

Guidance on Planning Obligations and Developer Infrastructure Contributions

Part 1: Introduction and guidance overview

December 2023

Summary

- This document sets out the County Council's approach to seeking contributions towards County Council services and infrastructure where there is a demonstrable impact on that service, or infrastructure created by new development which needs to be addressed.
- This Guidance can be used to ensure that infrastructure and services provided by the County Council are taken into account as development proposals and strategies are developed. It sets out the legal, policy and planning context in which the County Council may seek planning obligations and the mechanisms by which it may do so.
- It has been formally approved by the County Council as a non-statutory policy document.
- This introduction and overview (Part 1) is supported by detailed guidance on individual County Council service areas (**see parts 2-9**), including contact details for further information. The individual Guidance documents are provided as an online web-based resource and will be updated as required.

Infrastructure topic	Scope of the guidance	Email contact
Part 1 - Strategic Planning & Infrastructure (Guidance overview)	Background and practical guidance on securing and spending contributions	Developer Contributions (Spatial Planning) spatial.planning@hants.gov.uk developer.contributions@hants.gov.uk
Part 2 - Specialist housing	Primarily extra care accommodation to address unmet needs	Adult Services / Supported & Extra Care Housing extracare@hants.gov.uk
Part 3 - Children's Services Facilities	Education provision including new schools, extension to schools and provision for those with Special Educational Needs & Disabilities	Strategic Planning Unit strategicplanningunit@hants.gov.uk www.hants.gov.uk/educationandlearning/strategic-development
Part 4 - Highways & Transport	Assessing and mitigating the impacts of new development on the highway and measures to encourage the use of sustainable transport modes	Highways Development Planning highways.development.control@hants.gov.uk
Part 5 - Countryside, Public Rights of Way & Green Infrastructure	Improvements to Public Rights of Way and the Green Infrastructure network	Countryside Service countryside@hants.gov.uk
Part 6 - Libraries	Contributions towards improving the stock and services on offer at local library facilities and discovery centres	Library Service, Children's Services county.library.hq@hants.gov.uk
Part 7 – Waste Management Infrastructure	Provision for household waste recycling infrastructure to support housing growth	Waste Management (Universal Services) waste.prevention@hants.gov.uk waste.management@hants.gov.uk
Part 8 - Public Health	Advice on how to plan for healthy, inclusive and safe places (cross-cutting)	Public Health public.health@hants.gov.uk
Part 9 - Flood & Water Management	The use of SuDS in new developments and the need for landowners and developers to seek consent for work to Ordinary Watercourses	Flood & Water Management team (Universal Services) fwm@hants.gov.uk

Introduction: Infrastructure Planning in Hampshire

1. Hampshire is one of the largest counties in the country with an estimated population of 1.41 million people in 2020. It is an area of significant growth, with a booming economy and growing housing pressures. Longer term projections (Hampshire County Council POPGROUP forecasting model) suggest that by 2050, the population could exceed 1.78 million; an increase of 26%. The need for supporting infrastructure in Hampshire is essential. Hampshire County Council delivers around 80% of the public services received by Hampshire's population. Providing these services equates to a spend of approximately £2.1bn a year.
2. The term 'infrastructure' can describe new roads, bridges, sewers and schools, as well as the wider range of social and community facilities much valued by local communities such as community and health facilities, libraries, country parks and a range of other facilities which maintain and improve people's quality of life. The delivery of infrastructure and services is likely to continue to be extremely challenging in view of reducing budgets and increasing demands on public services.
3. The County Council's aim is to ensure that necessary infrastructure is delivered at the right time so that development does not have an adverse impact on existing or new communities. This 'Guidance on Planning Obligations and Developer Infrastructure Contributions' (hereafter the Guidance) provides information for new developments within Hampshire, aligned to the National Planning Policy Framework's aim to support sustainable development. The County Council promotes a consistent and transparent approach to infrastructure provision, seeking to ensure development addresses increased demands on, and the need for new, infrastructure provision, and to support sustainable growth within the county.
4. Hampshire is a two-tier area which means often development contributes towards County Council delivered infrastructure (e.g., transport) and local authority infrastructure (e.g., community centres and open space). There are 11 local planning authorities and parts of two National Park Authorities sitting within the Hampshire Boundary. Southampton and Portsmouth City Councils, whilst located within the geographical county of Hampshire, are unitary authorities and will have their own policy and guidance on infrastructure.
5. In terms of the planning system and infrastructure delivery, in a two-tier area, the County Council and the local authorities have different statutory responsibilities. The County Council has responsibility for delivering the majority of the public infrastructure and services on which those developments will rely, which includes:
 - Sustainable travel, highways & transport;
 - Countryside and Public Rights of Way
 - Education & Schools;
 - Waste Management (e.g., household waste recycling centres);
 - Flood & Water Management and Sustainable Drainage Systems;
 - Public health initiatives to improve the health of the population;
 - Specialist housing (adult social care, extra care & supported housing); and
 - Library services.

6. The following infrastructure is typically dealt by the relevant district or borough council in which the development is planned or proposed:
 - affordable housing (which can be funded and delivered as part of commercial housing schemes);
 - leisure and recreation (including open space)
 - community facilities
 - habitat mitigation
7. It is essential that development plans and planning application processes consider the infrastructure and services for which the County Council is responsible, and on which new development relies to provide a high quality, safe and healthy environment for residents and new communities. To assist this, it is important that the County Council is involved in the earliest stages of evidence gathering and policy formulation in order that these important matters are fully incorporated into future plans and decision making across the county. This Guidance can be used as reference point and to inform these discussions.
8. The Guidance is not a statutory planning document, although it provides information to enable both developers and local authority officers and planning committee members to understand the infrastructure cost and requirements likely to be required to mitigate the impacts of development.
9. The Guidance can be used:
 - To inform the preparation of local plans, supplementary planning documents, site-specific planning briefs
 - To contribute towards the evidence required for those local planning authorities that are operating a Community Infrastructure Levy (CIL).
 - To support negotiations with developers and landowners on planning obligations during the process of determining planning applications
 - By landowners and developers to review the guidance on infrastructure mitigation and contributions in considering development costs and viability.
 - By local planning authorities when weighing up and balancing the identified infrastructure requirements with competing requirements and issues when considering planning applications.
10. When using this Guidance, it is important to note:
 - It should not be assumed that compliance with the Guidance will necessarily result in County Council support for development proposals; nor that planning permission will be granted by the relevant local planning authority. The Guidance is not an exhaustive list and the exact requirements for planning obligations will be decided on a case-by-case basis with the individual circumstances of each site being taken into consideration.
 - The County Council will only seek the provision of infrastructure or financial contributions towards its provision where this is justified and appropriate, in accordance with planning principles and legislation.

- The County Council will provide an appropriate justification for each obligation it seeks in line with the legal and regulatory tests (i.e., obligations must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably relate in scale and kind to the development proposed).

11. This Guidance is a useful reference point for information on the County Council's role in:

- The pre-application stage
- S106 legal agreements
- Monitoring of obligations due to be met
- Reporting expenditure of financial contributions
- Infrastructure delivery
- Setting and charging a Community Infrastructure Levy (CIL)

The Planning & Legal Context: Planning Obligations

12. The terms 'developer contributions', 'planning obligations', 'section 106 (s106) agreements', 'section 278 (s278) agreements' and 'Community Infrastructure Levy' (CIL) are means of ensuring that new development is accompanied by the infrastructure necessary to serve it, and such obligations are also known as 'planning gain'. Planning obligations are a mechanism to make otherwise unacceptable development proposals, acceptable to the determining authority.
13. Further guidance on planning obligations is provided in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) and this document does not seek to duplicate national policy and guidance on obligations.
14. This Guidance is intended to support compliance with legislation setting out when planning obligations can lawfully be sought by the local planning authority (notably Regulation 122 of the Community Infrastructure Levy Regulations (2010) (as amended)). For example, guiding local authorities about how developer infrastructure contributions can assist in mitigating the impact of unacceptable development, by demonstrating obligations are directly related to the development, based on evidence of need.
15. The County Council is not a charging authority for CIL. Charging authorities may pass money to other bodies to deliver infrastructure which will benefit the development of their area, and in two tier areas this includes the county council, for example for education infrastructure. National guidance identifies a role for county councils in the CIL process. The NPPG notes (paragraph 014, Reference ID 25-014-20190901) that: "County councils are responsible for the delivery of key strategic infrastructure. Charging authorities must consult and should collaborate with them in setting the levy and should work closely with them in setting priorities for how the levy will be spent in 2-tier areas."
16. Developers (or other planning applicants) may be liable, in many circumstances, to pay CIL charges in CIL charging areas, and also enter into s106 agreements in respect of the same development proposal. To secure contributions towards necessary infrastructure, it is generally the County Council's preference to use s106 agreements, rather than relying on any presumption that funding from CIL collected by local authorities would be available to fund

necessary infrastructure.

17. In Hampshire most local planning authorities operate a levy (CIL). Currently, Eastleigh, Hart, New Forest National Park and Rushmoor local planning authorities do not operate a CIL. In these four authorities, therefore, only planning obligations are sought.
18. As required by the Community Infrastructure Levy Regulation Amendments 2019, all contribution receiving authorities are required to publish an annual Infrastructure Funding Statement (IFS), by 31 December. Hampshire County Council published its first Infrastructure Funding Statement in December 2020 and updates this annually. The IFS provides a comprehensive summary of the developer contributions secured, received, allocated and spent in the previous financial year by Hampshire County Council. The publication of this information is intended to increase transparency as to how this income is utilised to deliver essential infrastructure across Hampshire.
19. Table 1 is extracted from the Infrastructure Funding Statements and illustrates the level of funding negotiated and secured in section 106 agreements in accordance with this Guidance across service areas in recent years.

Table 1 – Sum of developer contributions funding secured through legal agreements by the County Council in previous financial years (source: Infrastructure Funding Statements, Hampshire County Council)

	2019/20	2020/21	2021/22
Total contributions agreed in s106 legal agreements	£4.43m	£5.98m	£12.1m

20. The Levelling Up and Regeneration Act 2023 includes a new Infrastructure Levy which is intended to become the primary mechanism for securing and collecting developer funding for infrastructure. Whilst it is anticipated that section 106 will still be used for larger sites, the Levy will largely replace section 106 and the Community Infrastructure Levy. The introduction of the Infrastructure Levy requires secondary legislation, regulations that will set out exactly how it will operate. The government has indicated that the Levy will be rolled out over a long period of time, hence the need for this guidance to assist with planning obligations in the intervening period.

Evidence for Infrastructure Delivery Plans

21. To assist local planning authorities both in local plan preparation and the determination of planning applications the County Council can provide information on infrastructure needs and planned delivery at a local level. To facilitate this, the County Council has previously produced a Hampshire Strategic Infrastructure Statement. This aims to present information relating to the additional infrastructure needed to support future planned development across the county. It focuses on those types of infrastructure which the County Council and its public sector providers have a role in planning, coordinating and in some instances delivering. See link below to the 2019 Statement which illustrates the infrastructure topics that the County Council can advise on.
22. Local planning authorities are encouraged to contact the County Council for the latest evidence to assist the preparation of Infrastructure Delivery Plans, and this Guidance will be updated to signpost to latest reports and evidence. The County Council's spatial planning team can facilitate collating data to inform the following at the local authority level:

- What is the current capacity, i.e. existing level of use, of a particular piece of infrastructure?
- How much additional development could that infrastructure accommodate?
- What, if anything, needs to be done to achieve that?
- What would be the costs associated with increased provision and how might these be met?
- What is the likely timescale to increase provision?

Practical Guidance on Planning Obligations and Developer Infrastructure Contributions

23. This section provides guidance on:

- How the County Council monitors planning obligations
- Providing advice at pre-application stage about obligations and contributions
- Engagement in assessing and determining planning applications
- Other advice for developers
- Protocols and procedures for s106 legal agreements
- Mitigation and strategic scale developments
- Land, building and contributions in kind

Legal Agreement Fees

24. For section 106 agreements for which the County Council is a signatory, it charges the following fees:

- Legal fee
- s106 monitoring fee
- 'Director's fee' (commonly referred to as a highways development control fee) (where applicable).

25. Depending on the scale of development, the County Council may secure travel plan fees to cover the cost of approval and ongoing evaluation and monitoring by the County Council where a travel plan is required (see Further Information below). A travel plan aims to reduce the number of people travelling by car alone and requires monitoring of its effectiveness. This travel plan monitoring fee is separate and additional to the s106 monitoring fee.

26. A planning obligations monitoring fee is based on the estimated time related to the administration, monitoring, management and reporting of each planning obligation. The monitoring fee is **£650 per individual obligation secured** (including individual contribution instalments where there are phased payments related to triggers). The fee is capped at £10,000 per agreement for 23/24 financial year. The fee amount and cap are kept under annual review.

27. The monitoring fee has been set at a level which covers the reasonable cost of providing the monitoring of obligations across the County Council. It applies to each obligation secured by

the County Council within a s106 legal agreement and will be payable on completion of the legal agreement. The County Council's monitoring fees are separate from any monitoring fees charged by lower tier authorities (district and borough councils) for their respective obligations.

28. The County Council also charges a highways development control fee to contribute towards the staff costs associated with the progression and negotiation of obligations and legal agreements by highways officers. If applicable, the fee is payable alongside the monitoring fee on completion of the legal agreement. The fee is applied on a sliding scale based on a proportion of the value of the financial contribution and/or highway works as follows:

Table 1 Level of Director's fee (highways development control fee) required for Hampshire County Council's management of legal agreements

Value of works and / or contribution	Fee
£0 - £49,000	£900 + 1%
£50,000 - £99,999	£1,100 + 0.75%
£100,000 - £499,999	£1,550 + 0.5%
£500,000 – unlimited	£2,750 + 0.25% (subject to £5,000 maximum)

29. Preparing a draft agreement, negotiating amendments, and executing the agreement requires input from the County Council's Legal Services Department. The County Council will seek to recover its full legal costs from developers by way of a solicitor's undertaking and will also include an obligation within the s106 agreement. Any legal costs incurred are required to be recovered, regardless of whether the s106 agreement proceeds to completion.
30. Additional costs may be sought for the involvement by other officers in the relevant County Council department for time spent negotiating their respective elements of new legal agreements. Monitoring fees and legal costs must be paid by the applicant by completion of the s106 agreement.

Consultations on Planning Applications

31. The NPPF (paragraph 38) highlights the importance of early engagement in improving the efficiency and effectiveness of the planning application system for all parties. The County Council welcomes early discussions with developers, either separately, or as part of any pre-application discussions with the local planning authority, to help identify and resolve key issues and potential impacts on County Council services and infrastructure before planning applications are submitted.
32. Further guidance on the means of engaging with individual County Council departments in pre-application discussions, and what level of service developers can expect from those departments, are set out in the Guidance (parts 2-9).
33. The County Council has many interests in planning applications that are dealt with by the lower-tier planning authorities and National Park Authorities within Hampshire. This is both as a local planning authority in its own right, a statutory consultee in key service areas but also as an upper-tier authority, responsible for providing a wide range of infrastructure and services for Hampshire communities.

34. The County Council provides important services on which communities depend and plays a key role in place-shaping across Hampshire. Early engagement by local planning authorities and applicants on development proposals which might impact on County Council services and responsibilities is encouraged. A number of services and responsibilities directly relate to the development and use of land and the early involvement of the County Council in the formation of development opportunities can result in better outcomes for both the development process and local communities.
35. The following topic-specific Guidance (parts 2-9) provides information about when the County Council wishes to be consulted.
36. Planning authorities are encouraged to seek a coordinated response from the County Council as a consultee on planning applications where it is considered useful. For example, consultations on major planning applications can be sent electronically via email to planningconsultations@hants.gov.uk to receive a single, coordinated response from the County Council. This would replace the need to consult statutory consultees directly, as these comments would form part of the corporate response.
37. For clarity, the County Council is a statutory consultee in respect of its roles as a local highway authority, lead local flood authority and as a local planning authority. Legislation sets out which planning applications the County Council needs to be consulted on in respect of these statutory roles.
38. The County Council's response may advise the local planning authority:
 - how the development would impact on strategic infrastructure and services;
 - how planning obligations will assist in mitigating the impact of unacceptable development to make it acceptable in planning terms;
 - any opportunities to enhance existing or provide new infrastructure and services; and
 - how the development and any need for mitigation would help achieve sustainable development and place-shaping objectives.
39. The County Council will only seek planning obligations where they accord with the CIL Regulations (as this relates to the use of planning obligations) and relevant planning policies. All consultation responses to planning applications regarding the requirements to potentially secure a planning obligations will be in accordance with this Guidance.
40. Section 106 agreements are drafted when it is considered that a development will have impacts that cannot be managed by means of conditions attached to a planning decision. Section 106 agreements are often necessary when financial contributions are required- this is because planning conditions cannot require the payment of money or other consideration when granting planning permission.
41. Where planning obligations are sought by the County Council, it will provide the necessary justification to demonstrate that the anticipated impact by the development cannot reasonably be accommodated within existing infrastructure and that the obligations sought meet the requirements of the CIL Regulations. Examples of planning obligations that the County Council seeks include:
 - financial contributions towards providing new infrastructure, or improving or expanding existing infrastructure where appropriate;
 - the delivery of works of improvement on the highway;

- the dedication of land to the public as public highway;
 - the direct provision of services, land, and buildings; and
 - payments towards ongoing maintenance and service delivery costs (i.e. commuted sums in the highway context).
42. The local planning authority is responsible for considering the County Council's advice against other material planning considerations and the compliance of the application with the development plan. The local planning authority must consider whether the infrastructure contributions sought are reasonable and accord with the requirements of the CIL Regulations, in addition to balancing the viability of the development against the infrastructure requirements.
43. In situations where developers seek to challenge the County Council's requested contributions on viability grounds, the County Council's expectation will be that the developer should provide an 'open-book' independent financial viability assessment before it will consider modifying its standard requirements (see below). That assessment should clearly demonstrate the individual financial assumptions and calculations that have been made and should clearly show that the reason for the developer claiming a lack of viability is not because they have paid too much for the land (NPPG Viability Guidance).
44. In cases where a local planning authority does not accept or pursue the County Council's request for contributions, the County Council would expect to be notified with the reason(s) and provided with an opportunity to address the issue in a timely manner.

Development Viability

45. Local planning authorities are required to take care that the combined impacts of seeking the totality of planning obligations (whether secured through s106, s278 or CIL) does not adversely impact on development viability.
46. The NPPF (paragraph 58) and NPPG make it clear that, once assessed through the local plan process, contributions from development should be assumed to be viable. It is the responsibility of developers to engage in that process to ensure they accurately reflect real world considerations. The price paid for land is **not** a justification for failing to accord with policies in the local plan.
47. The County Council will work with local planning authorities at the plan-making stage to ensure that the required infrastructure and services are factored into viability assessments to ensure that allocated sites and local plans in their entirety are deliverable. In order to assist with this process, the County Council's Spatial Planning team will work with local authorities to identify the potential pressures from planned future development on existing infrastructure and services operated by the County Council and partner organisations, and the measures likely to be necessary to mitigate that pressure.
48. Developer contributions sought by the County Council at the planning application stage are assumed to be affordable and deliverable without adversely affecting the viability of development, unless developers can demonstrate otherwise, having followed the principles set out in the NPPF and PPG, to the County Council's satisfaction.
49. There may be circumstances where flexibility is required to enable schemes to be delivered which are demonstrably marginally viable. For example, there may be scope to collect contributions in instalments or to phase payments later in the development process.

