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NOTIFICATION OF PORTFOLIO HOLDER DECISION

On 13 June 2014, Cllr Vickers, the Planning and Transportation Portfolio Holder, made the following decision. Any member of the Council, who is not a Portfolio Holder, who considers that this decision should be reviewed should give notice to the Monitoring Officer (Grainne O'Rourke) (in writing or by e-mail) to be received **ON OR BY TUESDAY 24 JUNE 2014**.

Details of the documents the Portfolio Holder considered are attached.

DECISION:

- (a) That developers' contributions, that are currently held, be allocated toward the proposals as set out in Appendix 1 to the report considered by the Portfolio Holder;
- (b) That, where indicated in Appendix 1, New Forest District Council give Hampshire County Council a binding commitment to pay the allocated developers' transport contributions to the County Council for the costs reasonably incurred by them for the implementation of the proposals referred to, as soon as practical after these works are substantially complete, provided that both the sum to be paid to the County Council does not exceed the developers' contributions sums now or previously allocated to the proposals and also provided that work on the contributing development has started;
- (c) That, where indicated in Appendix 1, this Council give the County Council a binding commitment to pay part of the allocated developers' transport contributions to them for their costs reasonably incurred for the design towards the proposals referred to, provided that both the sum to be paid to the County Council does not exceed the developers' contributions sums now or previously allocated to the proposals and also provided that work on the contributing development has started.
- (d) That, under the powers contained in Sections 65 and 66 of the Highways Act 1980, the existing and proposed footways which comprise the following schemes be formally converted to shared use for pedestrians and cyclists
 - Cycle route adjacent to Christchurch Road linking Willow Drive to the RING1 development site. New Street, Ringwood.
 - Cycle route along Gore Road, New Milton between Arnewood School entrance and into Milton Mead (short shared use sections between school entrance and outside 41 Gore Road and from Gore Road/Milton Mead junction to near 17 Milton Mead
 - Cycle route adjacent to Southampton Road linking Parsonage Barn Lane to Carvers sports ground (near no 90 Southampton Road)

- (e) That developer funded proposals, to be implemented by this Council as Hampshire County Council's traffic management partner, be included in this Council's traffic management programme as a reserve scheme as set out in Appendix 1; and
- (f) That the open space developers' contribution allocation of £20,000 for Christchurch Road is moved from project list Category B to Category A to enable the implementation of the project in 2014/15.

REASON(S):

As set out in the report considered by the Portfolio Holder.

ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

As set out in the report considered by the Portfolio Holder.

CONFLICTS OF INTEREST DECLARED:

None

For Further Information Please Contact:

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THE DESIGN AND IMPLEMENTATION OF TRANSPORT PROPOSALS USING DEVELOPERS' CONTRIBUTIONS

1. ITEMS FOR DECISION

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- 1.1 The purpose of this report is to match developers' transport contributions that New Forest District Council (NFDC) has received to agreed transport proposals that benefit the occupiers/uses of the contributing developments in accordance with Government Circular 05/2005.
 - 1.2 The allocation of developers' transport contributions for design and implementation of the proposals set out in Appendix 1 noting that the proposals need to be of direct benefit to the developments that contributed.
 - 1.3 The inclusion of developer funded proposals to be implemented by NFDC as Hampshire County Council's (HCC) traffic management partner in NFDC's traffic management programme as a reserve scheme as set out in Appendix 1.
 - 1.4 The conversion of the specified footways for shared use for pedestrians and cyclists.
 - 1.5 To move an allocation (regarding Christchurch Road, Ringwood) from the Project B List to the Project A list to enable delivery in 2014/15.

2. POLICY FRAMEWORK, PRIORITIES & OBLIGATIONS

- 2.1 The Core Strategy for the District outside the National Park (CS) (link at http://www.newforest.gov.uk/media/adobe/o/t/FINAL_DOCUMENT.pdf) includes Policy CS24 (page 79) that states that "*Contributions will be sought to improve pedestrian and cycle routes and assist public transport to improve accessibility by non-car modes*".
- 2.2 Saved District Local Plan policies http://www.newforest.gov.uk/media/adobe/m/r/LIST_OF_NEW_FOREST_DISTRICT_LOCAL_PLAN_POLICIES_THAT_REMAIN_IN_OPERATION_FROM_26TH_OCTOBER_2009.pdf includes specific references to:
 - New and improved footpaths and cycleways (Policy DW-T10, starts at page 103)
 - Safeguarding proposed footpaths and cycleways (Policy DW-T11, starts at page 105).
- 2.3 A list of transportation proposals was agreed in principle by NFDC and HCC and this has now been incorporated into HCC's Transport District Statement which can be accessed via HCC's website at: <http://www3.hants.gov.uk/transport-planning/transport-statements.htm>. This list, including revisions, has been agreed following widespread consultation, see Section 4 below.
- 2.4 NFDC is under a legal obligation to ensure the developer's contributions it has collected are spent in accordance with Government Circular 05/2005 <http://www.communities.gov.uk/publications/planningandbuilding/circularplanning>

