

27th November 2024

CIL COMPLIANCE SCHEDULE

Land to the West of Cobbett Way, Botley

Appeal Reference: APP/W1715/W/24/3350858

Planning Application Reference: O/23/96432

REQUIRED OBLIGATION	PROVISION IN AGREEMENT FOR DELIVERY	POLICY BACKGROUND	CIL COMPLAIAANCE Reg.122	COMMENTS
PART 1 – EASTLEIGH BOROUGH COUNCIL				
AFFORDABLE HOUSING				
35 % On-site affordable housing 12 (11.9) units 65% rented and 35% low-cost home ownership	35% of the total number of dwellings shall be Affordable Housing Dwellings and built as part of the Development, with a tenure mix of 35% for low-cost home ownership and 65% for affordable rent, as set out in the draft S106.	Policy DM28 Eastleigh Borough Local 2016-2036 Paragraphs 34 and 63 of the NPPF (Dec 2023) Eastleigh Borough Council's Affordable Housing SPD (December 2023)	Necessary – Affordable housing is essential to deliver a mix of housing to meet the needs of the community. The site is a mix of size and tenure properties to contribute to the district wide need. The mix of 35% affordable housing and a split of 35% for low-cost home ownership and 65% for affordable rent will seek to create a sustainable community that can meet a range of different housing requirements. Directly Related – Affordable housing is to be provided on site as an integral part of the development and contributes to the strategic housing need for EBC.	To ensure the provision of a mixed development meeting the needs of the local community.

			Fair and Reasonable – Affordable housing is both reasonable and appropriate to mitigate the impact of the development and provide additional affordable housing required by EBC.	
ON SITE OPEN SPACE				
On-site open space commuted maintenance sum: £127,261.92 per hectare (index linked Apr 2023) On-Site Open Space Supervision Fee: £9,544.64 per hectare (Apr 2023) ie - 7.5% open space commuted maintenance sum On-site shortfall contribution (if any): • £892.40 per 1 bed Dwelling • £1,012.06 per 2 bed Dwelling • £1,163.23 per 3 bed Dwelling • £1,786.12 per 4 bed Dwelling	Contributions to be paid in accordance with triggers within the S106. Prior to the Commencement of the Development a specification for the layout landscaping and maintenance of the On-site Open Space shall be submitted to the Council for approval. All On-Site Open Space to be provided prior to the 17th dwelling occupation. Following completion of the laying out of the On-Site Open	Policy DM33 Eastleigh Borough Local Plan 2016-2036 requires open space provisions to meet the needs arising from the development. Planning Obligations SPD Background Paper 2008 provides details for the calculations for the relevant requirements. Paragraph 102 of the NPPF (Dec 2023).	Necessary – Open space is necessary for achieving good design and providing recreational opportunities for the residents of the Dwellings. The Council calculates the requirement for open space for any given combination of dwelling sizes in a development scheme on the basis of 2.85 hectares per 1,000 population, (which equates to 28.5 square metres of space per person). Directly Related – Open space directly relates to the development of the community and is to be provided as an integral part of the development. Fair and Reasonable – Open space is proportionate given the nature of the development.	Open space land to be transferred to and managed by Eastleigh Borough Council. On site open space includes formal open space, landscape buffers and SuDS.

£2,083.59 per 5+ bed Dwelling (index linked Apr 2023)	Space Land in accordance with the approved specification to the reasonable satisfaction of the Council, the Owner shall maintain these areas to the satisfaction of the Council, for a period of 12 months. Defects properly identified by the Council shall be made good by the Owner. On the expiry of the 12-month maintenance period, subject to a satisfactory final inspection by the Council the Owner shall transfer the On-Site Open Space Land to EBC.			
OFF-STE OPEN SPACE & PLAY AREA CONTRIBUTION				
Public Open Space & Play Provision Base Contribution	Contribution to be paid in accordance with the triggers in the S106 Agreement.	Policy DM33 Eastleigh Borough Local Plan 2016-2036 requires open space provisions (including play areas) to	Necessary – Off-site play provision is necessary for providing recreational opportunities and enhancing health and wellbeing for the residents of the dwellings,	