50. Where viability is demonstrated to be an issue, the County Council requests that a review mechanism is included in a s106 requiring periodic viability assessments throughout the life of the development as set out in the NPPG Viability Guidance.

Legal Agreements

51. If a s106 agreement is required, the County Council and the local planning authority will agree obligations with the developer covering matters such as:
- Payment (amount, timing) of financial contributions;
 - How to use financial contributions and any land required for specific purposes;
 - Placing contributions received in interest bearing accounts; and
 - Returning unused contributions after an agreed period. This is ordinarily ten years but is dependent on the complexity and size (phasing) of the development.
52. The County Council will be a signatory to s106 legal agreements which contain obligations relating to services which are its responsibility. Being a party to a s106 agreement enables the County Council to directly monitor and enforce obligations.
53. The County Council will collaborate with local planning authorities to ensure that drafting can be progressed in a timely manner.
54. In most cases, the developer or local planning authority will provide a first draft of the legal agreement containing the clauses required to deliver the requested obligations. The County Council will then add any clauses necessary to secure obligations in respect of its statutory interests.
55. Once completed, the s106 legal agreement will be recorded by the local planning authority on the planning register, as land charges and may be registered against title at the Land Registry. Both the County Council and the local planning authority will then monitor compliance with the agreement.
56. Under section 106 of the Town and Country Planning Act 1990 (TCPA 1990), a person with an interest in land can enter into a planning obligation either with the agreement of the Council or through a unilateral undertaking.
57. This standard document is a unilateral undertaking to pay the County Council a financial contribution. The Council is not a party to the document. Unilateral Undertakings can also arise as a consequence of the appeal process. Whilst not a signatory to a unilateral undertaking, the County Council would ideally and preferably be involved in drafting of the undertaking, to ensure obligation terms are appropriate.

Start dates, phased payments and triggers

58. The triggers for the payment of contributions will generally be linked to commencement of works and/or first occupation. For larger or phased developments, contributions may be payable in multiple instalments and therefore at various occupation milestones, either for the entire site, or linked to progress of specific phases. Triggers for payment will be decided on a case-by-case basis.
59. In some of the larger strategic scale developments, it can be appropriate for cash flow and viability reasons for payments of large financial contributions to be phased. The County

Council will require the last payment to be made well in advance of the development completion, and this will be reflected in the drafting of the legal agreement.

60. Contributions that are not paid by the specific trigger date for payment, may result in the County Council having to borrow funds to forward-fund provision of new infrastructure in advance of the development being fully occupied. To cover this, interest charges are incurred for late payments and each s106 agreement contains a 'late payment interest (LPI)' clause as standard, which allows the County Council to collect LPI on any contributions not paid on time in accordance with legal agreement.
61. The late payment interest charge is usually 4% above the Bank of England base rate and it accrues daily until payment is received. This charge does not replace the cost correction achieved through index-linking and does not form part of the contribution itself. It is non-refundable. It is also important to note that LPI charged on the developer is separate from the interest that is earned on the contribution whilst it remains in the County Council's interest-bearing account after payment is received.
62. The County Council will ensure that contributions are spent in a timely manner to mitigate the impacts of development, and the majority will be spent within ten years of receipt. Where this is not possible financial contributions will be returned in accordance with terms of the legal agreement. For example, in some circumstances the funding needs to be pooled with other contributions and/or infrastructure needs to be delivered at the latter phases of a scheme.
63. Agreements will include clauses stating when funds will be used and allow for their return after an agreed period if they are not used. To date this has typically been a period of ten years and depends on the scale of the development and phasing programme.
64. The County Council may, in consultation with the signatories to the legal agreement, seek to negotiate a variation to the principal legal agreement to ensure that any negative impacts of development continue to be appropriately mitigated.

Payment of financial contributions

65. Once a contribution has been determined it must be future proofed against infrastructure cost inflation, through index-linking. The appropriate index for each type of contribution will be used based on what the funding is secured for, and as advised by the County Council's construction specialists. In each case the indexation must be calculated from date the costing is based, up until the date of payment. Historically, the base date for the indexing of certain obligations was taken as the date the agreement was signed/ or permission was issued.
66. Contributions will be index-linked up until the date of payment in order to mitigate against the increased costs of infrastructure construction therefore. The County Council will calculate the uplifted contribution due.
67. For new building work, the County Council typically index financial contributions to the All-in Tender Price Index of Building Cost Information Services (BCIS) published by the Royal Institute of Chartered Surveyors (RICS), taking into account the Regional Factor for Hampshire at the date of payment. The BCIS also publish forecasted indices which can assist in more accurately estimating the value of future contributions. The school construction costs set out in Part 3 of this Guidance, are updated to the latest BCIS All-in Tender Price Index as guided by the latest National School Delivery Cost benchmarking publication.
68. Contributions payable in relation to the County Council's clauses in a s106 agreement will be paid directly to the County Council, unless otherwise specified. Occasionally it is appropriate that contributions are paid to the local planning authority, and transferred to the County

Council so that the monies can be spent on their intended purpose. The County Council monitors expenditure to ensure that financial contributions secured through s106 planning obligations are spent in accordance with the terms of the legal agreement.

69. In certain cases, there may be instances where s106 monies will need to be transferred to other organisations, such as academies or community groups. Where this occurs, the County Council will enter into a separate legal agreement with the organisation, which specifies the amount to be transferred, terms of use, project details and clawback arrangements to ensure monies are spent in accordance with the terms of the s106 agreement.
70. In circumstances where there is a risk that mitigation works secured in a legal agreement would be delayed, the County Council may request security from the developer, through a bond provider, to protect payment in the event of insolvency.

Land, Building & Contributions In-Kind

71. In some cases, developers may wish to make direct provision of infrastructure rather than financial contributions, or the County Council may require land to be transferred to its ownership under a s106 agreement. Examples of such land transfers could include for provision of new or expanded schools or related facilities, libraries or community facilities, or for land to be dedicated as highway or for transport-related facilities.
72. During pre-application discussions the County Council will work closely with the applicant and the local planning authority to identify potential locations that provide the best location for the infrastructure under consideration. Any land that is intended for public use must be safe and fit for purpose and any costs related to remediation will be borne by the developer.
73. Issues which will need to be examined include:
 - ground conditions;
 - sources of contamination;
 - flood risk; and
 - the proximity of incompatible land uses.
74. When a land transfer is required, the relevant legal agreement would typically include a ten-year option period during which the County Council can require transfer of the land. In some cases, a set trigger in the implementation of the development is agreed for the transfer. In others, additional land may be safeguarded over and above that needed to mitigate the impacts of the development to future-proof the infrastructure provision and enable expansion (e.g., of schools) as necessary. Where this latter approach is followed, a date will be agreed by which any safeguarded land is required to be transferred. The land will in most cases be expected to be provided at a nominal cost of £1. It is important that the agreement is sufficiently flexible on timescales to provide adequate time for the County Council to ensure the best timing for the delivery of the new facility.
75. If the County Council has not entered into contracts to provide the facility for which the land is required within ten years of transfer, (or any other period as agreed depending on the circumstances), then the land will be handed back to the developer. Developers are advised to consider acceptable alternative uses for the site in the event that it is not used as originally intended.

Monitoring and Review of the Guidance

76. This Guidance has set out the County Council's role in the delivery of infrastructure and services to those who live and work in Hampshire and its expectations in terms of the delivery of infrastructure in association with new development.
77. It has set out the legal and policy justification for those expectations and information on the mechanisms and process by which infrastructure and the funding for infrastructure should be provided by developers.
78. While the County Council is a provider of a great many of the services relied upon by Hampshire residents it is not, other than in respect of minerals and waste development or applications that meet the requirements for Regulation 3, a local planning authority or a CIL collection authority. Those roles are performed by the local planning authorities operating at the lower tier across Hampshire. The draft Guidance has been produced to recognise that split in responsibility and to facilitate joint working, collaboration and co-operation between the public authorities and with landowners, developers and all others involved in the development of land to ensure the timely and effective delivery of the new and improved infrastructure made necessary by new development.
79. The County Council will regularly update this Guidance and the individual topic- specific Guidance documents which will be produced separately. The most up to date version of the document will always be placed on the Infrastructure Planning page of the County Council's website. Parts of the Guidance will be added, updated and amended as circumstances require and resources allow. Where edits to the Guidance have been made since its original publication, these will be listed.

Further Information

80. For further information or guidance, please contact either the County Council's Strategic Planning Team on planningconsultations@hants.gov.uk or any of the specific teams via the details provided in the Guidance Parts 2-9.
81. All documents referred to within the Guidance sections are listed in a table at the end under *Further Information*. Hyperlinks included will be kept under review to ensure the information is accessible.

Contact planningconsultations@hants.gov.uk (infrastructure information)
 developer.contributions@hants.gov.uk (planning obligations information)

Infrastructure Funding Statement	Hampshire County Council	www.hants.gov.uk/landplanningandenvironment/developer-contributions	Link checked Nov 2023
Hampshire Strategic Infrastructure Statement.	Hampshire County Council	www.hants.gov.uk/landplanningandenvironment/strategic-planning/infrastructure-planning	Link checked Nov 2023
Population forecasting	Hampshire County Council	www.hants.gov.uk/landplanningandenvironment/facts-figures/population	Link checked Nov 2023
National Planning Policy Framework (updated Sept 2023)	Department for Levelling Up, Housing and Communities	National Planning Policy Framework - GOV.UK (www.gov.uk)	Link checked Nov 2023
National Planning Policy Guidance	Department for Levelling Up, Housing and Communities	Planning practice guidance - GOV.UK (www.gov.uk)	Link checked Nov 2023
Travel plan fees	Hampshire County Council	https://www.hants.gov.uk/transport/developers/travelplans/assessment	Link checked Nov 2023



Guidance on Planning Obligations and Developer Infrastructure Requirements

Part 2: Specialist housing needs

Summary

- The County Council works in partnership with housing and health partners, local planning authorities, service providers and residents to respond to housing needs including accommodation for people with care and support needs.
- This County Council can provide guidance on planning to meet a range of non-mainstream housing needs:
 - Residential and nursing home
 - Younger Adults' Extra Care housing
 - Older Adults' Extra Care housing
 - Supporting living
 - Children's residential care
- Developers and local planning authorities are encouraged to discuss specialist accommodation provision and proposals at an early stage with the County Council's Extra Care team (Adult Services).
- The provision of Extra Care housing to allow individuals' care needs to be met in a housing setting is a County Council priority which underpins its ambitions relating to prevention (of individuals needing care), independence and accommodation. The County Council's focus is on those with the greatest needs and least ability to pay which mean particular emphasis on providing affordable housing (as defined in the NPPF). Extra care housing is needed for both younger and older adults.
- Local planning authorities play a key role in provision through their housing enabling activity and regulatory policies in local plans, allocating sites in local plans which are sufficiently large and able to accommodate a range of specialist, accessible and Extra Care housing needs, and in the decisions they make on planning applications proposing strategic scale development.

Infrastructure Needs & Planning Background

1. The County Council's statutory responsibilities for adult social care are set out in three main pieces of legislation:
 - The Care Act 2014;
 - The Mental Health Act 1983; and
 - The Mental Capacity Act 2005.
2. As the overarching piece of legislation, the Care Act 2014 lays down new

responsibilities and extends existing responsibilities including protecting (safeguarding) adults at risk of abuse or neglect and preventing the need for care and support. Hampshire County Council is the public authority legally responsible for the provision of social care for adults in Hampshire.

3. The Care Act 2014 places a duty on local authorities to ensure that there is diversity and quality in the supply of care providers so that there are enough high-quality services for eligible people to choose from. Local authorities must also ensure that no vulnerable person is left without the care they need. The Care Act moved the focus of care provision from one of providing defined services, to one of 'meeting needs', giving authorities more flexibility and scope to work collaboratively with other services to fulfil these duties.
4. There is also a duty on the County Council to cooperate with other statutory services, including housing and health authorities, to bring forward the aims of the Care Act, including ensuring that people with support needs are adequately and safely housed.
5. The National Planning Policy Framework (NPPF) aims to ensure that the planning system delivers a sufficient supply of new homes to meet identified needs. It requires planning authorities to undertake local housing needs assessments so that the size, type and tenure of housing needed for different groups in the community are properly assessed and reflected in planning policies. Paragraph 62 identifies that these needs should include a range of households types (e.g. families with children); different households needs (e.g. people with disabilities) and specialist needs such as older people whose housing needs may not be met by the housing market.
6. In Hampshire, Local Planning Authorities are continually commissioning and publishing up to date evidence on housing needs, and this guidance should be read in conjunction with those local assessments.
7. National Planning Practice Guidance (NPPG) (last updated 2019) on "Housing for older and disabled people explains why it is important to plan for the needs of older people and those with disabilities. The need to plan specifically for the housing needs of older and disabled people is due to the gradual ageing of the population and the substantial projected increase in the elderly population over the next 20 years, in particular with the over-85 cohort (NPPG, 2019). Older people are defined in the NPPF Glossary as:

"People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs."
8. The provision of appropriate housing to meet the housing needs of disabled people is considered crucial to help them live safe and independent lives. An ageing population will see the numbers of disabled people continuing to increase and it is important we plan early to meet their needs throughout their lifetime.
9. There are different types of specialist residential accommodation for older people which the planning system might help deliver (noting any single development may contain a range of different types of specialist housing):

- Age-restricted general market housing
 - Retirement living or sheltered housing
 - Extra care housing or housing-with-care
 - Residential care homes and nursing homes
10. A Ministerial Statement in May 2023 confirmed that local planning authorities should also consider whether it is appropriate to include accommodation for children in need of social services care as part of their local plan housing needs assessment. The County Council's Children's Services team can advise on the provision of residential care and data forecasting.

Existing Provision: Specialist Housing in Hampshire

11. In 2018, the County Council's Adults Health & Care Strategy identified that the County Council cared for and supported 1,600 people in Council owned and run nursing and residential homes. The County Council currently commissions care in a number of supported living schemes which include a mixture of different housing types. Schemes are owned by Registered (Social Housing) Providers with care provided by Care Quality Commission registered domiciliary care providers who provide 24/7 care and support. The County Council offers a network of care homes, respite and day centres across the county (see *Further Information* below).
12. The Adults Health and Care Strategy 2023 reports that investment in Extra Care housing is enabling 900 people to live where they have the balance of privacy and the support they want, pointing to projects at Romsey, Gosport and New Milton. The County Council has commissioned over 900 Extra Care units (homes) across 20 sites to date. They are either operated by Registered Providers or District, Boroughs and City Councils, with care provided by County Council commissioned CQC registered care providers. These are predominantly 1 bed units, some 2 bed units, with the majority being affordable or social rent. The location of schemes open to people who are eligible for Council commissioned Extra care can be seen in the Hampshire County Council Extra Care Housing webpage (see *Further Information* below).
13. Those older people who are able to self finance their care and support, will have their specialist housing needs met by the privately-run schemes around the County. Information on these schemes can be found on the Elderly Accommodation Counsel (EAC) Housing Care website or via the EAC's 'HOOP' app (Housing Options for Older People).
14. The County Council currently commissions care in 197 Supported Living Schemes which include a mixture of different housing types to accommodate adults with disabilities and complex care needs (2022 figures). Schemes are owned by Registered (Social Housing) Providers with care provided by Care Quality Commission registered domiciliary care providers who provide 24/7 care and support.
15. In terms of accommodation for looked after children (children's residential care), there are five homes which cater for children and young people with long-term needs, and these homes serve the whole County rather than their local area specifically.

Strategic Background

16. An overview of the County Council's strategy in facilitating and commissioning specialist accommodation is set out in the 2023 Adult Health and Care Strategy. Further detail is provided in the Younger Adult Extra Care Housing Brochure (2022), the Older Adults Extra Care Housing Brochure (2022), and the 2021 Physical Disability Services market Guidance (See *Further Information* below).
17. The vision remains unchanged- to help Hampshire residents to live long, healthy and happier lives with the maximum possible independence. The Adult's Health and Care Strategy (2023) explains the County Council's duty of care under the Care Act 2014 to shape the local care market. The County Council is supporting providers to better understand supply and to meet demand especially as more people have control over their own care and support by being self-funders, or through personal budgets strategy of facilitating accommodation-based services and directly operating a suite of residential and nursing homes partly to complement and add to market provision.
18. Alongside investment to modernise and update this accommodation stock, Extra Care Housing schemes are a fundamental and growing component, enabling people with high levels of support needs to live in the community but with care support on site.
19. Certain health conditions can make it very difficult for some people to stay in their own homes regardless of what provision or adaption is made to meet their needs. Accordingly, there is an increasing need for this supported accommodation, such as Extra Care housing both for older and for younger adults and for supported living. Extra care housing can normally be categorised as specifically designed housing for older adults (typically those over the age of 55) and younger adults (over the age of 18) who often may have a pre-existing need, for instance a learning disability. Each category normally has distinct development characteristics and requirements.
20. According to Age UK, Extra Care housing (sometimes called "assisted living") is a type of housing with care which means that a resident retains independence while they can also be assisted with some tasks of day to day living. It offers more support than sheltered housing (which is essentially a private flat in a communal building with communal space, a warden and social activities for residents), but still allows the resident to live independently.

Obligations and Developer Infrastructure Contributions

21. The County Council's responsibility is for the provision of affordable Extra Care housing, normally for affordable or social rent. In delivering Extra Care through the planning system, the objective is to work with district and borough housing enabling teams to achieve a mixed and balanced community. This means taking a broad view of affordable housing, as defined in the National Planning Policy Framework (i.e. housing for sale or rent, for those whose needs are not met by the market. This definition of affordable housing includes low cost home ownership and includes shared ownership homes.

22. Demand remains high for Extra Care schemes commissioned by the County Council, and it is working closely with district and borough councils (as local housing authorities) to ensure schemes best meet local housing and care needs. The County Council works with local authorities and other partners to facilitate and commission specialist accommodation. Its particular focus is the delivery of affordable housing, which the private market is otherwise unable to provide for and where there is evidence of need.
23. The challenge for social care commissioners and housing authorities is providing housing support and care for people in a way which offers choice for younger adults with a disability and ensures the aspirations and needs of an ageing population can be met. Whilst there is a maturing private market for the delivery of specialist accommodation for older people, there often remains an affordability gap for many people (of all ages) who are in need of specialist housing with care. The County Council is therefore developing a new commissioning model to support the market to deliver Younger Adults Extra Care for the future. This seeks to provide accommodation which supports a balance of households, and thus tenure types within a scheme. This type of accommodation tends to be provided in small blocks of flats (or increasingly groups of bungalows) which have space for on-site staff accommodation and communal spaces.
24. The County Council is keen to support people to live in their own homes for as long as possible. This means that, where it is physically feasible, all new housing needs to be 'future-proofed' in terms of being suitable or readily adaptable to be able to meet future mobility and other needs. The provision of accessible homes as part of the general housing stock can help meet the County Council's priority of promoting independence by ensuring that living environments are not disabling to residents. Accessible homes can support independence of any member of society, irrespective of age, who may have a temporary or permanent mobility impairment. The County Council will be supportive of local planning authorities setting policy targets to achieve this aspiration in local plans where this can be shown to be practical and viable and supported by evidence of local need.
25. Hampshire Local Planning Authorities are responsible for securing contributions from developers towards affordable housing, as well as balancing the housing market of all groups, including housing for older people and those with disabilities. The Local Planning Authorities may require that specialist housing (namely Extra Care accommodation) is required as part of development proposals where there is evidence of need. For example, section 106 legal agreements have been signed with local planning authorities and developers on five major housing sites delivering predominantly open market housing (Wellesley, Berewood, Welborne, North Whitely, and Kings Barton) to ensure the provision of Extra Care housing for older adults as part of the affordable housing requirement. These developments will deliver approximately 300 units in total across the five sites.
26. To meet specialist housing needs, providing affordable specialist housing in the community rather than private sector provision, is better for the resident, offering more choice and affordability. The location of an Extra Care development is a key determinant of its success and schemes would ideally be accessible to a range of key services, ideally including local shops, GP surgeries and access to public transport.