obligations. It is expected that the proposal the contribution is being used to fund will benefit the development. Also NFDC has to ensure that the use of contributions is consistent with the terms of:

- any unilateral undertakings given by developers if that is how the contribution has been secured
- any Section 106 planning agreement which sets out in detail how the contribution should be used (generally the older agreements)

Details of the relevant agreements are set out in Appendix 2.

2.5 The factors that are taken into consideration when allocating contributions to agreed transportation proposals that will directly benefit the development site that provided the contribution include:

- **The inclusion of the scheme in a published programme** (e.g. traffic management, safer routes to schools or minor capital programmes).
- **How advanced is the proposal.** Has a deliverable proposal been identified? For larger schemes there may be a feasibility study that considered alternative options and identified a preferred option with cost estimates. For smaller schemes an outline proposal may have been prepared.
- **Support for the proposal** – For larger schemes a public consultation may have been arranged. For traffic management schemes informal discussions with Members and Town/Parish Councils may have taken place.
- **The impact that the available contribution(s) will have on enabling the scheme to be progressed.** May be better to allocate the larger contributions to the more expensive schemes. If a scheme is unlikely to benefit other developments then may be best to use the available contributions for that scheme. The contribution may be sufficient to allow a partly funded scheme to be implemented.
- **Does the proposal allow the benefits of previous schemes to be enhanced?** If a scheme is being implemented in phases it is often the final phase that delivers the desired outcome.

2.6 The report at <http://www.newforest.gov.uk/committeedocs/p-tphd/CDD09000.pdf> sets out the policies, priorities etc. for proposals to be implemented by NFDC as Hampshire County Council's traffic management partner.

3. FINANCIAL IMPLICATIONS

3.1 Developers' contributions have been received for the sole purpose of progressing transport proposals and can only be used for that purpose. Details of the relevant legal agreements are set out in Appendix 2. Where the contribution has or will be secured by other means this is noted in Appendix 2.

3.2 Where the legal agreement requires the contribution to be used for a specific transport related purpose this is indicated. Unspent contributions normally have to be returned to developers subject to the terms of the agreement if the contribution is for a specific proposal that is no longer going to be progressed. If an agreement requires that unspent contributions be spent by a stated date (otherwise the contribution has to be returned) this is also referred to in Appendix 2.

3.3 Subject to Portfolio Holder approval:

- The developers' contributions that NFDC has received will be allocated to the transport proposals as set out in Appendix 1.
 - Where indicated the whole contribution or a part of the contribution will be passed to Hampshire County Council (HCC) so as to enable them to design and implement either all or part of the scheme subject to work on the contributing development having started on site (see below).
- 3.4 The sum to be allocated is not always sufficient to fund the total cost of the proposals. Therefore, where indicated, some proposals will be implemented in phases.
- 3.5 Expenditure of individual contributions will not be committed if there are known circumstances where a contribution has been received by the Council but development may not go ahead (e.g. if the contribution has been received but the issue of a planning permission is subject to an outstanding planning appeal).
- 3.6 The inclusion of developer funded proposals in NFDC's traffic management programme as a reserve scheme will not have any direct financial implications as the proposal will only be progressed as and when the existing allocations and/or developers' contributions are sufficient to cover NFDC's costs.
- 3.7 The Cabinet report (5 February 2014) authorised the Portfolio Holder for Planning and Transportation to approve any project within Project List B, should the scheme be developed during the course of the year and/or funding becomes available. Providing the cost does not exceed those already listed. Cabinet approved an allocation of £20,000 in January 2013 from open space contributions to the B list to 'enhance landscape features for Green Infrastructure Purposes' at Christchurch Road, Ringwood. This allocation was made pending the progression of a transportation project at the same site. As this project is now moving ahead it is recommended that this £20,000 allocation is moved from the B List to the A list to enable expenditure in 2014/15.

