

EASTLEIGH BOROUGH COUNCIL

LOCAL DEVELOPMENT FRAMEWORK

Planning Obligations

SUPPLEMENTARY PLANNING DOCUMENT



ADOPTED

JULY 2008



Contents

	Page
1. Introduction	
1.1 Introduction	2
2. Background	
2.1 National Policy	3
2.2 Regional Policy	4
2.3 Local Policy	4
2.4 Eastleigh Borough Community Plan	5
2.5 Community Infrastructure Levy	5
2.6 Sustainability Appraisal	6
3. Types of Planning obligation	
3.1 Affordable Housing	7
3.2 Sustainable Transport	7
3.3 Public Open Space and Play Provision	10
3.4 Community Infrastructure	14
3.5 Public Art	16
3.6 Community Safety	16
3.7 Education and Children's services	17
3.8 Environmental Improvements and Landscape	17
3.9 Health facilities	19
3.10 Employment Training and "start up" units	19
3.11 Energy and Climate Change	20
3.12 Nature Conservation and Biodiversity	21
3.13 Air Quality and Noise	22
3.14 Local sewerage and water supply network	23
3.15 Monitoring and Administration	23
4. Procedures	
4.1 Pre Application Advice	24
4.2 Development Viability	24
4.3 Negotiation	25
4.4 Options for securing Planning Obligations	26
4.5 Monitoring and Allocations	27
5. Appendices	
5.1 Summary table/Standard charges and worked examples	28
5.2 Abbreviations	36
5.3 List of Tables	37
5.4 Supervision Fees & Commuted Sums	38
5.5 Indexation on Planning Obligations	38
5.6 Open Space Tariff and Zoning Maps	39
5.7 References	45
5.8 Contacts	47

1. Introduction

1.1 Purpose and status of document

The use of negotiated obligations and contributions are key mechanisms in the planning system for addressing and mitigating the impact of development and enabling development proposals to meet the needs of the local community. Planning obligations can be used to secure improvements to development proposals, or to secure contributions towards services and infrastructure needed as a result of new developments.

This Supplementary Planning Document (SPD) seeks to provide additional guidance on the legal and policy basis for negotiating planning obligations, increase developers' awareness of planning obligations and contributions and provide transparency to the process of negotiations.

The basis of the document stems from the policies of the recently adopted Eastleigh Borough Local Plan Review 2001-2011 (Adopted May 2006), government guidance in Circular 05/2005 *Planning Obligations* and best practice guidance from the DCLG and Audit Commission.

This SPD should be read in conjunction with the policies of the Local Plan, as well as other Council guidance, including that on affordable housing and site specific development briefs.

As paragraph B4 of Circular 05/2005 states, *"there are no hard and fast rules about the size or type of development that should attract obligations"*. This guidance is therefore not intended to be exhaustive or prescriptive. It provides an indication of the requirements of the Council in respect of the provision of most areas of community infrastructure, facilities and services to offset the impacts of proposed development. It is not possible to predict every issue that may need to be dealt with by way of a planning obligation as individual sites and circumstances will vary. Contributions relating to matters not covered by this guidance will be negotiated separately on individual schemes. However, it will enable developers to take planning obligations into account when formulating development proposals and their associated costs.

The guidance:

- Provides the context for the principle of negotiating planning obligations,
- Sets out the framework for planning obligations as required by the Council's Community Plan, Corporate Strategy and adopted Local Plan,
- Provides guidance and support for the proposed type and level of contributions sought through planning obligations,
- Advises on the process of negotiation and provision of obligations.

The document is a material consideration in the determination of planning applications.

2. Background

2.1 National Policy

Under the provisions of the Planning & Compulsory Purchase Act 2004, outlined in more detail in Circular 05/2005, local planning authorities can, in determining planning applications, seek to secure other improvements provided they are *fairly and reasonably related in scale and kind to the proposed development and are necessary as a result of the development*. Circular 05/2005 is the current source of government guidance and the Council will only seek agreements where they meet all the following tests:

That they are:

- i. **Necessary** (to make a proposal acceptable in planning terms);
- ii. **Relevant** to planning;
- iii. **Directly related** to the proposed development;
- iv. **Fairly and reasonably related** in scale and kind to the proposed development, and
- v. **Reasonable** in all other respects.

Central government policy supports the principle that developments should share the cost of facilities for which they create a need. It is important, however, that there is a clear material connection between the proposed development and the contributions sought.

Circular 05/2005 emphasises that Planning Obligations are intended to make acceptable development which would otherwise be unacceptable in planning terms.

Circular 05/05 emphasises that planning conditions and planning obligations are intended to make acceptable developments which would otherwise be unacceptable in planning terms. Where there is choice between imposing conditions and entering into a planning obligation, the imposition of a condition is preferable. This paper looks at those circumstances where a planning obligation rather than a condition is more appropriate and provides guidance on how and when the Council will seek their imposition.

This paper is based around that principal, providing guidance on how the Council will seek planning obligations that might be used to prescribe the nature of the development

Planning Policy Guidance / Statements

In addition to Circular 05/2005, Planning Policy Guidance (PPG/PPS) notes and the more recent planning policy statements provide guidance on the use of planning obligations and developers' contributions in relation to the following specific aspects of development.

- PPS 1 – establishes the principle that local planning authorities can use planning obligations to ameliorate the impact of developments;
- PPS 3 – to secure affordable housing to meet locally defined targets, based on a housing needs assessment;
- PPS 6 – Local Planning Authorities can seek contributions to improve access, traffic management and parking;

Types of Planning Obligation

- PPS 9 – Local Planning Authorities should use planning obligations to mitigate the harmful effects of development and where possible, to ensure the conservation and enhancement of the site's biodiversity;
- PPG 13 – to seek contributions to assist public transport, walking, cycling & other transport improvements;
- PPG 17 – to secure the provision of public open space & sporting, recreational, social, educational or other community facilities.
- PPG 23 - to protect the environment & prevent or control emissions.

This is not a definitive list and planning obligations may be used to secure other planning goals relevant to a particular development proposal.

2.2 Regional Policy

Draft South East Plan March 2006

The South East Plan contains policies and objectives which provide general guidance on infrastructure and other provisions needed for sustainable development in the future for the South Hampshire Sub-Region, including Policy SH14 on environmental sustainability.

Draft South East Plan Implementation Plan and Sub Regional Investment Framework

The Implementation Plan is an integral element of the draft South East Plan and is, in effect, a

business plan for the South East. It identifies what needs to happen, when it needs to happen and who needs to take the action. More work is required to develop the fullest possible understanding of the infrastructure requirements. This work is ongoing. A refined and enhanced version of the Implementation Plan was submitted by the Regional Assembly prior to the Examination in Public. (www.southeast-ra.gov.uk)

Hampshire Structure Plan Review 1996-2011

Paragraph 37 of the Hampshire Structure Plan Review recognises that

'...facilities will need to be provided in the future to meet both existing needs and complement the new provisions in this plan. For example, new integrated transport, education, health and social facilities will be required...insofar as the need for any of these facilities raises wholly or mainly from new development, the Plan establishes the principle that the developer will be expected to contribute towards its provision.'

The structure Plan policy T5 which covers transportation requirements has been saved.

T5. Planning permission will only be granted for development in accordance with other policies in this plan where the local planning authority is satisfied that the transportation requirements of the development can be accommodated. Developers will be expected to contribute towards any transport improvements directly related to the development.

2.3 Local Policy

Eastleigh Borough Local Plan Review 2001–2011(Adopted May 2006)

The Eastleigh Borough Local Plan Review 2001-2011 sets out the role of planning obligations and developers' contributions in providing resources to achieve the objectives of the Local Plan and to meet, as far as possible, the infrastructure costs arising from development. It is desirable that the provision of facilities keeps pace with need and policy 191.IN states that,

Appropriate proposals for development will be permitted provided that the developer has made arrangements for the provision of the infrastructure, services, facilities and amenities directly made necessary by the development or has made arrangements to contribute towards the early improvement of existing infrastructure, services, facilities and amenities, the need for which will increase as a direct result of the development proposed.

There are a number of sites within the Borough where details of the obligations and contributions sought are outlined in the adopted Development Briefs. The approved Briefs must be referred to as the primary guidance regarding the contributions and obligations sought.

The Local Plan Review Policies were adopted in May 2006 and are saved until 2009 when the Local Development Framework will begin to replace them. The Hampshire County Structure Plan policies are to be saved until the South East Plan is adopted (expected 2008).

2.4 Eastleigh Borough Council Community Plan

The Eastleigh Borough Community Plan, dated June 2004, sets out eight key theme areas for the Borough's future changes and developments. These are directly linked to the need for planning obligations to meet the demands and needs of a growing population. The main themes, with lists of actions needed, are community safety, employment, environment, health and wellbeing, housing, leisure, lifelong learning, and transport.

2.5 Community Infrastructure Levy

Delivering the right infrastructure is critical to sustainable economic development, in particular housing. The Government has invested significant extra resources in infrastructure since 1997 to help local councils unlock the land needed for new homes and jobs. But the private sector, which benefits from this infrastructure, also needs to play its part. This is why the Government has introduced provisions in the Planning Bill for the new Community Infrastructure Levy (CIL) that will establish a better way to increase investment in the vital infrastructure that growing communities need. CIL forms part of a wider package of funding for infrastructure to support housing and economic growth. CIL cannot be expected to pay for all of the infrastructure required, but it is expected to make a significant contribution. (The Community Infrastructure Levy. CLG 2008)

2.6 Sustainability Appraisal

The integrated Sustainability Appraisal and Strategic Environmental Assessment for this SPD can be found here:

www.eastleigh.gov.uk/ebc-1479

3. Types of planning obligation

A background paper accompanies this SPD, setting out the basis for calculating formulae and standard charges. This background paper can be found at:

www.eastleigh.gov.uk/ebc-1479

The table in section 5.1 summarises the standard charges. An online calculator can be found at www.eastleigh.gov.uk/ebc-3236

3.1 Affordable Housing

The Council's position on affordable housing is set out in policy 74.H of the Local Plan Review.

74.H Affordable housing is housing the cost of which is significantly lower than average for the type of property on the open market locally, such that it can be afforded by households below the income threshold where the cost of housing would be in excess of 25% of gross household income. To secure the provision of affordable housing, the Borough Council will seek to ensure all of the following:

- i) that a target of 35% of the new dwellings provided on sites which meet the other criteria set out below are affordable;*
- ii) that affordable dwellings are provided on all sites capable of accommodating 15 or more dwellings and in special circumstances that affordable dwellings are provided on smaller sites, these circumstances are :-*
 - a) where sites are located in parts of the Borough with the highest level of need for affordable housing, or*
 - b) where the location is particularly sustainable in*

respect of proximity to shops, schools, community facilities and good public transport, or

- c) where the number of sites for 15 or more dwellings that come forward is likely to be limited in a particular area of the Borough.*

iii) a mix of types of affordable dwellings; and

iv) that affordable elements are integrated with the whole development.