27. These schemes where the County Council commissions care are subject to eligibility criteria. They require potential residents to be both on the relevant local authority's housing register and to have eligible care needs as assessed by the County Council. The County Council and local housing authorities can support the drafting of Obligations.
28. Delivery is normally through a Registered Provider agreed with the County Council and planning authority. Due to the specialist nature of the housing type, most developers prefer to transfer serviced land to the County Council (for £1), which then leads the procurement of a Registered Provider to develop the scheme. The care provided within the Extra Care scheme will be procured by the County Council to ensure the delivery of care 24 hours a day, 7 days a week.
29. In negotiating the terms of a section 106 agreement, the County Council will seek on-site provision as part of affordable housing element for older adults as agreed with the local planning and housing authorities. For Extra Care Housing for Older Adults, schemes will typically comprise 60-80 flats, although in some areas needs may be higher and so schemes may be larger. A scheme size of 60 units is normally considered to be the minimum to achieve development and operational viability. Land take should normally be at least 1ha depending on scheme size and local design requirements.

Assessing needs and calculating demand

30. It is not possible to forecast exactly how many people will need Extra Care Housing in Hampshire in the future, but an estimated 20 flats per 1,000 people aged 75 and over has been used as the demand ratio within Hampshire and to inform Local Plans. The County Council's demography team can provide data on population forecasts by age (see table 1 for example) (see *Part 1* of this Guidance).

Table 1 Hampshire (total districts) forecast population by age and gender 2022-2029 (aged 55 years and above) (source: www.hants.gov.uk/landplanningandenvironment/facts-figures/population/estimates-forecasts)

	2022	2025	2029
Male 55+ years	243,623	256,874	271,369
Female 55+ years	275,556	290,667	307,000
TOTAL	519,179	547,541	578,369

31. As noted above, the NPPF requires local planning authorities to undertake assessments of the needs for all forms of housing (including specialised forms of housing for the elderly and disabled populations) as part of the evidence base under-pinning local plans. These assessments of need come in the form of Strategic Housing Market Assessments (SHMAs). Accordingly, the County Council will encourage local planning authorities to make full provision in local plans for the needs of older adults based on information

evident in their SHMAs, including details of how the needs identified will be met.

32. The County Council will continue to seek appropriate planning policies in local plans to both enable Extra Care housing development and to require provision as part of significant residential planning permissions.
33. The County Council is currently in the process of developing a new needs assessment model which takes account of demographic forecasts, social care data and socio-economic information. It is intended that this will complement the SHMAs and related assessments produced by local planning authorities. In the meantime, the County Council will look to work with local planning authorities, developers, Registered Providers and market providers of extra care accommodation to ensure needs are met.
34. The County Council encourages early engagement with local planning authorities and developers on schemes that include residential care provision or specialist accommodation to advise on needs locally. Local Planning Authorities in Hampshire are responsible for securing contributions from developers towards general needs affordable housing, as well as balancing the housing market of all groups, including housing for older people and those with disabilities.
35. Due to the variation in projects identified to meet specialist needs by geographic area, the Extra Care housing team will assess each development site on a case-by-case basis and use current demographic information and needs assessments to support any reasonable contribution towards a particular project. In some circumstances, smaller development sites may benefit from seeking Extra Care provision, because of the location or suitability of the development site itself, and/ or the localised needs and priorities. Notwithstanding scheme size, it must be acceptable to the local housing and planning authorities to provide this type of affordable housing in preference to other types of (general needs) affordable housing.
36. In seeking to enable new Extra Care housing schemes, a mixed affordable tenure scheme will be agreed between the Registered Provider and local housing authority dependent on meeting local needs and to support scheme delivery. Of the proportion of Extra Care homes to be provided within a development scheme, the County Council normally seeks a mix of unit sizes e.g 70% 1-bed units and 30% 2- bed units. The exact mix to be sought will also need to be informed by local needs, the location and characteristics of the site, and financial viability of the overall scheme, as agreed with the relevant local housing authority.
37. For Extra Care housing for younger adults, the key considerations are the provision of suitable schemes that will meet the accommodation needs of people with learning disabilities, physical disabilities or people with mental health issues. This accommodation may or may not fall into the category of affordable housing. This form of housing normally consists of one-bedroom self-contained flats together with a communal space and on-site staff accommodation. The number of flats in a single scheme is ideally between 8 – 12 units, with ground floor flats being designed to be accessible to individuals who are wheelchair users. On site care is normally commissioned on a 24/7 basis by the County Council from a Care Quality Commission registered care provider. The housing provision and landlord function is normally by a Registered Provider (of Social Housing, regulated by the

Regulator of Social Housing). Schemes will require on-site parking at a ratio of one parking space per resident to take account of staffing requirements and safe, secure and accessible outside space. Account will be taken of existing supply in determining the need for additional schemes.

38. The County Council's development team can provide further guidance about the expected design standards (including parking) for specialist housing schemes (Extra Care).

Further Information

Contact extracare@hants.gov.uk

National Planning Policy Framework	Department for Levelling Up, Housing & Communities	National Planning Policy Framework - GOV.UK (www.gov.uk)	Link checked Nov 2023
National Planning Policy Guidance	Department for Levelling Up, Housing & Communities	Planning practice guidance - GOV.UK (www.gov.uk)	Link checked Nov 2023
Ministerial Statement (23 May 2023) by Rachel Maclean MP – Minister of State for Housing and Planning	Department for Levelling Up, Housing & Communities	https://questions-statements.parliament.uk/written-statements/detail/2023-05-23/hcws795	Link checked Nov 2023
Hampshire County Council Adult Social Care Services	Hampshire County Council	https://www.hants.gov.uk/socialcareandhealth/adultsocialcare	Link checked Nov 2023
Hampshire County Council Adults Health and Care Strategy (2018)	Hampshire County Council	https://democracy.hants.gov.uk/documents/s14587/Adults%20Health%20and%20Care%20Strategy%20final.pdf	Link checked Nov 2023
Hampshire County Council Adults Health and Care Strategy (2023)	Hampshire County Council	www.hants.gov.uk/socialcareandhealth/adultsocialcare/strategy-market-position	Link checked Dec 2023
Hampshire County Council Older Adults' Affordable Extra Care Parking Guidance (April 2020)	Hampshire County Council	www.hants.gov.uk/socialcareandhealth/adultsocialcare/professionals/extra-care	Link checked Nov 2023
Hampshire County Council care homes, respite and day centres	Hampshire County Council	www.hants.gov.uk/socialcareandhealth/adultsocialcare/care-homes	Link checked Nov 2023

Hampshire County Council Extra Care Housing Schemes	Hampshire County Council	www.hants.gov.uk/socialcareandhealth/adultsocialcare/extracarehousing/councilschemes .	Link checked Nov 2023
Younger Adult Extra Care Housing Brochure (2022)	Hampshire County Council	https://documents.hants.gov.uk/adultservices/market-position-statements/Extra-Care-Younger-adults-Brochure-2022.pdf	Link checked Nov 2023
Older Adults Extra Care Housing Brochure (2022)	Hampshire County Council	https://documents.hants.gov.uk/adultservices/market-position-statements/Extra-Care-Older-adults-Brochure-2022.pdf	Link checked Nov 2023
Physical Disability Services market Guidance (2021)	Hampshire County Council	https://documents.hants.gov.uk/adultservices/AHC-MPS-Physical-Disabilities.pdf	Link checked Nov 2023
Assisted Living Homes & Extra Care in Hampshire	EAC Housing Care	https://housingcare.org/elderly-uk-assisted-living-extra-care-housing/area-1-hampshire	Link checked Nov 2023
Housing Options for Older People (HOOP) Tool	EAC Housing Care	https://hoop.eac.org.uk/hooptool/	Link checked Nov 2023



Hampshire
County Council

Guidance on Planning Obligations and Developer Infrastructure

Part 3: Children's Services Facilities (Education Provision)

Summary

- The County Council has a statutory duty to ensure the provision of sufficient school places to meet identified needs. This Guidance will be used as a basis to negotiate planning obligations towards facilities in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
- The County Council will work in partnership with local planning authorities, landowners and developers to ensure that the County Council is able to meet its statutory obligations as Local Education Authority (LEA).
- The County Council undertakes regular school places forecasting to predict the level of new provision which will be required to meet the needs of new development.
- This planning process calculates anticipated pupil yields from new development based on recent experience in Hampshire and forecasts the range of new provision likely to be required, taking into account existing pressures and spare capacity in local catchments.
- This Guidance will be kept under review in the context of local and national policy changes and updated forecast data and build cost advice.

Infrastructure Needs & Planning Background

1. The County Council has a statutory duty as local authority for education (LEA) to promote high standards of, and fair access to education and a general duty to secure the sufficiency of school places. It also has statutory duties regarding free early education, childcare, the need to secure provision for children with Special Educational Needs and Disabilities (SEND) and sufficient education and training provision for young people with an Education, Health and Care Plan (EHCP) plan up to the age of 25.
2. The County Council has a Strategic Development team which plans the provision of school places across the county and produces an annual School Places Plan. The County Council needs to ensure an appropriate number of school places exist in all educational sectors across Hampshire focusing on specific geographical areas with shortfalls and high surpluses. These facilities include primary and secondary schools, provision for children with special educational needs and disabilities (SEND), early years facilities to support young children and their families and the provision of post- 16 facilities. See weblinks at the end of this chapter for further information.
3. Local authorities have a duty to secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment, for children aged 0-14 or up to 18 for children with disabilities. Local authorities are also required to secure sufficient childcare places to enable parents to take up their funded Early Years Education entitlements. Early Years education and childcare is a key factor in improving outcomes for young children.
4. Hampshire County Council has a responsibility for providing sufficient school places under the Education Act 1996. This Act places a statutory duty on the County Council to ensure there is a strong supply of good school places available to meet demand. It is the County Council's role to plan, commission and organise school places in conjunction with the Regional Schools Commissioner in a way that promotes the raising of standards, manages supply and creates a diverse educational infrastructure. The County Council is also responsible for ensuring fair access to educational opportunity and promote diversity and parental choice.

5. The Department for Education publishes guidance on securing developer contributions for education. The latest version (2023) is online (see *Further Information* below) and is non-statutory. The guidance promotes good practice on evidencing development impacts, engaging with local planning authorities, and delivering expanded or new facilities with funding from housing development. Hampshire County Council is satisfied that it follows the best practice as recommended by the DfE, unless local factors determine that a different approach is more appropriate. The DfE guidance is clear that it is not intended to replace local approaches.
6. The County Council has a statutory duty to secure sufficient suitable education and training provision for all young people in their area who are over compulsory school age but under 19 or aged 19 to 25 and for whom an Education, Health and Care (EHC) plan is maintained. To fulfil this, local authorities need to have a strategic overview of the provision available in their area and to identify and resolve gaps in provision.

Existing Education Provision in Hampshire

7. As a result of strategic planning for schools, the county hosts popular and highly successful infant, junior, primary, 11-16 and 11-18 schools as well as 4-16 schools and the largest post-16 college sector in the country.
8. The planning and provision of additional school places is an increasingly complex task which models growing populations, inward migration, and new housing developments. Individual schools, subject to status, now have greater autonomy regarding admission numbers and decisions surrounding school expansions, adding further complexity to the role the County Council must undertake.
9. Hampshire continues to experience a significant pressure for places across certain areas of the county as high birth years work their way through the school years, and new housing is built across the county (over 45,000 dwellings 2021 to 2028). There are also areas where trends suggest that pupil numbers are starting to fall, and these are closely monitored and effectively managed when required.
10. Around 21,000 children under five are accessing funded Early Years Education across Hampshire, with 37,000 funded and non-funded children aged under five in total accessing childcare. In the County Council, Services for Young Children produce childcare market sufficiency annual reports and updates. These reports provide information about changes in the childcare market, such as childcare closures and early years education take-up.
11. The educational offer to children with Special Educational Needs (SEND) includes resourced provision within mainstream schools. Special schools are different from mainstream schools and may have various different designations. Very specific accommodation is required to meet the specialist and often complex needs of individuals.
12. There are 36 post -16 providers based in Hampshire: 7 secondary schools with sixth forms; 13 further education and sixth form colleges; and 16 apprenticeship and training providers.

Strategic Background

13. Information on the County Council's approach to school place planning is set-out in the Hampshire School Places Plan 2023 to 2027. The School Places Plan sets out the

identified need for extra mainstream school places and is updated annually. The County Council collects data on the historical and current uptake of places in all schools that are maintained by the Local Authority. This data along with other linked information, primarily birth and housing data, is used to forecast school places across the County.

14. The National Planning Policy Framework (NPPF) (2023) requires that planning policies and decisions aim to achieve healthy, inclusive and safe places which provide for social facilities and services the community needs, including a sufficient choice of school places to meet the needs of existing and new communities. Local planning authorities should “give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications” (paragraph 95).
15. Wherever possible, children with Special Educational Needs and Disabilities (SEND) are educated in mainstream schools. For some specific needs, it is appropriate to provide additional resources and to provide places in special schools or in a resourced provision attached to a mainstream school. The Government published its Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan in March 2023. There is also a Hampshire County Council SEND school places strategy (2018 – 2023) (see *Further Information* below). The updated Hampshire County Council SEN Sufficiency Strategy is due to be published in Spring 2024 and this will address the long-term sufficiency of specialist SEND places.
16. The Education and Skills Act 2008 has increased the age of compulsory participation in education or training to 18 years old. Hampshire Futures is the County Council’s Education and Participation Service, and monitors the destination of young people after they leave school. The Department for Education has published statutory guidance for local authorities when exercising its functions relating to the participation of young people in education or training.
17. The Childcare Act of 2006 Section 6 places a duty on English local authorities to secure sufficient childcare for working parents. Section 7 also places a duty on local authorities to secure early years provision for young children in its area, free of charge and in accordance with the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014.

Obligations and Developer Infrastructure Contributions

18. The County Council regularly sets out three-year plans of improvements to schools and new schools in its Children’s Services capital programme. For expansion and new school projects, a significant proportion of these schemes are planned to be funded with developers’ contributions.
19. The County Council is continuing to lead the national study to benchmark the cost of schools across the country. This study is endorsed by the DfE and provides invaluable information on the ‘true’ complete cost of providing school places. This evidence is being used to benchmark value for money for Hampshire schools to ensure sufficient funding for the provision of additional pupil places across Hampshire.
20. In line with the National Planning Policy Framework (NPPF) and Regulation 122 of the Community Infrastructure Regulations 2010 (as amended), the County Council will seek developer contributions towards delivery of Children’s Services facilities, required as a direct consequence of development. The County Council will work in partnership with local

planning authorities to negotiate contributions with applicants and should be involved at all stages of the planning process.

21. Developer contributions towards new school places should provide both funding for construction and land where applicable, and the County Council should be a signatory to any s106 agreements to enable it to collect contributions. In some local planning authority areas, education infrastructure may be funded fully or partially by Community Infrastructure Levy (CIL) funds, in order to mitigate the impacts of development.
22. Local Planning Authorities should consult the County Council on planning proposals relating to a development of 10 or more eligible dwellings (an eligible dwelling comprises of two or more bedrooms excluding those specifically for elderly persons). This consultation should take place when sites are allocated in local plans and when planning applications are received. This should also be part of pre-application/ scoping discussions so that developers are aware of the potential requirement for contributions from the outset.
23. Developer contributions are sought based on a formulaic approach which models the potential pupil yield arising from a proposed development, and the need to provide additional school places (either through the provision of new schools or extensions to existing schools). The increased demand for spaces translates to a school size requirement based on how many classes there would need to be in each year group to meet the anticipated (modelled) need. For example, a single-form-entry school will have one year 1 class, one year 2 class etc only. A three-form entry school would have three year one classes, three year 2 classes etc.

Table 1 Indicative contributions sought for New Primary Schools (March 2022 figures)

Size of School (form-entry)	Total Cost	Cost/pupil
1fe (210 places)	£6,207,312	£29,559
1.5fe (315 places)	£6,879,980	£21,841
2fe (420 places)	£8,606,394	£20,491
3fe (630 places)	£12,258,138	£19,457

Table 2 Indicative contributions sought for extensions to existing Primary Schools (March 2022 figures)

Size of expansion (form-entry)	Total Cost	Cost/Pupil
0.5fe (3 classrooms)	£1,865,568	£20,729
0.5fe (4 classrooms)	£2,505,470	£20,879
1fe	£4,368,902	£20,804

24. Table 2 above illustrates school expansions which are 0.5 form entry (either 3 or 4 classrooms) or extension to accommodate an increase of 1 form entry. Where the expansion requires a different number of additional classrooms, the indicative cost is £621,870 per classroom which includes any changes required to existing infrastructure, the equivalent of £20,729 per pupil place. Where there is a requirement to expand both an infant and junior school to accommodate the anticipated yield from a development, then the cost could be

significantly higher.

25. Where the number of pupils from a development is less than would be required to sustain an additional teaching space, the contribution will be calculated on a pro-rata basis.
26. Indicative contributions sought for new secondary schools are shown below in Table 3. Whilst it is only in exceptional circumstances that a school larger than 9 forms of entry would be required, it should be noted that depending on the scale of development, the costs would be determined as required.

Table 3 Indicative contributions sought for new secondary schools (March 2022 figures) (the cost of schools larger than 9 forms of entry will be determined as required)

Size of School	Total Cost	Cost/Pupil
5fe (750 places)	£20,405,146	£27,207
6fe (900 places)	£23,764,033	£26,404
7fe (1,050 places)	£27,122,920	£25,831
8fe (1,200 places)	£30,481,807	£25,402
9fe (1,350 places)	£31,870,224	£23,608

Table 4 Indicative contributions sought for extensions to existing secondary Schools (March 2022 figures)

Size of expansion	Total Cost	Cost/pupil
1fe (150 places)	£4,903,753	£32,692
2fe (300 places)	£9,807,506	£32,692

27. Where the expansion requires additional secondary classrooms (other than an expansion of 1fe or more) the cost is £980,760 per teaching space which includes any changes required to existing infrastructure, the equivalent of £32,692 per pupil place.
28. For developments over 500 eligible dwellings, an assessment will be made of the need to secure additional accommodation for pupils with SEND from the development at an appropriate local school and will be subject to an assessment of the individual situation. Special school provision across the County is already at capacity. Based on the Department for Education Building Bulletin 104, a special school pupil requires in the region of four times the area of a pupil in mainstream provision. The cost per pupil for providing a special school place is therefore estimated at approximately four times the build cost of mainstream provision. Costs for an additional classroom, to cater for up to 8 SEND pupils, will be based upon the primary age costs, i.e. £621,870 and will be located at the most appropriate local school, potentially outside of the development site boundary.
29. The County Council has a duty to ensure that there is sufficient provision for Early Years Education and childcare (although not normally as a provider). New housing developments can result in local pressures within the existing childcare market where further capacity is required to support families moving into new homes. For new housing developments the

County Council has taken the position to seek to secure sites for childcare development and / or childcare provision either within community buildings or the like through the site masterplanning process, or through the expansion of an existing childcare setting where this is appropriate. The phasing and delivery of facilities will be sought at timings appropriate to the build out of homes (usually early in the development and at the same time as any school development).

