

Planning Obligations and Developer Contributions Strategy

July 2014

Supporting document to the Community Infrastructure Levy:

Draft Charging Schedule



GOSPORT
Borough Council

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1 Purpose and content of this document

- 1.1 The Council is proposing to introduce a Community Infrastructure Levy (CIL), introduced by Government legislation in 2010. It allows local authorities to raise funds from developers undertaking new developments in their area. The money can be used to fund a wide range of infrastructure that is needed to support development of the area. As a result of this it will be necessary for the Council to scale back its use of planning obligations secured by Section 106 Agreements to fund infrastructure in accordance with the CIL Regulations.
- 1.2 This document sets out the Borough Council's approach for using planning obligations as required by the CIL Regulations. Related to this it is also necessary to consider how planning conditions and other agreements related to planning (for example Section 278 Agreements) interact with planning obligations and CIL and the overall viability of a development. A fuller explanation of the terms used in this report is included in the Glossary at the end of this document.
- 1.3 The principal purpose of this document is to provide transparency on what the Council, as the local planning authority, intends to fund in whole or part through the Community Infrastructure Levy (CIL) and those matters where planning obligations or other mechanisms may continue to be sought.
- 1.4 When a charging authority introduces the Community Infrastructure Levy, the CIL Regulations require that planning obligation requirements should be scaled back to those matters that are directly related to a specific site, and are not set out in a 'Regulation 123 list'. This document aims to identify those known site specific matters which may still be liable to a planning obligation and where this or other mechanisms may be more appropriate to secure requirements not normally covered by CIL.
- 1.5 This document should also be read in conjunction with the following documents
 - the Publication version of the Gosport Borough Local Plan 2011-2029;
 - the Infrastructure Assessment Report and the Infrastructure Delivery Plan;
 - the Draft Charging Schedule for the Community Infrastructure Levy. This sets out the Council's proposed tariff rates;
 - the draft 'Regulation 123' List which is a draft list of projects or types of infrastructure that are to be funded in whole or part by the levy; and
 - the CIL Viability Report (July 2013) and Addendum Report (July 2014) (Adams Integra).
- 1.6 This document will be reviewed at regular intervals to take account of the outcome of consultation and any amendments to the CIL Charging Schedule, national and local priorities, changes to legislation, and on-going updates of the Council's Infrastructure Delivery Plan.

2 Policy Background

Community Infrastructure Regulations and Guidance

2.1 The Community Infrastructure Levy (CIL) was introduced under part 11 of the Planning Act 2008. Details were set out in the Community Infrastructure Levy Regulations 2010¹ and have since been amended by:

- The Community Infrastructure Levy (Amendment) Regulations 2011²;
- The Community Infrastructure Levy (Amendment) Regulations 2012³;
- The Community Infrastructure Levy (Amendment) Regulations 2013⁴;
- The Community Infrastructure Levy (Amendment) Regulations 2014⁵

2.2 The Government has produced a Guidance note (DCLG June 2014) as part of the National Planning Practice Guidance⁶ which explains the salient points relating to CIL and its relationship with planning obligations secured by Section 106 Agreements and planning conditions. The 2010 Regulations as amended ('CIL Regulations') also set out the statutory tests for planning obligations which are detailed in Section 3.

National Planning Policy Framework (NPPF)

2.3 The key objective of CIL is to provide infrastructure to support new development without making the development unviable. The NPPF recognises that the provision of infrastructure to support development is one of the key roles of the planning system (para 7) and this function is incorporated within most, if not all, the core planning principles set out in the NPPF (para 17).

2.4 In relation to building a strong and competitive economy the NPPF states that planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. It states that planning policies should include strategic policies to deliver the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of energy (including heat). It should provide policies that secure health, security and community infrastructure and other local facilities (para 156).

2.5 The NPPF makes it clear that Local Plans should be deliverable. Therefore the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability the costs of any requirements likely to be applied to development, such as affordable housing, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable (para 173).

2.6 Local planning authorities should set out their policy on local standards in the Local Plan including requirements for affordable housing. They should assess the likely

¹ <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

² <http://www.legislation.gov.uk/ukdsi/2011/9780111506301/note>

³ <http://www.legislation.gov.uk/ukdsi/2012/9780111529270>

⁴ <http://www.legislation.gov.uk/ukdsi/2013/9780111534465/contents>

⁵ <http://www.legislation.gov.uk/ukdsi/2014/9780111106761>

⁶ <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/other-developer-contributions/>

cumulative impacts on development in their area of all the various obligations and requirements and ensure that these policies do not pose a serious risk to implementation. Evidence supporting this assessment should be proportionate, using only appropriate available evidence (para 174).

- 2.7 Where practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan. CIL should support and incentivise new development (para 175).
- 2.8 Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements (para 176). It is equally important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely manner (para 177).

Local Plan Policy

- 2.9 It is envisaged that the proposed Community Infrastructure Levy for Gosport Borough will be implemented following the adoption of the emerging Gosport Borough Local Plan 2011-2029 by the Borough Council. The Local Plan will be subject to an Examination in Public and is likely to be adopted in early-2015.
- 2.10 Consequently this document relates to the requirements set out in the policies of the emerging Local Plan rather than the 'saved' policies of the Gosport Borough Local Plan Review (adopted in 2006) which will continue until such time as the emerging Plan is formally adopted. The Borough's latest draft Local Plan sets out a series of policies and proposals relating to new development and identifies key requirements including the provision of necessary infrastructure to support the proposed development. Further details of each of the policy requirements are set out in Section 4.

3 Mechanisms for securing infrastructure including developer contributions

Community Infrastructure Levy

- 3.1 The Community Infrastructure Levy (CIL) delivers additional funding for charging authorities to carry out a range of infrastructure projects that support growth and benefit the local community. It cannot be expected to pay for the entire infrastructure required, but it is expected to make a significant contribution.
- 3.2 Regulation 14 of the CIL Regulations requires that when setting levy rates charging authorities must strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the imposition of CIL on the economic viability of development across its area.
- 3.3 Regulation 123 of the CIL Regulations requires charging authorities to set out a list of those projects or types of infrastructure that it intends to fund through the levy. Further information relating to the Council's arrangements for CIL is contained in the accompanying Draft Charging Schedule and the 'Regulation 123 List'. This Strategy focuses on the other mechanisms for securing infrastructure and other requirements with a particular emphasis on developer contributions secured by planning obligations

Planning obligations

- 3.4 Planning obligations can be secured through either a Section 106 Agreement⁷ made between local authorities and developers; or a Unilateral Undertaking entered into by the landowner and any other party with a legal interest in the development site. These are attached to a planning permission to make development acceptable which would otherwise be unacceptable in planning terms.
- 3.5 Planning obligations are used for a number of purposes including:
- Prescribing the nature of development (for example, requiring a given portion of housing is affordable);
 - Compensating for loss or damage created by a development (for example, loss of open space);
 - Mitigating a development's impact (for example, through increased public transport provision);
 - Restricting the development or use of the land in any specified way.
- 3.6 From 6 April 2010 it has been necessary for planning obligations to meet three statutory tests. These are that a planning obligation must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development;
 - Be fairly and reasonably related in scale and kind to the development.