• £892.40 per 1 bed Dwelling • £1,012.06 per 2 bed Dwelling • £1,163.23 per 3 bed Dwelling • £1,786.12 per 4 bed Dwelling £2,083.59 per 5+ bed Dwelling (index linked Apr 2023) Public Open Space (Local Green Space) Charge • £293.73 per 1 bed Dwelling • £331.91 per 2 bed Dwelling; • £429.82 per 3 bed Dwelling; • £586.16 per 4 bed Dwelling; • £683.74 per 5+ bed Dwelling (index linked from Apr 2023)		meet the needs arising from the development. Planning Obligations SPD Background Paper 2008 provides details for the calculations for the relevant requirements. Paragraph 102 of the NPPF (Dec 2023).	including children. A contribution is required towards the management and enhancement of existing play provision due to the proposed increased use the housing development will result in. The standard charge is a basic charge towards maintaining, enhancing and improving all categories of off-site open space, including teenage provision and sports pitches. Further charges are then applied depending on which zone the proposed development is located within. 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 young children to play within 300 metres of home (straight line distance) without having to cross a main road. This site fails to accord with this and as such the contribution is required to enhance existing provision or make new off-site provision for younger children. Directly Related – Residents of the development will use and	
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			benefit from enhancements to local open space and play provision. Fair and Reasonable – Contributions to open space and play provision are proportionate given the nature of the development.	
PUBLIC ART				
Public Art Contribution: £300 per unit (index linked Apr 2009)	Contributions to be paid prior to commencement of development.	Policy DM1(k) Eastleigh Borough Local Plan 2016-2036 requires the provision of public art associated with new large-scale development in accordance with the Council's adopted Public Art Strategy as EBC recognises the contribution of the arts to the quality of life of its residents and to environmental quality. Planning Obligations SPD Background Paper 2008 Public Art Strategy 2023 - 2028 https://www.eastleigh.gov.uk/media/13203/public-art-strategy-2023-2028.pdf	Necessary – Public Art contributes to the quality of life of residents and produces high quality developments and spaces and supports community development to foster links between existing and new communities, leading to increased sense of ownership in public areas Directly Related – With the scale of this Development many residents would benefit from Public Art Fair and Reasonable – It is both reasonable and appropriate to provide such contribution towards the project for Public Art within the area	
SOLENT RECREATION MITIGATION PARTNERSHIP				

Solent Recreation Mitigation Partnership Contribution • 1 bedroom property £465 • 2 bedroom property £671 • 3 bedroom property £875 • 4 bedroom property £1029 • 5 bedroom property £1207 towards the Solent Recreation Mitigation Strategy “Bird Aware Solent Strategy” (index linked 1 Apr 2024)	Contributions to be paid prior to commencement.	Policy DM11 Eastleigh Borough Local Plan 2016-2036 requires contributions from residential development within 5.6km of the Solent Special Protection Area to the Solent Recreation Mitigation Strategy (in accordance with Natural England guidelines). Partnership for South Hampshire Solent Disturbance and Mitigation Study for Solent SPA and the Hamble estuary 2017. The Conservation of Habitats and Species Regulations 2017 (as amended). Paragraphs 185 and 187 NPPF (Dec 2023) The Partnership of South Hampshire local authorities, along with Natural England, the Royal Society for the Protection of Birds, Hampshire and Isle of Wight Wildlife Trust, and	Necessary – The mitigation is necessary for the protection of the SPA as many residents from the Development are likely to be using the SPA. Directly Related – The scale and location of the Development means that the residents are likely to use the SPA frequently, so the contribution is required to mitigate the impact of the use by the residents. Fair and Reasonable –It is both reasonable and appropriate to mitigate the impact of the development on the SPA in the Borough of Eastleigh.	Appropriate Assessment as part of the consideration of the application is required which must include these contributions which are increased annually on 1 April.
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		Chichester Harbour Conservancy form part of the Bird Aware Solent initiative https://solent.birdaware.org/about-us which seeks to establish and implement measures to mitigate cumulative recreational disturbance of birds within the Solent and Southampton Water Portsmouth Harbour and Chichester Langstone Harbour Special Protection Area (SPA). The Council adopted the Solent Recreation Mitigation Strategy in December 2017. The Strategy aims to prevent bird disturbance from recreational activities through a series of management measures which encourage all coastal visitors to enjoy their visits in a responsible manner. It enables a housebuilder to make a monetary contribution for the strategic mitigation of recreational pressures		
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		that would otherwise occur over a wide area, instead of needing to provide bespoke mitigation themselves.		
COMMUNITY INFRASTRUCTURE				
Community Infrastructure Contribution • £1,625.51 per 1 bed Dwelling; • £1,842.24 per 2 bed Dwelling; • £2,492.44 per 3 bed Dwelling; • £3,251.01 per 4 bed Dwelling; • £3,792.96 per 5+ Dwelling Index-linked (Apr 2023) Towards the provision of ¹: • Windows at Botley Market Hall, High Street - £9,000 • Renovations at Botley Market Hall, High Street - £24,000 • Mortimer Rd car park improvement - £10,000 • Bull Close Allotment Site Maintenance Works - £15,000	Contributions to be paid prior to commencement of development.	Policies S11, DM36 and DM38 Eastleigh Borough Local Plan 2016-2036 require developers to make arrangements for or contribute to the improvement of any infrastructure, services, facilities or amenities necessitated by the development proposed. Costs and calculations in the Planning Obligations SPD Background Paper. Paragraphs 28, 34, 96 and 97 of the NPPF (Dec 2023)	Necessary – the Development requires additional Community Infrastructure to be provided in order to mitigate the impact from the increased demand for local facilities from the new residents and increased use of public spaces. Directly Related – the projects highlighted in the Community Infrastructure Contribution are directly related to the Development as they are nearby local facilities likely to be used and enjoyed by the new residents. Fair and Reasonable: It is considered that the payment of a Community Infrastructure Contribution is fair and reasonable.	Due to the proximity of the site, residents from the Development are highly likely to use the facilities, but the increased demand will require additional capacity works.