30. To support post-16 provision, developers may be asked to create and deliver an Employment and Skills Plan (ESP) in order to achieve social and economic objectives relating to education and skills, in accordance with guidance set by the Construction Industry Training Board (CITB) National Skills Academy for Construction (NSAFC), Client-Based Approach (or equivalent).
31. The County Council may also require the developer to make a capital contribution towards the development of additional post-16 education and skills provision in support of the Local Education Authority's statutory duty for sufficiency, post-16. The yield for the post-16 sector should be based on a factor of 0.06 per dwelling (see Table 5 below). The latest Department for Education guidance (2023) on securing contributions advises that expansions to Further Education colleges are unlikely to be funded through planning obligations, but local planning authorities may allocate Community Infrastructure Levy (CIL) funds for strategic expansion or enhancement of these facilities for a growing regional or sub-regional population. The DfE advises that sixth form places provided within secondary schools will cost broadly the same as a secondary school place (see Tables 3 and 4 above).

Assessing needs and calculating demand

32. To calculate demand for school places the County Council assesses the capacity of schools in the area, as relevant to the proposed development location. This indicates whether additional capacity will be required to cater for the demand arising from planned residential development. Developers should contact the Strategic Planning Unit to discuss the needs arising from their development. Contact details are provided below.
33. Where additional demand is not anticipated to require a new school, it is expected that a new development will be served by the nearest schools, which may require expansion. Not all unfilled places in a school are surplus places and some margin of capacity is necessary to allow parents' choice given that there will be volatility in preferences from one year to the next and to allow for differences in the size of individual cohorts. The County Council's position is that a school should be considered as full when it has less than 5% of its places unfilled.
34. Where the need for a new school is identified, specifically to meet basic need, then section 6A of Education and Inspections Act 2006 places LEAs under a duty to seek proposals to establish an academy (free school) via the 'free school presumption' process. The LEA is responsible for ensuring the site for the new school is provided and all associated capital costs are funded.
35. In some cases where there is sufficient capacity to cater for all, or part, of the additional demand, there may still be a need for additional facilities at a school. Schools which may in theory have spare capacity will be using those spaces for legitimate educational uses such as small group work supporting pupils with special educational needs. Such spaces would need to be re-provided before those classrooms can be brought back into use for general teaching purposes. There may also be factors, such as an undersized hall or the need to provide a music/drama room as the school grows, which would make it difficult to meet present day

educational requirements if the school was full to its assessed capacity. The cost to resolve these issues will vary and will need to be assessed on a case-by- case basis.

36. The Hampshire Schools Places Plan explains the detailed methodology used to forecast the demand for school places. To assess the long-term demand arising from a new development, the Strategic Development Team uses the following yields, derived from known average yields across the County:

Table 5 Yield Calculations for No. pupils per dwelling (Hampshire County Council)

Age Group	Yield/Dwelling	Example (50 dwellings)	Example (1,000 dwellings)
0-3 (pre-school)	0.09	4.5	90
4-11 (primary)	0.3	15	300
11-16 (secondary)	0.21	10.5	210
Post-16	0.06	3	60
	Total calculated pupil yield:	33	660

37. The lower secondary factor is because secondary schools cater for five year groups, compared with seven for primary schools. The post-16 factor has been calculated using the secondary factor which has been discounted to the full-time equivalent places required. Where it can be evidenced that the yield of pupils is higher than the rates quoted above, the contribution sought from the developer will reflect this higher factor.
38. The yield calculations used will apply across all housing tenures. Although recent DfE guidance (2023) advises that affordable housing typically generates more pupils than market housing, additional local analysis would be required to evidence any tenure differences to the yields shown in table 5.
39. Where a new school is required the County Council will expect the developer to provide, within the required timescales, a cleared, fully serviced and accessible freehold site free of charge in addition to the normal level of contributions towards construction costs (including fit-out, furniture, equipment and ICT) of school buildings. See below for further site guidance.
40. The figures in table 6 are the required minimum site area for a school of the appropriate size only. Sites should not be used to accommodate land to meet any public open space or community requirements.

Table 6 Minimum useable site areas required to accommodate new schools

	School Size (forms of entry)	Total Site Area (hectares)
Primary	1fe (210 places)	1.2
	2fe (420 places)	2
	3fe (630 places)	2.8
Secondary	5fe (750 places)	5.83

	School Size (forms of entry)	Total Site Area (hectares)
	6fe (900 places)	6.77
	7fe (1,050 places)	7.72
	8fe (1,200 places)	8.66
	9fe (1,350 places)	9.61

41. Where a large development is shared between several developers, it may be appropriate to make provision within the s106 agreement(s) for the development so that the planning obligations required falls on all those involved. If this is the case, it will be necessary to discuss the exact mechanism that is applicable. When seeking to secure a new school site, the County Council will, in general, ask for a site capable of expansion by one form of entry to “future proof” the site for any further housing developments brought forward in the area. It is expected that the Local Planning Authority (LPA) will support the County Council in its endeavours to ensure that additional school places can be provided should additional housing occur in the future.
42. Where the County Council provides land to build a new school, relieving the developer of the need to provide a school site, a contribution will be sought from the developers for payment towards the cost of this land when it is used to mitigate their housing development.

Special Educational Needs and Disabilities (SEND)

43. Analysis of pupils with Special Educational Needs and Disabilities (SEND) highlights that over 5% of pupils in Hampshire currently have an Education, Health and Care Plan (EHCP), compared to 4.3% nationally (January 2023 data from <https://explore-education-statistics.service.gov.uk/find-statistics/special-educational-needs-in-england>).
44. Where possible, these pupils with an EHC plan are supported within mainstream settings, however, approximately 40% of these pupils require a specialist place either within a Resourced Provision (in a mainstream setting) or a Special School. For new developments, an assessment of local provision and demand together with potential yield will ascertain the need for a contribution towards the additional educational facilities and where provision will be located in relation to the development. Additional teaching and therapy support spaces may be required to provide a quality learning environment for SEND pupils - typically a SEND classroom would cater for up to 8-12 pupils depending on their need. An indication of provision is shown below as a basis for these discussions.

Table 7 Estimated number of classrooms required for SEND provision

Eligible Dwellings	Additional Classrooms Required
500- 1,400	1
Up to 2,800	2
Up to 4,200	3

45. As shown in Table 7, additional classroom space will not normally be sought for developments of less than 500 dwellings.
46. Sites over 4,200 dwellings (for instance planned strategic growth) sites may require the provision of a new SEND school or the expansion of an existing school in the locality and the contribution will be determined as required. Where a new site is required for a non-mainstream (special) school, developers are expected to make the appropriate size of site available free of charge together with a contribution towards the cost of the new school.

Early Years

47. The level of demand for Early Years funded places is based on the size of the housing development (see Table 8). Early discussion with the Strategic Development team is recommended to determine the provision required.
48. An understanding of Early Years need is set out in the Hampshire County Council Childcare Sufficiency Guidance (CSA). The Hampshire CSA is based upon a measurement of the supply and demand for childcare using both local and national statistics and a variety of data collected by the County Council. It has been reviewed at a district and borough level and collated into the Hampshire Childcare Sufficiency Assessment (for the methodology see *Further Information* below).
49. Where Hampshire County Council considers that the best way of delivering the pre-school provision is within a school setting, additional funding will be sought to enable the pre-school accommodation to be provided. This will also lead to the need for a larger school site.

Table 8 Estimated demand for Early Years Education (EYE) places to support new housing developments (source: Hampshire County Council Childcare Development Service 2023 (to be published))

No. of new homes	Estimated No. of children (x0.3)*	0 year olds (from 9 months) 51% of cohort	1 year olds 51% of cohort	2 year olds (working families) 51% of cohort	Disadvantaged 2 year olds 14% of cohort	3 year olds 97% of cohort	4 year olds 42% of cohort	Total for all Early Years Age Groups	Places required (based on 1.2 children per place)**
100	30	1	3	3	1	6	3	16	13
500	150	4	15	15	4	29	13	80	67
800	240	6	24	24	7	47	20	129	107
1,000	300	8	31	31	8	58	25	161	134
3,000	900	23	92	92	25	175	76	482	402
5,000	1,500	38	153	153	42	291	126	803	669

*based on Hampshire Home Movers Survey and 5 cohort ages

**based on 2023 Childcare Sufficiency Assessment and this could change up or down

Post-16 provision

50. In terms of post-16 provision (further education, sixth form colleges, and apprenticeship and training), facilities do not have pupil catchments in the same way as school places planning. This makes it more difficult to strategically plan post-16 provision to support planned housing growth, as for instance colleges draw in students from far and wide, and attendance is not

always full-time. The County Council can provide further information on ‘travel to learn’ data to demonstrate the impact of planned housing on specific post-16 facilities. The yield calculation is 0.06 post-16 pupils per dwelling as shown in table 5.

Guidance on Calculating Costs

51. Owing to the complexities of providing a new secondary school, the figures quoted are guideline only and a site-specific calculation will be necessary to derive the actual cost of a new school or if the development is in an area where secondary schools cater for the 11-18 age range. Similarly, the cost of expansion of an existing school will vary depending on what accommodation is required, for example the provision of specialist curriculum spaces that are generally larger and require a higher level of fitting out, such as science laboratories.
52. In most circumstances, it will not be possible to provide detailed feasibility studies until planning permission for the development has been issued, due to the timescales involved in responding to planning consultations and the risk of abortive fees prior to securing planning permission.
53. As a starting point, Hampshire County Council derives the values for the developer contributions cost multipliers from the latest LGA/ EBD OG (Local Government Association/Educational Building and Development Officers Group) schools benchmarking study. The value calculation uses the average gross cost per square metre according to the size of school against which a number of adjustments are made. Figures are then adjusted to reflect more localised inflation (Hampshire) as shown in the indicative costs set out in this Guidance (esp. tables 1-4).
54. As average costs from the benchmarking study are used, these figures carry with them an allowance for typical site abnormalities at this cost level. However, significant known one- off site abnormal costs identified relating to any specific site planning requirements, ground conditions, infrastructure, services or other aspects of the proposed site, will be added to the calculation to establish the overall financial contribution required for the primary, secondary and special school provision. Where new developments are built as electric only sites, the figures shown in this document will need to be adjusted to take into account the associated additional cost.
55. The Local Education Authority is responsible for the pre- /post- opening revenue costs associated with a new free school when established through the presumption route (see *Establishing a new academy: the free school presumption route* – Department for Education, September 2023). Developers will be expected to meet these revenue costs in full which, at present, is set at £67,000. This is given to schools to cover pre-opening costs, such as the appointment of staff prior to opening and any goods and services necessary to admit pupils.
56. The costs included in this Guidance will be index-linked for future adjustment/inflation (using the BCIS All-in TPI tender price index). Financial contributions will be adjusted in line with inflation in accordance with Part 1 of this Guidance. Section 106 agreements will provide for appropriate trigger dates and/or development status for payment, related to the intended phasing and build out of development.
57. The figures quoted in this section should be seen as indicative figures to establish, at an early stage, the approximate level of financial contributions. As more detailed work is undertaken on specific proposals, the County Council will provide a site-specific estimate of costs depending on local on-site factors, type of building, the extent of infrastructure and alterations that may be required.

58. Where a Local Planning Authority (LPA) seeks a BREEAM rating or a net zero carbon building for new schools, it is expected that the LPA will support the County Council in securing the additional funding required to achieve this rating from the developer. Costs will vary depending upon the size of school being provided and will be subject to an individual assessment of each scheme.

Further guidance on providing education facilities

59. Should there be a need to provide short term (temporary) school transport for pupils from a development, it is expected that the developer will provide the revenue funding for the transportation costs incurred. For example, providing temporary transport where a school has not been built in time or a safe route to the catchment school has not been constructed ready for the opening of a school.
60. There may be cases where a new school is proposed within a new development, but the agreed location cannot be provided with access and/or services by the time that the school is required. It is expected that the developer will provide a site and pay for the cost of a fully equipped temporary school pending the completion of the permanent school, or, to pay the additional cost incurred for providing the school in phases.
61. It is expected that a new primary school site be delivered to the County Council to allow the opening of the school during the year when 400 eligible dwellings will be completed on a new development. New secondary schools will be delivered predominantly to serve the pupils of the housing development on which it stands but the timing of the transfer of the school site to provide the new school will be subject to further discussions with the Strategic Development Team.
62. Sites provided for new schools should be level and of a regular shape to allow the laying out of the school buildings and playing pitches. The County Council must be consulted early in masterplanning to ensure that any proposed school sites are appropriate and suitable, depending on several factors including, location, access, shape, topography and the relationship with adjacent community and other land uses.
63. New schools should be located within a new development based on the principles of encouraging sustainable modes of transport to school (with a priority given to active travel such as walking and cycling). For example, a maximum walking distance of 800 metres from the furthest dwelling with good footpath and cycle links to promote walking to school rather than relying on the use of cars.
64. Any site transferred to the County Council will be free of any services running through the site.
65. The provision of the pre-school and/or nursery facilities should be programmed to be available at an early stage of the development to ensure a sufficiency of places. This will require the land being accessible and the statutory utilities provided to ensure that these places can be provided. It is expected that at least temporary provision be in place by the opening of the new school, or provision of additional spaces at an existing school, whichever is planned for the development.

Further Information

66. Considering the large number of children's services facilities across Hampshire, the planning of new and extended provision is organised across a team of Strategic Development Officers. To make enquiries and contact the relevant lead for the geographic area of interest:

Contact: strategicplanningunit@hants.gov.uk

School Place Plan 2023 – 2027	Hampshire County Council	https://www.hants.gov.uk/educationandlearning/strategic-development/schoolplacesplan	Link checked Nov 2023
School Organisation and Strategic Development Information	Hampshire County Council	https://www.hants.gov.uk/educationandlearning/strategic-development	Link checked Nov 2023
Hampshire County Council SEND school places strategy (2018 – 2023)	Hampshire County Council	https://fish.hants.gov.uk/kb5/hampshire/directory/family.page?familychannel=6-1 (See Downloads Tab)	Link checked Nov 2023
Hampshire Childcare Sufficiency Assessment (CSA) (2022)	Hampshire County Council	https://documents.hants.gov.uk/childrens-services/ChildcareSufficiencyAssessment.pdf	Link checked Dec 2023
Hampshire County Council Early Years requirements in major new developments (2015)	Hampshire County Council	https://documents.hants.gov.uk/education/EarlyYearsRequirementsinMajorNewDevelopments.pdf	Link checked Nov 2023
Securing developer contributions for education (2023)	Department for Education	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1176845/Securing_Developer_Contributions_for_Education.pdf	Link checked Nov 2023
Participation of young people in education, employment or training Statutory guidance for local authorities (2016)	Department for Education	https://assets.publishing.service.gov.uk/media/5a75835540f0b6360e474b1d/Participation-of-young-people-in-education-employment-or-training.pdf	Link checked Dec 2023
National Planning Policy Framework	Department for Levelling Up, Housing and Communities	https://www.gov.uk/government/publications/national-planning-policy-framework--2	Link checked Nov 2023
Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan	HM Government	https://assets.publishing.service.gov.uk/media/63ff39d28fa8f527fb67cb06/SEND_and_alternative_provision_improvement_plan.pdf	Link checked Dec 2023
Area guidelines for SEND and alternative provision - Building Bulletin 104 (Dec 2015)	Department for Education	https://assets.publishing.service.gov.uk/media/5f23ec4e8fa8f57ac968fb11/BB104.pdf	Link checked Nov 2023

National School Delivery Cost Benchmarking Primary, Secondary & SEN Schools	Hampshire County Council in conjunction with East Riding of Yorkshire Council and the Department for Education	https://documents.hants.gov.uk/property-services/NationalSchoolDeliveryBenchmarkingreport.pdf	Link checked Nov 2023
Establishing a new academy: the free school presumption route	Department for Education	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1186519/Free_school_presumption_guidance.pdf	Link checked Nov 2023
Client-Based Approach To Developing and Implementing An Employment and Skills Strategy On Construction Projects Contractor and Developer Guidance – England (2017)	CITB	www.citb.co.uk/media/1bdedmf1/english-client-based-approach-contractor-guidance.pdf	Link checked Dec 2023



Guidance on Planning Obligations and Developer Infrastructure Contributions

Part 4: Highways & Transport

Summary

- The County Council is the Local Highway Authority (LHA) for most of the roads in Hampshire and has a statutory duty to maintain highways maintainable at public expense in a safe and serviceable manner for all types of road user.
- The Local Highway Authority is also a statutory consultee on planning applications for new development which may have transport or traffic implications.
- Early pre-application discussion with the County Council is essential to determine the need for a developer to assess potential highway impacts and the form and scope of any assessment. Measures necessary to mitigate against the impact of new developments should be identified through evidence provided by the applicant, via Transport Assessments and/or through site specific negotiations with the County Council.
- The County Council can provide advice on the preparation of travel plans where these are necessary in support of new developments.
- Advice and signposting are also provided on matters related to:
 - Financial contributions;
 - Commuted sums for maintenance;
 - Highway development agreements; and
 - School transport.
- The County Council has a statutory duty as local highway authority to protect and maintain the network of public rights of way (PROW) across the county (see Part 5 on Countryside, Public Rights of Way and Green Infrastructure in this Guidance).

Key service	Email Contact
Pre-application advice	highways.development.control@hants.gov.uk
Travel Plans	travelplans@hants.gov.uk
Highway works (including maintenance)	roadagreements@hants.gov.uk highway.asset.management@hants.gov.uk
Transport requirements for schools	highways.development.control@hants.gov.uk

Infrastructure Needs & Planning Background

1. Section 9 of the National Planning Policy Framework (NPPF) set out Government planning policy on promoting sustainable transport solutions. This includes encouraging measures which both reduce the need to travel and facilitate travel by means other than just the private car. Thus paragraph 104 states that:

“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) *the potential impacts of development on transport networks can be addressed;*
- b) *opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) *opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) *the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) *patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places”*

2. Paragraph 106 notes that planning policies should:

- a) *support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;*
- b) *be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;*
- c) *identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;*
- d) *provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);*
- e) *provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy....”*

3. This is supported by Government guidance in the National Planning Practice Guidance on Transport evidence bases in plan making and decision taking and Travel Plans, Transport Assessments and Statements (Please see weblinks at the end of this chapter).
4. The National Planning Policy Guidance on Travel Plans, Transport Assessments and Statements explains that:

“The development of Travel Plans and Transport Assessments or Transport Statements should be an iterative process as each may influence the other.

The primary purpose of a Travel Plan is to identify opportunities for the effective promotion and delivery of sustainable transport initiatives eg walking, cycling, public transport and tele-commuting, in connection with both proposed and existing developments and through this to thereby reduce the demand for travel by less sustainable modes. As noted above, though, they should not be used as way of unfairly penalising drivers.

Transport Assessments and Transport Statements primarily focus on evaluating the potential transport impacts of a development proposal. (They may consider those impacts net of any reductions likely to arise from the implementation of a Travel Plan, though producing a Travel Plan is not always required.) The Transport Assessment or Transport Statement may propose mitigation measures where these are necessary to avoid unacceptable or “severe” impacts. Travel Plans can play an effective role in taking forward those mitigation measures which relate to on-going occupation and operation of the development.