⁷ in relation to the relevant section of the 1990 Town & Country Planning Act

Changing role of planning obligations

- 3.7 In April 2010 a number of measures within the CIL Regulations came into force. These reforms and subsequent amendments restricted the use of planning obligations and clarified the relationship between planning obligations and the Community Infrastructure Levy. There are a number of key reforms that scale back the use of planning obligations which are set out below, particularly relating to securing financial contributions.
- 3.8 When a charging authority introduces the Community Infrastructure Levy, planning obligations requirements should be scaled back to those matters that are directly related to a specific site, and are not set out in a 'Regulation 123 list'.
- 3.9 Planning obligations cannot be used to double charge developers for infrastructure. The Government expects charging authorities will work proactively with developers to ensure they are clear about charging authorities' infrastructure needs and what developers will be expected to pay for through which route. This is so that there is no actual or perceived 'double dipping', with developers paying twice for the same item of infrastructure. Once an authority has introduced the levy in its local area, it must not use obligations to fund infrastructure they intend to fund via the levy.
- 3.10 Planning obligations will no longer in any event be the basis for a tariff. Once an authority introduces the levy in their area, or if sooner after April 2015, a planning obligation may no longer constitute a reason for granting permission where five or more separate planning obligations (entered into since 6 April 2010) already provide for the funding or provision of the same infrastructure/project. Regulation 123 (3) states:
- [Other than through requiring a highway agreement to be entered into, a planning obligation] ("obligation A") may not constitute a reason for granting planning permission to the extent that:*
- (a) obligation A provides for the funding or provision of an infrastructure project or [provides for the funding or provision of a] type of infrastructure; and*
 - (b) five or more separate planning obligations that:*
 - (i) relate to planning permissions granted for development within the area of the charging authority; and*
 - (ii) which provide for the funding or provision of that project [or provide for the funding or provision of that] type of infrastructure, have been entered into [on or after 6th April 2010].*
- 3.11 However, planning obligations will continue to play an important role in making individual developments acceptable. Affordable housing will continue to be delivered through planning obligations rather than the levy. Local authorities can also continue to enter into planning obligations for measures that cannot be funded through the levy for example requirements that are not considered to be forms of infrastructure such as training initiatives.
- 3.12 Where the 'Regulation 123 list' includes a generic item (such as education), planning obligations should not normally be sought on any specific projects in that category. Such site-specific contributions should only be sought where this can be justified with reference to the underpinning evidence on infrastructure planning made publicly available at examination i.e. in an Infrastructure Delivery Plan.

Planning conditions

- 3.13 The National Planning Policy Framework sets out that planning conditions (including Grampian conditions) should only be imposed where they are necessary, relevant to planning and relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. When setting conditions, local planning authorities should consider the combined impact of those conditions and any Community Infrastructure Levy charges that the development will be liable for.
- 3.14 Sections 4 and 5 below outline which types of infrastructure are most appropriate to be secured by planning conditions. In most instances these are on-site matters in the control of the developers as part of the development proposals and normally taken into consideration when negotiating the purchase of the land.

Section 278 Agreements

- 3.15 Section 278 Agreements under the Highways Act 1980 are legally binding agreements between the Local Highway Authority i.e. Hampshire County Council for the Gosport area, and the developer to ensure delivery of necessary highway works.
- 3.16 The regulations help to ensure that Section 278 agreements cannot be required for works that are intended to be funded through the levy. The regulations do this by placing restrictions on the use of planning obligations and conditions where a local authority has an infrastructure list. Planning obligations and conditions should not be used to require a developer to enter into section 278 agreements to provide items that appear on the 'Regulation 123 list'.
- 3.17 It is therefore necessary for the Borough Council to ensure that the 'Regulation 123 list' does not inadvertently rule out the use of Section 278 agreements for highway schemes that are already planned or underway, or where there would be clear merit in retaining the ability for developers to contribute towards specific local highway schemes through section 278 agreements.
- 3.18 The Borough Council has had ongoing dialogue with Hampshire County Council as the local highway authority, which has advised that it will continue to use Section 278 Agreements in a similar way as it currently operates. Consequently HCC will continue to require developers under Section 278 Agreements to undertake works directly-related to the development proposal. This would often include access and similar arrangements to make the development operational and would therefore normally be factored-in by developers as normal development costs. It is unlikely that HCC will use Section 278 to collect developer contributions. HCC have provided advice to the Borough Council on which transport schemes are most suitable to be funded by CIL, and which are appropriate for planning obligations and Section 278 Agreements.

Other mechanisms

- 3.19 The Council also intends to use provisions under the Habitats Regulations to enable developers to fund appropriate mitigation measures in order to address the impact of recreational disturbance arising from new residential development adversely affecting internationally important habitats. These contributions will be used to fund measures identified by the Solent Recreation Mitigation Partnership. Further details are outlined in Section 4.

- 3.20 There are a number of bilateral agreements made by the developer and other parties that secure infrastructure requirements. There are often considered normal costs and are taken into account when the developer is negotiating with the landowner regarding the cost of the land. These include the provision of utilities such as linking the new development to an existing network and/or increasing its capacity to serve the new development. This includes sewerage, water supply, electricity, gas and telecommunications. Further details can be obtained from the relevant utility provider.

4 Infrastructure and other policy requirements

4.1 The most appropriate mechanism for securing each key type of infrastructure is outlined below together with the other key Local Plan policy requirements that are not forms of infrastructure (such as training initiatives). A summary is provided in Table 4.1 although it will be necessary to consider the text below to understand any caveats and exceptions.