Where the Council considers that on a specific planning application an insufficient proportion of affordable dwellings is proposed, it will refuse planning permission.

There is an emerging Supplementary Planning Document covering Affordable Housing. It should be noted that Policy 74.H has been superseded to a degree by Planning Policy Statement 3 (PPS3) in particular definitions of affordable housing. Affordable housing is a priority planning obligation for the Borough.

3.2 Sustainable Transport

New developments have direct and indirect impacts for transport systems in the Borough and measures are usually necessary to mitigate their impacts and/or provide new and/or improvements to existing infrastructure to meet the extra infrastructure demand. Reduced car parking provision enables higher density developments, but in turn makes provision for non-car transport access essential. PPG13 Transport (2001) advocates the use of planning obligations to secure improved accessibility by all

Types of Planning Obligation

modes, with the emphasis on achieving the greatest degree of access by public transport, walking and cycling.

The approach taken reflects the principles of reduce, manage and invest which are set out within the Transport for South Hampshire statement 'Towards Delivery' 2008.

The Council will only grant planning permission for appropriate development where it is satisfied that the traffic impacts of the development do not compromise the achievement of the Local Transport Plan 2006-2011 target: "To not exceed a 1% annual growth rate of all motor vehicle traffic on Hampshire's road network (excluding trunk roads and motorways) by 2010/11".

The Eastleigh Borough Community Plan 2004 aims to reduce traffic congestion; provide an integrated transport system; improve transport provision for older people, students and those with reduced means; and provide for safer cycling. Key transport objectives for the region and the Borough are also set out in the Draft South East Plan, the Eastleigh Borough Local Plan Review 2001–2011 (EBLP), the Borough of Eastleigh Transport Strategy (BETS), the Hampshire Local Transport Plan (2006-2011) and the Eastleigh Borough Cycling Strategy 2006-2011 (EBCS). These all seek to minimise the need for people to travel by private car; improve accessibility; improve provision for cycling and walking; and improve the public transport system with the objective of achieving the road traffic reduction target. The Council will therefore seek to ensure that new development (residential and non

residential) is, or can be made, accessible by public transport, walking and cycling.

The Local Plan Review also proposes a number of specific transport schemes that aim to enhance access opportunities, improve the performance of the transport network and enable development to take place. These schemes are an important part of the BETS and contributions will be sought to assist with the funding of these and other works directly resulting from the impacts of the development specified in the Plan. Policy 92.T of the EBLP Review outlines a number of proposed transport schemes for which sustainable transport contributions will be sought.

The majority of the projects involve public transport improvements and other sustainable transport initiatives including the EBCS, the Quality Bus Partnership and the Eastleigh Borough School Travel Plan Initiative.

The mitigation requirements in respect of new developments may be both local and of a wider strategic nature and contributions will be sought to reflect this. Developers will be required to provide specific works and other improvements either on-site or off-site which may include provision for footways and cycleways and public transport infrastructure and services. Local contributions may also be supplemented by those sought under the Energy and Climate Change requirements.

Types of Planning Obligation

Highway Authority

Financial contributions for the purpose of Road Traffic Reduction and Integrated Transport measures for residential developments up to 100 dwellings, and/or for amounts up to £100,000 are collected by Eastleigh Borough Council on behalf of Hampshire County Council, as Highway Authority, under the terms of the Agency Agreement Development Control 2004. Above these levels contributions will be negotiated directly with HCC, who will need to be a party to any planning agreement. Amounts below £10,000 are allocated by Eastleigh Borough Council.

Hampshire County Council has recently adopted a County-wide approach to assessing contributions: "Transport Contributions Policy: A New Approach to Calculating Transport Contributions in Hampshire September 2007". This will be applied to all sites in Eastleigh. This is subject to the revised Development Control Agency Agreement.

The HCC paper on transport contributions can be found here: http://www.eastleigh.gov.uk/pdf/HCC_Contributions.pdf

Residential, Office, Industrial, Leisure and Retail and other Commercial Development

The Council takes the view that every new additional residential unit and most new non-residential development which increases floor space overall will contribute additional traffic to the local highway network. As a result new developments will be expected to make off-site transport

contributions necessary to mitigate traffic impacts so that the achievement of the road traffic reduction target is not compromised. In line with the County Council's guidance, the Borough Council will assess the level of contribution according to the size, type and mix of development proposed and the likely multi-modal trip generation. The current figures are detailed in Appendix 1. The effectiveness of any specific Travel Plan may also be taken into consideration when calculating the level of off site transport contribution.

The contributions sought are based on a countywide tariff set by Hampshire County Council. The basic measurement of transport impact is quantified by the number of multi-modal trips that a development is expected to generate. For residential developments, a financial value, per multi-modal trip, has been derived from the known cost of providing transport infrastructure required to serve a new development based on the average cost for a number of larger Hampshire sites.

An average cost per multi-modal trip from these "major" development areas for planning obligation purposes has been set (see Appendix 1).

Similarly, for commercial developments, a financial value, per multi-modal trip, for developments that fall within the B Use Class has been derived from three major developments within Hampshire. The average cost per multi-modal trip from these developments for planning

Types of Planning Obligation

obligation purposes has also been set. Where development proposed does not fall within the use classes defined, the multi-modal trips will be negotiated with the development control engineer.

3.3 Public Open Space and Play Provision

The provision of public open space through the planning system is well established, both nationally and in this Borough. PPG17 *Planning for Open space, sport and recreation* (2002) attaches great importance to the provision of open space, stating that obligations,

...should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local Authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs... Paragraph 33

In preparing the 2007 Parks and Green Spaces Strategy, Eastleigh Borough Council has recently undertaken a comprehensive assessment of the provision and need for local open space. This resulted in Local Plan Policy 147.OS:

The Borough Council will require, in connection with new residential developments, the minimum provision of 2.85 hectares of public open space per 1,000 population. In practice;

- i. where the development involves the net increase of between 1 and 24 residential units, the Council will seek*

agreements for a contribution towards open space provision or towards improving equipment/facilities on sites in the locality;

- ii. where the development involves a net increase of between 25 and 44 residential units, open space provision will be sought on-site, unless the open space requirement arising can be accommodated by enhancing existing public open space within a 300 metre walking distance of the development, in which case a financial contribution will be sought towards off-site improvements;*
- iii. where the development involves a net increase of 45 residential units or more, appropriate open space provision will be sought on-site to meet the open space needs arising from the development.*

In applying these standards, the Council will calculate the requirement for open space for any given combination of dwelling sizes in a development scheme on the basis of 2.85hecatres per 1000 population, (which equates to 28.5 square metres of space per person), and on the occupancy as given in the table below:

Types of Planning Obligation

No of beds	Average Occupancy	Total Open Space requirement per dwelling (gross sqm)
1	1.5	42.75
2	1.7	48.45
3	2.3	62.7
4	3.0	85.5
4+	3.5	99.75

Table 1.1

The figures in this table are calculated using the average household size (www.statistics.gov.uk)

PPG17 states that local planning authorities should aim to deliver networks of accessible, high quality open spaces and sport and recreation facilities. This may depend more on improving and enhancing the accessibility and quality of existing provision than on new provision. At the same time, where additional open spaces or sport and recreational facilities are required, they should enhance the open space network.

Open space provision and its use is hierarchical; consequently local green spaces should be provided within 300 metres of the people they intend to serve, whereas larger areas of formal and informal open space can be further away. This distinction is reflected in the Council adopting the following distance threshold standards in the Local Plan Review for the various forms of open space:

Hierarchy of Public Open Space Provision:

Local Green Space

Residents of the Borough should have easy access to a good quality local green space of at least 0.2 hectares where people can relax, exercise and take children to play within 300 metres of home (straight line distance) without having to cross a main road. The site may contain natural/semi-natural areas and an equipped play area.

District Green Space

Residents of the Borough should have access to a good quality district green space of at least 1.5 hectares in size, where people can relax, walk and exercise and take children to play within 600 metres of home (straight line distance), and via safe crossing points over major roads. The site will normally contain an equipped play area, one or more formal sports pitches and natural/semi natural areas.

Wildlife Site

Residents of the Borough should have access to an area of natural/semi-natural habitat (wildlife site) of least 2 hectares in size, where people can relax and observe wildlife, within 600 metres of home.

Country Park

Residents of the Borough should have access to a Country Park area of at least 20 hectares in size, consisting of natural and semi-natural habitats with some formal areas developed with visitor

Types of Planning Obligation

facilities (public toilets, café, information/interpretation, programmed events) within 4 kilometres of home. People will be able to relax, walk and exercise, take children to play and take part in formal recreation activities.

Sports Pitches

Good quality sports pitches for all outdoor sports, with appropriate changing facilities, will be provided sufficient to meet demand within the Borough. Current provision is sufficient for all uses other than junior football, for which there is a current shortfall of 42 pitches.

Play Areas

Play areas are defined as areas of open space set aside for use by children and/or young people where equipment has been provided for their enjoyment. The type of provision will be determined by local needs and as a standard should not be more than 300 metres from home for children up to 8 years old, 600 metres for children up to 12 years old and 1,000 metres for young people up to 18 years old. Due to the varying demographic spread of the population it is recommended that these standards be for at least 80% of children and young people. In view of the difficulty of providing play facilities for children whose needs and abilities change as they grow older, this standard will be re-assessed on a regular basis through the Borough play strategy 2007-2017.

Allotments

There is no current Council requirement for planning obligations in respect of new

allotment provision. In line with the Council's statutory requirement as an allotment authority, the Council will continue to monitor demand for allotments and review provision levels and necessary planning obligations where necessary.

Hierarchy of Open Space

The following table breaks down the standard of 2.85ha into the hierarchy of open space:

Type of Open Space	Number of Hectares per 1000 population
Local Green Space	0.6
District Green Space including sports pitches	0.9
Wildlife Site	0.9
Country Park	0.45
	--

Table 1.2

It is a requirement of PPS17 that open space provision is based on local demand and not on a national standard. The standard for the Borough is 2.85ha which is justified within the Boroughs Parks and Green Spaces Strategy 2007. Contributions will be required towards the continuing management and enhancement of the existing County Parks and may be required for an additional Country Park as illustrated within the PUSH Green Infrastructure strategy (2007).

The maintenance fees are site specific and in some instances it may be appropriate to negotiate a

Types of Planning Obligation

higher sum than the standard tariff due to the requirements at that location.

Public Open Space Charges

The contributions sought are based on the current Local Plan policy and reflect the hierarchy of Open Space. This is achieved through a 4 zone charging system, full details of how to calculate public open space is in section 5.6. The current provisions of the hierarchy of open spaces are mapped (Maps in the appendix). The hatched zones reflect the accessibility standards as outlined in the Local Plan and as such they identify areas of the Borough where there are deficiencies in open space provision. The level of contribution required will vary therefore depending on which zones the proposed development lies within. The standard charge is a basic charge towards maintaining, enhancing and improving all categories of open space. Further charges are then applied depending on which zone the proposed development is located within.

The open space zoned maps are within the appendix 5.6. The areas outside of each of the hatched zones are the areas which require contributions for each type of contribution above the basic charge to be paid as set out in section 5.1. For non-standard residential uses negotiations are considered on a site by site basis.

