



Appendix A

Planning Obligations

Supplementary Planning Document

Post Consultation Statement

February 2024

Introduction

- 1.1 This statement summarises and addresses the main issues raised during the public consultation on the Planning Obligations Supplementary Planning Document (SPD). The SPD was published for public consultation for a period of 6 weeks from 17th March and 1st May 2023.
- 1.2 This post consultation statement has been prepared in accordance with Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

1. Consultation

- 2.1 Fareham Borough Council invited consultation responses on the SPD from stakeholders, individuals and organisations who were registered on the Local Development Scheme (LDS) database.
- 2.2 Informal consultation was undertaken internally within Fareham Borough Council throughout the development of the draft SPD which has also informed the direction and content of the SPD.
- 2.3 A summary of the main issues raised by the consultation responses together with the Council's response to those issues are set out in Appendix 1 to this document.

2. Availability of Consultation Documents

- 3.1 The draft Planning Obligations SPD and a Consultation Statement were made available at the following places during the consultation:
 - The Council's website – https://www.fareham.gov.uk/have_your_say/intro.aspx
 - The Council's Offices – Civic Way, Fareham
 - Borough Libraries – Fareham, Locks Heath, Portchester and Stubbington

Appendix 1: Summary of Consultation Responses and how they have been addressed in the Adopted SPD.

Representations on Planning Obligations SPD

Number of representations on policy: 10

Name of respondent	Comments	Council Response and proposed revisions in Final SPD
<p>CBRE on behalf of Premier Marinas</p>	<p>The Council's planning obligation topics or themes are considered to be consistent with the Council's emerging Local Plan and the specific policies that form their policy basis. That said, Premier suggest the wording of the Planning Obligations should make specific reference to paragraph 57 of the NPPF to ensure these are robust and clearly worded.</p> <p>The Council should be cognisant of not stifling the delivery of development by seeking onerous planning obligations and ensure that all planning obligations are strictly necessary, directly related to the proposed development and has consideration for the scale and type of proposed development as part of satisfying the specific planning obligations tests detailed at paragraph 57 of the NPPF.</p> <p>Affordable Housing</p> <p>Premier support the mechanism for off-site affordable housing contributions and welcome the case-by-case approach as detailed at paragraph 2.6 of the Planning Obligations SPD. However, Premier suggest further clarity is needed and specific reference should be made</p>	<p>The Council agrees. The Planning Obligations Supplementary Planning Document therefore refers to the three tests that planning obligations must fulfil in order to be considered when granting permission at paragraph 2.7.</p> <p>The Council agrees and acknowledges this point. The tests of the 106 will be applied in all cases as per paragraph 57 of the NPPF.</p> <p>The Council is producing an Affordable Housing SPD which will be consulted on separately. As a result, the final Planning Obligations SPD only refers to the AH SPD rather than contain any detail. The suite of SPDs is intended to be considered together.</p>

to viability information and to make it clear that any off-site contribution must be proportionate and reasonably related in scale and kind to the development in accordance with paragraph 57 (parts band c) of the NPPF.

Flood Risk and Drainage Strategy

Premier suggest that any Flood Risk and Drainage Strategy related financial obligation is applied on a site-by-site basis and is proportionate to the type of SuDS provided and scale of proposed development in accordance with paragraph 57 (part c) of the NPPF. Premier suggested paragraph 4.4 of the Planning Obligations SPD is amended accordingly to reflect this.

Biodiversity Net Gain

Premier accept the importance of biodiversity net gain and acknowledge the 10% minimum requirement (from November 2023 - exact date TBC) for new development in accordance with the Environment Act 2021. Premier acknowledge the exemptions for brownfield sites where there are no existing priority habitats and where achieving biodiversity net gains is difficult for viability reasons. Premier also suggest further leniency is applied to demonstration of any technical or delivery reasons why the minimum 10% biodiversity net gain requirement cannot be met. This will typically be intrinsically linked to the viability challenges that a developer faces.