Table 4.1 Summary of potential mechanisms to secure infrastructure and non-infrastructure policy requirements

Requirement	Most likely mechanism(s)	Relevant policies in the emerging Local Plan (in addition to LP2 and the relevant site-specific policy (LP4-LP9))
Transport		
Strategic off-site transport infrastructure (for example strategic highway and Bus Rapid Transit)	CIL- although planning obligations may be required for major sites generating significant travel demands (for example to provide a major upgrade in the local highway network) ⁸	LP21
Site specific highway works in the vicinity and access arrangements to the site	Planning obligation and/or Section278	LP21, LP22, LP23
On-site access requirements	Section278 and/or planning conditions	LP21, LP22, LP23
Travel Plan and associated measures (not covered above)	Planning obligation and/or planning condition	LP21, LP22, LP23
Housing		
Affordable housing	Planning obligation (although certain requirements have been secured solely through the use of a planning condition)	LP24
Education and Training		
Primary School	CIL- although planning obligation may be required for major residential sites generating significant demand ⁹	LP32
Secondary School		
Other training and education facilities		
Employment and Training Plans and associated in-kind measures and/or developer contributions for training	Planning obligation	LP17

⁸ Such S106 requirements could not be included on the CIL 'Regulation 123 List'

⁹ Such S106 requirements could not be included on the CIL 'Regulation 123 List' and as at July 2014 no specific requirements have been identified

Requirement	Most likely mechanism(s)	Relevant policies in the emerging Local Plan (in addition to LP2 and the relevant site-specific policy (LP4-LP9))
initiatives (non-infrastructure)		
Community facilities		
Medical and health	CIL- although planning obligation may be required for major sites ¹⁰ for a variety of reasons ¹¹	LP32
Indoor sports, leisure and recreation		
Multi-functional community halls		
Care/crèche facilities		
Cultural Facilities		
Flood management		
Flood management infrastructure	CIL although planning obligation/planning conditions will be required for major regeneration sites as well as very site specific measures for smaller sites where flood management measures will be essential to deliver a safe scheme ¹² .	LP41, LP45
Evacuation Plans	Planning obligation/planning condition	LP45
Utilities		
Gas, electricity, water supply, waste water, telecommunications and broadband	Bilateral agreements with utility provider. In some instances a planning condition and/or planning obligation Agreement may be appropriate depending on whether there are any specific site issues.	LP20, LP38, LP39, LP40
Open Space		
Open space (play space, amenity space, natural/semi-natural) for sites of under 50 dwellings	CIL	LP34
Open space (play space, amenity space, natural/semi-natural) for sites of 50 or more dwellings	Normally on-site provision secured by planning condition. In instances where it is more applicable for off-site provision for a specific project in the vicinity it will be	

¹⁰ For the purposes of this requirement, the justification text of Policy LP32 of the Gosport Borough Local Plan 2011-2029 describes major developments as normally over 100 dwellings.

¹¹ Such S106 requirements could not be included on the CIL 'Regulation 123 List'

¹² Such S106 requirements could not be included on the CIL 'Regulation 123 List'

Requirement	Most likely mechanism(s)	Relevant policies in the emerging Local Plan (in addition to LP2 and the relevant site-specific policy (LP4-LP9))
	necessary to secure a contribution by planning obligation.	
Allotments	CIL	
Outdoor sports facilities and pitches	CIL	
Maintenance of open space and green infrastructure		
Maintenance.	<p>On-site open space provision secured on sites of 50 or more dwellings will need to be managed and maintained for a period of 25 years and can be secured by a planning condition or a planning obligation to be negotiated with the developer.</p> <p>Other forms of on-site green infrastructure will also require to be maintained for 25 years and can be secured by a planning condition or a planning obligation to be negotiated with the developer.</p> <p>Sustainable drainage systems will require a longer term management scheme to be agreed by the relevant agencies.</p>	LP34, LP41
Biodiversity		
Solent Recreation and Mitigation Partnership (SRMP) initiatives to mitigate recreation disturbance impacts on internationally important habitats.	<p>Planning obligation/planning condition for any on-site measures (normally for identified impacts generated 'alone' by the development).</p> <p>Direct payments as part of a scheme to demonstrate appropriate mitigation under the Habitats Regulations for in-combination mitigation identified by the Solent Recreation Mitigation Partnership.</p>	LP41, LP42

Requirement	Most likely mechanism(s)	Relevant policies in the emerging Local Plan (in addition to LP2 and the relevant site-specific policy (LP4-LP9))
On-site measures (not related to recreational disturbance) following an ecological report (which could include an appropriate assessment relating to potential impact on internationally important sites).	Planning conditions	LP41, LP42, LP43, LP44
Off-site measures (not related to recreational disturbance) following an ecological report (which could include an appropriate assessment relating to potential impact on internationally important sites).	Planning obligation/planning condition	
Heritage		
Archaeology	Normally planning conditions are sufficient to secure on-site research and mitigation.	LP11, LP13
Interpretation (boards, display, exhibitions)	Planning conditions and/or planning obligation depending on necessary arrangements for interpretation.	
Use of building (such as making available for public use)	Planning conditions and/or planning obligation depending on arrangements required.	
Use of resources: Energy		
Energy efficiency	Building Regulations	
On-site measures	Planning condition and/or planning obligation depending on the nature and scale of measures.	LP38
Allowable Solutions	Still to be determined by Government. One option favoured by Government is that such contributions to offset carbon emissions will be secured through the Buildings Regulations system and then channelled into a choice of British based projects with those implementing the projects bidding for funding.	LP38
Use of resources: Water		
Water consumption measures	Planning condition	LP39

Requirement	Most likely mechanism(s)	Relevant policies in the emerging Local Plan (in addition to LP2 and the relevant site-specific policy (LP4-LP9))
Use of resources: Waste and Material Resources		
Site Waste Management Plans	Planning condition	LP40
Waste and recycling storage	Planning condition	LP40
Contaminated Land		
Contamination remediation	Planning condition	LP47

Transport

Strategic and major off-site transport improvements

- 4.2 It is envisaged that transport infrastructure set out in the relevant strategies produced by Hampshire County Council (HCC) and Solent Transport¹³ will be funded through various sources of funding including national and regional sources. CIL and other forms of developer contributions can make an important contribution towards this form of infrastructure where required to serve the proposed new development. This could include strategic road improvements, improvements to the Bus Rapid Transit and other public transport improvements as well as cycling and pedestrian improvements identified through the relevant strategies. Previously developer funding came through a tariff-based approach secured by planning obligations on most developments with a negotiated Section 106 arrangement on major sites to mitigate the likely transportation impact. CIL will therefore replace this system with a few exceptions outlined below.
- 4.3 However there may also be specific local highway network issues that arise from a particular development site in order to ensure a safe and efficient network. Consequently these will be secured through a planning obligation and/or Section 278 Agreements with Hampshire County Council as the highway authority.
- 4.4 Planning obligations would be normally used for a number of types of measures which are not identified or expected to be met by CIL. These obligations will need to accord with all the restrictions relating to the use of planning obligations imposed by the CIL Regulations. Such measures often relate to large scale developments that generate significant new transport demands over and above the contributions achievable by CIL and yet are a critical element for the successful and sustainable delivery of the development. This could include significant road infrastructure including a new road required to serve a major residential scheme¹⁴. Certain specific transport improvements relating to a development proposal have already been identified (see Table 5.1) which will be secured either by planning condition, a Section 278 Agreement with HCC and/or planning obligation depending on the characteristics, location, timing and arrangements of the work.

¹³ Formerly known as Transport for South Hampshire and Isle of Wight (TfSHIoW) and prior to that Transport for South Hampshire. NB: Relevant documents still include either of these names.