There may be instances that a combination of on and off site is required to meet policy requirements, these are negotiated.

A development site may, for example lie in an area which only requires provision for one type of open space, or it could be in a location needing all four.

All contributions include a commuted sum payment for future maintenance and management. For on site open space provision there is a commuted sum for site specific management for a period of 25 years.

All POS, landscaping, trees and play areas to be adopted by the Council will be maintained by the developer for a minimum of 12 months following a satisfactory inspection by the Council and prior to final adoption.

Play areas

The Council will determine the type and location of required play areas in accordance with its play strategy 2007-2017. Provision must include appropriate arrangements for the future management of the site, often done through the payment of a commuted sum to the Borough Council, to be invested and used for the maintenance of the facilities. The figures for commuted maintenance sums are updated in April each year along with all the financial contributions. Ownership and management of open space and play areas may be devolved to local Parish and Town Councils.

The design, supply and build charge for play areas is broken down to cover the actual equipment, fencing, self closing gates, litter bins, seats, signs associated landscaping and post installation inspections. There is also an annual maintenance charge over 15 years; this includes

daily inspections, quarterly engineering inspections and an annual independent inspection by an inspector on the Register of Play Inspectors International. This maintenance charge does not allow for any repairs or replacement parts caused by vandalism. A supervision fee is also required to ensure installation by the contractor can be properly monitored.

Although not mandatory, the Council does prefer to accept the required contribution for the play area(s) and once the on site public open space land has been adopted the Council will then consult with the new residents to determine the type of play area(s) required including the type of equipment depending on the age range of the children on the new development. The Council will then arrange for the design, supply, build and post installation inspection of the play area. In either case the developer must insure in all publicity and on all plans future residents are aware that an equipped play area is to be provided on the new public open space land.

Any play areas provided for by the developer shall be designed, maintained and inspected in accordance with BSEN1176 and BSEN 1177 including Post installation and Annual inspections by an independent play area inspector from the Register of Play Inspectors international and copies of their reports forwarded to the Council. The Council also encourages community involvement in the provision of open space and play areas.

3.4 Community Infrastructure

Alongside the contributions and obligations negotiated for public open space, developers are required to contribute towards other infrastructure to meet the needs of a growing community. This may include the upgrading or improvement to capacity at existing community buildings.

Community infrastructure projects include the provision of community centres and other community buildings, sports clubhouses and pavilions, other recreational and sporting facilities, children's and young people's play areas, social facilities including youth clubs, community safety projects, libraries, life-long learning projects, museums, cultural activities, emergency services, health facilities, art projects, extended schools initiatives, environmental improvements, footpaths, cycleways, and recreational bridleways. The HCC rights of way officer would need to be consulted on any proposed schemes for footpaths, bridleways etc. Any schemes on highway land would require the permission of HCC. It is considered that it may also be appropriate in certain circumstances for some revenue costs to be met from contributions, e.g. for start up or community worker initiatives, depending on the merits of the development proposed. When contributions are made on site towards community infrastructure then off site provision may not be required.

Community use agreements may be required for developments which include sports or other facilities at education sites. Some

Types of Planning Obligation

community facilities projects may be on land owned by EBC partner organisations.

Policy 191.IN, contained within the Community Facilities, Infrastructure and Developers' Contributions chapter of the Eastleigh Borough Local Plan Review specifies:

Developments with a net increase of 1 dwelling unit and above are required to make provision for community infrastructure in accordance with the standard charges detailed in Appendix 1. These are commensurately adjusted for the size of dwelling unit and are based on Council experience of the cost of community infrastructure provision. If proposals are different to the norm (i.e. not residential) then flexibility to the options will be offered. Current planned community facilities and infrastructure for each of the five local areas of the Borough can be found on the Councils website and priorities for provision will be reviewed annually.

Local Plan sites

Where on-site facilities are to be provided on Local Plan sites as set out in the Eastleigh Borough Local Plan Review and Development Briefs, these will normally be provided directly by the developer, except in the case of community buildings where the preferred approach is for the Council to provide the facility on receipt of contributions from the developer.

The Eastleigh Green Network and the Strawberry Trail

Community, open space and sustainable transport contributions may be utilised to improve the

Borough's recreational routes. The Eastleigh Borough Local Plan Review 2001-2011 defines a Green Network that seeks to link larger areas of open space, such as the Borough's country parks, with improved recreational footpaths, cycleways and bridleways. Policy 146.OS states that recreational

Appropriate proposals for development will be permitted provided that the developer has made arrangements for the provision of the infrastructure, services, facilities and amenities directly made necessary by the development or has made arrangements to contribute towards the early improvement of existing infrastructure, services, facilities and amenities, the need for which will increase as a direct result of the development proposed.

contributions may be utilised to enhance the environment and facilities within the Network. The combined use of these contributions may also be required for the provision, enhancement and maintenance of other footpaths, cycleways and bridleways which are identified in the Plan and supported by Policies 152.OS and 153.OS.

Eastleigh Borough Council, in partnership with Hampshire County Council, has also established an Integrated Access Project. The emphasis is on leisure, walking and cycling routes, using existing rights of way, but improvements need to be made to the infrastructure, surfacing, signage, interpretation and information along the principle route - the Strawberry Trail - and a combination of art, community and open space contributions may be

Types of Planning Obligation

used to aid these enhancements in response to the additional pressure on the recreational facilities and routes from nearby new developments. The proposed Strawberry Trail route is outlined in the Eastleigh Borough Local Plan Review 2001-2011, Chapter 10.

3.5 Public Art

Eastleigh Borough Council welcomes public art as a means of making public space unique. Public Art is defined as “a process of engaging artists’ creative ideas in the public realm” (IXIA, July 2007) and can be summarised as bringing the specially commissioned expertise of artists and craftspeople into the public realm (rural and urban) both in terms of the physical environment and within community activity and interaction. This can lead to the enhancement of the built environment, increasing the potential value and status of developments by assisting image and marketability, creating landmarks and areas that are attractive to both public and investors and which bring benefits to the local and wider communities.

The Council’s Public Art Strategy and Local plan policies 160.TA, 161.TA, 162.TA and 165.TA recognise the contribution of the arts to the quality of life of its residents and promote the commissioning of art in existing places, new development and the surrounding areas. The importance of Public Art is made evident within national (Planning Policy Guidance 1 & 17 and Commission for Architecture in the Built Environment) and regional (Arts Council England South East,

South East England Development Agency) policy guidance.

Public art can take the form of on-site provision (either by developers to the equivalent value of the standard charge or by a Local Authority), or off-site provision of artwork or art projects. On-site art may include integrated art in the design of buildings and spaces. Off-site art may include environmental art work incorporated into schemes and participatory arts which will require formal agreement by the developer. The Council recognises that public art can be most effective when it is integrated into the planning of buildings and spaces at the outset and early discussion with Council officers is recommended to establish its likely form and location.

A proportion of any art contribution will be spent on project management and delivery. Public art within public open space will be liable to a commuted maintenance charge (see Appendix) When contributions are made on site towards community infrastructure then off site provision may not be required.

3.6 Community Safety

The Crime and Disorder Act 1998, (as amended) places statutory duties upon a number of responsible authorities including a local authority such as Eastleigh Borough Council. The Council must do all that it reasonably can to prevent:

- (a) crime and disorder in its area (including anti-social and other behaviour

- adversely affecting the local environment); and
- (b) the misuse of drugs, alcohol and other substances in its area.”

The Eastleigh Community Safety Partnership ‘Community Safety Plan for 2008 to 2011’ identifies the key priorities relating to crime and disorder, anti-social behaviour and other behaviour adversely affecting the local environment. The plan also provides detail of actions designed to tackle these priorities.

Community safety is also a main theme of the Community Plan and where there are likely to be community safety issues as a result of proposed development, provision for mitigation on or off-site, such as police facilities, CCTV, safe pedestrian routes or improved lighting will be sought. This will be negotiated on a site-by-site basis. In addition, the contributions required for community infrastructure may also be applied to projects that will improve community safety. Responsibilities under the aforementioned legislation and the need to respond positively to key community safety priorities will be paramount in any negotiations. Factors likely to impact negatively upon fear of crime within the community will also be taken into consideration during negotiations.

The principles of ‘Secured by Design’ have an important impact upon feelings of safety and actual security of buildings and can make an important contribution to the sustainability of developments. Every encouragement will be given to the use of ‘Secured by Design’ features by developers.

3.7 Education and Children’s Services

New development can place additional pressures on the existing infrastructure and the Council has determined that new developments should make a fair and reasonable contribution towards mitigating their impacts. PPS12 states that the adequacy of infrastructure can be a material consideration in deciding whether permission should be granted (paragraph B4). Infrastructure can obviously include educational facilities, as well as roads and open space. Local Plan Policy 190.IN states that;

Proposals for development will only be permitted where adequate services and infrastructure are available or suitable arrangements can be made for their provision.

Eastleigh Borough Council recognises the importance of education facilities to the local community and liaises closely with Hampshire County Council (the Education Authority) on the Borough’s future educational needs. In light of the projected increase in the population, in parts of the Borough there is a need to provide local primary and secondary school accommodation as a consequence of any proposed developments.

In their policy statement *Developers’ Contributions towards Children’s Services Facilities*, May 2007 (www.hants.gov.uk/education/department/SDP/developerscontribution-smay07.pdf) Hampshire County

Types of Planning Obligation

Council indicate that where developments are likely to create a demand that exceeds the available capacity in existing schools, contributions will be sought from residential developments. Contributions will only be sought from developments of 10 units or more where additional capacity is required. One-bedroom units and those for elderly persons are excluded from the calculations. Additionally, new residential development can increase the demand on libraries and other facilities that facilitate 'life-long'

Within the Eastleigh Town Renaissance Quarter, where appropriate and necessary, the Council will negotiate with developers to make financial contributions to public transport improvements in the locality, to the management of on-street parking, to public open space provision or improvements off-site or to other 'public realm', and to improvements to social and community facilities

learning, particularly with regard to equipment and space available.

For large planned developments there may be a need to provide a site for a new primary school and/or contribute towards other facilities such as provision for pre-school, special educational and childcare needs. These are likely to be identified through the LDF process.

3.8 Environmental Improvements and Landscape

The Council considers it important that environmental and landscape

improvements should be made in the Borough, particularly in those areas subject to regeneration. New schemes may need to include consideration of public spaces; new tree planting; attractive street furniture and seating; public art and signing; the location and design of on and off street parking; extended paved pedestrian areas; managing vehicle access through shared surfaces and width restrictions; provision of public conveniences; and the removal or reduction of visual impact of unattractive features.

Where appropriate, adjacent landowners may be asked to consider improvements to their land.