International Nature Conservation Designations - The Solent Recreation Mitigation Strategy

Paragraph 2.7 of the SPD sets the framework for all planning obligations. This states the need to meet the three tests defined in the Regulations and NPPF.

Noted. The Council will apply the regulations and orders as they emerge through national guidance. The text relating to BNG has been updated to reflect this.

Premier acknowledge the financial tariff applied by residential property bedroom size. However, Premier suggest that for any bespoke SPA mitigation agreed with the Council, further wording at paragraph 4.16 of the Planning Obligations SPD is required to ensure any such mitigation is directly related to the proposed development and fairly and reasonably related in scale and kind to the development in accordance with paragraph 57 (parts band c) of the NPPF.

Impact of Nutrients on Internationally Designated Water Bodies

Premier suggest further clarity is added to ensue appropriate mitigation is provided on case-by-case basis and is directly related to the proposed development and fairly and reasonably related in scale and kind to the development in accordance with paragraph 57 (parts band c) of the NPPF.

Solent Waders and Brent Goose Sites.

The main built area of Swanwick Marina is located within an area of 'Low Use' where on-site mitigation should be provided as part of new development to where it can be demonstrated that this is not appropriate, off-site enhancement and/or a financial contribution will be sought under Draft Local Plan Policy NE5. Premier accept this approach but suggest appropriate wording is provided at paragraph 4.36 of the Planning Obligations SPD to ensure that off-site enhancement and/or financial contributions will be assessed on a site-by-site basis, must be directly related to, proportionate and reasonably related in scale and kind to the development in accordance with the planning obligation tests set out at paragraph 57 of the NPPF.

Noted. Paragraph 2.7 of the SPD sets the framework for all planning obligations. This states the need to meet the three tests defined in the Regulations and NPPF. All financial contributions for Solent Recreation Mitigation Strategy are tariff based and set by Bird Aware, so no bespoke contributions are requested. However, given the potential for future changes to the tariff, the SPD has been updated to link to the strategy rather than include a specific rate that could become outdated.

Noted. Paragraph 2.7 of the SPD sets the framework for all planning obligations. This states the need to meet the three tests defined in the Regulations and NPPF.

Noted but not considered necessary. Paragraph 2.7 of the SPD sets the framework for all planning obligations. This states the need to meet the three tests defined in the Regulations and NPPF.

Employment and Skills

Premier acknowledge the importance of securing employment and skills as part of new employment development. Swanwick Marina is a designated boatyard and is protected for employment uses under both the adopted Local Plan (Policy DSP19) and the Draft Local Plan (Draft Policy E6). Premier welcome the case-by-case approach to training and skills for on major developments or 'significant' employment sites. It is not clear if 'significant employment sites' relates to all employment sites including boatyards as this term is not referenced on Draft Local Plan Policy E6. Premier also suggest appropriate wording is added to ensure that any proposed programme of recruitment and skills is directly related to, fairly and reasonably related in scale and kind to the development in accordance with paragraph 57 (parts band c) of the NPPF.

Utilities Infrastructure

Premier acknowledge the importance of delivering appropriate infrastructure to support the delivery of new communities and housing. Premier welcome that the delivery of, or improvements to the utilities infrastructure throughout the Borough will be secured primarily through agreements between developers and the utilities providers. Where planning obligation are required, this should be where strictly necessary, and the Council should ensure nay such obligation satisfies the relevant tests set out at paragraph 57 of the NPPF.

Restriction on the use of land

Noted, however following further refinement, the Employment and Skills section has been removed from the SPD as this is not considered within the scope of the SPD.

Noted, however following further refinement, the Utilities Infrastructure section has been removed from the SPD as this is not considered within the scope of the SPD.