¹⁴ Subject to Section 106 pooling restrictions

On-site and local site-specific measures

- 4.5 Measures normally secured through Section 278 Agreements¹⁵, which relate to works on highway authority land, include access arrangements to a site including vehicular, cycle and pedestrian access. This could include: dropped kerbs and crossovers; the provision, removal or relocation of street furniture; pedestrian crossings; bus stops; and links to the cycle network.

Travel Plans

- 4.6 Travel plans will be required for developments which generate significant levels of traffic. The thresholds for requiring a Travel Plan for various land uses are set out in Appendix 3 of the Gosport Borough Local Plan 2011-2029: Publication Version. These travel plans will detail measures that will reduce dependence on the car, encourage and facilitate the use of alternative modes for journeys to and from work, and help protect amenities for the local community. Travel Plans should include performance targets and details of measures and funding to deliver, monitor and review them. The scope of Travel Plans should be agreed with Hampshire County Council as the Highway Authority and secured by a planning obligation with HCC or by planning condition.

Affordable Housing

- 4.7 Housing need assessments supported by the Council's annual monitoring reports have clearly demonstrated that there is an overriding need to provide affordable housing and that the Council would be justified in seeking to achieve a target of 40% affordable housing on qualifying sites. Such provision will normally be secured through planning obligations.
- 4.8 The Council's evidence¹⁶ in relation to economic viability of affordable housing provision concludes that in the majority of cases the provision of 40% affordable is economically viable on sites of 10 dwellings and above. Accordingly in order to meet the on-going need for affordable housing the Council will expect all qualifying housing development to provide 40% affordable housing. However, it is recognised that the development industry is subject to the influences of the wider economic cycle. Therefore in some circumstances where development costs undermine the viability of housing delivery on brownfield sites the Council may negotiate a lower level of provision of affordable housing provided it is informed by a site specific economic viability assessment.
- 4.9 The Council will seek a tenure mix in line with the latest relevant housing studies and recognises that this proportion may change as new evidence comes forward. It is expected that a proportion of the social rented accommodation will be in the form of affordable rented accommodation.
- 4.10 Affordable housing provision should be made on site and only where it is justified will off-site or a financial contribution in lieu of on-site provision be considered. It will need to be demonstrated that off-site provision or financial contributions will lead to the creation of a balanced community. The Council will seek to ensure that the

¹⁵ Section 38 Agreements are used if the developer is providing new access and new roads within their site which the highway authority has agreed to adopt.

¹⁶ GBC Affordable housing viability study (DTZ 2010), Gosport CIL Viability Report (Adams Integra July 2013) and Addendum Report in Response to the Consultation(Adams Integra July 2014)

affordable housing remains affordable to successive as well as initial occupiers through the use of planning conditions and obligations.

Education and Training

Schools and training facilities

- 4.11 The Borough Council has previously collected contributions for improvements to local schools on behalf of Hampshire County Council based on a tariff approach using evidence from HCC's School Places Plan. These measures had previously been secured by planning obligation.
- 4.12 This mechanism is no longer applicable in most circumstances. Consequently future education contributions will be funded through CIL.
- 4.13 However there could be a circumstance whereby a major development places excessive pressure on local school places that a planning obligation is required to properly mitigate for the impact. It will be necessary for HCC as the education authority to identify the infrastructure project as soon as known in order that it can be excluded from the Council's latest 'Regulation 123 List' and instead added as an appropriate planning obligation in a future version of this document.

Employment and Training Plans

- 4.14 Where appropriate the Borough will negotiate with a developer to secure training opportunities as part of the development of a site through a planning obligation. The Borough Council has produced its own practice guide¹⁷ outlining the process for securing training and employment in relation to major development which relate to local priorities. Key measures the Borough Council will seek include:
- Work placement (14-16 & 16-19 yrs.)
 - Career advice
 - Work trials and Interview guarantees
 - Vocational training
 - Leadership and management training
 - Support with transport, childcare and work-equipment
 - Financial contributions towards relevant training schemes within the area
 - Curriculum Support Activities
 - Pre-employment training
 - Apprenticeships
 - Supervisor training
 - Health and safety
 - Construction skills certificate scheme
- 4.15 This policy applies to major employment generating developments including retail, leisure and office development greater than 1,000 sq. m; industrial development greater than 2,000 sq. m; warehouse development greater than 4,000 sq. m (all figures gross); and any other development likely to generate 50 full time equivalent jobs or more. The policy will also apply to construction jobs related to residential schemes of 40 or more dwellings.¹⁸
- 4.16 Measures will be negotiated to be appropriate to the specific development and secured by a planning obligation Agreement in the form of a training and employment plan. It is envisaged that for most commercial developments the Borough Council

¹⁷ See GBC practice guidance

<http://www.gosport.gov.uk/sections/your-council/council-services/planning-section/pre-application-advice/>

¹⁸ See GBC practice guidance for further explanation of how these thresholds were derived.

will seek to secure 'in-kind' measures rather than financial contributions, which will only be sought where it is not possible to secure 'in-kind' measures. For residential developments of 40 or over the Borough Council will seek to secure training measures relating to the construction industry. In some cases it may be appropriate to secure a financial contribution towards training schemes in the area which in principle could be accessed by residents of the new housing.

Community facilities¹⁹

- 4.17 This could include health and medical facilities, indoors sports, recreation and leisure facilities, care and crèche provision, library and museums, as well as multi-functional facilities such as community halls. It is envisaged that CIL will be the main mechanism for securing new and/or improved facilities although funds from other non-developer sources will also often be required. Such facilities will be initially identified on the Council's 'Regulation 123 List' in generic terms rather than specific projects being identified.
- 4.18 However given the nature of some of the proposed development sites within the Borough there are likely to be a variety of circumstances where the Borough Council will seek to secure a specific community facility on a proposed development site and these would be excluded from the 'Regulation 123 List'. Consequently it will be necessary to secure such arrangements through a planning obligation (which meet the three statutory tests) or where more applicable, a planning condition. Circumstances may include:
- A clear identifiable need for a particular community facility is required to serve the needs of the development, without which the site would generate unacceptable demands on existing infrastructure. This could include major developments (over 100 dwellings) where it may be necessary to provide community buildings or land on the site or close-by to serve the new community²⁰;
 - The use of a building for a community use (of which a need or demand has been identified) represents the most appropriate use of a particular building;
 - The use of the building for community usage enables the public to enjoy an historic asset;
 - It is necessary to reprovide suitable buildings of sufficient quality in an appropriate location to replace facilities lost as part of a redevelopment proposal.
- 4.19 A planning obligation may be required in relation to managing public access arrangements or a financial contribution for relocating a facility. There may also be requirements (either through planning condition or planning obligation) to improve an existing facility on site or its setting through environmental improvements.