Urban environment improvements are key objectives of the draft Eastleigh Town Centre and South Hampshire Strategic Employment Zone Area Acton Plans, whilst for the Renaissance Quarter, Policy 54.BE the Eastleigh Borough Local Plan Review (2001-2011) states:

The regeneration areas needing environmental and landscape improvements include Leigh Road, Twyford Road, Bishopstoke Road and Southampton Road approach routes into Eastleigh town. Policy 52.BE of the Local Plan Review 2001-2011 also states that contributions will be sought towards appropriate improvements to facilities for pedestrian and/or cyclists from development on these approach roads to Eastleigh town centre.

Areas for landscape improvements throughout the Borough are identified in the Local Plan and Policy 20.CO states:

In the areas identified for landscape improvements, as shown on the Proposals Map, proposals which would prejudice such improvements or which in themselves would be detrimental to the quality of the landscape in these areas will not be permitted. Developers' willingness to contribute towards landscape improvements will be a material consideration in the assessment of planning applications.

Environmental and landscape improvement schemes are identified in the local area lists of projects available from Development Control or on www.eastleigh.gov.uk. They are also identified in the Borough's Character Area Appraisals and Conservation Area Appraisals.

New highway trees may incur an additional maintenance cost.

3.9 Health Facilities

Census figures have revealed that the population of the Borough increased from 106,000 in 1991 to over 116,000 in 2001, an increase of just under 10%. This population growth is likely to continue given the number of houses to be built in the Borough during the Plan period and beyond. The Council is keen to ensure that the type and scale of provision of community facilities keeps apace with the needs of the increasing population and reflecting demographic changes within the Borough.

New development can place additional pressures on the existing health and wellbeing infrastructure and an aim of the Eastleigh

Borough Community Plan is to improve access to health care and services. New developments should make a fair and reasonable contribution towards mitigating their impacts where there is not capacity to meet the additional needs generated. Government advice supports this requirement, which would be assessed on a site by site basis for major residential developments. The Council will require the relevant Primary Care Trust and developer to demonstrate how new proposals relate to existing health facilities. Where necessary, developers may be required to make provision for improved healthcare either through the enabling of new facilities or the extension of existing facilities. Land and/or financial contributions may be required. The NHS-recommended toolkit (www.healthyurbandevelopment.nhs.uk/pages/s106_for_health/planning_contribution_tool.htm) provides further information.

Additional planning obligations for community facilities may be used for the provision of health facilities, should this be a priority for the community.

3.10 Employment Training and "start up" units

The concept of 'start-up' units refers to the supply of small premises suitably managed in terms of tenure, overheads and support facilities for 'start-up' businesses. An aim of the Eastleigh Borough Community Plan is to improve employment skills and Policy 108.E of the Eastleigh Borough Local Plan Review 2001-2011 states that:

Provision will be sought from new employment development, and from the redevelopment of employment land for other purposes, where appropriate, to provide or contribute towards premises for 'start-up' businesses and to training provision. Where such measures are considered necessary but are not provided, planning permission will not be granted.

Contributions will only be sought from employment developments (B1 – B8 uses) by commercial property developers, not development in general. Eastleigh Borough Council has expertise in promoting training measures and Wessex House in Eastleigh provides managed premises for 'start-up' office based firms. The necessity for contributions and the type of training measures will be assessed on a case-by-case basis, in accordance with the scale and effect of development and in line

Policy 34.ES.

Planning permission will only be granted for proposals which make an appropriate contribution towards the Government's target to reduce levels of carbon dioxide and other greenhouse gases in the atmosphere by:

- i. ensuring the use of the most sustainable construction material and construction methods;*
- ii. minimising the energy demands associated with the occupation of the development by using energy efficient equipment and incorporating high levels of insulation; and*
- iii. maximising the proportion of energy that is generated from renewable sources.*

with Circular 05/2005.

Contributions are to help fund

programs aimed at raising the skills levels of the local labour force, and to provide affordable business space.

The Council's policies for using obligations for economic development are outlined in more detail in the Local Plan Background Paper: *Section 106 Agreements for Training Measures and 'Start-up' Business Units* (2001). Policy RE2 of the Regional Planning Guidance for the South East (2001) also supports this approach.

3.11 Energy and Climate Change

Tackling climate change is a necessary requirement of sustainable development. In order to address climate change issues and the use of finite energy resources, the Council is committed to reducing levels of carbon dioxide attributable to the construction of and energy consumed by new development and its occupiers.

The Council is determined to ensure that future development in the Borough places the least practicable demands on the environment and through its Climate Change Strategy and Action Plan the Council seeks to encourage those activities and developments which will assist in the achievement of sustainable low carbon communities. The Council aims to become Carbon Neutral in its own business activities by 2012.

Furthermore, Policy 34.ES of the Eastleigh Borough Local Plan Review states:

The supplement to PPS1: Planning and Climate Change (December

2007) advises that whilst normally the Building Regulations will control aspects of a building's construction and fittings to meet environmental standards, planning conditions or planning obligations should be used to secure the longer-term management and maintenance of those aspects of a development required to ensure compliance with PPS policy. This may include the need for planning obligations to make provision for renewable or low-carbon energy supply or sustainable waste management, for example, for local procurement, or for investment into a local Carbon Compensation Fund or other carbon offsetting.

Design and Access statements which must accompany planning applications will, amongst other things, need to demonstrate how proposed development will meet targets for carbon emissions through, for example, minimising energy consumption and explain the contribution to be secured through on-site renewable and/or decentralised renewable or low carbon energy supply systems. However in some circumstances where objectives cannot be met simply through construction then financial contributions may be sought.

This will allow for discussion and agreement, on a site by site basis, of the need for specific planning obligations for energy and climate change. Developments may be required to make financial provision for off-site cycleways and footways as a specific effort to assist with the reduction of carbon emissions.

Further advice is to be contained in the Sustainable Development

Supplementary Planning Document.

3.12 Nature Conservation and Biodiversity

The government's commitment to nature conservation is outlined in detail in PPS 9 *Biodiversity & Geological Conservation*, with paragraph 8 stating,

Local authorities should use conditions and/or planning obligations to mitigate the harmful aspects of the development and where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest.

Local Plan Review policies 21.NC to 27.NC explain how the Council will determine applications that affect nature conservation and biodiversity. The Council's Supplementary Planning Guidance (SPG) on *Biodiversity* (2003) expands on these policies and in addition indicates under which circumstances contributions or negotiated obligations may be sought and should be read in conjunction with this document.

The SPG states (in paragraph 7) that:

The first option will be to provide relevant biodiversity projects as part of mitigation or compensation projects on site. This is in order to ensure satisfactory and long term delivery of biodiversity mitigation and enhancement measures.

Biodiversity Action Plan

In May 2002, the Council published *Wild about Eastleigh – A biodiversity Action Plan* (BAP), and this assists in providing guidance to direct contributions. The plan identifies seven areas of the Borough where action for biodiversity is to be a priority over the coming decade. Care will be taken to match the contributions to a scheme that closely offsets the impacts of the development and at a location as near to the development as possible.

Aside from these priority protection areas, the identification of specific mitigation measures to address the potential impacts of development on wildlife and habitats will be identified through the consideration of each planning application. Public bodies including Hampshire County Council, Eastleigh Borough Council and Town & Parish Council's all own and manage land of importance to nature conservation and biodiversity. Many of these sites have been protected and acquired as a result of planning obligations. Contributions may best be targeted at such sites, especially if a new development is likely to increase visitor numbers or where enhancement work on the site could offset impacts of nearby development. Contributions to such schemes may go towards improving access to a natural site which could reasonably be assumed to receive more visitors as a consequence of a development. The amount of contribution to be secured, where and how it will be sent to offset the adverse impacts of development will be calculated on a case by case basis. The particular ecological impacts of individual

developments will need to be assessed and a suitable mitigation / compensation package agreed with the local planning authority.

3.13 Air Quality and Noise

Requirements in respect of air quality, contaminated land, noise / vibration and odour will normally be dealt with by planning conditions. However, there may be circumstances when planning obligations are necessary for the ongoing provision, management and maintenance of mitigation measures. The need for such provisions will be assessed for each site individually.

There are presently three identified Air Quality Management Areas (AQMA) within the Borough:

- 1) Leigh Road (from the junction of Bournemouth Road, Chandlers Ford to the junction with Romsey Road, Eastleigh, Southampton Road, and Wide Lane.
- 2) M3 motorway between junctions 12 and 14.
- 3) Hamble Lane, Bursledon between the junctions of Portsmouth Road and Jurd Way.

Further details of these are on the Eastleigh Borough Council website under Air Quality.

Developers are encouraged to contact a member of the Environmental Team to discuss individual sites prior to submission of applications.

3.14 Local sewerage and water supply network

Satisfactory water supply and drainage are essential requirements in all new development. If existing capacity in the local sewerage system and/or the water supply network is insufficient to meet the anticipated demand, the developer will need to requisition a connection to the nearest point of adequate capacity, as defined by Southern Water. The requisitioning process is covered by sections 41 and 98 of the Water Industry Act (1991), and is the legal mechanism by which developers should provide the local infrastructure required to service their site.

3.15 Monitoring and Administration

Applicants will be required to contribute towards the Councils

administrative costs for planning obligations and their use. In respect of a Unilateral Undertaking and Section 106 Agreement, fees will also include costs for monitoring to ensure all obligations entered into are complied with on the part of both the developer and the Council.

Planning obligations can be secured either by way of an upfront payment, Unilateral Undertaking or a Section 106 Agreement to which a standard charge applies for each reflecting the Councils time involved. These charges are detailed in Appendix 1 and such are additional to the Councils legal fees incurred in the preparation of a Section 106 Agreement and approving and registering of a Unilateral Undertaking.

4. Procedures

4.1 Pre-application Advice

Prospective developers are advised to seek pre-application advice from the Council before purchasing land or property for development. The Council's Development Control unit operates a daily drop in service between the hours of 9.30am and 12pm when a planning officer is available to discuss minor proposals and related issues such as planning obligations. For major development proposals a pre-booked pre-application meeting with a Planning Officer and the Planning Obligations Coordinator is strongly advised so that the specific nature and scale of any planning obligations for individual sites can be negotiated.

4.2 Development Viability

On certain sites development viability may be affected by a range or combination of factors such as high abnormal costs as a result of heavily contaminated land, land values, demolition costs, relocation costs, or difficult to develop land. Where the developer is unable to meet the Council's requirements for planning obligations necessitated by the proposed development, the onus to demonstrate the lack of viability lies with the developer. Developers and landowners are expected to consider the overall cost of development, including the required planning obligations and any abnormal remediation or development costs, prior to negotiating the sale or purchase of land or the acquisition or agreement of a land sale option. Early pre-application consultation

with the Council's Development Control Unit is therefore strongly recommended.

Process

The Development Control Unit is the Council's primary point of contact for raising viability issues and negotiating Heads of Terms for legal agreements to secure planning obligations.

Where a developer feels that the scale and kind of planning obligations required by the Council threaten the development's viability the developer must clearly identify the issues and any associated costs and provide robust financial justification. This should be in line with the forthcoming advice to be given as a supplement to PPS3: Housing.

Any detailed financial documentation provided to support such claim will be treated as confidential, but general information will be kept on the application file.