	<p>Premier acknowledge the importance of ensuring the efficient use of land in accordance with paragraph 124 of the NPPF and welcome the Council's appetite for comprehensive development of larger sites under Draft Local Plan Policy D3.</p> <p>That said, Premier suggest additional wording is added at paragraph 8.2 of the Planning Obligations SPD to ensure that any imposed land use restrictions are strictly necessary and are relevant and appropriate to the scale of the proposed development in accordance with the planning obligation tests set out at paragraph 57 of the NPPF.</p> <p>"Where strictly necessary, 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. Any such obligation must be directly related to the development; and fairly and reasonably related in scale and kind to the development in accordance with the tests for planning obligations as detailed in national policy".</p>	<p>Noted, however following further refinement, the Restriction on the use of land section has been removed from the SPD as this is not considered within the scope of the SPD.</p>
Southern Water	No comments.	Noted.
Hampshire Fire and Rescue Service	<p>No response required, HIWFRS will adhere to the planning process as required.</p> <p>Noting point 5.6 pg.26, HIWFRS will require consultation on LCWIP if planned changes to roadways have a potential impact on emergency response times</p>	Response Noted. No changes required.
Sports England	Sport England agrees that the Playing Pitch Strategy (PPS) should form the basis for identifying the level and type of sports provision for meeting demand generated by new development.	The approach to standards is one that the Council has adopted previously and is currently in operation. The reference in the SPD is incorrect and should refer to the Open Space study not Sports England. This has been amended. This approach was adopted by the Council

	<p>However, it may be more appropriate to enhance and/or improve the capacity of existing facilities rather than create new facilities to meet demand. The PPS as the local evidence base is therefore ideally placed to inform those considerations.</p> <p>Sport England does not support a standards-based approach which is being advanced in Table 2. Further, we do not recognise the footnote “Sport England Playing Pitch Space standards” and would welcome clarification on where this was sourced. Sport England therefore has some concerns with the approach being put forward and we would not wish to see an outdoor sports provision standard adopted.</p>	<p>through the previous Local Plan Core Strategy policy CS21, with the standards updated by NPFA in 2020. The Council therefore does not see any reason to change this approach as it provides a clear and consistent methodology on which to based need.</p>
<p>The Planning Bureau Limited on behalf of McCarthy and Stone</p>	<p>We are concerned that the 2016 Planning Obligations SPD has simply been updated without consideration of the more up to date National guidance. In the first instance we recommend that the Council consider the PPG on Planning Obligations and then re-draft the draft SPD to ensure it is consistent with national policy.</p> <p>The existing Planning Obligations SPD should be revoked given that it is not consistent with PPG. For clarification, the PPG on Planning Obligations sets out where policies that seek planning obligations should be set out and identifies at Paragraph: 004 Reference ID: 23b-004-20190901 the following: ‘Policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land’ ‘Such policies should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability.’</p> <p>‘It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in</p>	<p>Noted. The Council does not agree with this assertion. The SPD refers to the Planning Obligations PPG and the NPPF and is considered consistent with national policy. The SPD provides some additional guidance on Local Plan policies set out in the adopted Local Plan and considered and examined through the Local Plan process. The formulaic approaches have been removed from the document as they are not policy and relate to voluntary transfer of land to the Council. Other formulaic approaches such as for recreational disturbance are contained within the Local Plan and considered at the Local Plan examination. In addition, all contributions resulting from the Local Plan policy were considered in the Local Plan viability process and have consequently been found sound.</p>

supplementary planning documents or supporting evidence base documents, as these would not be subject to examination'...

Paragraph: 005 Reference ID: 23b-005-20190315 of the Planning Obligations PPG, identifies the evidence that is needed to support policies for contributions from development. This states that: 'Plans should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards including the cost implications of the Community Infrastructure Levy (CIL) and planning obligations. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and the total cumulative cost of all relevant policies will not undermine deliverability of the plan'.

