

**FAREHAM**  
BOROUGH COUNCIL

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# **PLANNING OBLIGATIONS SPD**

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Planning Obligations Supplementary Planning Document for the  
Borough of Fareham (excluding Welborne)

**Consultation Draft**

**MARCH 1, 2023**

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## **Status of Document**

This document is currently at draft stage. Following consultation, in accordance with the relevant legislation, representations will be considered, where appropriate changes will be incorporated, and providing no substantial alterations are made to the document it will be progressed toward adoption through the Council's democratic process.

When adopted, this Supplementary Planning Document (SPD) will replace the previous Planning Obligations SPD (April 2016), which will be revoked. In accordance with Regulations 15 and 35 of the Town and Country Planning (Local Plan) (England) Regulations 2012, a statement reflecting the formal withdrawal of the 2016 Planning Obligations SPD will be made at the appropriate time.

This document is intended to apply to the whole of the Fareham Borough excluding Welborne. Consultation on this SPD is running concurrently with a review of the Council's Community Infrastructure Levy Draft Charging Schedule.

## 1. Introduction

- 1.1. In its role as Local Planning Authority, the Council has to balance a broad range of considerations to ensure that the development would be acceptable. Almost all built development (such as residential, commercial and retail development) has some impact on the local environment or amenities, or on the need for infrastructure and services. Sometimes the impacts may be of such significance that development should not be permitted.
- 1.2. There are several ways in which the Council, as planning authority, can secure infrastructure through new development.
- 1.3. Paragraph 55 of the National Planning Policy Framework (NPPF) states that '*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition*'.
- 1.4. Both the use of conditions and planning obligations are separate to the Community Infrastructure Levy which is a fixed charge levied on new development to fund infrastructure, irrespective of the direct impacts of the development. This is considered in the scope below.
- 1.5. Planning Obligations<sup>1</sup> are legal obligations to mitigate the impacts of development. They can be used to secure new or improved infrastructure, services, and facilities, and where appropriate their maintenance, to ensure that new development is acceptable. The new or improved facilities may either be provided directly by the developer, or a financial contribution may be paid to the Council, which will arrange for the necessary investment to be made.
- 1.6. Planning obligations can be secured to support the delivery of a wide range of infrastructure, such as the provision of affordable housing, the provision and maintenance of open space, the delivery of transport improvements, or the expansion of schools to create additional places.
- 1.7. Planning Obligations are most commonly entered into under section 106 of the Town and Country Planning Act 1990. As such they are commonly referred to as 'section 106' agreements. The term 'developer contributions' is also commonly used where a financial contribution is required, although non-financial obligations are also common. They are either agreed between the Council, land owners and developers in a legal agreement called a Section 106 (S106) agreement or by land owners in a Section 106 deed without the Council being party and are then called a Unilateral Undertaking.

## Purpose of this Document

- 1.8. This Supplementary Planning Document (SPD) has been prepared by Fareham Borough Council (the Council) as part of its planning policy framework and its purpose is to provide further clarity to developers, planners, interested parties and local residents regarding the detail on how Planning Obligations will be sought from development in the Borough. The document provides supplementary guidance to determine planning applications, by providing the detail to establish whether a

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<sup>1</sup> [Planning obligations - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

proposal is acceptable and accords with the Local Plan policy, and what is required to make it acceptable. In doing so it will also assist in implementing local objectives in respect of the provision of sustainable development across the Borough by contributing towards the delivery of the Fareham Local Plan 2037 and the Infrastructure Delivery Plan.

- 1.9. The document sets out the most common obligations which may be required as part of any Legal Agreement. These have been identified through Policies set out in the Fareham Local Plan 2037. The Planning Obligations contained within this SPD have been tested through viability work for the Local Plan<sup>2</sup>. This can be found on the Council's website.
- 1.10. Not all the obligation types within this SPD will apply to all types of development, and this guidance will not cover every possible circumstance and/or obligation that may need to be considered. It provides a clear indication of the Council's essential requirements from new development in respect of the provision of infrastructure. This SPD has been produced to apply to varying scales of development, but proposals will be assessed on a site-by-site basis with the individual circumstances of each site being taken into consideration.

## Scope of this Document

- 1.11. This document is only concerned with planning obligations. The main mechanisms used to secure planning obligations are Section 106 agreements, secured under Section 106 of the Town and Country Planning Act 1990 (as amended). In addition, Section 111 agreements are also sometimes used to secure some planning related obligations which would not meet the more restrictive provisions of s106. Where off-site highways works are linked to development they are often included within a s106. However, direct works to the highway by the developer, in agreement with the highway authority, are secured under Section 278 of the Highways Act 1980. Direct works secured under Section 278 agreements are not considered to be planning obligations.
- 1.12. The Council also charges Community Infrastructure Levy (CIL) on certain types of residential and commercial development. CIL is a tariff based charge, set on new development in order to raise funds to help fund the infrastructure, facilities and services needed to support new homes and businesses. CIL is not part of the determination of planning applications and as it is common for site-specific mitigation (secured through a planning obligation) to be required to make the development acceptable in planning terms, in addition to the CIL payment. Further information on the Council's CIL charging regime can be found on the website:  
[https://www.fareham.gov.uk/planning/local\\_plan/cil.aspx](https://www.fareham.gov.uk/planning/local_plan/cil.aspx)

## Section 106 agreements

- 1.13 The Community Infrastructure Levy Regulations 2010 (as amended) sets out the tests that planning obligations (section 106) must fulfil to be lawful. They can only be used:
  - To make the development acceptable in planning terms;
  - Where they are directly related to the development; and

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<sup>2</sup>

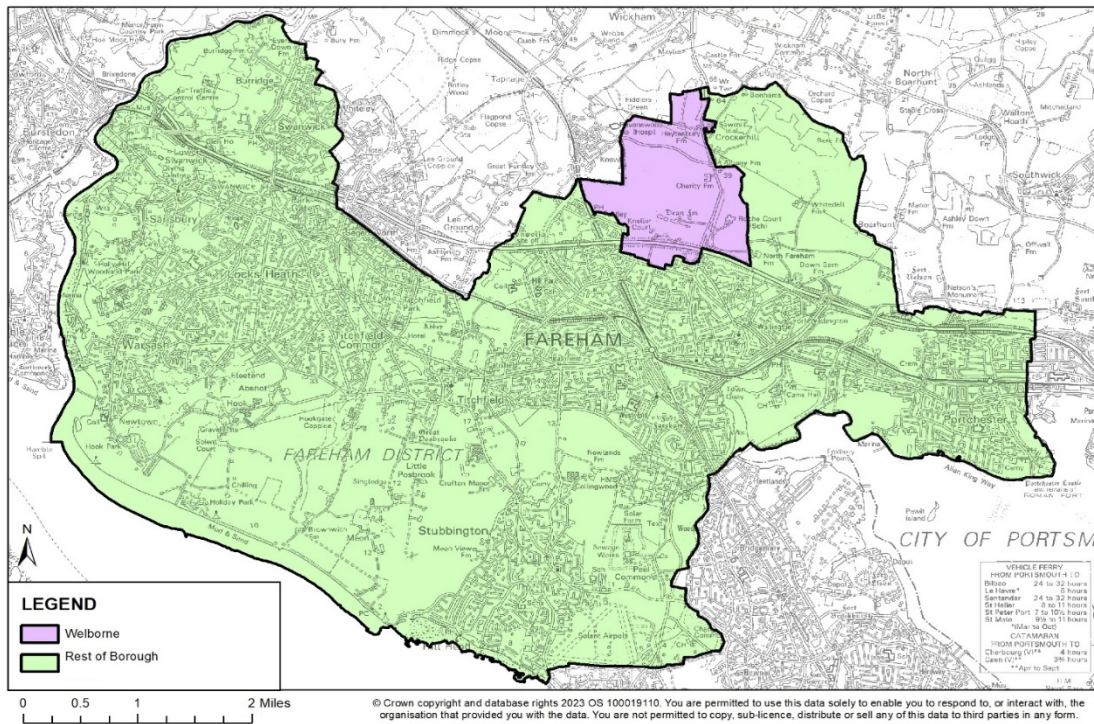
[http://planningpdf.fareham.gov.uk/PDF/planning/publicationplan/VIA001\\_Fareham\\_Local\\_Plan\\_Viability\\_Assessment.pdf](http://planningpdf.fareham.gov.uk/PDF/planning/publicationplan/VIA001_Fareham_Local_Plan_Viability_Assessment.pdf)