Transport Assessments and Statements can be used to establish whether the residual transport impacts of a proposed development are likely to be “severe”, which may be a reason for refusal, in accordance with the National Planning Policy Framework.” Paragraph: 005 Reference ID: 42-005-20140306

Existing Provision: Transport in Hampshire

5. Hampshire County Council is the Local Highway Authority for most of the roads in Hampshire, except for the Southampton City Council and Portsmouth City Council Road network, and the Strategic Road Network (motorways and trunk roads) which is the responsibility of National Highways (formerly Highways England).
6. As Local Highway Authority the County Council has a statutory duty to maintain highways that are maintainable at public expense in a safe and serviceable manner. Good connectivity between destinations, based on attractive, reliable journey times for all, is crucial to the on-going success of Hampshire’s economy. It is increasingly recognised that schemes that create extra road capacity for general use shows that this soon fills up with extra car journeys. Rather than building extra capacity, many councils now accept that ways of using road network space more efficiently should be considered.
7. The County Council, as Local Highway Authority, works with Hampshire’s local planning authorities to consider the transport and traffic implications of development proposals contained in emerging local plans. The County Council is also obliged to produce a local transport plan every five years and to keep it under review.
8. An overview of the existing ‘drivers for change’ for transport planning in Hampshire in set out in the Local Transport Plan 4.

Strategic Background: Local Transport Plan

9. A Local Transport Plan (LTP) assesses an area’s transport needs and challenges looking forward over a long-term period and sets out different ways in which these challenges in a wider context will be addressed.

10. Local Transport Plans (LTPs) are a statutory planning document that local transport authorities are required to produce which set out strategies for improving transport networks, propose projects for investment and plan how key objectives will be achieved. The policy environment has changed rapidly and continues to evolve due to the urgency of addressing climate change, the de-carbonisation agenda and the changes in travel patterns brought about by hybrid working. As a result, the Government is committed to reviewing its advice on the production of the next generation of LTPs.
11. Hampshire's most recent adopted LTP (LTP3) covered the period 2011 to 2031 and was last reviewed in 2013. A draft of a new LTP (LTP4) has been prepared and was the subject of consultation in April 2022, where it received strong public support. LTP4 is in the process of formal adoption in 2024.
12. LTP4 will supersede LTP3 and represent transport policy for Hampshire County Council to 2050. It will reflect emerging Government guidance on LTP preparation and will place more emphasis on promoting alternatives to the private car, reducing carbon emissions, better links between land use and transport planning and a better balance between economic growth and the natural environment compared to previous LTPs.
13. It is important that developers engage with the County Council as Highway Authority to ensure these important emerging policies are reflected in development proposals. The nature and type of mitigation that may be sought to be addressed either directly or through developer contributions is likely to change, with air quality, carbon reduction and climate change mitigation and adaptation in relation to transport schemes becoming increasingly important.
14. Accordingly, the transport infrastructure and type of developer contributions sought in future may differ to those set out in this Guidance, and it will be kept under review updated to reflect the new LTP4 measures as required.
15. The latest Highways Asset Management Policy (2022) & Strategy (2023) identify Hampshire County Council's asset management aims and objectives for managing the highway network.

Obligations and Developer Infrastructure Contributions

16. The County Council considers the transport implications of major planning applications across the county. Information for developers is available on the County Council's information for highway developers webpage (see *Further Information* below).
17. It is the Local Highway Authority's role to provide advice to the local planning authority on the compliance of any relevant development proposal with the Development Plan and to highlight any material planning considerations which need to be weighed in the planning balance by the local planning authority. This advice can cover the severity of any transport impacts on the highway network (paragraph 111 of the NPPF), impacts related to highway safety (paragraph 112 of the NPPF) and wider sustainability considerations regarding whether opportunities to encourage active travel and other sustainable transport modes have been taken up. Where potential harm is identified by the Local Highway Authority, it will engage with the applicant and local planning authority to consider the scope for mitigating such impacts, usually secured through planning conditions and obligations.

KEY REQUIREMENT: Transport Assessments

18. To assess the transport requirements of a development proposal the County Council is likely to require a transport assessment or transport statement for larger schemes, setting out the traffic and transport implications of their proposed development. The thresholds above which a transport assessment is required are provided online (see links below).
19. Transport assessments are thorough assessments of the transport implications of development, and transport statements are a 'lighter-touch' evaluation to be used where this would be more proportionate to the potential impact of the development (i.e. in the case of developments with anticipated limited transport impacts).
20. A transport assessment will, typically, identify the sustainable transport measures that will be required to ensure that the site is accessible by a choice of modes other than the private car, including cycling, walking, public transport, motorcycling and horse-riding. It should also assess the residual impact of the development traffic on the highway network, including identifying appropriate mitigation to ensure there is no detrimental impact on the safety and capacity of the highway network.
21. Early pre-application discussion with the Highway Authority (see below) is essential to determine the need for assessing potential highway impacts, the form and scope of any assessment and for the applicant to understand the transportation requirements and strategy for the local area.

KEY REQUIREMENT: Travel Plans

22. A travel plan is a package of costed measures that aims to encourage more sustainable modes of transport such as walking, cycling, bus usage or car sharing/ car clubs. A travel plan is required to support planning applications for development sites. This could be for a new school, office block, hospital, university buildings, residential areas, leisure facilities, hotels or events. Travel plans can also be created for existing sites to improve a situation. This could be to improve congestion, parking problems, recruitment and retention of staff, air quality or plans to expand.
23. A travel plan aims to reduce the number of people travelling by car alone. It should aim to increase the number of people using active and sustainable travel modes. It could be for residents, employees, visitors, customers, deliveries, contractors or business vehicles.
24. Travel plans are required for all planning applications that will generate significant amounts of transport movement. It is County Council policy to require a travel plan for all residential planning applications proposing 100 dwellings or more or where a Transport Assessment is needed. A travel plan must be included when submitting the planning application.
25. Not all planning applications need a travel plan, but the County Council may request a developer provides a travel plan even if the proposed development doesn't meet the usual thresholds. This is because some smaller scale developments can have significant transport impacts. A travel plan will be required for:
 - development in or near an air quality management area;
 - development in an area that has been identified for specific initiatives for the reduction of

- traffic, or the promotion of alternative transport;
 - any area where it is known that the cumulative impact of development proposals is a cause for concern;
 - provision of new or extended school and other educational facilities;
 - an extension to an existing development that causes the site to exceed the threshold.
26. Further information is available on travel plans on the County Council's [Travel Plans webpages](#). This includes information on when a travel plan is required and how the County Council will assess a travel plan.
27. For public transport provision, the County Council seeks to facilitate dialogue between public transport providers and developers. This is to ensure that the impacts of new development (increased demand for public transport networks and services) are understood and appropriately mitigated.
28. The County Council does not itself ordinarily seek financial contributions towards public transport provision. To ensure delivery of new or improved public transport provision, the County Council instead secures the requirement through the use of section 106 Agreement, with the delivery and associated funding of services agreed directly between developers and public transport operators.

Assessing needs and calculating demand

29. Where new transport infrastructure is required to mitigate a development (see above on transport assessments), this must be fully funded and delivered directly by the developer in most cases. The developer will be required to enter into a section 278 agreement with the County Council as Local Highway Authority to enable them to undertake work on the highway. The cost of the required works must be calculated by the applicant (or by the County Council if requested) in order to evaluate the full package of works required to support the scheme to ensure the identified works are feasible. The proposed cost assumptions may be reviewed by a cost consultant on behalf of the county council if required.
30. All work within or affecting the highway will be subject to technical approval by the Local Highway Authority prior to commencement on site. Scheme details and the need for any inspection fees and surety payments are to be agreed with the Highways Development Planning team at the County Council.
31. Alternatively, or additionally, planning obligations are also considered in determining the acceptability of a proposed development. Obligations can be used to ensure accessibility by sustainable travel modes is maximised, safe access is secured, and development-related impacts such as traffic congestion are minimised. Requirements are identified through Transport Assessments and other necessary evidence, as applicable to the scale of the development.
32. This recognizes that planned development can have a cumulative impact on transport infrastructure, requiring improvements which cannot be delivered fully by an individual development. In such circumstances, the County Council will require the developer to enter into a legal agreement under a section 106 (or section 278 legal agreement on occasion), to

secure the contribution, and the County Council would procure the works. The required level of contribution will be calculated on a site-specific basis, dependent on the scale of development, the specific impacts that arise and the reasonable proportionate cost of the infrastructure necessary to make the development acceptable.

33. Examples of infrastructure for which contributions may be required therefore include;

- Schemes identified in Local Cycling Walking Infrastructure Plans
- Schemes identified in Area wide or Town/City Transport Strategies for example City of Winchester Movement Strategy; Waterside Transport Strategy
- Traffic reduction measures- including improved provision for sustainable modes
- Improved public transport/ sustainable modes facilities such as bus waiting facilities or cycle parking
- Bus and cycle priority measures
- Specific improvements identified as part of Walking Cycling Horse riding Assessment Reports to support routes between the site and key destinations
- Junction capacity improvements

34. A number of plans and strategies identify the sustainable transport and accessibility measures for which contributions might be sought, depending on the scale and location of planned development. Further plans prepared by the County Council will follow in order to implement the objectives in the Local Transport Plan (LTP4) at the local level.

35. Where the County Council has adopted Local Cycling Walking Infrastructure Plans (LCWIPs), the status of these plans is updated online on the County Council's Strategic Transport Plans and Policies webpage (See weblinks at the end of this chapter). All potential options identified in the LCWIPs are based on concept design only and therefore all costings are high level and approximate based on similar schemes elsewhere. Schemes prioritised for implementation will be subject to a full design process, including public consultation during which detailed costings will be developed.

36. The County Council strongly encourages early engagement with developers on all scales of development but particularly on large strategic scale sites where it is considered vital. There are many benefits of a developer entering into discussions with the Local Highway Authority before the submission of a planning applications.

37. Information on the County Council's pre-application highway advice service for developers including information about the charges, is available online from the highways pre-application advice webpage (see *Further Information*). The advice service includes:

- Review of Local Plan Allocation evidence base
- Early collaboration regarding design codes/master-planning principles
- Review of the development proposals in the context of the Highway Authority's Technical Guidance Notes
- Review the scope of information required in order to enable us to assess a planning application
- Review of requirements to satisfy policy requirements
- Sharing of information on County Council Local Policies/initiatives
- Likely requirements for financial contribution or provision of sustainable transport improvements and or highway mitigation schemes.
- Likely suitability of proposals for highway adoption (including design and use of materials).

- Review of access location/ junction form.

Further Guidance for developers (Highway Works)

38. Section 278 of the Highway Act 1980 allows a developer to carry out approved works on the public highway, provided the Local Highway Authority is satisfied such work is of benefit to the public. A s278 agreement sets the standards by which the works must be constructed and provides for the collection of any fees associated with the approval of the works and commuted sums for their future maintenance.
39. In most situations a s278 agreement will follow the granting of planning permission for a development that requires the works, to provide adequate access or other associated infrastructure to mitigate for the impact of the development. Works must be carried out in a manner and to a standard that is acceptable to the Local Highway Authority, and so it is necessary that the designs be assessed through a design checking process.
40. Further information can be found in the County Council's Highway Development Agreements Guidance in Hampshire, an overview guide for developers which is available online (See weblinks at the end of this chapter) which explains the processes, costs, licensing, monitoring and review processes. It also sets out the process for agreeing the nature and extent of on-site highway works and for adoption by the County Council under section 38 (of the 1980 Highways Act) agreements and other consents, permits and authorisations, which may be required as part of the road construction / adoption processes.
41. Detailed Highway Construction Standards and Technical Guidance are produced by the Highway Authority (Please see weblinks at the end of this chapter). The County Council's Developer Portal (Please see weblinks at the end of this chapter) will guide the applicant through the submission, detailing what information is required to manage their highway agreement application. The County Council has also produced planning applications guidance which sets out transport related matters to be considered in the construction of new schools or extensions and other changes at existing schools which may give rise to traffic and transport considerations.
42. The adoption of new highway infrastructure from new developments result in the County Council, as the Highway Authority, incurring increased maintenance costs for those assets in perpetuity. Commuted sums to cover these additional costs can be recovered from the transferring landowner to enable the new infrastructure to be maintained to the required standards. Commuted sums are financial contributions made by third parties to Highway Authorities as compensation for taking on the future maintenance responsibility for newly created highways or highway improvements. They are typically, although not invariably, secured through Section 38 and/or Section 278 legal agreements made with developers and landowners.
43. Commuted sums are generally secured for all non-standard materials and assets from new developments. The commuted sum is calculated, where feasible and appropriate, to cover the difference in costs between maintaining the 'standard' and 'non-standard' materials and assets to be paid. The County Council's latest Commuted Sums Policy Guidance (2023) applies to all planning submissions validated on or after the 1 July 2023 where Section 38 and Section 278 agreements are required.

44. Developers should not assume that the County Council will accept responsibility for or maintain all highway infrastructure. Any asset that a developer is seeking the County Council to adopt must be in an appropriate condition and any required maintenance work at that time must be completed by the developer prior to transfer.

Further Information

Contact Highways.development.control@hants.gov.uk

Local Transport Plan 4 (LTP4)	Hampshire County Council	www.hants.gov.uk/transport/localtransportplan	Link checked Oct 2023
Highway Maintenance Management Policy and Strategy	Hampshire County Council	https://documents.hants.gov.uk/highways/HighwaysAssetManagementStrategy.pdf	Link checked Dec 2023
Manual for Streets	Department for Transport	www.gov.uk/government/publications/manual-for-streets	Link checked Nov 2023
Transport evidence bases in plan making and decision-taking,	Department for Levelling Up, Housing & Communities	www.gov.uk/guidance/transport-evidence-bases-in-plan-making-and-decision-taking	Link checked Nov 2023
Travel Plans, Transport Assessments & Statements	Department for Levelling Up, Housing & Communities	www.gov.uk/guidance/travel-plans-transport-assessments-and-statements	Link checked Nov 2023
Pre-application highway advice service for developers	Hampshire County Council	www.hants.gov.uk/transport/developers/preapplication	Link checked Nov 2023
Transport Requirements for School Planning Applications	Hampshire County Council	www.hants.gov.uk/transport/developers/schooltravel	Link checked Nov 2023
Travel Plans	Hampshire County Council	www.hants.gov.uk/transport/developers/travelplans	Link checked Nov 2023
Highway Development Agreements Guidance: AN overview Guide for Developers in Hampshire (June 2021)	Hampshire County Council	https://documents.hants.gov.uk/transport/Highway-Development-Agreements-Guide.pdf	Link checked Nov 2023
Commuted Sums Policy Guidance for New Highway Infrastructure (May 2023)	Hampshire County Council	www.hants.gov.uk/transport/developers/commuted-sums	Link checked Nov 2023
Highway construction standard details	Hampshire County Council	www.hants.gov.uk/transport/developers/standards-details	Link checked Nov 2023
Developers Portal	Hampshire County Council	https://developerportal.hants.gov.uk/Home/Index	Link checked Nov 2023
Strategic Transport – Plans and policies (including LCWIPs)	Hampshire County Council	www.hants.gov.uk/transport/strategies/transportstrategies	Link checked Nov 2023



Guidance on Planning Obligations and Developer Infrastructure Contributions

Part 5: Countryside, Public Rights of Way & Green Infrastructure

Summary

- This Guidance sets out the County Council's approach to new development in Hampshire where it may be necessary for new or improved countryside or rights of way infrastructure in its broadest sense, or a requirement to make financial contributions towards their provision.
- It sets out the legal and statutory duties for the maintenance of County Council owned designated sites and highways (Public Rights of Way), and explains how the County Council will work in partnership with local planning authorities, landowners and developers to meet its statutory duty to manage the countryside.
- Countryside Services and the PROW network provide multi-functional benefits in facilitating sustainable development. Not only in providing benefits for the development in terms of recreational provision and countryside access, but also in terms of achieving wider objectives such as for biodiversity and health and equality agendas. This important resource should be protected and enhanced for future generations to enjoy.
- Countryside Services should be consulted on all planning applications that have the potential to affect its countryside sites, and those that have a potential impact on PROW, as part of the highway network.
- The County Council produces a Countryside Access Plan (CAP) which sets out its priorities for improving access to the countryside, including policies and actions.

Infrastructure Needs & Planning Background

1. Government planning policy in the National Planning Policy Framework (NPPF) at paragraph 98 notes:

“Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.”

2. Paragraph 100 requires that planning policies and decisions should:

“...protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”

3. At paragraph 120 it also supports measures that would achieve environmental net gains,

enable new habitat creation or improve public access to the countryside. The provision of green infrastructure is also supported in the NPPF as a result of the benefits it can bring in terms of the design and quality of places and addressing climate change mitigation and adaptation (paragraph 20), enabling and supporting healthy lifestyles (paragraph 92) and improving air quality (paragraph 186).

4. The Highways Act 1980 places a responsibility on all councils to protect public rights of way and the public's priority access and safety. The potential impact of a development proposal on the network is also a material planning consideration in the determination of planning applications.
5. As well as achieving the above NPPF objectives, country parks, PROW, and other countryside visitor destinations have a wide range of positive impacts in terms of a range of less tangible benefits such as health and well-being, mental health, and quality of life. They also have biodiversity benefits and, placed strategically, can divert visitor pressure away from more ecologically sensitive locations. The County Council expects developers to make appropriate provision in development proposals to protect and enhance the provision of green infrastructure, country parks and open spaces, and PROW in order to achieve these broader policy objectives.
6. PROW are categorised as:
 - Footpaths (for walking, running, mobility scooters or powered wheelchairs. New public footpaths should have a minimum width of 2.0 metres);
 - Bridleways (as footpaths, plus cycling and horse riding. New bridleways should have a minimum width of 3 metres);
 - Restricted byways (as bridleways, plus any vehicle without a motor. New restricted byways should have a minimum width of 3 metres); and
 - Byways Open to All Traffic (abbreviated to BOAT, for all uses, including motor vehicles. The minimum width of a BOAT is usually around 3 metres. It is not possible to create a new BOAT).

Existing Provision: Countryside in Hampshire

7. Approximately 85% of Hampshire is classed as rural with over a third protected for its beauty and iconic landscapes. Hampshire Countryside Service manages 3,658 hectares of land including more than 80 sites and 7 strategic scale destination parks and visitor attractions. The service is also responsible for ensuring that the 2,800 miles (4,200km) of public rights of way (PROW) in the county are safe and easy to use.
8. The County Council's responsibilities (as Local Highway Authority) in respect of PROW include:
 - Signposting all PROW that leave a public highway;
 - Maintaining the Definitive Map as the definitive legal record of PROW;
 - Maintaining the PROW network so that it can be used safely by all those permitted to use the PROW;
 - Ensuring landowners carry out their duties in respect of keeping PROW open

and free from obstacles and taking action if they fail to do this;

- Determining applications (diversion orders) to close, modify or re-route PROW either permanently or temporarily.
9. As well as being legally defined in the highway hierarchy and serving a leisure/recreation function, PROW play an increasingly important role as an option for active travel providing an alternative to the private car and other powered forms of transport. They are also important in facilitating access to the countryside which can be important in helping deliver public health objectives. They provide a crucial part of the Green Infrastructure network for local areas.
 10. Public rights of way are public highways that are legally protected in the same way as roads. The County Council has a statutory duty as local highway authority to protect and maintain the network of public rights of way (PROW) across the county.
 11. The County Council manages a number of country parks and related facilities which provide important recreational and environmental resources for the residents of Hampshire and beyond.
 12. The King Charles III England Coast Path is a new national trail being created by the Government along the entire length of England's coastline. Hampshire's provision is well underway; being managed by Hampshire County Council and the New Forest National Park. The path commonly follows PROW and public highway, but can also run on other routes. The path carries material weight in planning and should be treated as such.