Flood management measures

- 4.20 It is envisaged that most developer contributions towards flood management measures including flood defences will be made through CIL. These will be used for schemes identified in the 'River Hamble to Portchester Coastal Flood and Risk Management Strategy' being prepared by the Eastern Solent Coastal Partnership.

¹⁹ Excludes education and open space which are dealt with separately

²⁰ See Policy LP32

This Strategy will be based on the adopted North Solent Shoreline Management Plan. Such measures will protect local communities and services and facilities from flooding.

- 4.21 Importantly a number of flood management improvements are specific to proposed new development sites and consequently the appropriate mitigation will be required to make these sites developable. In such cases in order to enable the development to take place significant works may be necessary which would need to be secured either through a planning condition and/or a planning obligation depending on the nature, location and timing of the works and measures proposed. Key sites where non-CIL mechanisms may be appropriate include the Gosport Waterfront, Priddy's Hard Heritage Area and sites on the Haslar Peninsula. In order to avoid double-dipping it will be necessary to exclude measures related to site specific requirements from the Borough Council's 'Regulation 123 List'.

Utilities

- 4.22 Utilities include gas, electricity, waste water including sewerage systems, water supply, telecommunications and broadband. A number of utility providers have identified specific requirements for individual sites most notably the need for enhanced sewerage capacity. Such measures will be necessary to deliver a suitably functional development meeting basic everyday needs. Such measures are normally agreed through bi-lateral agreements between the developer and the utility provider. Where necessary, usually upon advice from the utility provider, it may be necessary to secure certain improvements through a planning condition. In some instances a note to developers as part of the consent is sufficient to advise developers of the relevant requirements. There may from time to time be the need to use a Section 106 Agreement to ensure the developer contributes to works/improvements to deliver sufficient capacity to serve the proposed development.

Open space

- 4.23 In most cases open space improvements will be funded through CIL and thereby replacing the existing tariff-based approach secured by Section 106 agreements. The CIL funding will be used for a series of identified projects including the provision and improvement of major open space projects such as the Alver Valley Country Park and the network of neighbourhood parks.
- 4.24 Importantly, however it is a requirement of Policy LP34 for sites of over 50 dwellings to provide on-site open space which would normally be secured by condition.
- 4.25 New development places additional demands on the existing supply and quality of open spaces. It is important that new residential development (Class C3) over 50 dwellings meet or exceed the standards set out in the Policy LP34 in order to provide adequate open space provision for new residents. Further details of the standards are included in Gosport Local Plan: Local Open Space Standards (GBC 2014)²¹.

²¹ www.gosport.gov.uk/localplanreview-evidencestudies

- 4.26 The developer will be required to ensure that the open space is retained in perpetuity and appropriately maintained and this will be secured by planning condition/planning obligation. In addition green infrastructure (LP41) that is required to be provided on-site, could be incorporated as part of the open space provision.
- 4.27 In certain instances it may not be possible for the developer of a proposal of 50 or more dwellings to provide open space on-site due to various constraints or site characteristics. In such cases a financial contribution will be necessary towards a specified off-site open space proposal in lieu of all or part of the required on-site provision. This could include a new facility or an enhancement to an existing one. This would be secured by a planning obligation which would make provision for a developer contribution for a specific open space. In such cases the obligation will need to meet the tests of Government legislation and no developer contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a planning obligation, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010.
- 4.28 The Council recognises that on small residential developments it is neither desirable nor practical to make provision for open space other than certain elements of green infrastructure (see LP41). Consequently the Borough Council in most instances will take a financial contribution in the form of the Community Infrastructure Levy where a proportion of money may be spent on new or enhanced open space provision.
- 4.29 In relation to outdoor sports provision and allotment provision (see also Policy LP36) where quality and quantity deficiencies have been identified it is accepted that this provision is not normally suitable to be provided on site given the characteristics of these uses. Instead this provision can be funded by the Community Infrastructure Levy.

Biodiversity

International sites

- 4.30 The Borough has four internationally important designations which are detailed in the draft Gosport Borough Local Plan 2011-2029 and identified on the Policies Map. In addition to these sites which are cross-boundary designations, the Council is minded that development in Gosport Borough in-combination with other developments in the sub-region may in certain circumstances have an effect on other international designations, for example the Solent and Southampton Water SPA which is adjacent to the Borough boundary at Hill Head within Fareham Borough.
- 4.31 In relation to internationally important sites the Government's Conservation of Habitats and Species Regulations 2010²² which transpose the European Union Habitats Directive into national law are relevant. These are often referred to as the Habitats Regulations. It is now a requirement for each local planning authority to conduct a Habitats Regulation Assessment (HRA) of their Local Plan. Policies and proposals in the Gosport Borough Local Plan in combination with other plans and programmes within the Borough and the sub-region (and beyond) will not be acceptable where there is the potential for an adverse impact on the features of an internationally important site. An HRA Report accompanies the Local Plan and its

²² From 1st April 2010, this legislation updates and consolidates all the amendments to the Regulations since they were first made in 1994 which transposed the European Union Habitats Directive into national law.

recommendations have been taken into account throughout the Plan including issues relating to recreational disturbance, traffic-related air pollution and coastal defences.

- 4.32 Policy LP42 reinforces the significance of this issue and consequently developers will need to consider these matters at the earliest possible stage when preparing their proposals and provide sufficient information for the Local Planning Authority to undertake the appropriate assessment.
- 4.33 Any proposal which may have a significant effect upon a European site or a species protected by European legislation, either alone or in combination with other current proposals and projects, will need to be subject to an 'appropriate assessment' and is likely to require an Environmental Impact Assessment. The information provided by the developer will enable the Local Planning Authority, with guidance from Natural England, to ascertain whether the proposal will have an adverse impact on the nature conservation value of a site. Consequently a Section 106 Agreement or planning condition may be required to provide the appropriate site-specific mitigation for the development.
- 4.34 Importantly recreational disturbance from new development in the Solent has been shown to have an in-combination effect and consequently all residential development will need to address this impact. Details are set out below.