- Are fairly and reasonably related in scale and kind to the development
- 1.14 Section 106 obligations will be negotiated on a site-by-site basis and must be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. They may:
- Restrict the development or use of the land in any specified way;
  - Require specified operations or activities to be carried out in, on, under or over the land;
  - Require the land to be used in any specified way;
  - Require a sum or sums to be paid to the authority, on a specified date or periodically either indefinitely or for a specified period
  - Be unconditional or subject to conditions; or,
  - Be for an indefinite or specified period.
- 1.15 Financial contributions may be sought to fund a single item of infrastructure or to fund part of an infrastructure item or service and for the initial provision and/or ongoing running and maintenance costs of services and facilities. There is no limit to the number of obligations that can be sought requiring contributions to a single piece of infrastructure, if a contribution to that project is considered necessary to make a development acceptable in planning terms. Local Authorities have been able to pool an unlimited number of financial contributions secured through a planning obligation since 2019<sup>3</sup>, providing that the obligation meets the three tests set out in paragraph 1.11.
- 1.16 Planning obligations should be identified as early as possible in the planning process. This includes the Masterplan process for strategic scale development, the pre-application process and planning performance agreements to ensure that all parties are clear what is required of them at each stage of the planning process.
- 1.17. This SPD relates to the area of Fareham Borough except the area included within the Welborne Plan policy boundary (Figure 1). The area of Welborne is covered by its own development plan document, the Welborne Plan 2015, which sets out the policy requirements for the site in detail.

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<sup>3</sup> The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019

**Figure 1: Area covered by this SPD**



## Fareham Local Plan

- 1.18 This SPD will support the delivery of the Fareham Local Plan 2037. The Local Plan 2037 and future Local Plan reviews will therefore be an important material consideration.
- 1.19 The Strategic Policy within the Fareham Local Plan 2037 which provides the basis for Infrastructure Delivery is TIN4: Infrastructure Delivery. This provides the strategic framework for seeking planning obligations to fund infrastructure required to make development acceptable in planning terms:

**Strategic Policy TIN4: Infrastructure Delivery**

Developments (excluding householder applications) will be required to provide and contribute towards the delivery of new or improved infrastructure, or other mitigation, to mitigate the impacts of the development. Planning permission will be granted where:

- a) The new or improved infrastructure will be delivered at a rate, scale and pace taking account of phasing on larger schemes; or
- b) The new or improved infrastructure will be provided on-site as an integral part of the development unless the nature of the provision is better provided off-site through the process of developer contributions.

- 1.20 Policy TIN4 is also supported by a number of other policies within the Plan that provide the policy justification for seeking planning obligations, and where relevant, more detail is provided in the subsequent sections. The policy reference is provided in the case for each. Planning policies seeking planning obligations should be grounded in an understanding of development viability through the plan making process. The impact of policy costs on viability has been considered in the Local Plan 2037 Viability Study and the Community Infrastructure Levy Charging Schedule Review Viability Study.
- 1.21 Given that the provision of infrastructure by proposed developments is a material consideration in the determination of planning applications, all new applications, even for those where permission already exists including applications to vary conditions, will be considered against the Fareham Local Plan 2037 and this SPD will be a material consideration.
- 1.22 The Fareham Local Plan 2037 is supported by an Infrastructure Delivery Plan (IDP). This identifies the key infrastructure required to specifically support development set out in the Local Plan. It is important that the infrastructure is provided in advance of, or at least alongside development. The determination of planning applications and the setting of the obligations and trigger points within the legal agreements will be agreed to reflect timely delivery.
- 1.23 Planning Obligations will be sought for the delivery of projects in the IDP. Financial contributions will be the most likely and appropriate avenue for delivering these projects.

## Monitoring of Planning Obligations

- 1.24 The Council monitors all completed planning obligations to ensure compliance by all parties with any covenants, restrictions, and stipulations contained within them. All financial contributions are monitored closely to ensure their spending is wholly in accordance with the terms set out within the agreement and that allocations of contributions are appropriate and in accordance with the tests set out in the National Planning Guidance.
- 1.25 Councils have the discretion to secure contributions towards the monitoring of s106 agreements<sup>4</sup>. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation. This ensures that the Council is able to provide a full and comprehensive audit trail of any allocation and spending of planning obligations' monies should any developer require it. The Council will be introducing a monitoring fee in due course.

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<sup>4</sup> <https://www.legislation.gov.uk/ukxi/2010/948/contents>



## 2. Housing

### Affordable Housing

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*Policy Basis: Fareham Local Plan 2037 – Policy HP5 (Provision of Affordable Housing)*

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- 2.1 The definition of affordable housing is set out in Annex 2 of the National Planning Policy Framework. Affordable housing includes housing for rent, starter homes, discounted market sales housing and other affordable routes to home ownership.
- 2.2 Applicants will be expected to provide onsite affordable housing as defined by Policy HP5: Provision of Affordable Housing in the Fareham Local Plan 2037. Affordable housing will be expected at the following levels for all new residential development sites that can accommodate 10 or more dwellings or have an area of 0.5 hectares or more:
  - In the case of greenfield sites 40% of the total number of residential units should be provided and maintained as affordable housing.
  - On brownfield sites this percentage should be 35%.
  - In the case of sites located within the defined Fareham town centre boundary, 20% of dwellings as affordable housing.
- 2.3 Applicants will be expected to provide a schedule outlining the tenures, type of accommodation (e.g. 3-bed house, etc.), the square meterage of individual units of accommodation, and percentage of units of each or specific numbers of each type. Applicants must comply with Policy HP5 which requires at least:
  - 10% as social rent
  - 55% as affordable rent
  - 10% of the overall housing provision on site to be provided on site to be provided as affordable home ownership.
- 2.4 Applicants will also be required to provide details of the phasing of the provision of the Affordable Units in comparison with the Open Market Units.
- 2.5 Applicants should engage with the Council's Housing Team as early as possible to establish the affordable housing size and mix requirements on site.
- 2.6 There are a small number of scenarios where an off-site contribution might be appropriate. An off-site contribution will be used to provide affordable housing elsewhere in the borough. The starting point and preference should be on-site affordable housing provision rather than off-site contributions. Some scenarios where an off-site contribution might be acceptable are included in the following cases:
  - For a partial unit (i.e. the decimal place of affordable housing requirement).
  - For sites over 0.5ha, but fewer than 10 dwellings.
  - On a case by case basis. For example, in the case of conversions of buildings to flatted development, where the flats would all share the same access would not necessarily suit a mixed tenure approach.
- 2.7 Where this is the case and agreed with the Council, an off-site commuted sum of broadly equivalent value in lieu of part or all of the affordable housing provision on a site will be expected. As off-site financial contributions will be few in number, or for

smaller amounts, it is appropriate that this sum will be agreed in liaison with Fareham Housing in accordance with the Affordable Housing Supplementary Planning Document.

- 2.6 Any off-site contribution that is due will be secured through a Section 106 agreement. The point at which the amount would be payable will be dependent on the scale of the development and the contribution applicable. When smaller amounts apply (such as when the contribution is to make up a decimal point of a whole unit), this should be payable at start of development. In other instances, a payment plan could be agreed with a proportion payable at start of the development and further payments at stages toward completion. In such cases, the last payment should be paid well in advance of the site completing, typically when the development is 50% complete.
- 2.7 Where affordable housing is to be provided through Policy HP6: Exception Sites, the development and occupancy of the site will be controlled through a S106 agreement, between the developer and the Council prior to the issue of the planning application decision notice. The agreement will ensure that the houses developed on the site remain affordable in perpetuity, once the first occupiers have moved on. It will also stipulate any requirements regarding eligibility of potential occupants and any occupancy clauses.