Strategic Background

13. Under the Countryside and Rights of Way Act (2000) highway authorities were required to prepare a Rights of Way Improvement Plan by November 2007. This has subsequently been updated as part of the Countryside Access Plan, the most recent of which is the 2015-2025 Hampshire Countryside Access Plan (CAP). This performs the role of a Rights of Way Improvement Plan but looks more widely at access to the countryside generally rather than just via rights of way. Revision of the CAP is due in 2025.
14. The CAP identifies eight county-wide issues that the Countryside Service faces in the management of countryside access in Hampshire:
 - Condition of the rights of way network;
 - Getting to the countryside from urban areas;
 - Using roads as part of the access network;
 - Connectivity of routes;
 - Impacts on land management;
 - Information provision;
 - Meeting the needs of all users; and
 - Joint working with other countryside interests.

15. These priorities are clearly relevant in the consideration of development proposals which could have impacts on the PROW network. However, new development also provides the opportunity to improve the network and connectivity to allow residents better access to the countryside.
16. The latest CAP identifies two particular priorities from consultation and an assessment of need:
 - a. Maintaining and improving the condition of the rights of way network
 - b. Improving connectivity of the network
17. As well as setting priorities, the CAP identifies a range of wider objectives such as expanding the capacity and attractiveness of existing countryside sites and the PROW, to relieve pressure on more sensitive environmental assets such as Special Protection Areas designated under national and European legislation. It also identifies opportunities to improve access and natural green spaces for pedestrians and cyclists from urban and peri-urban areas. These sustainable transport corridors and green infrastructure are essential to increasing the mobility of communities, reducing car use and improving health and well-being.
18. Countryside Services interests may overlap with other consultees regarding natural capacity, climate change mitigation and biodiversity net gain. Accessible natural greenspace is a requirement of development, where relevant.

Obligations and Developer Infrastructure Contributions

19. Local planning authorities in Hampshire are broadly responsible for securing appropriate open space provision alongside new development, including large scale facilities such as new country parks. Accordingly, this Guidance focuses on countryside access and PROW which is separate from and additional to any local authority open space provision.
20. New development can place increasing pressure on, or can directly conflict with, PROW and other countryside recreational facilities. Where new development is expected to have an adverse impact on a County Council countryside site, the County Council expects that any impact will be mitigated by the developer.
21. The County Council welcomes pre-application engagement with applicants to provide guidance to ensure suitable mitigation is provided in accordance with the provisions of the NPPF and local relevant policy. Countryside Services provides guidance documents and technical notes (see *Further Information* below) specific to the impacts that development may have on PROW and County Council owned countryside sites. It should be noted that obligations and mitigation for impacts of a development are typically site specific and therefore require site-specific consideration.
22. As a statutory consultee insofar as PROW are concerned, and as the responsible body for their management and maintenance, the County Council shall be consulted by local planning authorities on development which affect PROW. Impacts can be caused when

in the vicinity of PROW, not just when PROW are present on sites. This includes:

- The existing PROW network;
- The existing and proposed King Charles III England Coast Path; and
- Allocated future PROWs identified in the 2015-2025 and future Hampshire Countryside Access Plans.

23. Where this is relevant, local planning authorities (LPAs) are encouraged to require applicants to include sufficient information to demonstrate any impact on the PROW network. LPAs are encouraged to add PROW to their local validation lists for planning applications. When consulted on applications that do not show sufficient PROW information, the Countryside Service team may object until this is rectified. The impact on PROW is important information for many stakeholders, not just the highways authority. Sound determination needs clear identification and demonstration of effects on the PROW network.
24. The Council Council's Countryside Services should be consulted on all planning applications that have the potential to affect its countryside sites. A proposed development is considered to potentially affect a County Council owned countryside site when:
 - It is adjacent to it (it shares a boundary with the site); and/or
 - It is within the catchment area of the County Council owned countryside site.
25. The catchment zones for County Council owned countryside sites can be assessed by the method set out in the Greenspace Assessment: Analysing Provision, page 21 of Natural England's Accessible Natural Green Space Standards in Towns and Cities: A Review and Toolkit for their Implementation - ENRR526 (ANGST) 2007. County Council owned countryside sites can fall within all four tiers within the site hierarchy. Where relevant, applications should assess and consider their potential impacts on a County Council owned countryside site if it falls within its catchment zone.
26. In general terms, where it can be demonstrated that a new development will have an impact on a County Council owned countryside site or PROW, the County Council expects that any impact will be mitigated by the developer.
27. The impact of development on PROW is a material consideration for planning applications and development. In assessing the development proposal's impacts, the County Council will consider the potential to affect the PROW network and PROW users both within the development site itself as well as beyond the development's boundaries (i.e. off-site).
28. As explained in the Countryside Access Plan (CAP), partnership working and investment in the PROW may consist of larger-scale, capital projects to develop strategically important routes, working with larger and statutory organisations such as the National Park Authorities and District Councils. Other schemes are relatively small-scale, low-cost projects, resolving issues on paths which are unlikely to form part of the strategic network but are important in serving the needs of local communities.

Assessing needs and calculating demand

29. Typical examples of the potential impact of development on the PROW network are from various different forms of intensification of use whether this be:

- for recreation;
- to access green space and the countryside; or
- to access facilities, such as schools, public transport hubs or other urban services.

30. Examples of the type of impact which could arise and measures which might be employed to mitigate them are set out below.

EXAMPLE 1: Impacts on a County Council owned countryside site

31. Typically, impacts arise as a result of an increase in visitor numbers from an increase in local population from residential development. It may also be from new tourist accommodation, such as a hotel, campsite, or similar, or recreational businesses, such as a cycle hire business.

32. With respect to neighbouring development, impact from new development on a countryside site can also be in the form of pollution, amenity impact and/or similar. Examples include:

- Increase in pollution (noise, light, dust or similar) from an activity;
- A landscape, visual, and/or amenity impact;
- An increase in demand for recreation and use;
- An adverse impact on green infrastructure; and/or
- A cumulative impact contribution to one or a number of the above.

EXAMPLE 2: A new PROW, or expanding or modifying the PROW network as a result of new development

33. Where improvements are needed, their delivery will either be by the County Council following agreement of a s106 financial contribution together with any dedication that is necessary or, where the applicant owns the land, potentially directly by the applicant to the required standard. These are typically secured via a s106 legal agreement. Countryside Service Design Standards are available from the Hampshire County Council website (See *Further Information* below).

34. Contributions can be pooled for off-site delivery of new PROW or enhancement of existing PROW. The value of those contributions is based on assessment of the impact of the proposed development, the cost of works, and the required contribution to ongoing maintenance.

35. Improvements required on existing routes can include surfacing improvements, the widening of a PROW to reflect increased use, replacing stiles with standard gates to

provide accessibility, vegetation clearance, upgrading from a footpath to a bridleway, diversion, and/or increased maintenance. Proposals will require consideration of the long-term maintenance responsibility and in such situations the County Council may require a commuted sum for maintenance. These will also typically be secured through a s106 legal agreement. Commuted sums for maintenance can also be secured through a highways agreement.

36. It must be noted that receiving a grant of planning permission does not allow a landowner, applicant, nor developer to carry out any works on the surface of a PROW. A highways agreement will be required in addition to the planning permission. This may be from a Local Planning Authority making an order under S257 for diversion or extinguishment, or via a S278 or S38 agreement under the Highways Act (1980). This agreement must be entered into and completed prior to any works on any PROW. Hampshire County Council has regularly reviewed standard costings for works and maintenance of PROW. These are used to calculate contributions and commuted sums and are dependent on site specifics.
37. To secure new or additional Public Rights of Way it may be necessary for the landowner(s) to dedicate those rights. Under Section 25 of the Highways Act 1980 the County Council can enter into an agreement with the freeholder of the land to dedicate a footpath or bridleway within its area. The way may then become maintainable at public expense (i.e. the County Council has a statutory responsibility to maintain the surface of, and ensure safe access to, the PROW network). Proposals will require consideration of the long-term maintenance responsibility, and the County Council may require a commuted sum for this maintenance.
38. Once a route has been dedicated, it would be signposted and appear on Hampshire's Definitive Map and Statement and other Ordnance Survey maps.
39. Hampshire County Council has adopted standards for the required provision of commuted sums for the maintenance of PROW. These standard costings are reviewed and agreed by the County Council every six months, benchmarked against recently completed capital projects and developers are advised to seek advice at the earliest possible stage to estimate potential costs. Costs are highly dependent on individual locations and the impact caused by the development - typically, it is costs per metre for resurfacing, and for new furniture or structures, such as bridges, or new PROW.

Further Information

Contact	countryside@hants.gov.uk
---------	--

Countryside Access Plan 2015 - 2025	Hampshire County Council	https://documents.hants.gov.uk/countryside/HampshireCountrysideAccessPlan2015-2025.pdf	Link checked Dec 2023
National Planning Policy Framework	Department for Levelling Up, Housing and Communities	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf	Link checked Dec 2023
The Highways Act (1980)	UK Government	www.legislation.gov.uk/ukpga/1980/66	Link checked Dec 2023
Public rights of way: local highway authority responsibilities	UK Government	www.gov.uk/guidance/public-rights-of-way-local-authority-responsibilities	Link checked Dec 2023
Rights of way advice note 9: General guidance on public rights of way matters	Planning Inspectorate	www.gov.uk/government/publications/rights-of-way-advice-note-9-general-guidance-to-inspectors-on-public-rights-of-way-matters/rights-of-way-advice-note-9-general-guidance-on-public-rights-of-way-matters	Link checked Dec 2023
Countryside and Rights of Way Act (2000)	UK Government	https://www.legislation.gov.uk/ukpga/2000/37/contents	Link checked Dec 2023
Public Rights of Way Including the definitive map	Hampshire County Council	www.hants.gov.uk/landplanningandenvironment/rightsofway www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap	Link checked Dec 2023
Accessible Natural Green Space Standards in Towns and Cities: A Review and Toolkit for their Implementation (ENRR526)	Natural England	https://publications.naturalengland.org.uk/publication/65021	Link checked Dec 2023
Countryside Service Design Standards Guidance	Hampshire County Council	www.hants.gov.uk/landplanningandenvironment/countryside/designstandards	Link checked Dec 2023
Rights of Way Circular (1/09)	Defra	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69304/pb13553-rowcircular1-09-091103.pdf	Link checked Dec 2023



Guidance on Planning Obligations and Developer Infrastructure Contributions

Part 6: Library Services

Summary

- The County Council has a statutory duty to provide a libraries and archives service for the residents of Hampshire.
- Having been through a transformation programme (2021) it is unlikely that any new library facilities will be required across Hampshire up to 2025, unless any new, currently unforeseen strategic scale developments are planned. This position will be kept under review.
- The growth of communities through smaller scale developments can still have a cumulative impact on the delivery of library services locally. Where this impact can be demonstrated, the County Council will require that impact to be mitigated, as informed by this Guidance.

Infrastructure Needs & Planning Background

1. As a local library authority, Hampshire County Council has a statutory duty to provide a “comprehensive and efficient” library service for everyone who lives, works, or studies in the county. This statutory duty derives from Section 7 of the 1964 Public Libraries and Museums Act. There is no specific definition of what constitutes a “comprehensive and efficient” service; it is for each authority to judge, based on, among other things, local community needs and available resources.
2. Nonetheless, in fulfilling its duty under the 1964 Act it does state that the library authority shall have particular regard to the desirability of the keeping of adequate stocks of books, that facilities are available for the borrowing of, or reference to, books and other printed matter and other materials sufficient in number, range and quality to meet both the general requirement and any special requirements of both adults and children.
3. The Council has a role to encourage both adults and children to make full use of the library service and providing advice and support about how to use and access services, information and resources.
4. In section 8 of the National Planning Policy Framework (NPPF) dealing with the promotion of healthy and safe communities, paragraph 93 requires that, in order to provide the social, recreational and cultural facilities and services that communities need, planning policies and decisions should:
 - a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
 - c) guard against the unnecessary loss of valued facilities and services,*

particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."

5. The County Council also has a responsibility under the Local Government (Records) Act 1962 and the Local Government Act 1972 to ensure the safekeeping and access to its records. The Public Records Act 1958 requires public records to be preserved and Hampshire County Council holds a licence as an approved place of deposit under section 4(1) of the Public Records Act 1958. The Archive collections must be available for public access.

Existing Provision: Libraries in Hampshire

6. CIPFA produce an annual 'Public Library Statistics' report and Hampshire County Council has been and remains a top performing library authority – most issues, most visits, most e-Issues of any county authority – it does so efficiently as evidenced by:
 - a. Spending less overall per 1000/population than most other English counties
 - b. having the lowest number of libraries relative to population of any English county
 - c. having less staff per 1000/population than the majority of other English counties.
7. This performance will be monitored to understand comparative trends in expenditure and income generation, and library visits (e.g. data for 22/23 is due to be published January 2024). For 2021/22 CIPFA reported average library visits of 1,536 per 1,000 people across Great Britain (survey data).
8. There are 40 Council-run libraries in Hampshire which operate a range of opening hours. Whilst Tier One libraries are open for longer hours than Tier Three libraries, there is currently no standard allocation of hours within tiers.
9. Tier One libraries are the largest and busiest libraries, providing the widest range of services. They have a catchment population of over 50,000, tend to be found in the biggest towns and are open longest - usually six days a week.
10. Hampshire's library service also comprises:
 - Online library service available 24 hours a day including eBooks, Magazines and digital resources;
 - Home library service;
 - School library service;
 - Learning in libraries;
 - Specialist library services, events and activities – a range of services for individuals

and groups.

11. Tier Two libraries are found in medium sized towns and are open on five days each week. They have a catchment of around 30,000 to 70,000 people. Tier Three libraries are located in smaller towns and villages and are open fewer days each week. Typically, they are small spaces (when compared to Tier One or Tier Two libraries) in a community building often with partners co-located. Tier Three libraries have a catchment population of around 10,000 – 40,000 people.
12. The Libraries floorspace per 1000 population (Gross) is 23m², and the net floor space: 17m². The Library service stock consists of physical stock (1,415,799 items) and digital stock (with 1,900,000 (loans per annum)).
13. Data from the first six months of the 2021-22 financial year (April -Oct) shows 29% of active borrowers in Hampshire were age 0-9 years; 12% were aged 10-19 years and 21% over 70 years.
14. The library tier list in Table 1 reflects the outcome of a recent transformation programme and represents what the County Council considers to be a comprehensive and efficient library service designed to meet the needs of local communities as required by the 1964 Act. This will be kept under review through monitoring the implementation of the library service strategy and through regular customer engagement.

Table 1 Hampshire libraries listed by category (tier)

Tier One (11)	Tier Two (17)	Tier Three (12)
Andover	Aldershot	Emsworth
Basingstoke	Alton	Fordingbridge
Chandlers Ford	Eastleigh	Leigh Park
Fareham	Havant	Yateley
Farnborough	Hythe	Alresford
Fleet	Lockswold	Bishops Waltham
Gosport	Romsey	Bridgemary
Lymington	Tadley	Liphook
Petersfield	Totton	Netley
Waterlooville	Bordon	Overton
Winchester	Chineham	West End
	Hayling Island	Whitchurch
	Hedge End	
	New Milton	
	Portchester	
	Ringwood	
	Stubbington	

Strategic Background

15. Libraries are not places solely to borrow books, and function as community hubs offering services and facilities to cater for a range of community needs including those of children, students, job seekers, and the elderly. Libraries offer free, authoritative, non-judgemental information services and supported access to online resources and services. They also offer neutral places to promote community wellbeing, with access to technology and learning opportunities.
16. In 2019 The Arts Council England published “[Championing archives and libraries within the planning system](#)” which advocates for libraries and archives being considered as part of local infrastructure and contributing towards the place-shaping agenda and creating better places to live. Thus, it rightly espouses the concept that:

“...libraries enhance and enrich their community and their area; estate agents point to them in their brochures as a contributory factor in influencing people to choose a particular neighbourhood in which to settle. They are perceived to be safe, neutral and trusted spaces, free from political agendas and able to give unbiased but verifiable information on major topics. Libraries reach all sections and demographics within the community.”
17. In July 2020, (following an extensive public consultation and engagement exercise which received in excess of 20,000 responses), the County Council approved a series of measures necessary to achieve £1.76 million of savings through the libraries transformation programme & vision to 2025 as part of a Council-wide savings programme of £80 million.
18. The County Council’s Library Service Transformation – Strategy to 2025 (see *Further Information* below) has three key priorities:
 1. Promoting reading, with a focus on children’s literacy and the Early Years:
 - i. Providing a service for everyone;
 - ii. Developing children’s literacy, particularly within the Early Years (0-5 years);
 - iii. Investing in Hampshire’s Digital Library.
 2. Supporting healthy, creative communities:
 - i. Establishing council-run libraries as ‘community hubs’;
 - ii. Taking the Library Service into communities;
 - iii. Delivering a programme of learning and activities that meet the needs of library users.
 3. Investing in digital services:
 - i. Providing access to technology, prioritising those at risk of digital exclusion. All underpinned by a sound commercial strategy and business plan.

Obligations and Developer Infrastructure Contributions

19. Set against the legal and policy context, the County Council is committed to maintaining and modernising its libraries services to continue to meet the changing

needs of service users and to cope with any additional demand brought about by new development.

20. New development places increased pressure on infrastructure in a locality. That pressure applies to libraries and archives services in as much as it applies to any other social and cultural infrastructure, facility or service.
21. Contributions sought are set against the context of transformation of the Hampshire library service, and the need to ensure that the County Council is able to ensure provision of an efficient and effective archives service available to all. Significant scale planned development may require a new library facility, although there are currently no plans to open new libraries to support major planned development in Hampshire. In other cases, the County Council does not propose to seek provision for wholly new library (or archives) facilities from developers.
22. The County Council's Library Service Transformation – Strategy to 2025 (see *Further Information* below), became effective from August 2020. The Strategy includes recommendations for providing a comprehensive and efficient library service, with services funded by a balance of revenue contribution and generated income where appropriate.
23. The Strategy explains that a journey time by public transport of 30 minutes or a car journey of 20 minutes is considered reasonable access to a library building. To maintain and sustain this comprehensive service, the County Council closely monitors footfall and other statistics which it reports annually (CIPFA Public Library Statistics). With growing local populations due to housing growth, the provision may become strained (e.g. increased waiting time for books) and building usage intensified.
24. The Strategy to 2025 can provide a justification for securing contributions from developers where securing these would meet the statutory tests i.e. where there is a clear impact from new development on the library service and a justifiable reason to require the developer to mitigate that impact.
25. Arts Council England has published guidance on seeking and securing developer contributions for library and archive provision in England (2023). It acknowledges that most new planned housing development is unlikely to be at a scale that triggers entirely new facilities and amenities. But it does trigger the need to improve the scope of local services that can involve additional or reconfigured space, staff, digital capacity and accessibility, book-stock provision, and outreach such as Home Library Service expansion projects.
26. If sought, contributions would seek to ensure that physical and digital stock provision at existing sites meets demand and to extend and/or enhance existing buildings or infrastructure including creating new library spaces should they be deemed necessary. They would ensure that the library service in any given locality was able to absorb the additional demand created by the new development through an improved service offer in terms of the three service transformation strategy priorities.
27. Local authorities that charge CIL may include social infrastructure in their spending plans and priorities, and the County Council will consider local evidence of need and bid for capital funding from CIL pots to improve community facilities at existing libraries.

