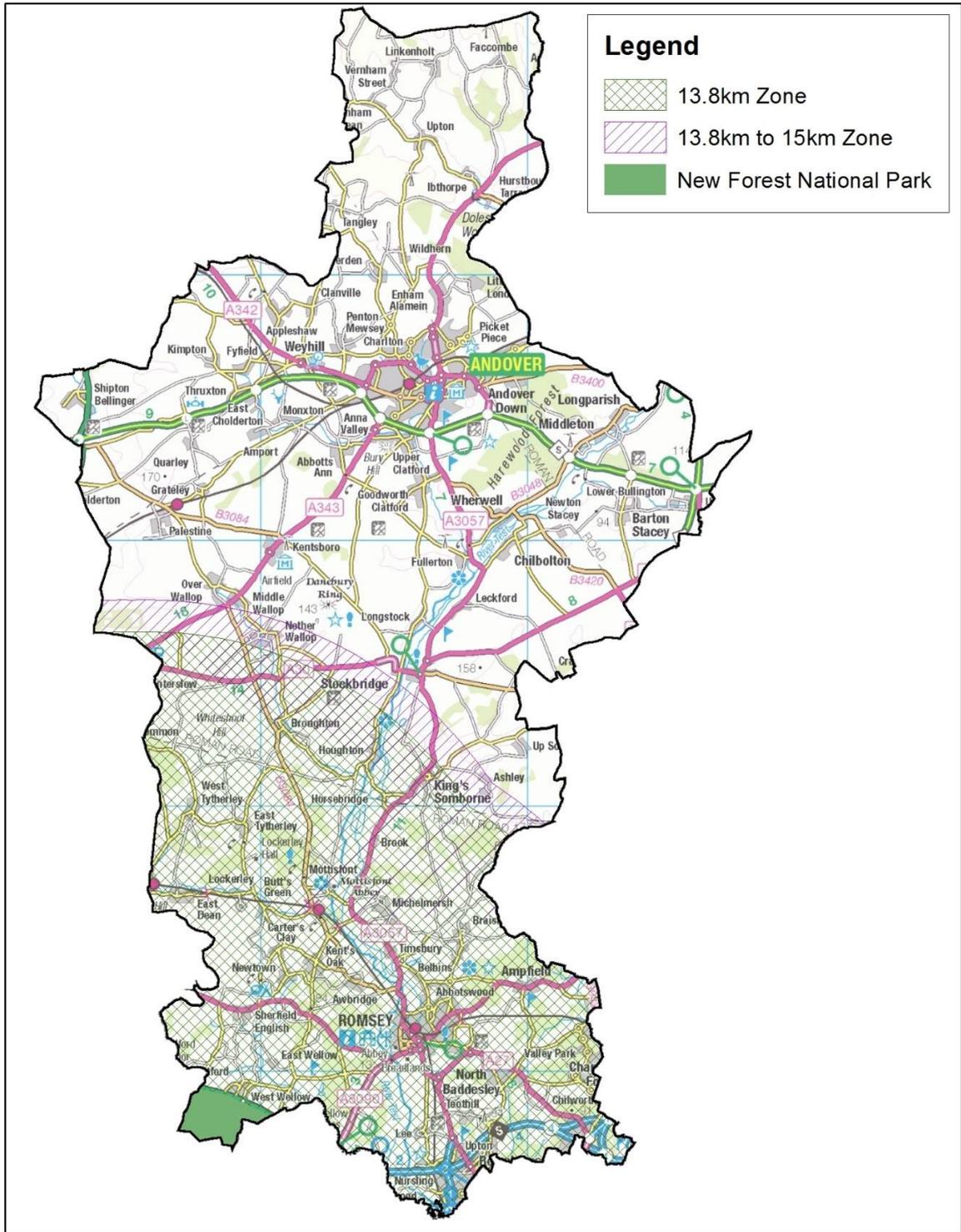


**Solent SPAs - Recreation Mitigation Impact Zone**

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21 Appendix 2: A map showing the Recreational Impact Mitigation Zone for the New Forest SAC, SPA and Ramsar



**New Forest SAC, SPA and Ramsar - Recreational Impact Mitigation Zone**

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## 22 Appendix 3: A Sample Community Development Worker Job Description and Person Specification

<b>Our Values: We expect all of our employees to live by and demonstrate the Council's five key values of:</b>		
<b>Accountability, Ambition, Empowerment, Integrity, Inclusiveness.</b>		
<b>Main job purpose</b>		
<p>To support the development of sustainable new neighbourhoods and the integration of these into both the existing residents of <i>location</i> and the wider town of <i>location</i>.</p> <p>To assist to deliver against the objectives of the TVBC Corporate Plan and resulting Corporate Action Plan priorities</p>		
<b>Main responsibilities and duties/ Principal Accountabilities</b>		
1. Work in close cooperation with local residents, statutory and voluntary organisations and other TVBC officers to support the local community.	15%	
2. Identify the needs of the local community and gaps in service provision using a range of consultation and engagement techniques.	15%	
3. Establish local community organisations and residents associations, including a community association (that will ultimately manage the community centre and develop activities), and provide ongoing advice and support	15%	
4. Based on the identified needs, support the development and build the capacity of the community, working alongside the relevant organisations to develop a programme of sustainable activities to engage the wider community	15%	
5. Provide opportunities for residents to get involved in their community and influence the decisions that affect their lives thereby building community cohesion and promoting a sustainable neighbourhood	15%	
6. Support local councillors in developing their role as community leaders and in doing so helping communities to take a greater role in resolving issues that are important to them.	10%	