### 3. Recreation and Leisure

#### Public Open Space, Outdoor Sport & Children's Play Equipment

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*Policy Basis: Fareham Local Plan 2037 - Policy NE10: Protection and Provision of Open Space*

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- 3.1 In line with Policy NE10: Protection and Provision of Open Space of the Fareham Local Plan 2037, 'Residential development will be required to provide open and play space to meet the needs of new residents'.
- 3.2 Open space is therefore considered to be a requirement to make development acceptable in policy terms and will be secured through a Section 106 obligation.
- 3.3 In each case, the determination of what is required to be delivered on and off-site will be based upon the contents of the latest available and published evidence base including the Fareham Local Plan 2037 Playing Pitch Strategy<sup>5</sup> and Open Space Study<sup>6</sup>).
- 3.3 For all on-site open space, the Council will need to be satisfied suitable arrangements have been made for the long-term maintenance of the asset to ensure that it will be kept as public open space in perpetuity. Where it is agreed with the Council that the land will be transferred to its ownership, a commuted sum will be required to provide long term management for a period of at least 50 years. The Council maintains the right to decline to take on land and require the developer to seek and evidence alternative arrangements. This will be the case for assets such as sustainable drainage systems and small amenity areas.

#### On-site Open Space Standards

- 3.4 The Council uses the following Open Space standards (derived from the Fareham Open Space Study 2018). The overall standard is divided into the different categories of provision as summarised below:

**Parks & Amenity Open Space** 1.5 hectare per 1,000 population

**Children's Play Equipment** 14 pieces of equipment per 1,000 1-12 year olds

**Outdoor Sport** 1.2 hectare per 1,000 population

- 3.5 The Open Space study sets out a clear definition of 'Parks and Amenity Open Space', but in short it contains urban parks, buffer zones around children's play equipment, informal recreation spaces, incidental space, village greens and green paths between developments. This type of space is not laid out for defined sport, recreation or as a play space but is accessible, available and safe for all purposes. It is largely comprised of the sort of areas that people think of as "typical" public open space, for everyday activities such as dog-walking or a "kickabout".

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<sup>5</sup> [http://planningpdf.fareham.gov.uk/PDF/planning/local\\_plan/TOI001\\_Playing\\_Pitch\\_Strategy\\_Revised.pdf](http://planningpdf.fareham.gov.uk/PDF/planning/local_plan/TOI001_Playing_Pitch_Strategy_Revised.pdf)

<sup>6</sup> [http://planningpdf.fareham.gov.uk/PDF/planning/publicationplan/NE010\\_Open\\_Space\\_Study.pdf](http://planningpdf.fareham.gov.uk/PDF/planning/publicationplan/NE010_Open_Space_Study.pdf)

- 3.6 These types of spaces are vital to the success of new developments as they not only provide a pleasant backdrop to the urban environment, but they also play an important function in the health and wellbeing of all residents. In order to provide a useable space, which is of true value to its users, the minimum size of any on-site open space should be 0.1 hectare (Ha) based on an area of approx. 35m x 30m, with no single dimension less than 10m.
- 3.7 Outdoor sport is made up of playing pitches, courts, greens, athletics tracks or training areas. Playing pitches should be grass, artificial or synthetic surfaces marked out for team sports including football, rugby, cricket, hockey etc. This also includes areas around pitches required for “run-off” or player safety purposes. Appropriate ancillary facilities, including changing rooms can count towards this standard. Whilst the total quantum of provision is derived through this SPD, the precise nature of the provision (type of pitch i.e. for rugby or for football etc) will be agreed with the Council based on the evidence from the Playing Pitch Strategy. This will be secured through the planning obligation.

What Types of Development Generate an on-site Open Space and Sports Provision Requirement?

- 3.8 All residential development is likely to create some need for open space. However, individual dwellings and small developments will only create a limited demand and are unlikely to be able to deliver a practical on-site solution. Therefore, the Council will require the provision of on-site open space in line with the thresholds in table 1 below.

**Table 1: On site Open Space and Outdoor Sports Provision Thresholds**

<b>Net increase in dwellings</b>	<b>Parks and Amenity Open Space</b>	<b>Outdoor Sport</b>
Less than 20	Not normally required	Not required
20-49	May be required depending on circumstances and location	Not required
50-299	Will be required	Not normally required
300+	Will be required	Will be required

- 3.9 Different age groups will have different requirements for open space; however, all the residents of a community will make some use of their local open spaces, whether it is for walking, sitting, sports or play. Therefore, in general, all types of new residential development above the threshold are considered to generate demand for on-site parks and amenity open space.
- 3.10 For specialist accommodation (such as hostels, student accommodation and accommodation for those with special needs) the Council will consider the need for on-site open space on a case-by-case basis.
- 3.11 For sites yielding between 20 and 49 dwellings the Council will normally only seek to secure the provision of on-site parks and amenity open space where the proposed development will exacerbate or create a deficiency in provision. The determination will be based upon the contents of the latest available survey of open space<sup>7</sup> in the Borough. However, on sites of 50 or more dwellings on-site parks and amenity open space will be expected to be delivered on-site, regardless of local provision in order to serve new residents’ needs as locally as possible.

<sup>7</sup> [Open Space Study \(fareham.gov.uk\)](http://fareham.gov.uk)

- 3.12 In large developments there may be a requirement to provide on-site outdoor sports facilities to serve the needs of the new residents. For sites of 300- 599 units the need for pitches will be determined by taking into consideration the local provision of sports pitches as evidenced through the Playing Pitch Strategy<sup>8</sup>, including their accessibility in relation to the development site. On sites of 600 or more units the provision of on-site playing pitches will almost always be required.
- 3.13 Where development proposals come forward on a piecemeal basis, but as part of a larger cluster (i.e. the individual application is below the 'threshold' but the overall scheme to be delivered is in excess) the Council will determine the need based on the cluster of sites in question. A proportionate approach will then be taken towards provision and contributions.

#### Calculating the Requirement for Open Space and Outdoor Sports Provision

- 3.14 Table 2 provides a tool to determine the level of open space and outdoor sports provision required in new developments (using the site thresholds set out in Table 1). Table 2 is derived from Sports England Playing Pitch Space<sup>9</sup> standards, multiplied by the average number of people per dwelling type. (Based on occupancy figures derived from Hampshire County Council).

**Table 2: Calculating the Requirement for Open Space and Outdoor Sports Provision**

Dwelling Type	Average Occupancy (persons)	Parks & Amenity Open Space	Outdoor Sports Provision	Children's Play Equipment
		Total area of required provision per dwelling type		
		= 15 m <sup>2</sup> per person	= 12 m <sup>2</sup> per person	= 2 m <sup>2</sup> per person
1 Bed	1.38	20.70 m <sup>2</sup>	16.56 m <sup>2</sup>	n/a
2 Bed	1.96	29.40 m <sup>2</sup>	23.52 m <sup>2</sup>	3.92 m <sup>2</sup>
3 Bed	2.58	38.70 m <sup>2</sup>	30.96 m <sup>2</sup>	5.16 m <sup>2</sup>
4 Bed	3.09	46.35 m <sup>2</sup>	37.08 m <sup>2</sup>	6.18 m <sup>2</sup>
5+ Bed	3.32	49.80 m <sup>2</sup>	39.84 m <sup>2</sup>	6.64 m <sup>2</sup>
Studio	1	15.00 m <sup>2</sup>	12.00 m <sup>2</sup>	2.00 m <sup>2</sup>
Elderly 1 Bed	1	15.00 m <sup>2</sup>	12.00 m <sup>2</sup>	n/a
Elderly 2 Bed	1.2	18.00 m <sup>2</sup>	14.40 m <sup>2</sup>	n/a

#### Calculating the Requirement for Children's Play Equipment

- 3.15 Children's play equipment should be provided on new development to serve the needs of the children on that development. The Council has two different types of play areas for children's play equipment: "LEAP"s" (Local Equipped Areas for Play) and "NEAP"s" (Neighbourhood Equipped Areas of Play), their definitions are below. The Council will seek children's playing areas for the site size thresholds site out in Table 3.