The Planning Obligations SPD is not consistent with the Local Plan or national policy guidance as many of the requirements set out either a new formulaic approach to planning obligations or carry forward old requirements that must be subject to examination but have not been. Given the recent adoption of the Fareham Local Plan 2037 in April 2023 and corresponding examination that took place in the spring and summer of 2022 the Council could have had the opportunity to include all variables within the Local Plan and its evidence. Some of the requirements within the draft SPD also have not been included in viability assessments to support the Local Plan or draft Community Infrastructure Levy charging schedule update.

Noted but disagree with this comment. No new formulaic approaches are included in the SPD. The requirements for maintenance are for where land is to be transferred to the Council only, by voluntary agreement, not an obligation on every site. All SPD requirements are included in the viability work for both the Local Plan and the CIL review.

It is clear, that the 2016 SPD has simply been updated post Local Plan examination rather than there being a consideration that new central government guidance may have been published or a consideration to include all variables within viability assessments to support the Local Plan or draft CIL charging schedule. The detail within the SPD should and could have been incorporated within the Local Plan and examined in public to be consistent with the PPG and the Council have now missed this opportunity.

We note that the draft updated Community Infrastructure Levy charging schedule is also available for consultation, this is accompanied by the Fareham Community Infrastructure Levy Viability Assessment – November 2022, Three Dragons (VA). The draft Planning Obligations SPD does not appear to be supported by any evidence. The VA identifies a number of Local Plan policy areas that have an implication for development viability. This VA, as well as the Local Plan Viability Assessment (Three Dragons, November 2019), does not assess a number of planning obligations areas that are detailed within the draft planning obligations SPD, or the values used are concerningly different as discussed below.

Notwithstanding the fundamental objection above that the draft SPD as a whole should not progress as its content is contrary to up-to-date planning guidance, is not supported by any evidence and that its content should have been examined as part of the production of the recently adopted Local Plan, we have the following additional comments.

Section 2 - Affordable Housing

Given that the new recently adopted LP at policy HP5

The Council is producing an Affordable Housing SPD which will be consulted on separately. As a result, the final