¹ Please refer to appendix 1 for more details

• Footpath Work - Pudbrook open space with western link to Brook Lane - £20,000 • Enhancement Works - Pudbrook open space with western link to Brook Lane - £18,000 • Pudbrook open space with western link to Brook Lane - £12,000				
HEALTHCARE				
Healthcare Contribution £20,006 (£588 per dwelling) (index linked Dec 2023). This will go towards increase patient infrastructure capacity at the Hedge End Medical Centre or The Living Well Botley Surgery. This may be done through reconfiguration of either surgery or the contribution may be pooled towards a future Hedge End Health Hub which may also include out of hospital care possibly transferred and funded from Moor Green Hospital.	Contributions to be paid prior to commencement of development.	Policy DM36 and Policy DM38 Eastleigh Borough Local Plan 2016-2036 require developers to make arrangements for or contribute to the improvement of any infrastructure, services, facilities or amenities necessitated by the development proposed. Paragraphs 20, 34 and 96, 97 of the NPPF (Dec 2023).	Necessary – the Development requires additional healthcare facilities to be provided in order to mitigate the impact from the increased demand for local facilities from the new residents. Directly Related – the contribution would go towards increasing GP capacity in the local area, directly related to the increased demand from the proposed development. Fair and Reasonable: it is considered that the payment of a Healthcare Contribution is fair and reasonable.	Contribution as per response from NHS Hampshire and Isle of Wight Local Planning Engagement Team dated 14 December 2023.
Air Quality Monitoring	Contributions to be paid prior to	Policy DM8 of the Eastleigh Borough Local	Necessary – The development would result in additional traffic	This contribution

Air Quality Monitoring £100 per dwelling (base figure) (index linked). The proposed development is located in close proximity to Botley Air Quality Management Area (AQMA 4) in which vehicles associated with the use will be travelling within.	commencement of development.	Plan 2016-2036 requires developments to mitigate pollution impacts from new developments, including air pollution. Paragraphs 109 and 192 of the NPPF (Dec 2023).	passing through an Air Quality Management Area, which will require monitoring. Directly Related – The requirement for air quality monitoring is directly related to the increased level of traffic generated by the development. Fair and Reasonable: It is considered that the payment of a contribution to enable the monitoring is fair and reasonable.	has been calculated by Eastleigh Borough Council (EBC) Environmental Health team. Air quality monitoring Eastleigh Borough Council
NEW FOREST INTERIM STRATEGY				
New Forest Mitigation £2,200 per dwelling (index-linked 1 Dec 2022)	Contributions to be paid prior to commencement.	Policy DM11 Eastleigh Borough Local Plan 2016-2036 The Conservation of Habitats and Species Regulations 2017 (as amended). Paragraphs 185 and 187 NPPF (Dec 2023)	Necessary – The provision is necessary for the protection of the New Forest SPA as many residents from the Development are likely to be using the SPA. Directly Related – The scale of the Development means that the residents are likely to use the SPA frequently, so the contribution is required to mitigate the impact of the use by the residents. Fair and Reasonable –It is both reasonable and appropriate to mitigate the impact of the development on the New Forest SPA in accordance with advice from Natural England.	This contribution has been calculated using the tariff set in the Council's report December 2022: (Public Pack)Agenda Document for Cabinet, 08/12/2022 18:30