<sup>8</sup> Fareham Borough Playing Pitch Strategy

<sup>9</sup> Planning for sport | Sport England

**Table 3: Children’s Play Equipment Thresholds**

<b>Net increase in dwellings</b>	<b>Children’s Play Equipment</b>
Less than 20	Not normally required
20-49	LEAP may be required depending on circumstances and location
50-199	LEAP
200 +	NEAP

*LEAP’s are designed to provide equipment for younger children and should be located where they are easy and safe to access. Ideally this means they should serve a catchment area within 5 minutes’ walk or 400m. They should be a minimum 400sq.m in size, include at least 5 pieces of equipment on safety surfacing and be surrounded by dog-proof safety fencing. Given the Council’s experience to-date regarding the impact of LEAP’s and the likely form of housing layouts in the future, the distance between the equipped area and the nearest residential boundary should be a minimum 20m. Therefore, a LEAP (0.04Ha), including buffer zone (0.46Ha), extends to a minimum 0.50Ha.*

*NEAP’s are designed to provide equipment mainly for older children and should be located where they are easy and safe to access. Ideally this means they should serve a catchment area within 15 minutes’ walk or 1Km. They should be a minimum 1,000 sq.m in size, include at least 8 pieces of equipment on safety surfacing and a hard surfaced multi-purpose area and surrounded by dog-proof safety fencing. Given the Council’s experience to date regarding the impact of NEAP’s and the likely form of housing layouts in the future, the distance between the equipped area and the nearest residential boundary should be a minimum 30m. Therefore, a NEAP (0.1Ha), including buffer zone (0.90Ha), extends to a minimum 1.00Ha.*

- 3.16 For sites of less than 50 dwellings, children’s play equipment may be required on site if there are no accessible areas of children’s play within a reasonable walking distance. However, for sites yielding over 50 dwellings, children’s play equipment will normally be expected to be delivered on site regardless of local provision in order to serve new resident’s needs as locally as possible. The Open Space Study recommends the provision of 14 pieces of equipment per 1,000 1-12 year olds. This would be expected to be made up of a combination of play areas (LEAPS and NEAPS). For example, a site of 200+ dwellings will be expected to provide a LEAP and a NEAP.
- 3.17 1 bed units and older person’s accommodation are not considered to create a demand for children’s play equipment and therefore the delivery of children’s play equipment is not required. Where older person’s accommodation forms part of a wider scheme, those units proposed for that use should not be included in the dwellings total used to determine what form of children’s play area is required.

Outline Applications & Amended Permissions

- 3.18 Where outline or other planning applications contain insufficient detail to allow the calculation of the open space requirement, applicants will be required to enter into a planning obligation in order that any open space required may be calculated and provided in accordance with Policy NE10 of the Fareham Local Plan 2037 and this SPD at the appropriate time in the future.

#### Off-site contributions 'in-lieu'

- 3.19 The Council expects open space and sports provision to be provided on-site to meet the needs of those residents of the development. Where open space and sports provision is a requirement, based on the thresholds, proposals will need to have regard, in liaison with the Council, to the most recent Open Space Study and Playing Pitch Strategy to determine the specific requirements for that area.
- 3.20 Where the provision of on-site open space or sports pitches is clearly shown to not be possible due to, for example, insufficient space to meet the requirements, financial contributions in lieu of onsite provision may be considered, in consultation with the Council. In such cases evidence and justification as to why onsite provision is not considered deliverable will be required by the Council along with proposal for how the needs of new residents will be met by financial contributions to existing and new open space and sports provision in the vicinity without adversely impacting on the needs of existing residents in those areas.
- 3.21 The level of contribution will be agreed with the Council based on a proportionate approach using the latest evidence of cost of provision on a case by case basis. The Council has identified in Appendix 1, what it will expect to be delivered for each type of provision and indicative costs. Please note that these are indicative at time of writing and will be considered the starting point for negotiations when establishing the cost of provision where necessary.

#### Maintenance of Open Space

- 3.22 The long term maintenance of open space, sport and recreation and play facilities is critical to ensure that they achieve and maintain their maximum potential benefit and value. Developers will be required to make provision for the maintenance of open space they supply and retain on or off-site for a period of at least 50 years, or in perpetuity where this is a legal requirement<sup>10</sup>.
- 3.23 Where the developer proposes to procure a management company to manage and maintain the public open space going forward, the Council will require evidence of long term contractual arrangements for a period of 50 years, performance criteria and monitoring and funding as well as detailed management plan and maintenance schedule as part of the application.
- 3.24 Where it is agreed and the land ownership and future maintenance responsibilities are transferred to the Council, a section 106 agreement will be used to secure the ongoing maintenance of the public and open space on the site through a commuted sum. The developer will be required to transfer the land to the Council along with the commuted sum towards its maintenance.
- 3.25 In such cases where the land is to be transferred to the Council, the developer will be required to maintain the approved open space to the Council's satisfaction for a period of 12 months following its completion. After this period, the land will be transferred to

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<sup>10</sup> In some other cases, for example mitigation provided for sites or species protected under the Habitats Regulations, the requirement may be for management and maintenance of habitats 'in perpetuity'. It will be up to the planning authority to determine the length of time that it is appropriate and reasonable to require ongoing management and maintenance of habitats as part of the grant of planning permission, considering the range of policy and legislative requirements.

the ownership of the Council for an agreed fee set out in the planning obligation and subject to the payment of the commuted sum.

- 3.26 Where the maintenance is secured by means of a commuted sum, the amount due will be calculated using table 4. The figures in this table will increase on 1<sup>st</sup> April annually in line with inflation (the Council will use the published Consumer Price Index (published February annually) plus 1%), unless otherwise justified, for example, by a greater than average rise in the costs associated with replacing children's play equipment.

**Table 4: Calculating Maintenance Contributions**

	<b>Parks and Amenity Open Space<sup>11</sup></b>	<b>Outdoor Sports Provision</b>	<b>Children's Play Equipment</b>
<b>Rate per m<sup>2</sup></b>	<b>£39.72 m<sup>2</sup></b>	<b>£58.53 m<sup>2</sup></b>	<b>£216.86 m<sup>2</sup></b>
<b>Dwelling Type</b>			
	<b>Total maintenance contribution per dwelling type</b>		
1 Bed	£822.20	£969.26	£598.53
2 Bed	£1,167.77	£1,376.63	£850.09
3 Bed	£1,537.16	£1,812.09	£1,119.00
4 Bed	£1,841.02	£2,170.29	£1,340.19
5+ Bed	£1,978.06	£2,331.84	£1,439.95
Studio	£595.80	£702.36	£433.72
Elderly 1 Bed	£595.80	£702.36	Not Applicable
Elderly 2 Bed	£714.96	£808.27	Not Applicable

- 3.27 The costs for maintenance reflect the need to provide management and maintenance of open spaces for an extended period of time. The costs proposed have been tested through the viability evidence prepared to support a CIL Charging Schedule review. The costs reflect the maintenance regimes set out in Appendix 2 of this SPD.

<sup>11</sup> Where there are trees on land to be adopted by the Council, an additional contribution will be sought towards the costs of maintenance.