Solent Recreation Mitigation Partnership

- 4.35 The Solent Recreation Mitigation Partnership (SRMP) has been set up to implement measures that mitigate the recreational disturbance impacts generated by new residential development within the sub-region on internationally important habitats. The Partnership includes a number of organisations including: a number of local authorities including the PUSH authorities, Chichester District Council and the New Forest Park Authority; Natural England; and organisations with a conservation interest including the RSPB, the Hampshire and Isle of Wight Wildlife Trust and the Chichester Harbour Conservancy.
- 4.36 Evidence relating to recreational disturbance has been undertaken as part of the Solent Disturbance Mitigation Project (SDMP). This work has been coordinated by the Solent Forum and has involved the members that now make up the SRMP. The work has concluded that existing and new development has an adverse impact on protected bird species that use the European sites as a result of recreational disturbance generated by local residents.
- 4.37 Natural England have made it clear that this work represents the best available evidence and therefore avoidance measures are required in order to ensure a significant effect, in combination, arising from housing development around the Solent is avoided. It acknowledges that partnership work is underway and expects that all residential development contributes towards the avoidance and mitigation measures, otherwise residential development should be refused planning permission.
- 4.38 Consequently it will be a requirement of new residential development to contribute towards the measures identified by the SRMP. A broad level Mitigation Strategy has been produced and work is currently being undertaken to implement a package of interim measures which will form part of a longer term action plan. This includes provision to provide suitable alternative natural greenspaces (SANG's) where appropriate, which could effectively deflect recreational pressure on sensitive sites. Other measures include the implementation of on-site measures and/or financial

contributions to local and/or sub-regional projects. The package of measures could include, coastal rangers, education/awareness initiatives particularly focussed for dog walkers, and various potential access management projects. The work for an interim and long-term mitigation scheme is on-going and the latest information can be found on the relevant website²³.

- 4.39 The Borough Council will take a financial contribution for each new dwelling towards mitigation measures. This will be set at the same rate across the Solent and will secure the relevant mitigation measures in perpetuity.²⁴ As at June 2014 the interim scheme contribution will be £172 per standard dwelling and this will increase with inflation and will be updated on the 1st April each year.
- 4.40 It has been agreed by the SRMP that as part of the interim scheme Gosport Borough Council will be securing developer contributions towards the establishment of the Alver Valley Country Park. This will in effect be a pilot project as part of the wider mitigation strategy. This project has been identified in the SDMP Mitigation Report as a potential scheme that could function as a 'SANG' in that it has the potential to significantly deflect recreational pressure including those from dog walkers away from sensitive coasts.
- 4.41 The Alver Valley has numerous attributes that make it attractive to visit and intercept visitors to sensitive areas. This includes a variety of walks, and terrain, sea views and connections with less sensitive parts of the coast. It is considered that a number of improvements are required to make the Alver Valley more attractive to visitors including dog walkers such as extended car parking, café and toilet facilities and other facilities and events. The Borough Council will use these SRMP contributions to fund projects in accordance with the Borough Council's Alver Valley Country Park Strategy (2014).
- 4.42 It is acknowledged that arrangements and the nature and scale of contributions towards mitigation may change as a long term action plan is prepared and agreed by the SRMP. The long term mitigation measures to be implemented by the SRMP have yet to be finalised and priorities need to be fully considered and kept under review.
- 4.43 The SRMP payment is required in order to demonstrate appropriate mitigation and therefore a proposal does not cause harm as required by the Habitats Regulations. The developer pays the Council directly in its role as the 'competent authority' as defined by the Habitats Regulations and the arrangements for such payments will be set out in a procedure note produced by the Council.

Other measure to protect and enhance biodiversity

- 4.44 In addition the Borough has a number of nationally and locally important habitats, as well as sites with protected species. The Borough Council also as a duty under the Natural Environment and Rural Communities (NERC) Act 2006 to have regard to biodiversity conservation and the NPPF requires development to deliver a net gain in biodiversity. As a result of the relevant ecological assessments it may be necessary to secure protection and enhancement measures for biodiversity. The mechanism

²³ http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/

²⁴ Natural England require that the measures are set up to be funded in-perpetuity and consequently the financial structure of the SRMP has been set up to ensure funding is available over the long term through setting up a financial reserve

for doing this depends on the identified requirements. For on-site measures this is likely to be done through planning conditions with a Section 106 used to secure off-site measures or contributions.

Heritage sites

- 4.45 On certain sites it may be necessary to secure specific requirements relating to heritage assets which are very site specific and not applicable for CIL. Such measures could be secured by planning condition (normally if the works are being undertaken on-site on behalf of the developer) or by a planning obligation (if a financial contribution is required to the local authority or other relevant organisation to coordinate or undertake appropriate mitigation or other such requirements). Measures could include archaeological research, interpretation of historic assets or ensuring a particular use of a historic building is made available for public access.

Use of resources

Energy

- 4.46 The Council (LP38) requires that new development meet at least the Government's national standards for energy use and CO₂ reduction and that this should include measures set out in the zero carbon hierarchy including:
- 1) be designed to maximise energy efficiency and design out the need for energy use by means of the scheme layout;
 - 2) connect to existing combined heat and power and District Heating and Cooling networks or contribute towards their development;
 - 3) use renewable energy technologies to produce required energy on-site; and
 - 4) make use of Allowable Solutions to deal with any remaining CO₂ emissions.
- 4.47 In many instances measures which contribute towards reaching the applicable level are incorporated within the design of a development (such as site layout, orientation and detailed design) and are secured by planning conditions.
- 4.48 As part of the Government's latest consultation²⁵ regarding zero carbon homes its preferred method for securing the energy efficiency requirements for each dwelling is through the Buildings Regulations system rather than planning. Consequently it will be not necessary to use planning obligations to secure such measures.
- 4.49 The Government originally intended that new homes would meet the whole of the zero-carbon standard 'on-site'. However the Government recognises that it would not be cost-effective at this time, affordable or technically feasible to meet the zero carbon homes standard in all cases through measures on the dwelling itself, like fabric insulation, and/or renewable energy generation measures.
- 4.50 Therefore the Government proposes that house builders can achieve the zero carbon standard by mitigating the remaining emissions 'off-site', through a process commonly referred to as 'Allowable Solutions.'

²⁵ <https://www.gov.uk/government/consultations/next-steps-to-zero-carbon-homes-allowable-solutions>

- 4.51 The Government has recently consulted on a whole range of measures relating to Allowable Solutions²⁶ including mechanisms to secure off-site measures. It recognises that further work is required on this issue but appears to rule out the use of planning obligations and CIL to secure funding. Instead it is proposing a variety of routes that housebuilders themselves would use to meet these requirements and consequently such costs would need to be taken into account by developers when negotiating the price of the land.
- 4.52 The Borough Council will need to be mindful of these requirements as they may have an impact on overall site viability which will have implications for the amount of CIL that can be levied and planning obligations secured for other infrastructure requirements as part of the overall scheme.
- 4.53 In certain site-specific instances the developer may prefer to connect to an existing heat and power scheme, or contribute towards a future scheme; or use renewable energy technologies to produce the required energy in site in order to fulfil the zero carbon requirements. In such cases it may be appropriate to apply planning conditions or use a planning obligation to secure these measures as part of the overall site development, particularly if the development has a number of phases and developers may be contributing to a larger scheme.

Water

- 4.54 Policy LP39 requires that new residential development proposals should include measures that will reduce the consumption of water equivalent to 110 litres per person per day (including external use). This measure has been based on emerging Government consultation as part of the Housing Standards Review and would need to be secured by planning condition.