An open book approach is likely to be adopted for any site with viability issues. This may sometimes require the involvement of the Council's Principal Valuer, the District Valuer from the Valuations Office Agency (VOA), or an independent expert. Data on local values and typical construction costs will be used to verify development viability issues. The co-operation of the developer and land owner is required if we are to adequately assess the sites economics and establish if any departures from the expected obligations are necessary to enable the development to proceed.

Types of Planning Obligation

Any departures from the normal expectations will be on the basis of reducing the levels of provision or financial contribution for each of the required Heads of Terms rather than a “pot” of money. The relevant Local Area Coordinator can advise Development Control on local priorities for projects. Where it is agreed by the Head of Development Control that full planning obligations are not required, the application is likely to be referred to the relevant Local Area Committee for determination.

4.3 Negotiation

The Development Control Unit is the Council’s primary point of contact for negotiating Heads of Terms.

Negotiations between the Council and developers into the Heads of Terms will seek to resolve a number of issues, including:

- the range of contributions sought;
- whether provision will be required on-site, off-site, or through financial contributions;
- the amount of provision / financial contribution required;
- the location of the provision on the site;
- trigger points by which provision should be completed or when financial payments are required;
- details of how financial contributions will be used.

Heads of Terms are established through consultation with other internal units such as Countryside & Recreation, Transportation and

Engineering, Housing Services, Property Services, Regeneration and Planning Policy, the County Council and other organisations where relevant. For example, where affordable housing provision is sought, the involvement of the Council’s Housing Unit and a Registered Social Landlord approved by the Council will be required.

The value of planning obligations should be considered before land or property is purchased for development. Prospective developers are therefore advised to seek pre-application advice so that the specific nature and scale of any planning obligations for individual sites can be negotiated.

Pre-application discussions aim to establish all necessary planning obligations however all discussions and negotiations take place on a without prejudice basis to the final recommendation or decision on any application and therefore further negotiation may also be necessary following submission of a formal application.

Where an agreement cannot be reached on the Council’s assessment of the scale and kind of planning obligations required it is up to the developer to provide to the Council robust financial justification for any departure from the Council’s standard. The Council’s Principal Valuer, or an independent expert on a confidential basis, will then assess this justification and consider any departure from the Council’s standards.

Types of Planning Obligation

	Section 106 agreement	Unilateral Undertaking	Up front payment
Has to be completed before 8/13 week deadline	Yes	Yes	Yes
Secures financial planning obligations	Yes	Yes	Yes
Secures non financial obligations and/or any restrictions, stipulations, covenants that are NOT binding on Eastleigh Borough Council	Yes	Yes	No
Secures non financial planning obligations (i.e. affordable housing) and/or any restrictions, stipulations, covenants that are binding on Eastleigh Borough Council	Yes	No	No
Defers payment of financial obligations until prior to commencement of development	Yes	Yes	No
Council Solicitors draft agreement	Yes	No	N/A
Legal Costs	Starting from £1000	Set fee of £350	£0
Administration and Monitoring Fee	£1400	£260	£45

Table 1.3

4.4 Options for Securing Planning Obligations

Planning obligations are secured pursuant to Section 106 of the 1990 Town and Country Planning Act (as amended) and the Planning and Compulsory Purchase Act 2004.

Obligations can be secured through private agreements, usually in the context of planning applications between the Local Planning Authority and persons with an interest in the land (Section 106 Agreement) or unilaterally to the Council by the persons with an interest in the land (Unilateral Undertaking). Planning obligations secured by way of a Section 106

Agreement or Unilateral undertaking are binding on the land and are therefore enforceable against all successors in title.

However if obligations are purely financial, upfront payments can be made as an alternative to a legal agreement.

The three methods for securing planning obligations are summarised in the table below and highlight the main differences between each option. For further details regarding procedural guidance and pro-formas please refer to our website at www.eastleigh.gov.uk/ebc-3236 Legal costs are detailed in Appendix 1.

4.5 Monitoring and Allocations

Monitoring

All planning obligations are monitored by the Council's Development Control Unit to ensure compliance, not only on the part of the developer/land owner but also to ensure the Council acts appropriately, in accordance with any legal agreement and the guidance provided within Circular 05/2005.

All legal agreements are registered as a local land charge and therefore all information with regard to compliance should be forthcoming from the developer. Failure to do so may prevent the Council from giving up-to-date information to any potential purchasers.

An invoice will be sent by the Council for all financial planning obligations. If a payment trigger, as specified within an agreement, is reached and an invoice is not forthcoming please contact Development Control for up-to-date payment figures, for which an invoice will then be sent.

Allocations

All financial planning obligations (contributions) received by the Council are monitored closely to ensure their spending is wholly in accordance with the terms set out within the agreement and that allocations of contributions are appropriate and in accordance with the tests set out in Circular 05/2005

If a contribution is received for a specific purpose (e.g. for Community Facilities) but no specific scheme is mentioned within any agreement, it is considered "unallocated" therefore

the Council will seek to allocate the contribution to an appropriate local scheme identified within the Council's Community Investment Strategy (CIP). This strategy identifies the Council's programme of capital works for a rolling 4 year period. The strategy is made up of schemes identified within various strategies such as the Parks & Green Space Strategy, Sport & Recreation Strategy, and Local Transport Strategy

www.eastleigh.gov.uk/ebc-1507

The strategy also includes Local Plan schemes and schemes identified within Local Area Priority Lists www.eastleigh.gov.uk/ebc-3236

Appropriate schemes within the CIP strategy are identified and suitable contributions allocated. All contribution allocations are approved via a committee process and their spending tracked via a database maintained by the Council's Finance Department.

In some instances it is necessary to accumulate contributions over a period of time until sufficient funding is identified to cover the full cost of any scheme. Where the combined impact of a number of developments creates the need for new or improved infrastructure contributions may be pooled in order to allow the infrastructure to be secured and provided in a fair and equitable way.

The Council also provides funding for projects through grant money, CIP and other funding sources. Through its monitoring processes the Council is confident that it can provide a full audit trail of spending should any developer require evidence of spending.

Appendices

5. Appendices

5.1 Summary Table/Standard Charges and Worked Examples

The following summary table provides details of planning obligations currently sought at a starting point in any negotiations. The levels of contribution sought are based upon the Council's experience of current costs associated with the provision of infrastructure and will be reviewed annually.

	Applicability	Requirements	Policy / Evidence Base	Formulae / Standard Charging	Index Linking
Affordable Housing	Set out in policy 74.H Local Plan Review 2001-2011	Set out in policy 74.H Local Plan Review 2001-2011	see separate policy/SPD	See separate policy/SPD	To RPIx
Sustainable Transport	Residential, industrial, leisure and retail development of 1 dwelling unit and above or any net increase in floor area	Provision of, or a contribution towards the cost of providing, sustainable transport measures, to include new provision of, or improvements to existing, footway and cycleway infrastructure and public transport infrastructure and services	- PPG13 - CG Circular 05/2005 - EBC Community Plan 2004 - EBC Local Plan Policy; 92.T 191.IN - HCC Transport Contribution Policy 2007 - HCC Local Transport Plan 2006-2011 - LTS - CS 2006-2011	<u>Residential</u> £1,980 per 1 bed £3,745 per 2/3 bed £5,457 per 4+ bed <u>Commercial per 100sqm</u> B1 Business - £4,301 B2 General Industry - £1,725 B8 Warehouse & Distribution - £2,162	1 st September 2007 to RPI
Public Open Space & Play Provision	Residential development of 1 dwelling unit and above net increase	Provision of or a contribution towards the provision / improvement / enhancement of public open space and play	- PPG17 - EBC Local Plan Policy; 147.OS - PGSS 2007-2012 - SRS 2002-2007	<u>Base Contribution</u> £494.10 Per 1 bed £560.35 Per 2 bed £725.05 Per 3 bed £988.93 Per 4 bed	1 st January 2008 to RPIX

Appendices

		provision	• EBC Community Plan 2004 • CG Circular 05/2005 • ACG • SEG • PUSH Green Infrastructure Strategy 2007	£1,153.63 Per 5+ bed <u>District Park (including playing fields)</u> £907.07 Per 1 bed £1,028.68 Per 2 bed £1,331.04 Per 3 bed £1,815.47 Per 4 bed £2,117.83 Per 5+ bed <u>Local Green Space</u> £162.63 Per 1 bed £183.77 Per 2 bed £237.98 Per 3 bed £324.54 Per 4 bed £378.57 Per 5+ bed <u>Wildlife Site</u> £55.85 Per 1 bed £63.35 Per 2 bed £81.96 Per 3 bed £111.65 Per 4 bed £130.34 Per 5+ bed <u>Play Area Provision</u> £50,000 per play area £30,000 play area maintenance for 15 years £2,250 play area supervision fee	
--	--	-----------	---	--	--

Appendices

				<u>On-site Public Open Space Maintenance</u> £70,461.60 per hectare + 7.5% supervision £5,284.62	
Community Infrastructure	Residential development of 1 dwelling unit above net increase. Includes flat conversions, houses in multiple occupation and bedsits	Provision of land or facilities and/or contribution towards the provision of community facilities to meet the demands arising from new development.	• EBC Community Plan 2004 • Eastleigh Local Area Action Plans • EBC CIP • EBC Local Plan Policy; 146.OS 191.IN • SEG • SRS 2002-2007 • PPG17 • CG Circular 05/2005 • ACG	<u>Residential</u> £900 per 1 bed £1,020 per 2 bed £1,380 per 3 bed £1,800 per 4 bed £2,100 per 4+ bed	1 st January 2008 to RPIx
Public Art	Major residential applications of 10 or more units Commercial applications (retail/office/industrial/warehousing/hotel) of 1000sqm or above Development which will have a significant impact on the public realm or a high degree of	On-site Integration of art in scheme and/or a contribution towards the cost of on or off-site public art projects (contributions of <£10k to be combined for off-site art)	• EBC Local Plan Policy; 160.TA 161TA 162TA 165TA • PAS 2007-2010 • EBC: PAGD 2007-2010 • CG Circular 05/2005 • Ixia 2007	<u>Residential</u> £300 per unit <u>Hotel</u> £200 per bedroom <u>Commercial per 100sm:</u> Retail - £360 Office - £300 Industrial - £250 Warehouse - £250 Leisure - £220	1 st November 2007 to RPIx