## Trees

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*Policy Basis: Fareham Local Plan 2037 – Policy NE6 Trees, Woodland and Hedgerows*

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- 3.28 The cost of maintaining land does not include any contribution to maintaining trees included in the open space costs in the preceding section. It is therefore a requirement that for any land containing trees being transferred to the Council for management and maintenance, that an additional contribution is secured to cover that cost.
- 3.29 Management and maintenance of trees includes regular inspect and maintenance by the Council, with those within proximity to people and property requiring more regular inspection and maintenance.
- 3.30 Trees on land adopted by the Council can range from fully mature trees to recently planted saplings, which have been agreed as part of a development scheme.
- 3.31 Where the Council adopts land containing trees that it will be required to actively manage, a maintenance contribution of £1,626.75 (revised as of 1 April annually in line with inflation using the published February Consumer Price Index plus 1%, unless otherwise justified) should be secured for each tree with immediate effect. This assumes the annual cost of maintenance per tree for a period of 50 years. The maintenance regime relates to trees considered to be in proximity to people or property. Where trees to be managed are away from such receptors, an alternative appropriate management regime will be agreed with the Council.
- 3.32 This cost is per tree and is in addition to the maintenance cost for parks and amenity open space.

## 4. Natural Environment

### Flood Risk and Drainage Strategy

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*Policy Basis: Fareham Local Plan 2037 – Policy CC2 (Managing Flood Risk and Sustainable Drainage Systems)*

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- 4.1 Policy CC2: Managing Flood Risk and Sustainable Drainage Systems requires all development to comply with national policy and guidance in relation to flood risk. This guidance includes site-specific flood risk assessments or drainage strategy in accordance with the Environment Agency's standing advice. Details of when to follow the standing advice is available online<sup>12</sup>.
- 4.2 Hampshire County Council is the Lead Local Flood Authority (LLFA) for Fareham, and it has a responsibility to work with other Risk Management Authorities to mitigate flood risk. More detail is provided on Hampshire County Council's website<sup>13</sup>.
- 4.3 Policy CC2 of the Fareham Local Plan 2037 requires SuDS on all major developments, and also encourages SuDS to be incorporated on minor developments.
- 4.4 The Council does not adopt SuDS. The design should therefore demonstrate how they are segregated (in management and maintenance terms) from other areas of open space that the Council might take on. Development proposals should include a drainage strategy to include provisions for the long-term future maintenance of these systems as well as details on agreed step-in rights with the appropriate authority. This will need to include monitoring, maintenance, and replacement arrangements.

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<sup>12</sup> [Flood risk assessments if you're applying for planning permission - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

<sup>13</sup> [Reducing flood risk in planning | Hampshire County Council \(hants.gov.uk\)](https://www.hants.gov.uk)

## Biodiversity Net Gain

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*Policy Basis: Fareham Local Plan 2037 – Policy NE2 (Biodiversity Net Gain)*

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- 4.5 Policy NE2: Biodiversity Net Gain of the Fareham Local Plan 2037 requires all relevant development to deliver at least 10% net gain for biodiversity from the existing baseline value of the site and should be maintained for a minimum of 30 years (as set out in the legislation).
- 4.6 Relevant development where Biodiversity Net Gain will be required include applications for the provision of:
- One or more new dwelling; or
  - Commercial building (including redevelopment).
- 4.7 Permitted development and householder applications such as extensions are exempt from the mandatory requirement for providing net gains for biodiversity. There are also exemptions for brownfield sites that meet a number of criteria including that they can clearly demonstrate to the Council that they:
- Do not contain any priority habitats<sup>14</sup>; and
  - Face genuine difficulties in delivering viable development
- 4.8 Biodiversity Net Gain shall be provided onsite in the first instance before a combination of partial onsite and offsite or total offsite solutions within Fareham Borough are identified. Habitat creation outside of the Borough either nationally or within the subregion shall only be considered where direct onsite or offsite BNG within Fareham Borough cannot be achieved. The Council expects that a biodiversity calculation tool, such as the Defra Biodiversity Metric<sup>15</sup>, should be used to assess and demonstrate that a biodiversity net gain outcome can be achieved. To achieve net gain, a development must have a sufficiently higher biodiversity unit score after development than before development. The Council will require a costed management and maintenance plan to be provided as a planning condition to ensure gains remain in place.
- 4.9 Where it can be shown that it cannot be adequately achieved on-site, off site measures will be deemed acceptable, where agreed with the Council. The developer can choose to either secure an agreement with a third party to achieve a net gain outcome or by entering into a section 106 agreement with the Council to make a financial contribution to secure the actions for habitat creation, enhancement, maintenance and monitoring using land identified by either the Council or the applicant. The section 106 agreement will secure the actions set out in the Biodiversity Gain Plan and the sums to cover this work are transferred from the developer to the Council; ensuring BNG is delivered and subsequently managed and monitored for at least the minimum period of time required (30 years).
- 4.10 Where developers have provided their own offsite Biodiversity Net Gain solution, evidence of a legal agreement showing the landowner and/or provider of the offsite solution agrees and are able to manage and maintain BNG on their land for at least

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<sup>14</sup> Such as those identified in the UK Biodiversity Action Plan (BAP) <https://jncc.gov.uk/our-work/uk-bap>

<sup>15</sup> <http://nepubprod.appspot.com/publication/6049804846366720>

the minimum period of time required will be required before planning permission is granted. The planning obligation may also include a provision for the responsibility of undertaking the works to achieve BNG to be passed on to any subsequent landowner(s).

- 4.11 The Council has committed within the Local Plan 2037 to produce a Biodiversity Net Gain Supplementary Planning Document which will provide further guidance on the delivery of these scenarios.

## International Nature Conservation Designations – The Solent Recreation Mitigation Strategy

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*Policy Basis: Fareham Local Plan 2037 – Policy NE3 (Recreational Disturbance on the Solent Special Protection Areas SPAs)*

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- 4.12 The Council, working with neighbouring authorities, is part of the Solent recreation Mitigation Partnership. This partnership was established to identify and implement a programme of mitigation measures to counteract the likely significant effects of recreation disturbance (either alone or in-combination) associated with residential development within a 5.6 km zone of influence on The Solent Special Protection Area (SPA).
- 4.13 The Solent Recreation Mitigation Strategy (SRMS) sets out the requirements based on the Conservation of Habitats and Species Regulations 2017 (as amended). Development proposals resulting in a net increase in residential units will need to demonstrate that the negative effects can be avoided or mitigated, or they must contribute towards the strategic mitigation measures put in place by the Partnership.
- 4.14 Where a financial contribution is required, this will be required for every net additional dwelling. These charges came into effect from December 2017 and are updated each year in line with the Retail Price Index. The contributions from 1<sup>st</sup> April 2022<sup>16</sup> (with applied RPI) are as follows:
- 1-bedroom property £390
  - 2-bedroom property £563
  - 3-bedroom property £735
  - 4-bedroom property £864
  - 5-bedroom property £1014
  - Flat rate (where size of property is not known) £652
- 4.15 Contributions will be required from development comprising student accommodation, hotels and for additional dwellings provided through Permitted Development. Developments comprising residential institutions (within Use Class C2) for the elderly or disabled, including sheltered accommodation and nursing/rest homes, may also need to provide mitigation and will be assessed on a case-by-case basis based on an analysis of the likely impact of the residents and the level of care. In some cases, larger developments may be required to provide additional bespoke mitigation measures.
- 4.16 The Council provides an option for applicants to make a direct payment through a 'Section 111 agreement'. Section 111 agreements are sometimes used to secure some planning related obligations which do not meet the more restrictive provisions of a section 106. However, for development where a Section 106 agreement is required for other contributions, then the SPA disturbance mitigation package could be included as part of the agreement and there will be no need for a separate Section 111 agreement.