Calculating needs, impacts and costs

28. A requirement for developer contributions can be established by comparing the current capacity of the nearest library and population it serves, against the number of people likely to be generated by a new development within its catchment.
29. Catchment areas for libraries are not fixed boundaries but based on catchment principles e.g. Tier 1 libraries typically serve catchments >50,000 (the larger towns). For example catchment areas for the purposes of the detailed 2020 consultation were based on a collection of Census Output Areas linked to active library users.
30. Such contributions could be in the form of:
 - Upgrading of existing library facilities - This may include one or more of the following capital projects:
 - Refurbish library – including improved decoration and new flooring;
 - Reconfigure internal space (new layout) to increase lending capacity;
 - Refurbish toilet facilities;
 - Improved visitor access to library facility i.e. allowing easier access for those with young children or with mobility issues;
 - External works – such as improved parking; cycle racks etc.
 - IT Equipment; Furniture and Stock - This may include one or more of the following projects:
 - provision of books at the named library or outreach service;
 - Provision of “self-service” facilities and other potential IT equipment to increase the opening times and capacity of the library;
 - Provision of furniture e.g. book shelves; tables; chairs to increase visitor numbers;
 - Provision of computers and computing equipment - including tables;
 - Provision of learning equipment / play equipment for younger children.
31. If the data shows that population growth associated with development is increasing demands on services, the County Council may respond to planning applications seeking contributions, using the methodology below as a starting point.
32. Indicative calculations suggest that depending on dwelling size (number of bedrooms) the contribution amount sought per dwelling would range from £29-£64 for contributions towards stock only. Planning obligations for stock would be determined on a case-by-case basis, drawing upon the following data:
 - a. A formula for calculating the cost of additional stock per individual (based on agreed dwelling yields and latest census data)
 - b. Average price per physical stock item (based on Hampshire expenditure data)
 - c. Latest national guidance on recommended stock per 1,000 population

33. Major/ strategic scale development may justify seeking more than just a stock-only contribution, and The Museums, Libraries and Archives document: Public Libraries, Archives and New Development, A Standard Charge Approach (May 2010), suggests a standard charge of £112 (index-linked) per person for the South East, and gives benchmarks as to how much space per population should be provided. The most up to date recommended standard would be used as a starting point for any negotiations regarding planning obligations, and a per dwelling contribution sought.
34. Arts Council England guidance on seeking and securing developer contributions for library and archive provision in England (2023) includes methodologies for calculating library infrastructure contributions.

Further Information

Contact	county.library.hq@hants.gov.uk
---------	--

Hampshire County Council Library Service Transformation – Strategy to 2025 Executive Member for Recreation and Heritage Decision Day - Tuesday, 28th July, 2020	Hampshire County Council	https://democracy.hants.gov.uk/ieDecisionDetails.aspx?Id=1542	Link checked Nov 2023
National Planning Policy Framework (last updated September 2023)	Department for Levelling Up, Housing and Communities	www.gov.uk/government/publications/national-planning-policy-framework-2	Link checked Nov 2023
Guidance on seeking and securing developer contributions for library and archive provision in England (2023)	Arts Council England in partnership with The National Archives	www.artscouncil.org.uk/research-and-data/guidance-seeking-and-securing-developer-contributions-library-and-archive-provision-england	Link checked Nov 2023
Championing Archives and Libraries within Local Planning	Arts Council England in partnership with The National Archives	https://cdn.nationalarchives.gov.uk/documents/archives/championing-archives-and-libraries-within-local-planning.pdf	Link checked Nov 2023
The Museums, Libraries and Archives document: Public Libraries, Archives and New Development, A Standard Charge Approach (May 2010)	Museums, Libraries & Archives Council (MLA)	https://framptons-planning.com/wp-content/uploads/2021/03/CD-G17-May-2010-Public-Libraries-etc-standard-charge.pdf	Link checked Nov 2023



Guidance on Planning Obligations and Developer Infrastructure Contributions

Part 7: Waste Management Infrastructure

Summary

- The County Council has a statutory responsibility as a Waste Disposal Authority to provide facilities to enable local residents to safely manage their waste.
- This document sets out how the County Council will work in partnership with local planning authorities, landowners and developers to ensure that the County Council is able to meet its statutory duties as a Waste Disposal Authority.
- When measured against national benchmarks and other similar authorities Hampshire is well provided for in terms of the numbers of HWRCs (household waste recycling centres (HWRCs)).
- Some older HWRCs are no longer considered 'fit for purpose' in terms of safety and access arrangements.
- While it is unlikely that the County Council will seek the provision of new HWRCs (other than if a major strategic scale development was proposed which could result in a rationalisation of existing provision), where there is a demonstrable impact on waste infrastructure, contributions may be sought to improve nearby older facilities.

Infrastructure Needs & Planning Background

1. National planning policy on waste management is set out in Government's 2014 National Planning Policy for Waste; it also refers to the 2013 Waste Management Plan for England. Both documents set out Government's ambition to work towards a more sustainable and efficient approach to resource use and management. They recognise that positive planning can play a pivotal role in delivering the country's waste ambitions. These ambitions are based on a hierarchical approach to:
 - Minimise waste generation;
 - Reuse materials as much as possible; and
 - Manage materials at the end of their life to minimise their impact on the environment.
2. The Waste Management Plan for England was updated in 2021 and develops the themes set in previous plans and policy, seeking to avoid generating waste, increasing recycling rates, the diversion of waste from landfill and the recovery of energy from waste disposal.
3. The Waste Planning Practice Guidance encourages close co-operation between waste planning authorities and local planning authorities in terms of developing waste planning policy and determining waste planning applications. Pre-application discussions between counties and their districts is strongly encouraged. Not least since, while Hampshire County Council is the waste disposal authority for Hampshire the district and borough councils are the waste collection authorities.

Existing Provision: Household waste management in Hampshire

4. Hampshire County Council has, in conjunction with the City Councils of Portsmouth and Southampton, entered a waste disposal service contract (now extended to 2030) with Veolia UK. The joint working arrangements put in place have enabled the Councils to include recycling infrastructure within the remit of the contract. Investment has been made across a suite of waste management infrastructure solutions, including composting facilities and the network of HWRCs (to take bulky materials that cannot

be collected kerbside).

5. Across the Hampshire area, around 60% of waste brought to HWRCs is recycled. HWRCs across the Project Integra area receive around 200,000 vehicle movements into and out of the centres each year. Hampshire's 24 HWRCs (plus one in Southampton and one in Portsmouth) are spread geographically around the county.
6. The County Council has invested significantly in its HWRC service, with a comparatively high number of HWRCs compared to similar authorities. For example, the Waste and Resources Action Programme (WRAP) suggest best practice metrics, including seeking to ensure a minimum level of provision of 50,000 households per site, compared to just over 26,000 households per site in Hampshire. For this reason, Hampshire County Council aims to improve and future proof its existing HWRC network, rather than increase the total number of sites.
7. Leading waste and resources charity WRAP's best practice recommends that modern split level sites (where servicing vehicles are kept separate from the public, who in turn have level access to bins) can improve site efficiency and increase recycling rates. This is supported by Hampshire's experience, where 2019/20 data shows an average recycling, recovery and reuse rate of 86% at split level sites compared to 81% at single level sites.
8. Split level sites also provide better accessibility for customers, including those with mobility issues, and improved onsite safety. Nine of Hampshire's HWRCs are older, small single level sites. In addition, some older sites have outstanding location or layout issues which need addressing to better meet the needs of future populations and support the County Council in reaching the Government's 2020 Circular Economy Package target of recycling 65% of municipal waste by 2035.
9. The HWRC sites in need of investment are identified based on criteria including existing ground conditions; single level sites; on-site health and safety or accessibility issues. Based on these criteria, the County Council regularly reviews those HWRCs identified as priorities for investment (or rationalisation), to ensure the facilities can continue to support communities and meet users' needs.

Strategic Background

10. Waste management infrastructure requirements need to be considered in light of the anticipated requirements of the Government's Resources and Waste Strategy (2018), and the changes in services that will be required. This strategy sets out how the Government plans to double resource productivity and eliminate avoidable waste of all kinds (including plastic waste) by 2050.
11. The Environment Act 2021 brings in new policies that will require local authorities across England to make significant changes to the way they collect household waste, specifically the requirement to collect for recycling both a set list of dry recycling materials as well as source segregated food waste. In October 2023 DEFRA published 'Simpler Recycling' which set out more details on the implementation of the recycling requirements set out in the Environment Act 2021. This will lead to a need for new / redeveloped dry recycling infrastructure as well as delivering capacity to manage kerbside collected food waste. The reforms include proposed implementation dates by which new requirements must be complied with, with the first requirements for domestic (household) collections expected by April 2026. Work is underway to

establish what this compliance means in terms of local infrastructure provision.

12. Project Integra is a partnership between the County Council, the two Hampshire unitary authorities (Southampton & Portsmouth City Councils), the 11 Hampshire district councils and Veolia as the incumbent contractor. It adopts a four- pronged waste hierarchy approach of:
 - waste management (waste reduction);
 - recycling;
 - energy recovery; and
 - as a last resort, landfill.
13. Across the Project Integra area there is a suite of waste management infrastructure. In September 2021 the County Council agreed its Joint Municipal Waste Management Strategy which sets the strategic direction for the Project Integra Partnership up to 2035. It aims to introduce new measures to address all aspects of the waste hierarchy and so reduce the generation of waste, improving recycling and further reducing the amount of waste going to landfill.
14. The strategy notes in chapter 2 that: *In 2019/20 Hampshire's recycling rate was 41.7% (across all recycling services, including HWRCs). The highest performing Partner had a recycling rate of 41.3%, with the lowest performing Partner having a recycling rate of 24.8%. Overall, the County sits within the lower half of the English local authority recycling performance league table, with the majority of partners sitting in the lower quartile. The recycling, reuse and composting rate has increased over time but has plateaued over 2018/19 and 2019/20. The level of performance being achieved has resulted in pressure being exerted on some Partner authorities by the Secretary of State to make improvements.*
 - * Note that these statistics are for the Project Integra area and so include Southampton & Portsmouth.
15. It is against this background of a relatively low level of household recycling in Hampshire and a changing policy context in terms of the Environment Act 2021, emerging climate change and carbon reduction policies, that the Council may need future investment in waste management infrastructure to meet emerging targets, and to be able to cater for both an increasing population and an increasing use of waste facilities.

Obligations and Developer Infrastructure Contributions

16. WRAP recommends a driving distance of up to 5 miles in urban areas or 7 miles in rural areas to HWRCs for the majority of residents. In a largely rural county like Hampshire it is not realistic to fully meet this target and deliver a cost-effective service for all areas. Hampshire does however already significantly exceed the WRAP recommended minimum catchment per site of 50,000 households. Notwithstanding the geographic distribution and accessibility of HWRCs, the County Council aspires, where possible, to upgrade existing single level sites to split level, to continue to invest and improve the HWRC network of facilities.
17. Housing growth proposed in the catchments of the HWRCs places additional pressure on these sites including:
 - The need to service the HWRCs more frequently, at which times the single level HWRCs must be temporarily closed to public access for up to 20 minutes at a

time for Health and Safety reasons;

- The HWRC no longer being deemed 'fit for purpose', with regard to householder usability and capacity;
 - Increased pressure on HWRCs with pre-existing operational constraints i.e. size and location of site, design of site layout for example single level site with steps.
18. Where residential development has potential to have an identified impact on HWRC capacity, contributions towards HWRC improvements might be sought to mitigate that impact where this is demonstrated. Planning contributions could be in the form of the provision of land to facilitate a relocation or a financial contribution towards service improvement. Financial contributions will normally be pooled to improve or relocate those HWRCs in need of upgrading or relocating, closest to the developments from which a contribution was sought.
19. An alternative approach, where it can be justified in the context of the planning obligation tests, would be for funding from developments to contribute financially towards community reuse hubs. Reuse hubs divert bulky household items (including furniture) from HWRCs and kerbside collections for repair/refurbishment by local community organisations, and onward resale. Hubs provide social value to the community through skills development while also making good quality, reasonably priced furniture available to the community. The full costs of this relatively new concept will be informed as its usage becomes more widespread, and will be dependent on the nature of the waste management facilities on-site and associated build costs.

Assessing needs and calculating demand

20. To determine the impact of new developments on both the HWRC network and wider waste infrastructure, and appropriate measures which might be necessary to mitigate any impact, the County Council welcomes early engagement from both developers or local planning authorities proposing major new areas for growth or development.
21. The County Council's waste management team can provide data and information about existing facilities (HWRCs) which are nearing capacity and advise on the likelihood that development within a catchment would put pressure on this capacity. Owing to more recent investment in HWRCs and modernisation associated e.g. with strategic development, some parts of the county will be able to support planned growth more so than others. Either way, the County Council waste management team seek engagement in proposed development schemes of over 500 dwellings.
22. New residential development in the County can be expected to generate an increase in the overall amount of household waste. Depending on the size of the development, this can have a varying impact on the existing local HWRC network. The impact of increased user pressure will be calculated on a case-by-case basis based on the size and location of the proposed residential development.
23. Where it is expected that new housing development will generate additional pressure on one or more local HWRCs, funding through developer contributions will be sought to help provide the necessary additional capacity and mitigate the impacts of that

development. Where justified, developer contributions may be sought towards funding the following:

- HWRC alterations and improvements;
 - Provision of new equipment;
 - Extensions and/or redevelopment of existing HWRCs;
 - Construction of a new HWRC;
 - Provision of reuse facilities; and
 - Other relevant measures as set out in the Joint Municipal Waste Management Strategy.
24. The level of contribution sought will take account of recent capital costs associated with HWRCs works, or relevant feasibility studies, and will depend on the size and scale of any works required and the rate of build cost inflation.
25. Where, exceptionally, a new HWRC needs to be provided (for example to mitigate the impact of a new large strategic scale development), the County Council will require the following provision:
- A minimum plot size of approximately 0.8 hectare (1.95 acres) of suitable rectangular land on which a new 'split-level' HWRC could be built.
 - The dimensions of the 0.8 hectare site required for the footprint of the HWRC is 120 metres by 63 metres (excluding landscaping buffers as required). This would enable a new HWRC to be provided with approximately 16 waste container bays.
26. Further to site size requirements, a suitable location site for a new HWRC should be in accordance with Policy 29 of the adopted Hampshire Minerals and Waste Local Plan. The land supplied must also be able to accommodate a 'split-level' HWRC. The site must:
- Be freehold and have the benefit of full vacant possession, which will be passed to Hampshire County Council for a nominal consideration;
 - Have planning permission, or be capable of obtaining permanent planning permission, for a split-level HWRC;
 - Have nearby connections to mains services and sewers to serve the site (power, BT, water supply, surface water and foul sewers essential);
 - Be in the right location with a suitable access road to allow for servicing vehicles to pass;
 - Be capable of being granted an Environmental Permit by the Environment Agency;
 - Be a site cleared of all spoil, buildings, and rubbish; and
 - Be free of any contamination (i.e. if contamination is present it has been cleaned before the County Council accepts the land).

Further Information

Contact waste.management@hants.gov.uk

National Planning Policy for Waste (2014)	Department for Levelling Up, Housing & Communities	www.gov.uk/government/publications/national-planning-policy-for-waste/national-planning-policy-for-waste	Link checked Dec 2023
Environment Act 2021 Part 3 Explanatory Notes	TSO	www.legislation.gov.uk/ukpga/2021/30/part/3/enacted /www.legislation.gov.uk/ukpga/2021/30/pdfs/ukpgaen_20210030_en.pdf	Link checked Dec 2023
Waste Management Plan for England (2013)	Department for Environment, Food and Rural Affairs	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/265810/pb14100-waste-management-plan-20131213.pdf	Link checked Dec 2023
Project Integra – Hampshire Joint Municipal Waste Strategy (2021)	Project Integra / Hampshire County Council	https://democracy.hants.gov.uk/documents/s81998/Report.pdf https://democracy.hants.gov.uk/documents/s81999/Appendix.pdf	Link checked Dec 2023
Hampshire Waste Strategy	Veolia	www.hampshire.veolia.co.uk/waste-management/hampshire-waste-strategy	Link checked Dec 2023
Find your nearest Household Waste Recycling Centre	Hampshire County Council	www.hants.gov.uk/wasteandrecycling/recyclingcentres/hwrcfinder	Link checked Dec 2023
Government's 2020 Circular Economy Package	UK Government	www.gov.uk/government/news/circular-economy-measures-drive-forward-ambitious-plans-for-waste#%3A~%3Atext%3DIn%20the%20latest%20step%20in%20going%20to%20landfill%20by%202035	Link checked Dec 2023
Simpler Recycling: Consistency in household and business recycling in England (Nov 2023)	DEFRA	www.gov.uk/government/consultations/consistency-in-household-and-business-recycling-in-england/outcome/government-response	Link checked Dec 2023
Hampshire Minerals & Waste Plan	Hampshire County Council	www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan	Link checked Dec 2023



Guidance on Planning Obligations and Developer Infrastructure Contributions

Part 8: Public Health

Summary

- The County Council has responsibility for ensuring the health and wellbeing of Hampshire's population. This Guidance sets out how the County Council will work in partnership to ensure it is able to meet its statutory duties as a Public Health body, as a key stakeholder in the planning process.
- A detailed joint strategic needs assessment (JSNA) and a public health strategy provide information and evidence which will assist local planning authorities and others in ensuring that provision for public health is made in local decisions about new development.
- The achievement of public health objectives cuts across a number of other areas of local authorities' responsibility, including transport planning for healthy neighbourhoods, active travel, access to green space, and addressing air quality.
- A number of influential reports and practical guidance documents champion the need to take into account public health impacts in plan-making and decision-taking.
- Local planning authorities are encouraged to put public health and wellbeing at the heart of its place making agenda.
- The preparation of health impact assessments (HIAs) can help inform and facilitate this and the County Council's public health team welcomes early dialogue with developers and local planning authorities to ensure that healthier outcomes and design are secured in new development proposals.
- Website links to the key documents are listed at the end of the section.

Infrastructure Needs & Planning Background

1. Poor health and health inequalities in England are estimated to cost the NHS an extra £4.8 billion a year from the greater use of hospitals by people in deprived areas and cost the UK £31-33 billion a year in lost productivity (see Public Health England, *A guide for local authority public health and planning teams* (2020)).
2. The Health and Social Care Act 2012 gave responsibility for the improvement of public health and health protection to upper tier and unitary authorities such as Hampshire County Council. The Act gave local authorities a new duty to take such steps as they consider appropriate for improving the health of the people in their area.
3. In implementing this duty, the County Council works with its NHS partners including NHS England, the Care Commissioning Groups, NHS Trusts, GP Partnerships and voluntary organisations to invest public funds in the commissioning of healthcare services in Hampshire. The strategy aims to deliver improved health and wellbeing outcomes for everyone in Hampshire, driven by individual choice and with less dependency on health and social care provision.
4. The link between planning and health has been long established. The built and natural environments are major determinants of health and wellbeing. The National Planning Policy Framework (2023) recognises the significant synergies between environment and

health and as such embeds health within the planning system as forming a key part of the social objective of achieving sustainable development (paragraph 8b).

5. The NPPF (2023) specifically includes a reference to health infrastructure as something towards which developer contributions might reasonably be sought (paragraph 34). Chapter 8 of the NPPF is about promoting healthy and safe communities:

“Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: . . . [..]...enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”

6. Government planning guidance on promoting healthy and safe communities notes that planning and health need to be considered together on two ways:

“...in terms of creating environments that support and encourage healthy lifestyles, and in terms of identifying and securing the facilities needed for primary, secondary and tertiary care, and the wider health and care system (taking into account the changing needs of the population).”