Appendices

	public access Development on or close to Strawberry Trail				
Education	Major residential applications of 10 or more units A contribution will not usually be required for 1 bed dwellings or accommodation for the elderly.	A contribution towards the cost of providing new school or school places and/or other relevant children's services to meet the demands arising from new development. Provision of land and/or contribution toward the provision of new school/school places	• PPS12 • CG Circular 05/2005 • HCC guidance May 2007 • EBC Local Plan Policy; 190.IN 191.IN	<u>Primary Education:</u> New School - £5,622 per dwelling unit Other cases - £4,488 per dwelling unit <u>Secondary Education</u> £4,593 per dwelling unit Special needs and other provisions for larger sites	1 st March 2007 to PUBSEC
Community Safety	Assessed on site- by-site basis. Most likely for commercial and leisure developments in town and village centres, and local centres and parades.	Provision of or a contribution towards the cost of providing community safety initiatives including CCTV and improved lighting in public areas.	• PPS1 • CG Circular 05/2005 • EBC Community Plan 2004 • CDRS 2005-2008 • EBC Local Plan Policy; 133.TC	Negotiated	From date of negotiation to RPIx
Environmental Improvements & Landscape	All developments within the Urban Renaissance Quarter on/adjacent sites subject to Landscape Improvements as	Provision of and/or contribution towards the provision of environmental and landscape improvements.	• EBC Community Plan 2004 • CG Circular 05/2005 • EBC Local Plan Policies; 20.CO 52.BE	Negotiated <u>New Tree Maintenance costs</u> £400 per tree	From date of negotiation to RPIx 1 st January 2008 to RPIx

Appendices

	identified by the Local Plan Review. Assessment on a site by site basis.		54.BE 191.IN • Draft Eastleigh Town Centre Action Area Plan • Draft SHSEZ Action Area Plan • Eastleigh Town Centre Strategy 2003		
Health Provision	Major residential applications of 10 or more units assessed on a site by site basis.	Provision of land and/or contribution towards the provision of health facilities to meet the demands arising from new development.	• PPS12 • EBC Community Plan 2004 • ACG • CG Circular 05/2005 • EBC Local Plan Policy; 191.IN • Hampshire PCT Service Development Plan/Estates Strategy and PCP Strategy.	Negotiated	From date of negotiation to RPIx

Appendices

Employment Training & Start Up Units	Major employment generating developments above guide threshold of 1000sqm gfa. Includes office, research and development, industrial and warehouse developments, assessed on a site by site basis. Includes sites; • Southampton Airport • SHSEZ (including the former Railway Works and the Southampton Airport Northern Business Park areas)	Provision of or a contribution towards the cost of providing premises for “start-up” businesses and to training provision.	• EBC Community Plan 2004 • Draft Eastleigh Town Centre Action Area Plan • ACG • CG Circular 05/05 • EBC Local Plan Policy; 108.E • South East Regional Plan Policy RE2 • LPBP: Section 106 Agreements for Training Measures and ‘Start-up’ Business Units (2001).	Negotiated	From date of negotiation to RPIx
---	---	---	--	-------------------	---

Appendices

Energy & Climate Change	Major residential applications of 10 or more units and commercial applications of 1000sqm or above assessed on a site-by-site basis. Footway and Cycleway provision: all residential and commercial developments	Provision of, or financial contributions for, on-site renewable and/or decentralised renewable or low-carbon energy supply systems and/or management measures to achieve carbon emission targets. Provision of contributions towards footways and cycleways.	• CCS and Action Plan 2007 • CG Circular 05/2005 • EBC Local Plan Policy; 34.ES • Supplement to PPS1: Planning and Climate Change (December 2007) • Draft South East Plan • DCLG Code for Sustainable Homes • PPS22	Negotiated	From date of negotiation to RPIx
Nature Conservation & Biodiversity	Major residential applications of 10 or more units and commercial applications of 1000sqm or above assessed on a site-by-site basis. Most likely to apply to development sites near the following priority areas: • Flexford, Chandler's Ford • Itchen Valley, Eastleigh	On or off-site provision, enhancement, compensation or mitigation for areas of nature conservation and biodiversity interests with impacts as a direct result of proposed development to include: • The resolution of land management issues; • Provision of land for nature conservation purposes; • Habitat creation schemes; • Habitat or species	• PPS 9 • CG Circular 05/2005 • EBC Local Plan Policies; 25.NC 26.NC • EBC SPG Biodiversity	Negotiated	From date of negotiation to RPIx

Appendices

	- Moorgreen, Hedge End - Netley and Bursledon Common - Solent Coast and Hamble Estuary - Stoke Park, Bishopstoke - Wyvern, Fair Oak	- translocation schemes; - Monitoring / surveying schemes; - Financial provision for lump sum or periodic payments towards schemes to mitigate against and monitor adverse impacts.			
Air Quality & Noise	Relevant development sites	Air quality monitoring/mitigation works	EBLP Review Para 3.20	Negotiated	From date of negotiation to RPIx
Local sewerage and water supply network	All development	Sewerage and water supply -Requirement of requisition if existing capacity is insufficient.	Section 41 and 98 of Water Industry Act 1991	<u>Sewerage and water supply Responsibility of Southern Water.</u>	N/A
Water quality	All development	Water efficiency measures	Emerging Sustainable Development SPD set thresholds and requirements	<u>Water quality and efficiency - negotiated</u>	From date of negotiation to RPIx
Monitoring & Administration	All development	Contribution towards the Councils administrative costs in securing planning obligations and monitoring their use.	N/A	<u>Up front Payment -</u> £45 per payment <u>Unilateral Undertaking -</u> £260 per undertaking <u>Section 106 Agreement -</u> £1,400 per agreement	N/A
Legal Costs	All Section 106 Agreements and Unilateral	Councils legal costs associated with legal agreements	N/A	<u>Unilateral Undertaking</u> £350 undertaking <u>Section 106 Agreement</u>	N/A

Appendices

	Undertakings			Starting cost of £1,000 per agreement	
--	--------------	--	--	---------------------------------------	--

Table 1.4

5.2 Abbreviations

ACG	Audit Commission Guidance (Securing Community Benefits through the Planning Process August 2006)
CCS	Climate Change Strategy
CDRS	Crime and Disorder Reduction Strategy
CG	Central Government
CIP	Community Investment Programme
CS	Cycling Strategy
DCLG	Department for Communities and Local Government
DCEF	Developers Contribution towards Education Facilities
EBC	Eastleigh Borough Council
GPG	Good Practice Guide
HCC	Hampshire County Council
LPBP	Local Plan Background Paper
LTS	Local Transport Strategy
NHS	National Health Service
PAGD	Percent for Art: Guidance for Developers
PAS	Public Art Strategy
PCP	Primary Care Premises
PCT	Primary Care Trust
PGSS	Parks and Green Spaces Strategy
PUBSEC	Public Sector Index (Non-Housebuilding) maintained by the Department of Trade and Industry
PUSH	Partnership for Urban South Hampshire

Appendices

RPI	Retail Price Index maintained by the Department of Trade and Industry
RPIx	Retail Price Index (excluding mortgages) maintained by the Department of Trade and Industry
SEG	Sport England Guidance (Planning Policies for Sport 1999 and Providing Sport and Recreation through New Housing Development – Good Practice Guide 2001)
SEPPS	Sport England Planning Policies for Sport
SHSEZ	South Hampshire Strategic Employment Zone
SRS	Sport and Recreation Strategy
TCS	Town Centre Strategy

5.3 List of Tables

	Page
1.1 Total open space requirement per dwelling	11
1.2 Hierarchy of Open space	12
1.3 Options for Securing Planning Obligations	26
1.4 Summary Table/Standard Charges and Worked Examples	28 - 35

5.4 Supervision Fees & Commuted Sums

The supervision fee is intended to cover the Councils time in ensuring that on-site public open space and play facilities are provided in accordance with the approved plan and for the ongoing monitoring of the land/facilities until they are at an acceptable standard to be transferred to the Council or any other nominated body.

Commuted sums are intended to cover the costs of maintaining land/facilities transferred to the Councils ownership for a minimum of 25 years.

An amortisation calculation is applied to the commuted sum. This calculation is used to ensure that the commuted sum is paid out with interest over a fixed period of time, so that the commuted sum is completely eliminated by the end of the 25 year term. The Councils calculation is based on inflation at 3.5% and interest at 5%.

5.5 Indexation on Planning Obligations

All financial planning obligations are subject to indexation to the Retail Price Index (excluding mortgages) (RPIx) or any such other index deemed appropriate by the Council. Indexation is applied to the principal sum from the base date, as identified in appendix I, to the date of payment.

Index linking ensures that the principal sum maintains its spending capacity and keeps pace with inflation.

The Council applies appropriate indexation to any planning obligation sums which remain unspent at the end of each financial year. Indexation is applied in accordance with the Retail Price Index (RPI).

5.6 Open Space Tariff and Zoning Maps

The Local Plan Review (2001-2011) outlines the distance threshold standards for the various forms of open space provision. When assessing development proposals the Council will consider the nature, type, extent, quality and ease of access and location of existing open space in the vicinity of the proposal.

There are five levels of contributions for parks and open spaces in line with current planning policy these consist of:

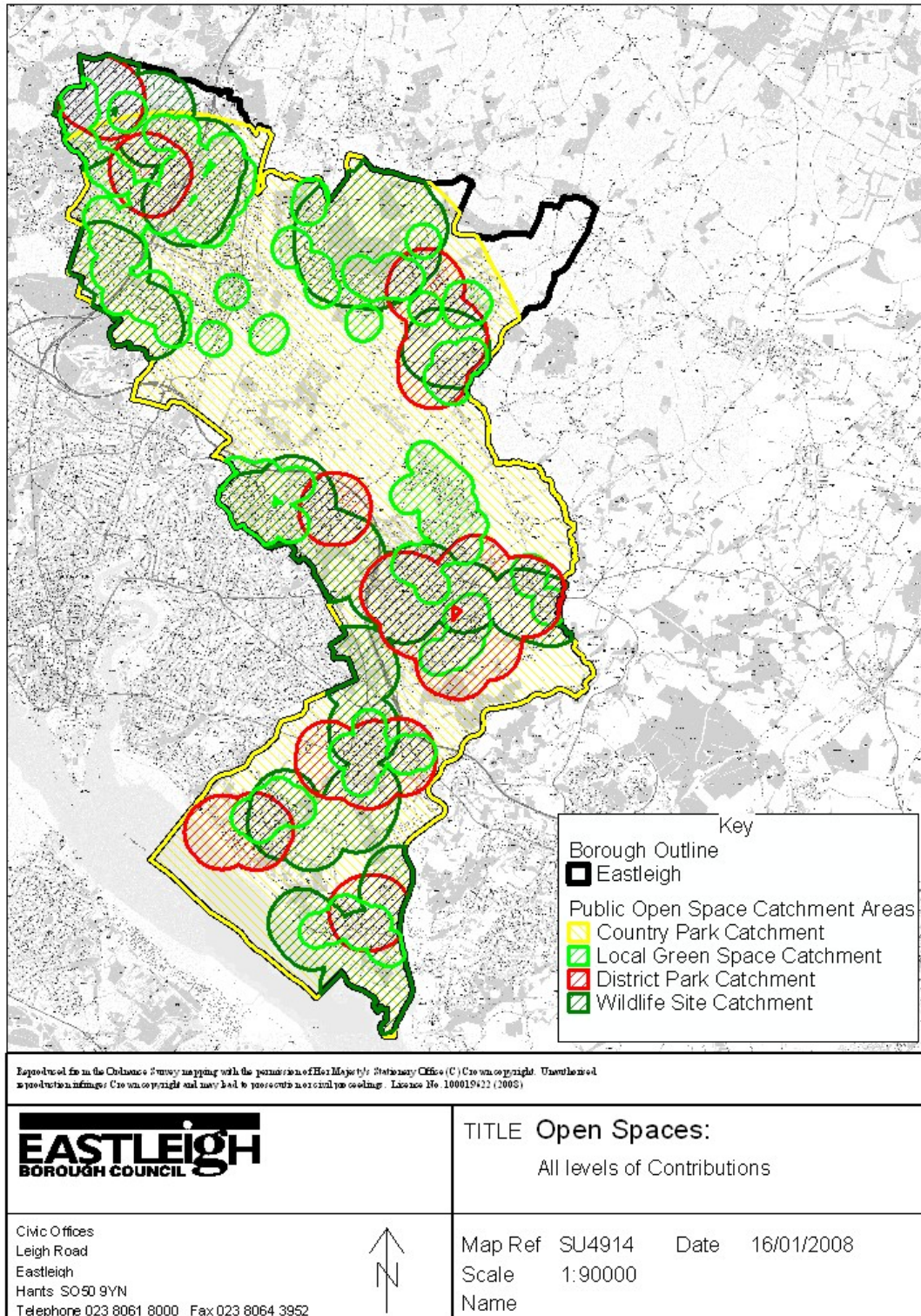
- A standard charge for all development
- A contribution for Wildlife sites
- A contribution for District Green Spaces (which includes playing fields)
- A contribution for Country Parks
- A contribution for Local Green Spaces