PART 2 – COUNTY COUNCIL				
EDUCATION – OFF SITE PROVISION				
Primary Education £207,290 (BCIS All in TPI March 2022 - 340) Towards the additional school places proposed as part of the future expansion of Botley Church of England Primary School; to accommodate the additional children generated from this development. Secondary Education Nil	Contributions to be paid as follows: • 25% prior to commencement • 50% prior to the occupation of 10 dwellings • 25% prior to occupation of 20 dwellings	Policy DM36 and Policy DM38 Eastleigh Borough Local Plan 2016-2036 require developers to make arrangements for or contribute to the improvement of any infrastructure, services, facilities or amenities necessitated by the development proposed. Planning Obligations SPD and background paper HCC Policy statement: “Developers’ Contributions towards Children’s Services Facilities”, March 2022 Paragraphs 20, 34 and 99 of the NPPF (Dec 2023)	Necessary – The development creates additional demands on educational facilities within Eastleigh Borough. Directly Related – Education provision off site directly related to the schools in the area and scale of this development. The additional school places are directly related to the children who will be living on this development site. Fair and Reasonable – Off site education provision and contributions are considered to be reasonable and proportionate to mitigate the impact of a development of this scale.	This contribution has been calculated by Hampshire County Council (HCC) Children Services team². The proposed development is expected to generate a total of 10 additional primary age children and 7 secondary age children.
HIGHWAYS – OFF SITE PROVISION				
Highways Contribution £139,314 (index-linked Feb 2024) Towards:	Payment prior to commencement of development.	Policy DM13 Eastleigh Borough Local Plan 2016-2036 requires contributions towards transport infrastructure	Necessary – In order to mitigate the impact of additional trips by residents the contribution will be used to mitigate the impact of the development by reducing congestion and encouraging	This contribution has been calculated by Hampshire County Council

² Please refer to Appendix 2 for the Education response in full.

• Bus Service subsidisation for busses serving the site; • Bus shelters and Real Time Information at the local bus stops; • Traffic Management measures on Botley Road to encourage Botley By-Pass usage; • Pedestrian and cycle improvements in the locality of the site and/or on routes to key destinations.		and/or the provision of highway works. Paragraphs 34 and 114 NPPF (Dec 2023)	travel by sustainable modes. The primary schemes listed aim to make it easier for pedestrians and cyclists, assisting in the promotion of sustainable travel in line with the NPPF which may otherwise be lacking. Directly Relates - Offsite improvements directly related to the cumulative impact of the development and/or the enhancement of sustainable modes of transport including those serving the development in the wider community of EBC. All schemes are local to the development and will provide both a benefit to the future residents, and mitigation against the additional traffic produced by the development The level of contribution is directly related to the site because it is calculated on the basis of cost estimate values of the agreed improvements to mitigate the development impact. Fair and Reasonable – the contribution is fairly and reasonably related in scale and kind to the development site as it is based on the additional impact of the	(HCC) Highways team. It is not anticipated that the development itself as a standalone entity will have a significant impact on the local highway network, however, in conjunction with other development in the area it would be anticipated that highway improvement measures will be required in the local vicinity to both mitigate and improve the highways and associate infrastructure for the benefit of both future
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			development proposal on the local transport network. The Hampshire County Council Transport Contributions Policy has been used to calculate the level of transport contributions associated with mitigation and improvement schemes, with reductions being made should a lack of appropriate schemes to justify the contribution be found.	residents and existing users. The listed schemes were identified by Hampshire County Council. Guidance-PlanningObligations-and-DeveloperInfrastructureContributions.pdf
TRAFFIC REGULATION ORDER				
Traffic Regulation Order Contribution £10,000 (index linked Feb 2024) Improvement scheme for the give way markings on Brook Lane	Prior to commencement of development.	Policy DM13 Eastleigh Borough Local Plan 2016-2036 requires contributions towards transport infrastructure and/or the provision of highway works. Paragraphs 34 and 114 NPPF (Dec 2023).	Necessary – It is necessary to ensure that parking arising from the development does not have an adverse impact on the safety of the highway network within or in the vicinity of the Development. Directly Related – The Contribution is directly related to the Site as it would be used to mitigate any adverse impacts of on-street parking arising from the development on the highway network within or in the vicinity of the Development. Fair and Reasonable - it relates to the provision of one TRO for traffic management.	The Traffic Regulation Order (TRO) Contribution only covers the cost of one TRO, so it is appropriate for it to be paid in one instalment.