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<sup>16</sup> <https://birdaware.org/solent/about-us/our-strategy/developer-contributions/>

## International Nature Conservation Designations – The New Forest Recreation Mitigation Strategy

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*Policy Basis: Fareham Local Plan 2037 – Policy NE1 (Protection of Nature Conservation, Biodiversity and the Local Ecological Network) and Policy NE3 (Recreational Disturbance on the Solent Special Protection Areas SPAs)*

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- 4.19 As with the Solent, parts of the New Forest are also designated as a Special Area of Conservation (SAC), an SPA, and a Ramsar site. Under the advice of Natural England the Council developed a programme of mitigation measures to counteract the likely significant effects of recreation disturbance (either alone or in-combination) associated with residential development within a 13.8km straight-line zone of influence from the protected sites in the New Forest. The mitigation measures have been formed into an interim mitigation solution<sup>17</sup>. The Interim Mitigation Solution, adopted by the Council in December 2021, covers the borough of Fareham and deals specifically with recreational impact on the New Forest habitat protected sites (SAC/SPA and Ramsar).
- 4.20 Where impacts cannot be mitigated on site, a financial contribution will be sought towards the provision of new green spaces or the enhancement of existing green spaces including provision for their long-term maintenance and management costs. These enhancements are designed to deter people from visiting the New Forest and mitigate any adverse effect on integrity of the habitat sites in that location.
- 4.21 The Council has developed a list of projects to cover three years from December 2021 to December 2024, and including new features at flagship country parks, such as Holly Hill Woodland Park, Abbey Meadows, Park Lane recreation ground and measures such as tree planting, wildflower meadow creation and interpretation panels at sites throughout the Borough. The interim solution also includes arrangements for monitoring, and access management and wardening in the New Forest. The total annual cost of the scheme is £126,000.
- 4.22 To ensure that the programme of projects is responsive to changing circumstances and opportunities, the programme of specific projects will be maintained separately and reviewed on a regular basis to ensure that they are deliverable in the agreed timeframe.
- 4.23 Where a financial contribution is required, this will be expressed as a cost per new dwelling. The cost has been calculated using the total cost of the scheme divided by the anticipated number of dwellings within the zone of influence.
- 4.24 This equates to £247.05 per net new house<sup>18</sup>.
- 4.25 This figure is subject to indexation and will be revised in April each year in line with the Retail Price Index (RPI), with April 2021 being the base year. It will be collected on developments that are unable to provide on-site mitigation, via either a section 106 or

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<sup>17</sup>

<https://moderngov.fareham.gov.uk/documents/s29833/Implications%20of%20Natural%20England%20advice%20on%20New%20Forest%20Recreational%20Disturbance.pdf>

<sup>18</sup> This figure is subject to change following adoption of the full Strategy in 2023.

through a direct payment through a 'Section 111 agreement' where this contribution would be the only obligation in a section 106 or where it does not meet the more restrictive provisions of a section 106.

## Impact of Nutrients on Internationally Designated Water Bodies

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*Policy Basis: Fareham Local Plan 2037 – Policy NE4 (Water Quality Effects on the Special Protection Areas, Special Areas of Conservation and Ramsar Sites of the Solent)*

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- 4.26 The Solent coastline provides feeding grounds for internationally protected populations of overwintering waders and wildfowl. Natural England has advised that there is likely to be adverse effects on the integrity of Habitat Sites (formerly European Protected Sites) resulting from new housing around the Solent unless mitigation is carried out.
- 4.27 New housing schemes and other proposals which include a net gain in overnight accommodation necessitates the provision of new connections to the foul water drainage network. This causes an increase in the amount of sewage influent at Wastewater Treatment Works (WwTW). The increase in wastewater effluent from WwTWs in The Solent region is causing nutrient enrichment and is causing significant effects on the internationally designated sites.
- 4.28 Applications for residential development within the Borough therefore need to identify the measures to mitigate the direct impacts of their development upon the Habitat Sites in The Solent. The Council requires all development which will lead to an increase in overnight accommodation to provide a Nitrate Mitigation Statement.
- 4.29 The following key pieces of information should be submitted as part of any Nitrate Mitigation Statement:
- Confirmation of the way in which the site has been used during the 10 years preceding the submission of the application. If the land has had more than one land use (as specified in Natural England's guidance) a plan is required to confirm the location of each land use. Each parcel of land must have the area annotated and be provided with a detailed chronology confirming when each parcel of land was used for each separate use.
  - The land uses and areas must be used to complete a Nutrient Budget using Natural England's Solent Nutrient Calculator.
  - The mitigation statement should also confirm the form of mitigation proposed, for example, the provision of a financial contribution (credits) towards a strategic project off-site, or on-site mitigation.
- 4.30 Where developments require off-site mitigation measures to be identified, full details of the mitigation will be required for the case officer to undertake an appropriate assessment prior to the determination of the application.
- 4.31 A number of potential mitigation schemes have now come forward, and the Council has entered into legal agreements with a number of landowners who are willing to make their land available for nitrate mitigation, and credits can be purchased directly from the land owners. Proposals that secure off-site credits through such an agreement with a third party land owner, will be required to evidence details of this agreement to the Council. Details of schemes with legal agreements can be found on the Council's website<sup>19</sup>.

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<sup>19</sup> <https://www.fareham.gov.uk/planning/nitratepositionstatment.aspx>



## Solent Waders and Brent Goose Sites

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*Policy Basis: Fareham Local Plan 2037 - Policy NE5 (Solent Wader and Brent Goose Sites)*

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- 4.32 The Solent also supports a significant overwintering population of Solent Waders and Brent Geese (SWBG) and there are several Special Protection Areas (SPAs) designated throughout the region due to their legal protection.
- 4.33 Policy NE5: Solent Wader and Brent Goose Sites sets out a hierarchical approach to protecting the SWBG network. As a matter of course, applicants for sites with the potential to affect the integrity of the SWBG network sites must consider avoidance as the first approach, with on-site mitigation to be provided, if that is not possible. An off-site solution will only be considered if there is clear justification that onsite mitigation cannot be achieved.
- 4.34 Policy NE5 sets out a mitigation hierarchy which can be broadly summarised as follows. This is consistent with the approach identified in the Solent Wader and Brent Goose Strategy (2020)<sup>20</sup>:

Avoidance	Any identified impacts to sites within the SWBGS network shall be avoided in the first instance where possible. Clear justification is needed if impacts cannot be avoided and onsite and/or offsite mitigation is required.
On-site	On-site mitigation should be explored if avoidance measures cannot be achieved. On-site mitigation shall be proportionate to the level of impact and be entirely consistent with the approach described within the Solent Wader and Brent Goose Guidance on Mitigation.
Off-site	If there is clear justification that on-site mitigation cannot be achieved, off-site enhancement measures to an existing site or group of sites within the SWBG network shall be provided. Existing network sites should be selected first before consideration is given to the creation of brand-new sites because existing sites are already proven to be used in some capacity by the relevant species giving greater certainty that mitigation and enhancement measures will be successful. Despite this, it is accepted that with sufficient evidence gathering, planning and implementation, new network sites can be created and act as successful off-site mitigation.

- 4.35 Where proposals are being made for mitigation and/or compensation measures, information to support those proposals will be needed. Any offsite enhancements will need to be consistent with the approach set out in the 'Guidance on Mitigation and Off-setting Requirements' (SWBG Steering Group, October 2018) and Policy NE5 of the Fareham Local Plan 2037.
- 4.36 Where an off-site mitigation measure is identified, the Council will need to be provided with full details of the mitigation proposed including how it will be secured in perpetuity and confirmation of its suitability from Natural England. It will also need to be

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<sup>20</sup> <https://solentwbgs.files.wordpress.com/2021/03/solent-waders-brent-goose-strategy-2020.pdf>

accompanied by an Ecological Management Plan to demonstrate how the long term management of the land will be provided for.

- 4.37 Where on-site mitigation is agreed, and the land is to be transferred to the Council, it is expected that it will be accompanied by a suitable and appropriate commuted sum for the long term (in-perpetuity) management of the site. This will be in accordance with the Ecological Management Plan and based on the maintenance figures set out for public open space and amenity land, considering the specific case by case ecological requirements of the site.