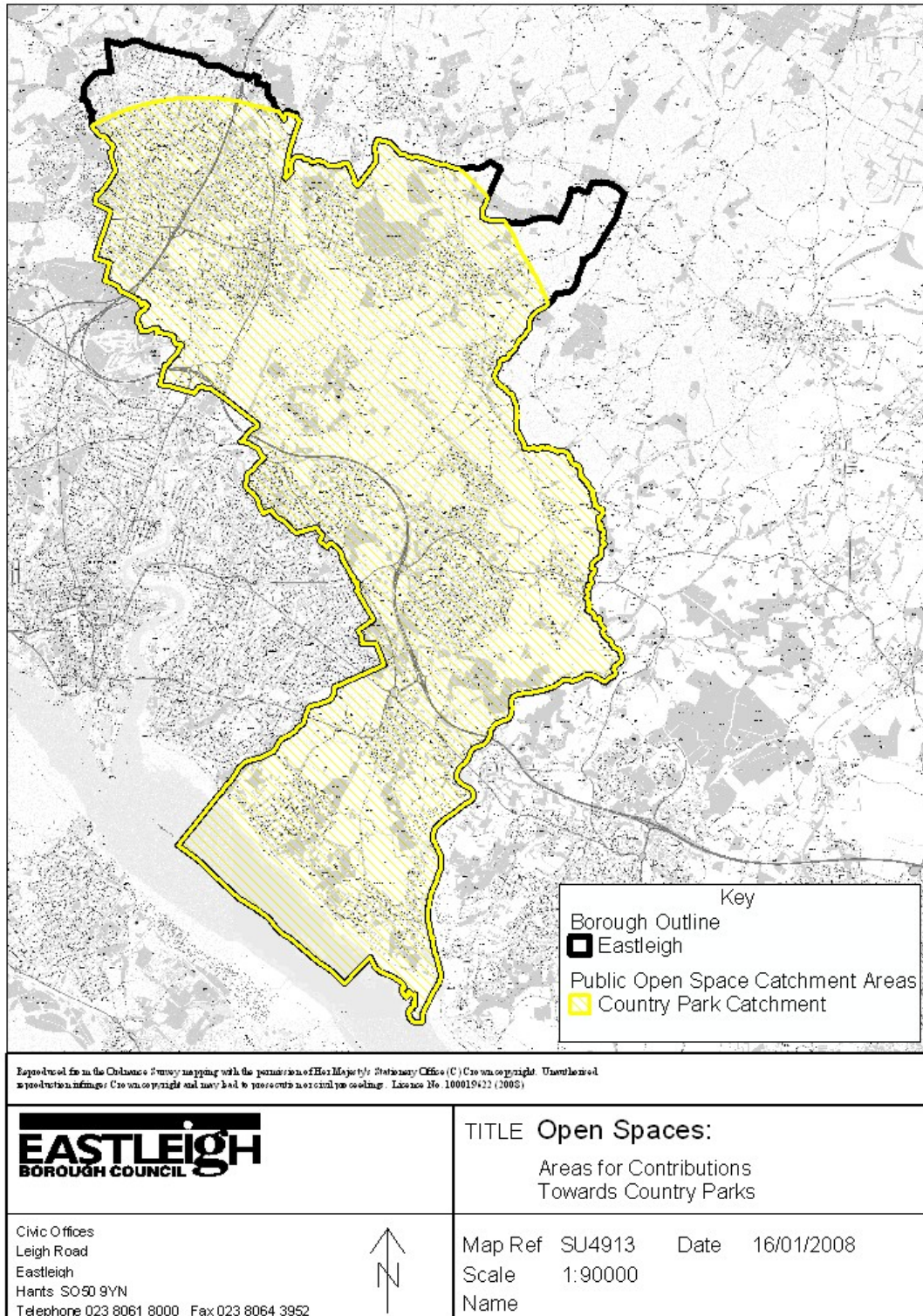
The level of contribution will vary depending on the location of the development within the Borough and the level of accessibility to open space. Contributions for Country Parks will be required towards the continuing management and enhancement of the existing County Parks and may be required for an additional Country Park as illustrated within the PUSH Green Infrastructure strategy (2007). The standard charge will cover existing site maintenance and future provision will be negotiated on an individual site basis if the site is located outside of the Country Park zone.

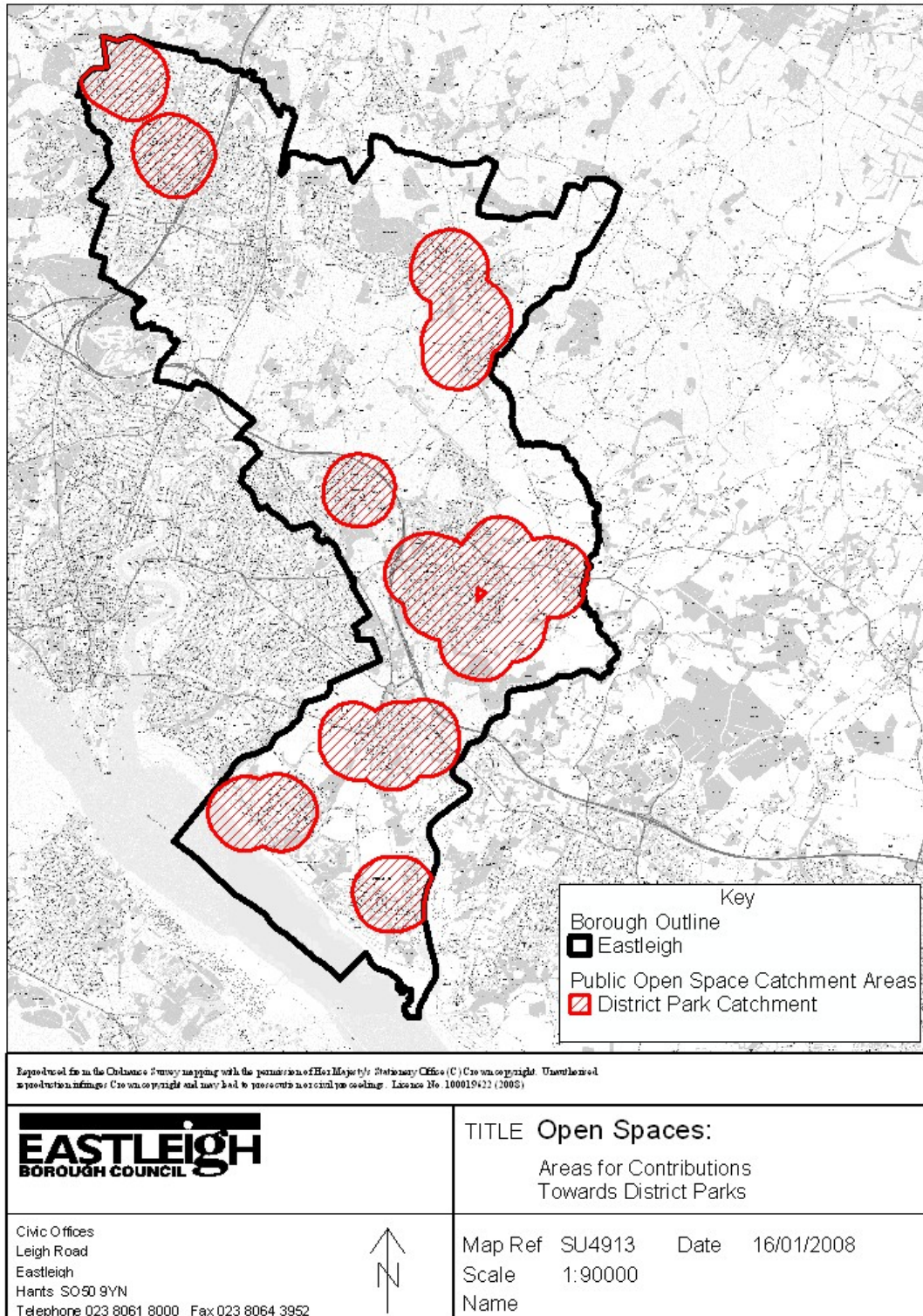
The following tables set out the figures required for Open Space provision using the zoning system. A more detailed break down of this table can be found in the background paper.