	<p>exempts older persons housing from affordable housing, we feel that a paragraph should be added after para 2.7 to clarify this position. ‘The Viability Study supporting the adopted Local Plan concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 and Section 2 of this SPD does not apply to specialist housing or older persons housing.’</p> <p>Section 3 – Open Space provision Section 3 identifies the open space standards and sets maintenance sums for open space provision. Para 3.11 identifies that ‘For specialist accommodation (such as hostels, student accommodation and accommodation for those with special needs) the Council will consider the need for onsite open space on a case-by-case basis’.</p> <p>The Council should note that open space needs of older people is also much less than for mainstream housing. For older people the quality of open space either on site or easily accessible for passive recreation is much more important than formal open space. Para 3.11 should also clarify an exemption or flexibility for older people’s housing schemes and also consider the quality and function of the amenity space instead.</p> <p>Para 3.11 should therefore be amended to read: For specialist accommodation (such as hostels, student accommodation, older persons housing and accommodation for those with special needs) the Council will consider the need for onsite open space on a case-by-case basis. For Older person’s housing quality of open space is more important than form sports provision and open space.’</p>	<p>Planning Obligations SPD only refers to the AH SPD rather than contain any detail. The suite of SPDs is intended to be considered together.</p> <p>Noted. This point has been included in the final SPD with schemes considered on a case by case basis.</p>
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	<p>Section 3 – Open Space maintenance Paragraph 3.27 requires maintenance contributions for Parks and amenity open space, outdoor sports provision and children’s play equipment. The maintenance sum requested as an example for a 3 bedroom house alone would amount to approximately £4,500, whilst the VA that supports the draft the CIL consultation allowed for £2,700 to £3,200 for the provision of open space including the management and maintenance (table 4.9, page 29). The draft Planning Obligations SPD is therefore clearly asking for a greater financial requirement for maintenance before even delivery of the infrastructure itself has been considered. The SPD is clearly as a result not consistent with national planning guidance.</p> <p>Section 3 – Tree maintenance Para 3.29 states ‘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.’ Para 3.32 requires that ‘a maintenance contribution of £1,626.75....should be secured for each tree with immediate effect’. This sum or policy requirement has not been incorporated within the recently adopted Local Plan nor has it been incorporated into the draft CIL VA. The requirement appears to have been taken forward from the previous 2016 Planning Obligations SPD without consideration of updated guidance and that ‘planning obligations should be set out in plans and examined in public’. Para 3.29 to 3.33 should therefore be deleted to ensure the SPD is consistent with national policy guidance.</p> <p>Section 4 – Biodiversity Net Gain</p>	<p>Disagree. The VA at paragraph 5.15 includes a sensitivity test based on a doubling of the allowance for maintenance contributions which clearly covers the amount resulting from the requirements in the SPD. These rates have there been tested and found to be viable. With that said, the final SPD sets out the methodology for calculating maintenance costs where the decision is taken to transfer land to the Council. These costs will be published on the website alongside the SPD and reviewed annually.</p> <p>Noted further clarity has been provided in the final SPD. The requirement is only for trees that are likely to require to be actively managed (those within close proximity to people, including routes that people use, boundaries and/or property). The requirement is not for all trees.</p> <p>The requirement was introduced in 2021 to cover the cost of maintenance of any tree to be adopted by the Council. Policy NE6 sets out the requirement for maintenance of trees.</p> <p>Noted. Due to emerging national guidance and to the implementation of mandatory BNG, the statutory</p>
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	<p>Section 4, para 4.5 to 4.11 of the draft SPD addresses Biodiversity Net Gain, however the recently adopted Local Plan already addresses Biodiversity Net Gain in detail and in line with the requirements of the Environment Act 2021. It is therefore not necessary to repeat the requirements in an SPD as the Local Plan carries greater weight and has been subject to examination.</p> <p>In addition, it is noted that para 4.8 of the SPD states that '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' whilst the Local Plan states at para 9.39 that 'The Council expects biodiversity net gain to be provided on-site in the first instance. However, where it can be shown that biodiversity net gain cannot be adequately achieved on-site, either a combination of on-site and off-site measures or entirely off-site measures are acceptable. Off-site measures should be made in reasonable proximity to the development as far as possible'.</p> <p>The SPD by requiring BNG to be within the Borough is therefore trying to incorporate requirements beyond that examined through the Local Plan process which could make the delivery of BNG more onerous. The BNG Natural England metric deals with distance from the development site through the requirement of a higher unit amount the further away you get from the development site thereby encouraging as close delivery as possible. This is the tool that the Council should rely on rather than imposing an administrative boundary. If a project is close to another LPA boundary to restrict delivery to the respective Council boundary involved would be too</p>	<p>framework will take precedence. The text relating to BNG has been updated to reflect this.</p>
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	<p>restrictive. Section 4, para 4.5 to 4.11 should therefore be deleted.</p> <p>Section 4 – Solent Para 4.12 to 4.16 looks at planning obligations required with regard to the Solent Recreation Mitigation Strategy. Such contributions are considered within the recently adopted Local Plan as well as the VA and therefore paragraphs 4.12 to 4.16 can be deleted.</p> <p>Section 4 – New Forest SPA Given the potential to challenge the requirements and the medium to long term uncertainty it is not considered necessary to include within the base viability assessment but has been addressed within the sensitivity testing (see Sensitivity test 4 for further details)'. Again although it has been considered within the CIL VA this requirement should be removed from the SPD as it has not been examined in public. In addition, as the requirement is only applicable until March 2025 this date should as a minimum be expressed within the SPD to provide clarity and to prevent discussion post 2025 that contributions should still be made. Section 4, paragraphs 4.19 to 4.25 should be deleted.</p>	<p>Noted. This section has been simplified in the final SPD with flexibility included to allow future updates to the scheme.</p> <p>Policy NE1 covers the issue of impacts on internationally designated sites and the requirement for planning obligations to make development acceptable is covered by TIN4. This section has been simplified in the final SPD with flexibility included to allow future updates to the scheme or its revisions.</p>
<p>Terrence O'Rourke on behalf of Miller Homes</p>	<p>Concern regarding the proposed maintenance contribution for open space, which is significantly higher than the requirement within the current Planning Obligations SPD and has not been tested at examination in accordance with National Planning Practice Guidance (NPPG) (Paragraph: 004 Reference ID: 23b-004-20190901).</p> <p>For example, the rate per m2 for 'parks and amenity open space' has increased by approximately £34 per m2 (an increase of 567%). There is no evident justification for this</p>	<p>The Local Plan VA at paragraph 5.15 includes a sensitivity test based on a doubling of the allowance for maintenance contributions which clearly covers the amount resulting from the requirements in the SPD. These rates have been tested and found to be viable. The final SPD sets out the methodology for calculating maintenance costs where the decision is taken to transfer land to the Council. These costs will be published on the website alongside the SPD and reviewed annually. These costs have been reduced to reflect a 30 year maintenance period which is considered to be more in step with existing trends.</p>