## 5. Highways and Transport

### Sustainable Transport Site-Specific and off-site Transport and Access Infrastructure Improvements

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*Policy Basis: Fareham Local Plan 2037 – Strategic Policy TIN1 (Sustainable Transport), Policy TIN2 (Highway Safety and Road Network)*

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- 5.1 Proposals for new development that cause a severe impact on the local highway network will be required to provide for appropriate specific highway works and improvements, both on-site and off-site, to mitigate the direct impact of the development scheme on the transport network.
- 5.2 Transport Assessments (TA) are required for residential schemes over 50 units, commercial schemes over 2,500 sqm and retail over 1,000 sq.m<sup>21</sup>. However, one may be required for schemes below the threshold if it generates a lot of traffic, or due to potential cumulative effects. The TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling such, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.
- 5.3 Proposals meeting the thresholds set out above will be required to submit a TA as part of a planning application to detail the estimated impact of the development on the highway network. The TA will be expected to model the existing transport infrastructure and the current traffic situation and provide a future traffic scenario based on the effect that the proposed development would have.
- 5.4 Where the TA shows works required on site, or adjacent to the site, developers will be expected to enter into section 278 agreements with the highway authority to undertake the works. These may include but are not limited to:
  - Provision of works to ensure safe access and egress from the development site to the adjoining public highway network;
  - Measures to facilitate safe pedestrian and cyclist access to and from the site;
  - Provision of internal roads to appropriate (adoptable) standards;
  - Street lighting or street furniture required to mitigate the impact of a development; and
- 5.5 Where the impacts identified are off-site, it is expected that a section 106 will be used to collect the relevant contributions as agreed with the Highway Authority.
- 5.6 In line with the Local Plan Strategic Transport Assessment, all applications will be required to show how they will contribute to the delivery of modal shift away from the private car. Applications will be expected to reference and identify how they contribute to the delivery of the Fareham Local Cycling and Walking Infrastructure Plan (LCWIP)

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<sup>21</sup> <https://www.hants.gov.uk/transport/developers/transportassessments>

to raise the profile of cycling and walking. Financial contributions will be sought by the Highway Authority towards these schemes.

- 5.7 Further guidance on this process is available by contacting the County Council's Highways team<sup>22</sup>. In the case of both options, agreements will be signed with the Highway Authority, in liaison with the Borough Council.

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<sup>22</sup> <https://www.hants.gov.uk/transport/developers/section-278>

## Traffic Regulation Orders (TROs)

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*Policy Basis: Fareham Local Plan 2037 – Policy TIN2 (Highway Safety and Road Network)*

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- 5.8 Where the case for a Traffic Regulation Order (TRO) is identified, these will be required through a section 106 agreement. A TRO prohibits, restricts, or regulates the use of roads by vehicles or pedestrians.
- 5.9 The section 106 will be used to secure a contribution towards the cost of making and implementing the TRO. In most cases, the TROs are likely to be ones imposing parking restrictions but could also be used for restricting or controlling vehicular use of or vehicle speeds on a particular stretch of highway.

## 6. Utilities Infrastructure

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*Policy Basis: Fareham Local Plan 2037 – Policy TIN4 (Infrastructure Delivery)*

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- 6.1 The provision of, and upgrade to appropriate utilities infrastructure is an essential part of developing new communities and delivering new housing. Along with new on-site infrastructure for utilities some larger development may require upgrading to off-site infrastructure, such as wastewater, to ensure that the impacts of the development are mitigated. This includes the provision of future access to the existing underground water and wastewater infrastructure for maintenance and upsizing purposes.
- 6.2 The delivery of, or improvements to the utilities infrastructure throughout the Borough will be secured, on the most part, by agreement between developers and the utilities providers. However, planning obligations may be used where necessary and in taking this approach, the Council will liaise with the utility companies involved.

## 7. Employment and Skills

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*Policy Basis: Fareham Local Plan 2037 – Strategic Policy E1  
(Employment Land Provision)*

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- 7.1 The Fareham Local Plan 2037 recognises the need to support programmes of recruitment and skills development to assist the local workforce. This can prevent unnecessary commuting and support the economic prosperity of the Borough.
- 7.2 The Council will assess, on a case-by-case basis, the need for a developer to provide a commitment to targeted recruitment and training for local residents. Planning obligations to secure such commitments are likely to be necessary on major developments or significant employment sites.

## 8. Restriction on the use of land

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*Policy Basis: Fareham Local Plan 2037 – Policy D3 (Coordination of Development and Piecemeal Proposals)*

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- 8.1 To ensure the most efficient use of land the Council may require a Section 106 agreement to ensure that development does not prejudice the provision of access to adjacent land, for example through the creation of “ransom strips”. The necessity for the use of section 106 in this regard will be considered on a case-by-case basis.
- 8.2 Planning obligations will, be sought as part of a legal agreement to restrict the use of the land to certain activities or uses or to prevent undesirable outcomes of development. However, in these instances, no developer contributions are sought. To avoid ransoms the Council will require services, carriageways, footpaths to be constructed up to and touching the boundary of the site and applicants will be required to demonstrate how they will link to services, carriageways, and footpaths with those existing or proposed on adjoining land.



## Glossary

<b>Community Infrastructure Levy (CIL)</b>	A planning charge on new development. The rate(s) (at pounds sterling per square metre) is set out in a charging schedule, which balances the estimated total cost of infrastructure required to support development and the overall potential effects of the levy on the economic viability of development. The infrastructure required to support new development, which the Community Infrastructure Levy can help to pay for, includes roads, schools and recreational facilities.
<b>Development Plan</b>	The Development Plan sets out the parameters for all development in the Borough. It comprises the adopted Fareham Local Plan 2037, the Welborne Plan, and the Hampshire Minerals and Waste Plan.
<b>European Sites</b>	Defined in Regulation 8 of the Conservation of Habitats and Species Regulations 2010, these include a range of ecological sites designated for the protection of rare, endangered or vulnerable natural habitats and species of exceptional importance within the European Union. Designations include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), while Ramsar sites, which generally overlap SACs and SPAs.
<b>Green Infrastructure</b>	A network of high-quality multi-functional green (and blue) spaces, urban and rural, capable of providing a wide range of environmental and quality of life benefits for local communities.
<b>Habitats Regulation</b>	Refers to the Habitats and Conservation of Species Regulations 2010, which provide for the designation and protection of Habitat Sites, and the adaptation of planning and other controls for the protection of Habitat Sites.
<b>Hampshire County Council (HCC)</b>	The higher tier local authority in which Fareham is located. Hampshire County Council is the statutory planning authority for highways, minerals and waste development in non-unitary and non-national park local authority areas.
<b>Infrastructure</b>	The facilities and services needed for a place to function. This includes roads and utilities as well as school places, GP surgeries, libraries and a range of other facilities.
<b>Local Plan</b>	Prepared by local planning authorities to set planning policies to facilitate development, economic growth and protection of natural and historic environment.
<b>Local Planning Authority</b>	The public authority that has a duty it is to carry out specific planning functions for a particular area. All references to local planning authority apply to the district council, in this Fareham, this is the Borough Council. But also see the entry for Hampshire County Council above.