OTHER				
Nitrate Mitigation	A mitigation package addressing the additional nutrient inputs arising from the Development shall be submitted to, and approved in writing by, the Council (the 'Approved Mitigation Package') Mitigation to be in place prior to occupation.	Policy DM11 Eastleigh Borough Local Plan 2016-2036 The Conservation of Habitats and Species Regulations 2017 (as amended). Paragraphs 185 and 187 NPPF (Dec 2023)	Necessary – The provision is necessary to mitigate the impact of nitrates from the development on the SPA. Directly Related – The scale and type of the Development means that there would be a significant impact on the SPA if not mitigated Fair and Reasonable –It is both reasonable and appropriate to mitigate the impact of the development on the SPA	

APPENDIX 1 - COMMUNITY INVESTMENT PROGRAMMES – Hedge End, West End and Botley

<u>Project</u>	<u>Proposal</u>	<u>Funding needed</u>	<u>Location</u>
Windows at Botley Market Hall, High Street	Replacement of windows.	£9,000	Botley
Renovations at Botley Market Hall, High Street	Renovation works to the clock and tower.	£24,000	Botley
Mortimer Rd car park improvement	Improve aspect to front onto High Street/ Mortimer Road - gateway/ fencing/ landscape scheme, including drop kerbs	£10,000	Botley
Bull Close Allotment Site Maintenance Works	Replacement of boundary fencing and gates/ locks at Bull Close is required for security of site.	£15,000	Botley
Footpath Work - Pudbrook open space with western link to Brook Lane	Development of footpath routes up to Lovers Lane. New footpath required due to erosion by nearby stream. Both public footpath and BPC-owned path require work. Including rid existing footpath of water retention capabilities.	£20,000	Botley
Enhancement Works - Pudbrook open space with western link to Brook Lane	Install interpretive panels/new signage/kissing gates and enlarged pond (repairs required).	£18,000	Botley
Pudbrook open space with western link to Brook Lane	Create a link to Brook Lane via new footway connection to rear of recreation ground and secure open space.	£12,000	Botley

APPENDIX 2 – HAMPSHIRE COUNTY COUNCIL - EDUCATION CONSULTATION RESPONSE (18th October 2024)



Children's Services Department
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Hampshire SO23 8UG

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Enquiries to Amanda Vaughan

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Date 18/10/24

My reference

Your reference

E-mail strategicplanningunit@hants.gov.uk

Dear

Application No: O/23/96432 - Outline planning
Site Address: Land to the West of Cobbett Way, Botley
Description: Development of the site for up to 34 dwellings

Thank you for consulting Hampshire County Council as Local Education Authority on the above planning application, which has been passed to me for comment.

The proposed development of 34 dwellings is expected to generate a total of 10 additional primary age children and 7 secondary age children. This is based on a figure of 0.3 primary age children per new dwelling and 0.21 secondary age which, was derived by conducting demographic surveys of developments that have been completed within Hampshire and calculating the average number of primary and secondary age children on those developments.

The development site is served by Botley Church of England Primary School. This primary school is currently full and has no places available to cater for the additional children that will be yielded from this development. Additional school places are proposed as part of the future expansion of Botley Church of England Primary School therefore, to accommodate the additional children generated from this development, a contribution is required. This is based on the provision of an additional 0.5 form of entry. The required primary contribution is £207,290 (BCIS All in TPI March 2022 - 340).

Director of Children's Services
Stuart Ashley



Providing an outstanding service to children and families

The development site is served by Deer Park Secondary School in Hedge End. The Secondary School has capacity for the additional 7 secondary pupils. The required secondary contribution is £0

The County Council has used recent past projects to derive costs for the proposed expansion/s – details and a explanation can be found in the County Council's Developers Contributions Guidance using the following link:

<https://documents.hants.gov.uk/education/DeveloperContributionGuidanceDocument.pdf>

In summary, a contribution towards the future expansion of Botley Church of England Primary School. Without the expansion of the primary school, it will not be possible to accommodate the children from this development. The level of contribution being sought is based on the number of children expected to be living on the development and the expected cost of accommodating these children at the catchment primary school and therefore is fairly and reasonably related in scale and kind to the development. This information is supported by the County Council's 'Planning for School Places Guidance Document' which sets out the methodology for assessing the impact of development on education infrastructure.

Recommendation

The County Council, as Local Education Authority, raises no objection to the planning application subject to:

The applicant entering into a section 106 agreement to secure a contribution of £207,290 (BCIS All in TPI March 2022 - 340) towards the future expansion of Botley Church of England Primary School in order to mitigate the impact of the development on educational infrastructure and ensure that sufficient school places are provided to accommodate the additional children expected to be generated by the development.

Without the provision of a contribution towards the provision of additional school places the County Council, as Local Education Authority, would object to the proposal on the grounds that the impact on the existing infrastructure cannot be sufficiently mitigated and therefore the development is unacceptable in planning terms.

Yours faithfully,

On behalf of the Director of Children's Services