	<p>level of increase either within the SPD, the referenced Community Infrastructure Levy Viability Assessment (November 2022) or Local Plan Viability Assessment /Addendums (2019 and 2021). The latter only considered the current adopted Planning Obligations SPD.</p> <p>The SPD mentions at paragraph 3.28 that the increase reflects the need for management and maintenance over an extended period of time (at least 50 years), however there is no clear evidence of need for this level of contribution. There is also no explanation for how these most recent figures were derived. The associated viability assessment and revised figures set out within the SPD do not appear to be proportionate or transparent.</p> <p>MH also has concern in relation to the proposed tree maintenance contribution. Whilst the maintenance of trees would generally be included as part of the contributions for open space, it is noted that FBC have set this out as an additional contribution, over and above the latest proposed increase for open space.</p> <p>Notwithstanding this, MH would highlight there is also a large increase in annual cost to manage trees on land adopted by the council too (p.16), which is now significantly higher than the previous £500 required for each tree (up by 225%). It appears the £500 contribution was only introduced as an amendment to the current SPD in 2021.</p> <p>The draft SPD stipulates that £1,626.75 should be secured for each tree, which assumes the annual cost of maintenance per tree for a period of 50 years. Again, there is no specific justification for this level of increase set out in any of the above relevant documents. Further,</p>	<p>Where assets are to be adopted by the Council (voluntary) then the maintenance period needs to reflect a suitable time frame for the developer to be liable. Upon review the Council agrees that 50 years was not appropriate and that 30 years strikes a more proportionate balance.</p> <p>The costs will be published on the website alongside the SPD and reviewed annually Further clarity has been included at paragraph 5.5 of the Final SPD to specify that these requirements are for if and when any land is transferred to the Borough Council by agreement and is not a policy requirement.</p> <p>Noted further clarity has been provided in the final SPD. The requirement is only for trees that are likely to require to be actively managed (those within close proximity to people, including routes that people use, boundaries and/or property). The requirement is not for all trees. The costs associated with this maintenance have similarly been amended to reflect the 30 year maintenance period.</p> <p>Maintenance sums are only sought where management of trees is to be the responsibility of the Council, not all trees.</p>
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	<p>given that the £500 figure was included only 2 years ago in 2021, this appears to be a hugely disproportionate increase.</p> <p>The SPD states at paragraph 3.32 that the maintenance regime relates to trees considered to be in proximity to people or property, although it does not specify how close trees would need to be to trigger the contribution. Overall, these significant increases in contributions, which were not tested as part of the Local Plan process, could undermine the deliverability of the Local Plan and have an adverse impact upon the viability of sustainable development coming forward, in conflict with paragraph 34 of the National Planning Policy Framework (2021) and the NPPG (Paragraph: 005 Reference ID: 23b-005-20190315).</p> <p>After factoring in the updated contributions sought, as well as updated proposed CIL costs, there is a real risk that allocated sites may no longer be able to deliver policy compliant viable schemes with such a significant increase in total cumulative costs. Any increase should be proportionate, transparent, and based on evidence of need, ensuring that changes do not undermine the deliverability of the Local Plan, in accordance with the NPPF and NPPG.</p>	<p>The requirement was introduced in 2021 to cover the cost of maintenance of any tree to be adopted by the Council. The increase in proposed maintenance fee reflects the duration to be consistent with other maintenance sums.</p> <p>The increase represents the per annum figure increased to cover the longer maintenance period, it is still based on the same per annum cost.</p> <p>Disagree. The CIL Review viability study has assessed all policy costs arising from the Local Plan, and shows that across the borough, viability is not unduly impacted by the requirements.</p>
LRM Planning on behalf of Hallam Land Management Ltd	Paragraph 4.13, which is drawn from the Solent Recreation Mitigation Strategy, states that 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. This is expressed differently in Policy NE3 of the Local Plan which is the reverse; the financial contribution should be paid, but if it isn't there should be	Noted although this point refers to the planning application. The SPD now just refers to the various strategies/methodologies for which sites will be assessed on a case by case basis, within the boundaries of the three tests set out in paragraph 2.7 of the SPD.