<b>National Planning Policy Framework (NPPF)</b>	Introduced in March 2012, this new framework sets out the Government's planning policies for England and how these are expected to be applied. It provides the framework within which local councils can produce local plans, which reflect the needs and priorities of their communities.
<b>Open Space</b>	All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs), which offer important opportunities for sport and recreation and can act as a visual amenity.
<b>Planning Practice Guidance (PPG)</b>	Introduced in March 2014, this guidance provides further detailed explanation of how the policies within the National Planning Policy Framework (NPPF) should be applied.
<b>Solent Disturbance &amp; Mitigation Project (SDMP)</b>	See Solent Recreation Mitigation Strategy (SRMS).
<b>Sustainable Development</b>	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
<b>Solent Recreation Mitigation Strategy (SRMS)</b>	New house-building around The Solent will create additional recreational pressures, which will impact on the three Solent Special Protection Areas unless mitigation measures are put in place. Drawing on extensive research, a partnership of South Hampshire local authorities, including Fareham Borough Council, and other bodies has prepared an interim strategy to implement those mitigation measures.
<b>Special Protection Areas (SPAs)</b>	See European Sites/Habitat Sites.
<b>Transport Regulation Order (TRO)</b>	The legal document required to support a range of measures, which govern or restrict the use of public roads including double yellow lines, one-way streets, banned turns and bus lanes.
<b>Viability</b>	In planning terms relates to the assessment of a development scheme to establish that favourable conditions regarding the financial aspects will enable development to proceed.

## Appendix 1 - Public Open Space, Children's Play Equipment and Playing Pitch Capital Costs for off-site Provision<sup>23</sup>

### Open Space - 10,000 m<sup>2</sup>

Description	Quantity
Footpath	380m
Boundary Fence	150m
Trees- Sapling	50
Hedge	150m
Shrub borders	256sqm
Grass Rotary	6,500sqm
Grass meadow	2,000sqm
Bench	4
Litterbin	2
<b>Indicative Cost</b>	<b>£30 per m<sup>2</sup></b>

### Playing Pitches (natural turf<sup>24</sup>)

Description	Indicative cost	Indicative cost per m <sup>2</sup>
<i>Cricket natural turf pitch (8 pitch square and 2 winter pitches)</i>	<i>£330,000</i>	<i>£15.90</i>
<i>Football natural turf pitches (senior)</i>	<i>£105,000</i>	<i>£14.15</i>
<i>Football natural turf pitches (mini)</i>	<i>£30,000</i>	<i>£21.14</i>
<i>Football natural turf pitches youth)</i>	<i>£85,000</i>	<i>£14.36</i>
<i>Rugby natural turf pitch (senior)</i>	<i>£160,000</i>	<i>£15.38</i>
<b>Indicative cost per m2 for sport pitch provision</b>		<b>£16.19</b>

### Children's Play Areas

Description	Indicative cost
Local Area of Play (LAP)	<b>£15,000 per area</b>
Local Equipped Area of Play (LEAP)	<b>£100,000 per area</b>
Neighbourhood Equipped Area of Play (NEAP)	<b>£250,000 per area</b>

<sup>23</sup> All costs indicative and to be agreed with the Council on case by case basis on most up to date facilities costs

<sup>24</sup> The cost of playing pitch provision is informed by the Sport England Facility Costs [Facility Costs 3Q22](https://sportengland-production-files.s3.eu-west-2.amazonaws.com) (sportengland-production-files.s3.eu-west-2.amazonaws.com).

## Appendix 2 - Public Open Space, Outdoor Sport & Children's Play Equipment Maintenance Costs

### Open Space<sup>25</sup>

Description	Frequency	Notes
Rotary Grass Cutting	12 per annum	1x Grade 1 for 6 hours & 1 x Grade 3 for 12 hours
Meadow cut & collect	1 per annum	1x Grade 3 & 1x Grade 2 for 5 hours & 2 tonne green waste
Strimming	8 per annum	2x Grade 2 for 8 hours
Tree maintenance	N/A	Contractor rates labour and materials £32.53 a tree
Hedge maintenance	1 per annum	1x Grade 2 & 1x Grade 3 for 2 hours. + Green waste
Shrub maintenance	2 per annum	2x Grade 2 for 12 hours & 2 tonne green waste
Empty Litter Bin	51 per annum	1x Grade 2 for 13 hours + 102 black bags @ 8p each
Furniture inspection	1 per annum	1x Grade 5 for 0.5 hour. Average 10 mile journey
Overlay Footpath	1 x 10 years	Contractor rates labour and materials £80sqm
Fence Painting	1 x 10 years	Contractor rates labour and materials £10 per 1m
Footpath Inspection	1 per annum	1x Grade 5 for 1 hour. Average 10 mile journey
Full Litter Pick	51 per annum	1x Grade 2 for 26 hours. 51 black bags @ 8p each
Seat Bin Repair	1 x 5 years	2x Grade 3 for 2hrs divided by 5
Bin Replacement	1 x 10 years	2x Grade 3 for 1hr divided by 10
Seat Replacement	1 x 10 years	2x Grade 3 for 18hrs divided by 10

### Sports Pitches

Description	Frequency	Notes
Building Maintenance	N/A	
Rotary Grass Cutting	12 per annum	Grade 3 x 9 hours
Fertiliser	annual	Grade 3 x 1 hour & 12 bags fertiliser.
Deep Aeration	2 per annum	Grade 3 x 7.5 hours
Sand Top Dressing	annual	14 hours Grade 2 & 3. 80 tonne rootzone.
Renovation Work	annual	7.5 hours Grade 2 & 3. 5 tonne rootzone & 3x 20kg seed
Take down/Set Up Goal Posts	2x year	Grade 3 & 2 @ 2 hours
Over Marking for Grass Pitches	38 per annum	Grade 3 @ 45mins per occasion
Initial Mark Grass Pitches	1 per annum	Grade 3 x 2 for 3.5 hours
Empty Litter Bin	2x weekly	1x Grade 2 for 26 hours + 204 black bags @ 8p each

<sup>25</sup> All costs also include a cost for inflation and insurance.

Footpath Inspection	annual	1x Grade 5 for 1 hour. Av 10 mile journey
Full Litter Pick	weekly	1x Grade 2 for 26 hours. 51 black bags @ 8p each
Seat Replacement	1 per 10 years	2x Grade 3 for 9hrs divided by 10 (2 seats) + 10
Bin Replacement	1 per 10 years	2x Grade 3 for 1hr divided by 10. (2 bins)
Drainage Inspection	annual	1x Grade 5 for 1 hour. Av 10 mile journey
Floodlight Running & Maintenance	N/A	
Repair/Replace Football Equipment	Posts 1 per 5 years	2 sets of posts for each pitch, 4 sets of nets and 20 corner flags = £1,101.80 divided by 10.
Overlay Footpath	1 per 10 years	Contractor rates labour and materials £80sqm x 300sqm divided by 10

### Children's Play Area

Description	Frequency	Notes
Rotary Grass Cutting	12 per annum	1x Grade 1 for 12 hours
Meadow cut & collect	1 per annum	1x Grade 3 & 1x Grade 2 for 1 hour & 1 tonne green waste
Tree/ maintenance		Contractor rates labour and materials £32.53 a tree
Shrub maintenance	8 per annum	2x Grade 2 for 16 hours & 1 tonne green waste
Furniture Maintenance	1 per annum	2x Grade 3 for 1/2 hour
Empty Litter Bin	2x per week	1x Grade 2 for 13 hours + 102 black bags @ 8p each
Furniture inspection	annual	1x Grade 5 for 0.5 hour. Av 10 mile journey
Overlay Footpath/Hard surface	1x 10 years	Contractor rates labour and materials £80sqm
Fence Painting	1x 10 years	Contractor rates labour and materials £10 per lm
Footpath Inspection	annual	1x Grade 5 for 3/4 hour. Av 10 mile journey
Full Litter Pick	weekly	1x Grade 2 for 26 hours. 51 black bags @ 8p each
Play Equipment Inspection	weekly	1x Grade 4 for 26 hours
Play Equipment Repair/Replace	12 per annum	1x Grade 4 @12 repairs per annum av 0.5 hours
Play Equipment Replacement	1x 15 years	Cost to replace divided by 15 years
Seat Replacement	1x 10 years	2x Grade 3 for 9hrs divided by 10
Bin Replacement	1x 5 years	2x Grade 3 for 1hr divided by 5
Replace Impact Absorbing Surface	1x 10 year	Contractor rates labour and materials £70sqm divided by 10