Paragraph: 001 Reference ID:53-001-20190722

7. The built and natural environment where we live, work and play is inextricably linked to health and wellbeing and can determine the health outcomes of individuals and populations. Whilst access to healthcare is important, 90% of people's health and wellbeing is linked to the wider determinants of health such as neighbourhood design, quality of homes, exposure to air pollution, access to green space, climate resilience, contact with good quality education and employment opportunities, maximisation of opportunities to connect communities via community facilities and sustainable active travel options.
8. An ageing population is a growing consideration for Hampshire requiring significant care infrastructure, as well as an awareness of those needs in the delivery of other infrastructure. The development of the built environment should become adaptive to these needs, supporting access and physical activity which should be integral in well-designed neighbourhoods.

Existing Provision: Public Health needs in Hampshire

9. Public Health in Hampshire does not itself provide infrastructure but provides or commissions a range of services, seeking to tackle health and social care priorities including domestic abuse support, healthy weights, falls prevention and school nursing services, for examples.
10. The Director of Public Health in every local authority in England is required to produce an annual report on the health of their residents. The County Council has produced a wealth of local evidence on the health needs of Hampshire's population in the form of the Joint Strategic Needs Assessment (JSNA). The JSNA looks at the current and future health and wellbeing needs and inequalities within the Hampshire population and

provides the context for the planning and commissioning of health service and infrastructure to address these needs and inequalities.

11. This Joint Strategic Needs Assessment evidence has been used to inform the preparation of the County Council's Public Health Strategy 2023 – 2026. The JSNA also includes placed-based intelligence and planning authorities are encouraged to review the report for the relevant Hampshire district area to identify public health priorities across wide ranging issues. This includes topics such as green space accessibility, healthy homes, social and digital isolation, air quality and community safety.

Strategic Background

12. Hampshire's Public Health Strategy (2023-2026) explains that buildings, spaces and the natural environment around us are part of the building blocks of health. The Strategy includes three Strategy Themes: Healthy Places; Healthy People and Healthy Lives.
13. A key area of focus within the Public Health Strategy's Healthy Places theme is planning strategy, policy and practice- to ensure places built for Hampshire's communities are accessible, safe and sustainable. This recognises the need for health practitioners to engage with the planning system to implement a range of actions which can improve public health. To work in partnership with planning authorities, the Council has a Planning for health ambition, so that the Council will:
 - support spatial planning to understand and develop the best way to improve people's health, including using this to design healthier schools
 - implement Air Quality guidance and Supplementary Planning Documents with Hampshire's Districts and Boroughs
 - take the lead with health colleagues to address how planning and place can improve health, using a 'whole system approach'
14. The transport and climate change ambitions within the Healthy Places strategy aligns closely with the Local Transport Plan 4 as set out in Part 4 of this Guidance.
15. The issue of planning for public health encompasses a range of cross-cutting considerations related to the planning and delivery of new development necessary to create healthy, high-quality sustainable places, including:
 - high quality health focused urban design approaches;
 - affordable, adaptable, appropriate and high quality housing which meets the full range of identified needs;
 - provision of and safe access to open spaces, nature and recreational facilities;
 - adaptable spaces, landscape and buildings;
 - accessibility to services and facilities (including health & social care);
 - green and blue infrastructure;
 - sustainable climate resilient infrastructure; and
 - (where appropriate) mitigation of poor air quality.

Obligations and Developer Infrastructure Contributions

16. A projected increase of over 350,000 people in Hampshire over the 30-year period 2020-2050 (based on the POPGROUP projections model) will impact on public health services across the County from hospital and emergency services provision, mental health and adult social care, GP services and so on.
17. The County Council's own demographic forecasting model (Small Area Population Forecasts) suggest an increase from 1,428,900 to 1,504,000 by 2029. This is a forecast population increase of 75,100. An increase of 5.6%. This level of growth will give rise to an increased impact on healthcare provision necessitating additional healthcare infrastructure, resources and funding. To meet the needs of our future populations whilst making best use of existing assets, mitigation may be sought from new developments to contribute towards necessary improvements in healthcare facilities.
18. The County Council as a consultee on planning applications would not itself seek financial contributions towards healthcare infrastructure. In appropriate circumstances, and where there is evidence of a need arising from the development, additional contributions may be required for healthcare facilities by a local planning authority. Local authority guidance on developer contributions will set out the circumstances in which such obligations may be sought.
19. Hampshire Public Health teams work in partnership with NHS service providers and can advise on the preparation of Infrastructure Delivery plans, for example any planned changes in the commissioning of health care locally, or local infrastructure deficiencies.
20. If local planning authorities are so minded to seek contributions for General Practice Infrastructure they may wish to contact Hampshire and Isle of Wight NHS Integrated Care Board. The Local Planning Authority Engagement (LPAE) team hosted by Torbay and South Devon NHS Foundation Trust, are now working on behalf of Hampshire and Isle of Wight Integrated Care Board (HIOW ICB) estates teams to manage that organisation's response to planning applications in Hampshire. The HIOW ICB intend to review planning applications for developments of 20 or more dwellings and where justified, their planning application responses could request funding from developers to mitigate the impacts that may arise for primary care as a result of development.
21. It should be noted that adequate provision of primary health care also has an important bearing on the County Council's public health responsibilities, and it is advisable to involve the team in early discussions on these issues.

Assessing needs and calculating demand

22. The County Council has produced a Position Statement (see link below) on planning and public health which includes recommendations to local planning authorities. This Statement includes guidance on the use of Health Impact Assessments for plan-making and decision-making. The Statement suggests that authorities consider the requirement for a Health Impact Assessment (HIA) for all developments of 100 units and above and involve public health in pre-application discussions for major developments of 100 units and above. If not already requested by the local planning authority, the County Council will request that

applicants of these major schemes consider any health impacts through the preparation of an HIA. They should include a suite of proposed actions to mitigate any adverse impacts, particularly in areas which evidence (through the JSNA) shows are suffering from high deprivation, fuel poverty, poor health, elderly or vulnerable groups or high levels of childhood obesity.

23. A Health Impact Assessment (HIA) is a flexible, proportionate and practical tool, which allows for the evaluation of the health impact of policies, strategies and initiatives in sectors that indirectly affect health, such as transportation, employment and the environment. The overall goal of HIAs is to inform decision-makers of any adverse health effects of proposed actions and support the identification of appropriate policy options.
24. An HIA is most effective when it is undertaken to inform and shape a plan, policy or development project during options appraisal and design (that is before decisions are made and submitted as part of a planning application). It considers in an explicit and comprehensive way the impact of development and can address and help to discuss and mitigate any issues before they arise.
25. The County Council Public Health team is able to support local planning authorities in conducting Health Impact Assessments of Local Plans if required.
26. Public Health England published 'Health Impact Assessment in Spatial Planning: a guide for local authority public health and planning teams (2020)', which provides further information on undertaking a Health Impact Assessment (HIA).

Further Information

Contact	public.health@hants.gov.uk
---------	--

Healthy and safe communities Guidance on promoting healthy and safe communities (last updated Aug 2022)	DLUHC	www.gov.uk/guidance/health-and-wellbeing	Link checked Dec 2023
Joint Strategic Needs Assessment	Hampshire County Council Public Health	www.hants.gov.uk/socialcareandhealth/publichealth/jsna	Link checked Oct 2023
Health Impact Assessment in spatial planning A guide for local authority public health and planning teams (October 2020)	Public Health England	www.gov.uk/government/publications/health-impact-assessment-in-spatial-planning	Link checked Oct 2023
Public Health in Hampshire	Hampshire County Council Public Health	www.hants.gov.uk/socialcareandhealth/publichealth	Link checked Nov 2023
Public Health Strategy 2023 - 2026	Hampshire County Council Public Health	https://www.hants.gov.uk/publichealthstrategy	Link checked Nov 2023
Hampshire Planning and Public Health Position Statement	Hampshire County Council Public Health	https://documents.hants.gov.uk/public-health/PublicHealthandPlanninginHampshirePositionStatement.pdf	Link checked Nov 2023
The state of the Union: reuniting health with planning in promoting healthy communities	TCPA	www.tcpa.org.uk/resources/the-state-of-the-union-reuniting-health-with-planning-in-promoting-healthy-communities/	Link Checked Nov 2023
Building for a Healthy life (design toolkit) (endorsed by Homes England)	Design for Homes	www.udg.org.uk/publications/other-manuals/building-healthy-life	Link Checked Dec 2023



Guidance on Planning Obligations and Developer Infrastructure Requirements

Part 9: Flood & Water Management

Summary

- The County Council has a statutory duty to consider the surface water flood risk implications of new development and, to provide advice on Sustainable Drainage Systems (SuDS). It also has a responsibility for consenting works to Ordinary Watercourses (OWs).
- The County Council has produced a number of guidance documents for developers and landowners to help explain their responsibilities in these matters.
- The County Council encourages early engagement with those proposing development which might have implications for surface or ground water flood risk or may require works to OWs.
- This guidance sets out how the County Council will work in partnership with local planning authorities, landowners and developers to ensure that the County Council is able to meet its statutory duties as a Lead Local Flood Authority (LLFA).

Infrastructure Needs & Planning Background

1. Hampshire County Council was established as a Lead Local Flood Authority (LLFA) under the provisions of the 2010 Flood & Water Management Act.
2. The Act requires LLFAs to develop, maintain, apply and monitor a strategy for local flood risk management in its area in relation to groundwater, surface water and ordinary watercourse flooding. The Environment Agency retains responsibility for managing flood risk associated with coastal, river and reservoir flooding.
3. The planning system is founded on the principle of a sequential, risk-based approach to the location of development to avoid, wherever possible, flood risk to people and property. Development should be steered to areas with the lowest risk of flooding, based on the Environment Agency's Flood Risk Zones and it should not increase flood risk elsewhere.
4. While decisions about the suitability of water management provision concerning any development proposal are ultimately made by local planning authorities (LPAs), as LLFA, the County Council is a statutory consultee on major planning applications. It is the responsibility of the County Council to consider the surface water flood risk implications of new development and, in particular to provide advice on Sustainable Drainage Systems (SuDS).
5. The NPPF (paragraph 160) requires LPAs to take account of the advice of flood risk management bodies including LLFAs on flood risk management. It also requires (paragraphs 167/169) that major developments (defined as those of 10 or more dwellings) should incorporate SuDS unless there is clear evidence that this would be inappropriate. The full enactment of Schedule 3 of the Flood and Water Management Act in 2024 will make this mandatory and is expected later in 2024.
6. SuDS aim to mimic natural drainage systems (rather than use artificial drains, pipes, gullies and impermeable surfaces) and so attenuate or infiltrate surface water as close to its

source as possible rather than accelerate flows into artificial systems which can become overwhelmed and fail or cause flood risk further downstream.

7. The NPPF is supported by Government's NPPG on Flood Risk and Coastal Change which elaborates in considerable detail on the general policy principles set out in the NPPF.

Existing Provision: Flood and Water Management Infrastructure

8. The Environment Agency is responsible for managing the flood risk related to Main Rivers and the coast whilst the LLFA is responsible for managing the flood risk related to ordinary watercourses, surface water and groundwater.
9. The Flood and Water Management Act requires the Lead Local Flood Authority (LLFA) to create and maintain a register of all structures and features that are anticipated or known to have an effect (positive or negative) on flood risk in the area.
10. This is known as the Water Management Asset Register and is available on the County Council's website (see *Further Information* below); allowing stakeholders to identify key assets that could impact flood risk and ensure they are carefully managed.
11. Flood defences exist across Hampshire in many forms. There are many areas of natural flood defence such as sites that are lower than surrounding areas and provide storage for flood water, attenuation areas such as marsh land, and naturally occurring weirs within rivers. Artificial flood defences include dams, sluices and pipes to route water away from its natural path.
12. The County Council has a comprehensive programme of flood alleviation schemes ranging from ditch maintenance to strategic partnerships. For example, the Outer Winchester flood alleviation scheme involving road resurfacing, enhancements to ditches and culverts, and drainage system repairs.

Strategic Background

13. Hampshire County Council updated its Local Flood and Water Management Strategy (formerly the Local Flood Risk Management Strategy) in 2020. It has also produced a suite of 18 river catchment based Catchment Management Plans providing advice and information on flood risk from multiple sources of flooding across the county.
14. These strategy and plan documents provide a useful evidence base for developers and local planning authorities when considering flood risk issues, including sources of flooding and areas prioritised as being vulnerable to flood risk, which may be affected by new development proposals.
15. Flood risk management is a complex issue and although risk management authorities work together to reduce flood risk, it often requires individual landowners to also do their part to help themselves and others to manage the flow of water.

Obligations and Developer Infrastructure Contributions

16. As outlined above, decisions about the suitability of water management provision concerning any development proposal are ultimately made by local planning authorities (LPAs). LPAs can negotiate directly for flood infrastructure with developers on a case-

by-case basis. Developers are encouraged to refer to the planning obligations (infrastructure) guidance provided by individual Hampshire local Planning Authorities and/or applicable Local Plan policies on flood and water management. Such guidance can explain that if flood risk cannot be managed on site or by way of condition, then a section 106 agreement may be needed to agree either an appropriate financial contribution or provision of flood defence works or mitigation measures.

17. The County Council does not directly seek developer contributions towards off-site flood infrastructure. The County Council usually seek funding from Flood Defence Grant-in-Aid (FDGiA) to flood and coastal erosion risk management projects, and Levy funding from the Regional Flood and Coastal Committees (RFCCs).
18. Additionally, CIL bids are another mechanism that might be used to fund flood infrastructure where a clear case can be made to CIL charging authorities that funding is required to help deliver a scheme.
19. It is the County Council's view that most potential development sites in Hampshire will be suitable and appropriate for the successful delivery of SuDS schemes. In accordance with paragraph 169 of the NPPF, the onus will be on the developers of 'major' sites to provide clear evidence that this would not be appropriate. On the presumption that most sites will be suitable, developers and LPAs are instructed to take account of advice from the LLFA on the type of SuDS proposed to be used. This policy also requires that the SuDS used should:
 - a) Meet appropriate minimum operational standards;
 - b) Have maintenance arrangements in place to ensure an acceptable standard of operation of the SuDS for the lifetime of the development; and
 - c) Where possible, provide multifunctional benefits, which are meeting four design objectives (known as the 4 pillars of SuDs by the Construction Industry Research and Information Association) of water quantity, water quality, amenity and biodiversity,
20. The County Council has produced guidance notes on different aspects of flood risk management (see link to "Reducing flood risk in planning" advice in *Further Information* below). The key guidance in relation to infrastructure associated with new development is the guidance provided on SuDS, reflecting the NPPF paragraph 169 policy requirements for developers to incorporate SuDS. This is provide by the partnership organisation Susdrain.
21. The County Council also offers advice to LPAs on surface water management strategies and SuDS and developers can seek pre-application advice from the LLFA in relation to surface water drainage.
22. The County Council provides a Surface Water Checklist Guidance document to advise developers and applicants and define the information the County Council requires to assess planning applications in relation to Surface Water Drainage. It has been developed with reference to the NPPF and utilising guidance in the NPPG on Flood Risk and guidance and Ciria SuDS Manual (C753).
23. A key aspect of the success or otherwise of any SuDS lies in the provisions that are made for their long-term maintenance. The responsibility for ensuring the long-term maintenance of SuDS in developments currently will sit with the developer, however, the full enactment of Schedule 3 of the Flood and Water Management Act is expected to

change this. In January 2023 Defra published a review for the implementation of Schedule 3 of the Food and Water Management Act 2010, and the new approach is expected later in 2024/ 2025. Schedule 3 provides a framework for the approval and adoption of drainage systems, and a sustainable drainage system approving body which is expected to sit within unitary and county councils.

24. Until regulations and processes for the creation of sustainable drainage systems at new development are in place, there is no legislation in place specifying which bodies can/should adopt SuDS. The County Council recommends that a recognised and well-established management, utilities or New Appointment and Variations (NAV) company is employed. This will help ensure that SuDS are well maintained and continue to function correctly rather than adding to flood risk.
25. The LLFA therefore currently requires evidence and documentation as part of the planning process (for example, through a planning condition) to demonstrate that appropriate provisions are in place for the entirety of the drainage system to be adopted and maintained for the lifetime of the development. Adoption of SuDS could be agreed through a s106 legal agreement or a separate agreement with the District, Town or Parish Council or private management company but it must, in any instance, be accompanied by a commuted sum to secure and guarantee satisfactory long-term maintenance of the SuDS to the required standard.

Assessing needs and calculating demand

26. The County Council's FWM team comments on draft Local Plans with regard to flood risk and surface water management and offer advice on specific prioritised areas considered to be at high risk of flooding. The County Council in its capacity as Lead Local Flood Authority (LLFA) is a statutory consultee on all major applications (defined as development over 10 dwellings).
27. In addition to its statutory SuDS role, the County Council also has statutory role in respect of Ordinary Watercourses (OWs) and is the consenting authority for any works required to OWs.
28. An ordinary watercourse is defined under the Land Drainage Act 1991 as a watercourse that does not form part of a main river (the Environment Agency is responsible for flood risk management in respect of main rivers). An OW may include rivers, streams, all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.
29. Ordinary Watercourse Consent (OWC) is required from the LLFA prior to any development or works which obstruct, alter or affect the flow of an OW. Retrospective consent cannot be not given and any works which are unconsented are categorised as a nuisance and a notice may be served by the LLFA to abate such nuisance.
30. The Council has produced guidance for landowners and developers about riparian responsibilities and process for seeking consent to make changes to water courses.

Further Information

Contact	fwm@hants.gov.uk
---------	--

National Planning Policy Framework	Department for Levelling Up, Housing & Communities	National Planning Policy Framework - GOV.UK (www.gov.uk)	Link checked Nov 2023
National Planning Policy Guidance	Department for Levelling Up, Housing & Communities	Planning practice guidance - GOV.UK (www.gov.uk)	Link checked Nov 2023
Local Flood Risk Management Strategy	Hampshire County Council	www.hants.gov.uk/landplanningandenvironment/environment/flooding/strategies/local-flood-risk-management-strategyCouncil (hants.gov.uk)	Link checked Dec 2023
Catchment Approach to Flood Risk Management	Hampshire County Council	https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/strategies/catchment-management-plans	Link checked Dec 2023
Catchment Management Plans (August 2023)	Hampshire County Council	https://documents.hants.gov.uk/flood-water-management/HCC-CMP-LocalPlanGuidance.pdf	Link checked Dec 2023
Groundwater Management Plan for Hampshire	Hampshire County Council	https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/strategies/groundwater-management-plan	Link checked Dec 2023
Hampshire County Council Preliminary Flood Risk Assessment (2011)	Hampshire County Council	https://documents.hants.gov.uk/flood-water-management/watercourses/PFRAReportsavedJan2016.pdf	Link checked Dec 2023
Hampshire County Council - Reducing flood risk in planning information.	Hampshire County Council	www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning	Link checked Dec 2023
Hampshire County Council Surface Water Checklist Guidance	Hampshire County Council	https://documents.hants.gov.uk/flood-water-management/SurfaceWaterChecklistGuidance.pdf	Link checked Dec 2023
Flood and Water Management Act (2010)	National Legislation	https://www.legislation.gov.uk/ukpga/2010/29/contents	Link checked Dec 2023
Sustainable Drainage Design Guidance	Susdrain	https://www.susdrain.org/delivering-suds/using-suds/background/sustainable-drainage.html	Link checked Dec 2023

Surface Water Management Pre-Application Advice/Historic Flood Information Request	Hampshire County Council	https://floodwatermanagement.hants.gov.uk/HistoricFloodInformation.aspx	Link checked Dec 2023
Surface Water Management Asset Register (online GIS map)	Hampshire County Council	https://hampshireonline.maps.arcgis.com/apps/webappviewer/index.html?id=71cf47ed7a5344ef958d49255ede3526	Link checked Dec 2023