	<p>on-site mitigation. This is a distinction without a difference because what is plain is that it is one measure or the other. In the case of HA55, in order to comply with the policy, it is on-site mitigation that is required and not therefore the off-site contribution. Hallam are concerned that Natural England are presently seeking both measures in its response to the planning application.</p> <p>A similar point can be made in relation to Paragraph 4.20, where either on-site mitigation is required or a financial contribution. Again, Natural England are seeking both measures in their response to the planning application. We note that the list of recreational projects identified by the Council are in proximity to HA55, therefore, as a matter of principle, the provision of alternative recreational space at HA55 is appropriate to direct recreation disturbance away from the New Forest.</p> <p>Paragraph 4.34 concerns the Solent Wader and Brent Goose Strategy. At HA55 there is a need to compensate for the loss of low-classification use and Policy NE5 requires on-site mitigation to be agreed by the Council. Criterion h of the policy intends for land west of Peak Lane to be used for this purpose. The long term management and maintenance of this land will be a matter to be discussed and agreed with the Council and we note that transferring this land to the Council is an option.</p> <p>Section 5 concerns highway mitigation. Proposals for new development that causes 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. It is</p>	<p>Noted although this point refers to the planning application. The SPD now just refers to the various strategies/ methodologies for which sites will be assessed on a case by case basis, within the boundaries of the three tests set out in paragraph 2.7 of the SPD.</p> <p>Noted.</p> <p>Noted. Obligations in relation to highways and education dealt with by HCC. The final SPD now contains a simplified section that relates to all HCC responsibilities.</p>
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	<p>important that this is understood and applied in the context of Policy TIN2 which specifies a mitigation hierarchy.</p> <p>Consistent with this, significant investment is proposed in improving walking and cycling measures as a matter of priority, rather than junction improvements. These are measures that align with and form part of the Local Cycling and Walking Infrastructure Plan (LCWIP) and therefore financial contributions towards this, rather than section 278 agreements, would be most appropriate because that affords the County Council the greatest flexibility as to when it deploys that investment as part of the overall package of such improvements.</p>	<p>Noted.</p>
<p>Hampshire County Council</p>	<p>The County Council is pleased to see that Fareham Borough Council has acknowledged the role of the County Council in its capacity as the local highway authority, lead local flood authority and minerals and waste authority.</p> <p>The County Council take this opportunity to also flag the emerging planning obligations guidance which sets out the County Council's approach to seeking to secure planning obligations 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.</p> <p>The County Council is generally satisfied that the Fareham SPD is aligned with the principles set out in the County Council's emerging guidance and specifically references the County Council in its capacity as the local highway authority, lead local flood authority and minerals and waste authority. However the County Council notes that education, waste management, libraries and Public</p>	<p>Noted. Obligations in relation to highways and education dealt with by HCC. The final SPD now contains a simplified section that relates to all HCC responsibilities and links to the guidance document.</p>