Waste and Materials

- 4.55 Measures included in a site waste management plan such as the re-use of aggregate from demolition as required by Policy LP40 will be secured by planning condition. Similarly requirements for waste and recycling (such as bin stores) will be secured by planning condition.

Contaminated Land

- 4.56 Proposals for sites that are known, or suspected, to be contaminated from a previous land use will be required to be accompanied with a contamination land assessment. Remediation will normally be secured through a planning condition.

²⁶Next Steps to Zero Carbon Homes- Allowable Solutions: Consultation (DCLG August 2013)
<https://www.gov.uk/government/consultations/next-steps-to-zero-carbon-homes-allowable-solutions> The consultation period for this document was 6 August and 15 October 2013.

5 Site specific requirements

- 5.1 A summary of potential infrastructure requirements for specific sites that are unlikely to be achieved through CIL but rather a planning obligation or other mechanism are set out below (Table 5.1). It is important to note this list is indicative at this stage and may change over time as more information is available regarding detailed proposals. The tables do not include any potential restrictive conditions or obligations (permitted uses, hours of uses, environmental restrictions etc.). Importantly CIL would not fund the same element of infrastructure as secured by other mechanisms in order to avoid 'double-dipping.'
- 5.2 A number of sites identified in the draft Local Plan including Daedalus, the Rowner Renewal Project (also known as Alver Village), Royal Clarence Yard, Magister Close and Fort Gilkicker already have the benefit of planning permission with a Section 106 Agreement in place. Should these permissions expire or replacement planning applications submitted then a new planning obligation may be required.
- 5.3 For sites without planning permission the table relates to the proposed uses set out in the emerging Local Plan and consequently if whatever reason different uses are proposed an amended set of obligations may be applicable.

Table 5.1 Potential infrastructure requirements not likely to be achieved through CIL funding

Infrastructure Requirement	Potential mechanism to achieve infrastructure requirement	Potential applicable sites for Planning obligations and/or other non-CIL mechanisms
Transport		
Transport Interchange at Gosport Waterfront	Planning obligation and/or planning condition depending on site specific arrangements	Gosport Waterfront
Contributions for off-site strategic transport projects not set out on the 'Regulation 123 List' (if the Highway Authority consider that particular measures are required to deal with site specific issues)	Planning Obligations may be required in particular instances where there is a requirement for major improvements to mitigate the impact of the proposed development.	Gosport Waterfront Royal Hospital Haslar (if net gain in trips) Blockhouse (if net gain in trips) Priddy's Hard Former Frater House site
Essential on-site/local transport and access-related measures	In most cases Section 278 will be the normal mechanism for localised access arrangements. Planning conditions are likely to most relevant for on-site measures.	Gosport Waterfront Barclay House Royal Hospital Haslar Blockhouse Alver Valley Priddy's Hard Former Frater House site Grange Road, land south of Huhtamaki Stoner Close, Wheeler Close, Laphorn Close Cherque Farm (Twyford Drive) Windfall sites where applicable.

Infrastructure Requirement	Potential mechanism to achieve infrastructure requirement	Potential applicable sites for Planning obligations and/or other non-CIL mechanisms
Travel Plan	Planning condition	Gosport Waterfront Royal Hospital Haslar Blockhouse Alver Valley Priddy's Hard Former Frater House site Grange Road, land south of Huhtamaki Cherque Farm (Twyford Drive)(only if above requirement threshold) Windfall sites over the thresholds set out in the Gosport Borough Local Plan 2011-2029
Housing		
Affordable Housing	Normally planning obligations will be used on eligible sites. Planning Conditions may be used in certain instances.	Gosport Waterfront Barclay House Royal Hospital Haslar Blockhouse Davenport Close Priddy's Hard Stoner Close, Wheeler Close, Laphorn Close Windfall sites of 10 or more dwellings
Education, Training and Employment		
Education- The HCC tariff scheme will be used until CIL replaces it.	CIL will replace the tariff currently secured by planning obligation However there could be a circumstance whereby a major development places excessive pressure on local school places that a planning obligation is required to properly mitigate for the impact.	No sites currently identified.
Employment and Training Plans	Planning obligation	Gosport Waterfront Royal Hospital Haslar Blockhouse Priddy's Hard Former Frater House site Grange Road, land south of Huhtamaki Royal Clarence Yard Windfall sites where meet the relevant policy thresholds.
Community facilities²⁷		
Provision or enhancement of a community facility	Planning obligation and/or Planning Condition depending on the nature of the requirement	Royal Haslar Hospital Blockhouse Priddy's Hard Former Frater House site

²⁷ Excluding education and open space which are dealt with separately

Infrastructure Requirement	Potential mechanism to achieve infrastructure requirement	Potential applicable sites for Planning obligations and/or other non-CIL mechanisms
Flood Management		
On-site flood management measures if set out as an exemption of the 'Regulation 123 List'	Planning obligation and/or Planning Condition depending on the nature of the requirement	Gosport Waterfront Royal Hospital Haslar Blockhouse Alver Valley Priddy's Hard Windfall sites which require specific flood management requirements to make the site safe (and not identified on the 'Regulation 123 List')
Open Space		
<p>Sites of 50 or more dwellings where the open space provision cannot be met on-site.</p> <p>For sites determined under Policy LP 34 of the emerging Local Plan (once adopted), this will only relate to sites over 50 dwellings.</p>	For sites determined under policy LP34 of the Local Plan: requirements in-lieu will be for a specified scheme in close proximity to the site through a Planning obligation and would not be included on the Council's 'Regulation 123 List'.	<p>Possible sites if provision cannot be made on-site:</p> <p>Gosport Waterfront Blockhouse Windfall sites over 50 dwellings</p>
Biodiversity		
Solent Recreation Mitigation Partnership	The SRMP payment is required in order to demonstrate appropriate mitigation and therefore a proposal does not cause harm as required by the Habitats Regulations. The developer pays the Council directly in its role as the 'competent authority' as defined by the Habitats Regulations and the arrangements for such payments will be set out in a procedure note produced by the Council.	All residential sites.
Site-specific biodiversity mitigation and enhancements.	The mechanism depends on the type of mitigation required. In most case a planning condition will be more appropriate	<p>Possible sites depending on outcome of an ecological assessment</p> <p>Gosport Waterfront Royal Hospital Haslar Blockhouse Alver Valley Priddy's Hard Former Frater House site Grange Road, land south of Huhtamaki Windfall sites where specific ecological issues have been identified.</p>