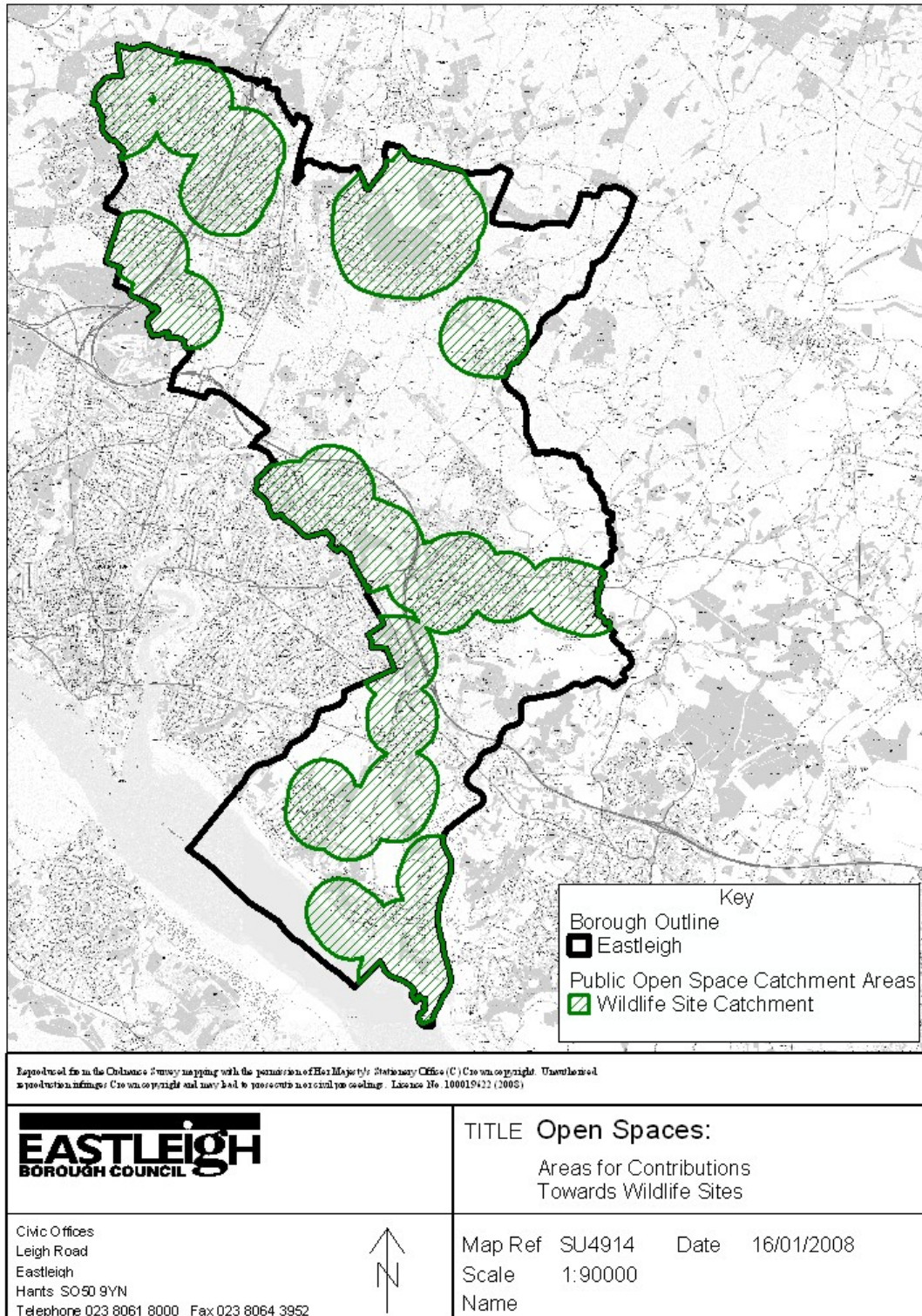
	Base Contribution	District Park (which includes playing fields)	Local Green Space	Wildlife site
1 bed	£494.10	£907.07	£162.63	£55.85
2 bed	£560.35	£1028.68	£183.77	£63.35
3 bed	£725.05	£1331.04	£237.98	£81.96
4 bed	£988.93	£1815.47	£324.54	£111.65
4+bed	£1,153.63	£2117.83	£378.57	£130.34

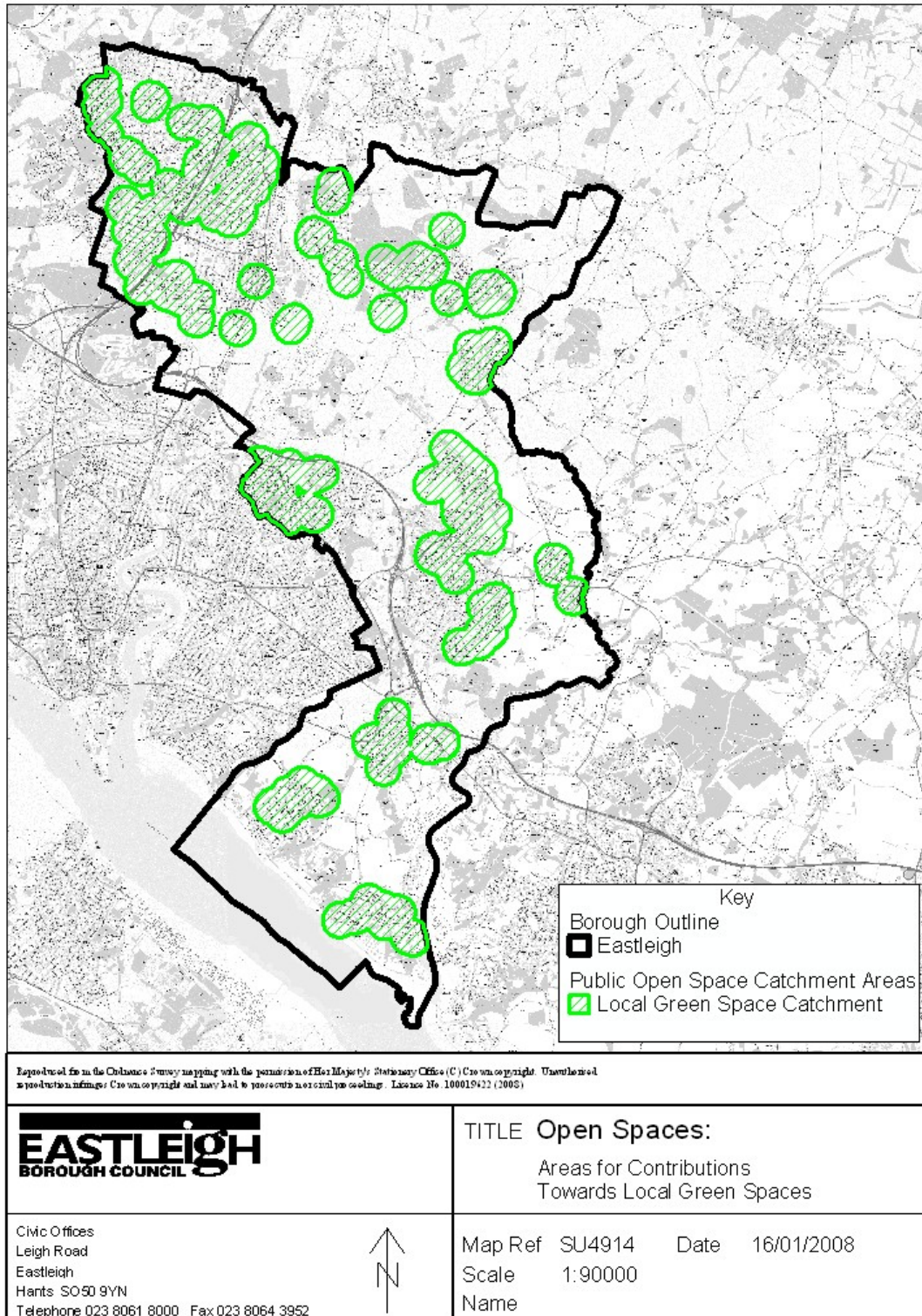
The maps illustrating spatially the areas to which each level of contributions applies these are outlined below:











5.7 References

Audit Commission: *Improving Performance on Section 106 Agreements*, August 2006

DCLG *Planning Policy Statement 3: Housing 2000*.

Eastleigh Borough Council: *Borough of Eastleigh Transport Strategy (BETS)*,

Eastleigh Borough Council: *Borough of Eastleigh Cycling Strategy 2006-2011*

Eastleigh Borough Council: *Climate Change Strategy and Action Plan*, 2007

Eastleigh Borough Council: *Community Safety Plan 2004*

Eastleigh Borough Council: *Corporate Strategy 2007*

Eastleigh Borough Council: *Community Investment Programme Strategy 2006/7 to 2010/11*

Eastleigh Borough Council: *Crime and Disorder Reduction Strategy 2005-2008*

Eastleigh Borough Council: *Eastleigh Town Centre Action Area Plan, Issues and Options* March 2007

Eastleigh Borough Council: *South Hampshire Strategic Employment Zone Action Area Plan, Issues and Options*, March 2007

Eastleigh Borough Council: *Eastleigh Borough Local Plan Review 2001-2011*, May 2006

Eastleigh Borough Council: *Eastleigh Town Centre Strategy*, 2003

Eastleigh Borough Council: Local Plan Background Paper: *Public Open Space and Sport*, March 2002

Eastleigh Borough Council: Local Plan Background Paper *Section 106 Agreements for Training Measures and 'Start-up' Business Units*, October 2001

Eastleigh Borough Council: *Local Development Scheme*,

Eastleigh Borough Council: *Percent for Art: Guidance for Developers 2007-2010*

Eastleigh Borough Council: *Public Arts Strategy 2007-2010*

Appendices

Eastleigh Borough Council: *Sport & Recreation Strategy for the Borough of Eastleigh, 2002 – 2007*

Eastleigh Borough Council: Play strategy and action plan 2007 – 2017

Eastleigh Borough Council: Parks and green spaces strategy (draft)

Eastleigh Borough Council Housing needs survey update 2004

Partnership for Urban South Hampshire Housing Market Assessment 2006

Eastleigh Borough Council: *Supplementary Planning Guidance: Biodiversity*, 2003

Eastleigh Borough Council: *Tourism Strategy, April 2003 - March 2006*

Eastleigh Borough Council: *Wild About Eastleigh - A Biodiversity Action Plan*, May 2002

Eastleigh Strategic Partnership: *Eastleigh Borough Community Plan*, June 2004

Government Circular 05/2005: *Planning Obligations*, Office of the Deputy Prime Minister 2005

Government Department of Communities and Local Government *Code for Sustainable Homes*

Government Planning Policy Guidance Notes and Statements 1 – 25, various dates and Supplement to PPS1 Planning and Climate Change Dec 07.

Hampshire County Council Highways Development Control: *A New Approach to Calculating Transport Contributions in Hampshire*, September 2007

Hampshire County Council: *Developers Contributions towards Children's Services Facilities*, May 2007

Hampshire County Council: *Hampshire County Structure Plan, 1996-2011 Review*, September 2000

Hampshire County Council: *Hampshire Local Transport Plan, 2006 – 2011*

Hampshire Primary Care Trust: *H10W Consultation Paper on Developers Contributions for Primary Care Health Infrastructure*

Partnership for Urban South Hampshire (PUSH): Green Infrastructure Strategy 2007

Appendices

Ixia, *Public Art and the Planning System and Process in England. Guidance on a Supplementary Planning Document for Public Art*, July 2007

NHS: A Guide to the NHS for Local Planning Authorities 2007

Regional Planning Guidance Notes 9: The South East, March 2001

South East England Regional Assembly: *Draft South East Plan*.

South East England Regional Assembly *Draft South East Plan Implementation Plan and sub regional Investment Framework*.

Sport England: *Planning Policies for Sport*, 1999

Sport England: *Providing Sport and Recreation through New Housing Development – Good Practice Guide*, 2001

Transport for South Hampshire statement 'Towards Delivery' April 2008

Various local authority adopted SPD on planning obligations

5.8 Contacts

- Regeneration and Planning Policy Unit
02380 688061
Or
localplan@eastleigh.gov.uk

- Development Control Unit;
 - Northern Team
02380 688266
 - Southern Team
02380 688350
 - Major Applications Team
02380 683357
 - Planning Obligations Coordinator
02380 688446
 - Planning Obligations Administrator
02380 683355Or
planning@eastleigh.gov.uk