	Rights of Way are not specifically referenced in the Fareham SPD.	
Natural England	<p>While we welcome this opportunity to give our views, the topic this draft Supplementary Planning Document covers is unlikely to have major impacts on the natural environment. We therefore do not wish to provide specific comments, but advise you to consider the following issues:</p> <p>Biodiversity enhancement This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraphs 8, 72, 102, 118, 170, 171, 174 and 175 of the National Planning Policy Framework. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the Exeter Residential Design Guide SPD, which advises (amongst other matters) a ratio of one nest/roost box per residential unit.</p> <p>Landscape enhancement The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider how new development might makes a positive contribution to the character and functions of the landscape through</p>	<p>Comments noted.</p> <p>Noted. Due to emerging national guidance and to the implementation of mandatory BNG, the statutory framework will take precedence. The text relating to BNG has been updated to reflect this.</p> <p>The SPD provides further guidance on Local Plan policies where planning obligations are required. The Plan contains policy requirements for assessments as being proposed in this instance and so it is therefore not considered needed in relation to this SPD.</p>

	<p>sensitive siting and good design and avoid unacceptable impacts.</p> <p>Protected species Natural England has produced Standing Advice to help local planning authorities assess the impact of particular developments on protected or priority species.</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p>	<p>Noted. A screening assessment was undertaken, and Natural England were consulted.</p>
<p>NHS</p>	<p>NHSPS supports the identification of Local Plan Strategic Policy TIN4 (Infrastructure Delivery) within the Planning Obligation SPD which outlines that: <i>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:</i></p> <p><i>a) The new or improved infrastructure will be delivered at a rate, scale and pace taking account of phasing on larger schemes; or</i></p> <p><i>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.</i></p>	

	<p>Healthcare Infrastructure</p> <p>The delivery of infrastructure to mitigate the impact of development accords with the principles of sustainable development as set out in national and local planning policies. NHSPS note that healthcare infrastructure is not outlined within the Planning Obligations (SPD). Ensuring there is adequate healthcare infrastructure is integral to the sustainability of developments and should be considered as part of the planning application process. It is essential that mitigation can be sought by the NHS, and flexibility regarding the means of mitigation be outlined within the Planning Obligation SPD to ensure the means of mitigation aligns with the estate strategy of the NHS.</p> <p>Partnership working between NHS and the Council</p> <p>Our experience has shown that the provision of new purpose-built healthcare infrastructure to mitigate the impacts of development requires extensive capital funding. This means significant funding secured through S106 or CIL allocations for health should be anticipated over the Local Plan period.</p> <p>The NHS, Council and other partners must work together to plan the infrastructure and necessary funding required to support the projected housing development and related population growth across the borough. Continued partnership working with the Council is encouraged to help secure the appropriate infrastructure to support sustainable development in the borough. A vital part of this is ensuring that the NHS has the resources required to develop additional healthcare infrastructure where necessary. This means updates to the Infrastructure Delivery Plan must identify and help fund the delivery of</p>	<p>The need for health related infrastructure is included in the policy requirements for individual sites within the Local Plan but also by way of TIN4. However, financial contributions would be limited by tests set out in para 10.32 of the Local Plan and so it is not considered appropriate to include any form of formulaic approach to health. However, need to include some reference to Health.</p> <p>Noted. The Council works with the Integrated Care Board on health infrastructure requirements. NHS should coordinate input through that organisation.</p>
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	healthcare infrastructure in order to ensure the Council meets the objectives of the Local Plan as a whole.	
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