Infrastructure Requirement	Potential mechanism to achieve infrastructure requirement	Potential applicable sites for Planning obligations and/or other non-CIL mechanisms
Heritage		
Archaeology, Listed Buildings, Registered Park and Garden (could include arrangements to re-use or secure public access to historic buildings, interpretation, implementation of a heritage strategy, archaeological arrangements).	Planning obligation and /or Planning Condition. The mechanism depends on the type of mitigation required	Potential sites could include: Gosport Waterfront Royal Hospital Haslar Blockhouse Alver Valley Priddy's Hard Windfall sites where specific heritage issues have been identified.
Other		
Other critical on-site elements identified through the planning process.	Planning obligation and /or Planning Condition.	Not known at this stage

6. Viability and Prioritisation Considerations

- 6.1 As clearly stated by the CIL Regulations, the NPPF and relevant policies of the emerging Local Plan it is necessary to ensure that the Borough Council's policy requirements including those relating to infrastructure do not make a site unviable. It is a major objective of the Borough Council to re-use brownfield sites, create new jobs, provide a range of vibrant mixed use sites and preserve and protect the Borough's heritage and natural assets.
- 6.2 To deliver these objectives the Borough Council is acutely aware that too onerous planning obligations and other requirements could stifle the required development. It is also aware that the development must be served by appropriate infrastructure to ensure that the development is an attractive location to invest, live, work and/or visit. The infrastructure would also be required to ensure acceptance by the local community who do not wish to see their existing infrastructure and services stretched still further by development that does not contribute to its 'fair share' of infrastructure provision.
- 6.3 To understand key issues surrounding the viability of development in the Borough, the Council has commissioned a study, '*CIL Viability Report*' (Adams Integra 2013) and Addendum Report (Adams Integra 2014). It concluded that there is limited viability for developer contributions to be taken from development sites in the Borough. At the present time only residential and supermarket and retail warehouses could support developer contributions and that such rates would vary across the Borough. The rate for residential takes into account affordable housing requirements. The rates also take into account normal site development costs and that these should normally be taken into consideration by the developer when negotiating the price of the land. The rates also account for the use of sustainable construction methods (equivalent to Code Level 4 of the Code for Sustainable Homes) and the additional payments by developers of £172 per dwelling as part of the Solent Recreation Mitigation Partnership. It is acknowledged that further assessment will be required if these parameters significantly change in due course.
- 6.4 The recommended rates are comparable with the Borough Council current Section 106 rates and with adopted CIL rates in the adjoining local authorities.
- 6.5 It is important to understand that this study which has informed the draft CIL Charging Levy represents a particular point in time during the economic cycle, a particularly prolonged and deep economic downturn, and so viability of developments will change over the Plan period.
- 6.6 The research identifies a number of broad charging zones based on viability. It is important to note that by the very nature of this type of work these broad generalisations may mask specific viability issues on particular development sites. Consequently an individual development site could take a higher level of developer contributions than the viability assessment implies, or conversely there may be difficult constraints to overcome making the site less viable and therefore less able to secure all the potential contributions and policy requirements.

- 6.7 The policies of the Local Plan have been written to provide developers and the local community an element of certainty of what the Borough Council considers to be appropriate infrastructure for particular developments yet provides flexibility which enables the developer to be able to demonstrate that the proposed obligations and other requirements would make the site unviable.
- 6.8 It is also important to consider that issues affecting viability change over time due to a number of reasons (for example land prices, the economy, demand for a particular use, Government policy, technology) and therefore requirements that may be unviable at this present moment may be viable during the Plan period. A good example of this relates to the cost of technologies associated with sustainable construction which will continue to fall and consequently will improve the viability of certain developments and enable more energy efficient properties to be achieved. It is likely that the rates would need to be reviewed as the economy improves.

Glossary: Explanation of terms used in this document

When producing this document, the Borough Council has tried to minimise the use of jargon and abbreviations. However due to the technical nature of the guidance and regulations relating to developing contributions this has been unavoidable in some instances. The section below attempts to provide a short explanation of the key terms used throughout this document.

Charging Authority- this is the local planning authority for the area i.e. Gosport Borough Council

Charging Schedule- this sets out the rates of Community Infrastructure Levy which will apply in the local planning authority area. The process involves a two stage consultation (the 'preliminary draft' and 'draft') before it is subject to an independent examination.

Community Infrastructure Levy (CIL)- The community infrastructure levy is a new levy that local authorities in England and Wales can choose to charge on new developments in their area. In areas where a community infrastructure levy is in force, land owners and developers must pay the levy to the charging authority (normally the local council).

The charges are set by the local council, based on the size and type of the new development. The money raised from the community infrastructure levy can be used to support development by funding infrastructure that the council, local community and neighbourhoods want.

Infrastructure- The Planning Act 2008 provides a wide definition of the infrastructure which can be funded by the levy, including transport, flood defences, schools, hospitals, and other health and social care facilities. This definition allows the levy to be used to fund a very broad range of facilities such as play areas, parks and green spaces, cultural and sports facilities, district heating schemes and police stations and other community safety facilities. This gives local communities flexibility to choose what infrastructure they need to deliver their development plan. According to the latest CIL Regulations a charging authority must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support development of its area.

Infrastructure will often be funded only-partly by CIL and may require other external funding sources.

The Regulations rule out the application of the levy for providing affordable housing because the Government considers that planning obligations remain the best way of delivering affordable housing.

Infrastructure Assessment Report (IAR) (GBC 2012- with a partial refresh in 2014)- The Borough Council has produced an IAR which sets out key issues relating to infrastructure within the Borough. www.gosport.gov.uk/localplan2029

Infrastructure Delivery Plan (GBC 2014) - This sets out key infrastructure proposals during the Plan period and reports on progress of delivery. It will be refreshed each year as part of the Borough Council Annual Monitoring Report.

Planning Conditions – These are requirements made by local planning authorities for actions that are needed in order to make a development acceptable in planning terms. They are not used to secure financial contributions. The National Planning Policy Framework sets out the six tests on the use of conditions with further guidance in the National Planning Practice Guidance (NPPG)

Planning obligation - Planning obligations may be secured by agreement or by unilateral undertaking pursuant to Section 106 of the Town & Country Planning Act 1990

‘Regulation 123 List’ - Regulation 123 of the Community Infrastructure Levy Regulations provides for charging authorities to set out a list of those projects or types of infrastructure that it intends to fund through the levy. This list should be based on the draft list that the charging authority prepared for the examination of their draft charging schedule.

Section 106 Agreement – This is a legal agreement to secure planning obligations in relation to a development.

Section 278 Agreement- This is a legally binding agreement between the Local Highway Authority (i.e. Hampshire County Council) and the developer made under Section 278 of the Highways Act 1980 to ensure that works to be carried out on the highway is completed to the standards and satisfaction of the Local Highway Authority.

Viability Report- The viability report forms part of the evidence base for the Community Infrastructure Charging Schedule. It is used to establish whether the proposed levy has been set at a reasonable rate which does not affect the viability of new development.