7. Develop effective internal and external methods of communicating information to all stakeholders	5%	
8. Participate in existing networks and groups and provide feedback to stakeholders as relevant	5 %	
9. Support community organisations to recruit staff and volunteers and assist to provide relevant training and development opportunities.	5%	
<p><i>To ensure that service delivery complies with current regulations, accepted professional standards, the Council's policies and procedures and appropriate legislation. This includes legislation on equalities, health and safety and safeguarding children and vulnerable adults.</i></p>		
<p><b>Supervision and management</b></p>		
<p>No supervision or management function.</p>		
<p><b>Resources</b></p>		
<p>No allocated budget</p>		
<p><b>Contacts and relationships</b></p>		
<p>The post holder reports to the Community Engagement Manager and will work closely with Community Engagement Officers in the community team. There is also a requirement to work with Officers from a variety of teams across the Council on issues pertinent to the development.</p> <p>The post holder will support local councillors in developing their role as community leaders and in doing so helping communities to take a greater role in resolving issues that are important to them.</p> <p>The role has a high degree of contact with members of the public, representatives from the developers and other invested stakeholders. Therefore the post holder needs to be able to communicate effectively and respond accordingly to situations that they are presented with.</p>		

<b>Working environment</b>
The nature of this role will require the post holder to work from Beech Hurst and also on site at <i>location</i> delivering a range of community based activities alongside some desk based work.

<b>CRITERIA</b> Everything included in this section needs to be able to be objectively measured in one of the following ways: application form, certificates, testing, interview or references.	<b>ESSENTIAL/ DESIRABLE</b>
<b>Educational and professional qualifications</b>	
Community Development qualification	E
<b>Knowledge</b>	
<ul style="list-style-type: none"> <li>• Good understanding of community engagement techniques and how to deliver them in practice</li> <li>• Understanding of local environment and influencing factors</li> </ul>	E D
<b>Experience</b>	
<ul style="list-style-type: none"> <li>• Working with community and voluntary groups</li> <li>• Experience in setting up and supporting groups and activities</li> <li>• Experience of collaborative working with organisations to deliver outcomes for communities</li> </ul>	E E E
<b>Key skills</b>	
<ul style="list-style-type: none"> <li>• Organisational skills</li> <li>• Ability to communicate using a variety of media (e.g. verbal, written)</li> <li>• Ability to project manage events</li> <li>• Ability to undertake consultations</li> </ul>	E E D E
<b>Personal qualities and behaviours</b>	
<ul style="list-style-type: none"> <li>• Commitment to TVBC values</li> <li>• Good interpersonal skills</li> <li>• Commitment to achieving positive results</li> </ul>	E E E

<ul style="list-style-type: none"> <li>• Personal integrity</li> <li>• Committed to equality of opportunity</li> <li>• Self-motivated and ability to work on own initiative</li> </ul>	E E E
<b>Other Factors</b>	
<p>Politically restricted post  Enhanced Disclosure and Baring Service check required  Evening and weekend working required  Elements of lone working  Must be able to travel to Hampshire wide locations and occasionally to further locations some of which may not be easily accessible by public transport</p>	
<b>Corporate Responsibilities</b>	
<p>All employees are required to adhere to corporate policies, procedures and codes of conduct; full details can be found on the intranet or from your line manager. Particular aspects include:</p> <p><b>Health and Safety</b> - Every employee while at work has a duty to take reasonable care for the health and safety of himself/herself and of other persons who may be affected by his/her acts or omissions at work - Health and Safety at Work Act 1974.</p> <p>All employees are required to adhere to the Council's corporate policy, procedures associated with their duties and to undertake tasks/training in that context, as required.</p> <p><b>Safeguarding</b> - This Council is committed to safeguarding and promoting the welfare of children and young people and vulnerable adults and expects all employees and volunteers to share this commitment, and to adhere to the Council's Safeguarding Policy.</p> <p><b>Equalities</b> – This Council is committed to providing equal opportunities for all. We believe that employing people from different backgrounds with a range of perspectives and experiences helps us to deliver high quality services to all our residents. We employ people based on their abilities and potential, regardless of any protected characteristics.</p> <p><b>Social Media</b> - Employees are required to adhere to social media corporate policies and to undertake tasks/training in that context as required. Employees must not bring the Council into disrepute through their use of social media either personally or on behalf of the Council.</p> <p><b>Financial</b> – Employees are required to adhere to the Council's financial regulations and to undertake tasks/training in that context, as required.</p>	

**Risk Management** - Employees are required to adhere to the Council's risk management strategy and to undertake tasks/training in that context, as required.

**Data Protection and Data Security** - We hold and process information about our customers and as such we are legally obliged to protect that information. Data protection is important for the Council, and employees are required to understand and adhere to relevant policies and procedures.