4. CONSULTATION INPUT

- 4.1 Consultation on the District Local Plan and Core Strategy has been undertaken on a very wide basis including with local members and the respective Town Councils.
- 4.2 Local Members, Town & Parish Councils and Members of the New Forest Transport Community Action Network were consulted on the list of transport proposals, and revisions to it, please see 2.3 above.
- 4.3 Local Members, Town & Parish Councils are involved in the preparation of NFDC's traffic management programmes which are subsequently agreed by NFDC's Planning & Transportation Portfolio Holder and HCC.
- 4.4 Officers of HCC's Environment Department have been consulted and have agreed to the allocation of contributions set out in this report. NFDC Ward Councillors, local County Councillors and Parish Councils have been consulted and their comments, together with details of consultations on any specific public consultations, are set out in Appendix 3.

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- 4.5 Prior to a TM scheme being implemented further consultations will be undertaken (and consents from HCC/Local HCC Member sought if a requirement of the HCC/NFDC TM Partnership Agreement) including:
- Local HCC and NFDC Members
 - HCC Environment Department Officers
 - Town/Parish Councils

5. ENVIRONMENTAL IMPLICATIONS

- 5.1 The identified proposals have environmental benefits of encouraging walking, cycling and the use of public transport.

6. CRIME AND DISORDER IMPLICATIONS

- 6.1 There are no crime and disorder implications associated with this report.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 There are no equality and diversity implications associated with the other proposals set out in this report.

8. PROPOSED DECISION

- # 8.1 That the developers' contributions currently held be allocated toward the proposals as set out in Appendix 1.
- # 8.2 That where indicated in Appendix 1 NFDC is to give HCC a binding commitment to pay the allocated developers' transport contributions to HCC for the costs reasonably incurred by HCC for the implementation of the proposals referred to as soon as practical after these works are substantially complete provided that both the sum to be paid to HCC does not exceed the developers' contributions sums now or previously allocated to the proposals and also provided that work on the contributing development has started.
- # 8.3 That where indicated in Appendix 1 NFDC to give HCC a binding commitment to pay part of the allocated developers' transport contributions to HCC for the costs reasonably incurred by HCC for the design towards the proposals referred to provided that both the sum to be paid to HCC does not exceed the developers' contributions sums now or previously allocated to the proposals and also provided that work on the contributing development has started.
- 8.4 That, under the powers contained in Sections 65 and 66 of the Highways Act 1980, the existing and proposed footways which comprise the following schemes be formally converted to shared use for pedestrians and cyclists
- Cycle route adjacent to Christchurch Road linking Willow Drive to the RING1 development site. New Street, Ringwood.
 - Cycle route along Gore Road, New Milton between Arnewood School entrance and into Milton Mead (short shared use sections between school entrance and outside 41 Gore Road and from Gore Road/Milton Mead junction to near 17 Milton Mead

- Cycle route adjacent to Southampton Road linking Parsonage Barn Lane to Carvers sports ground (near no 90 Southampton Road)

8.5 The inclusion of developer funded proposals to be implemented by NFDC as Hampshire County Council's traffic management partner in NFDC's traffic management programme as a reserve scheme as set out in Appendix 1.

8.6 It is recommended that the open space developers' contribution allocation of £20,000 for Christchurch Road is moved from project list Category B to Category A to enable the implementation of the project in 2014/15.

9. REASONS

9.1 To utilise developers' contributions as set out in the legal agreements and to enable the identified schemes to be progressed.

9.2 To encourage walking and cycling, encourage the greater use of public transport and reduce the risk of personal injury accidents.

10. ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10.1 Not to contribute towards the identified proposals. The schemes have been selected through joint working arrangements between HCC and NFDC officers taking account of proposals included in NFDC Local Plan, informal Local Member meetings, New Forest Strategic Cycle Network and feasibility/access studies. If contributions are not allocated then the identified proposals will be delayed and possibly not implemented at all. This would be contrary to the Council's transport related policies and this option is therefore not suggested.

11. CONFLICTS OF INTEREST DECLARED

11.1 No Councillors declared an interest.

12. PORTFOLIO HOLDER ENDORSEMENT

12.1 I have agreed to the recommendations of this report.

Signed: PAUL VICKERS..... Date: 13 JUNE 2014
 Cllr Paul Vickers
 Portfolio Holder Planning & Transportation

<p>FURTHER INFORMATION: Please contact</p> <p>Nick Hunt Principal Engineering (Transportation) Tel: 023 8028 5588 E-mail: nick.hunt@nfdc.gov.uk</p>	<p>BACKGROUND PAPERS</p> <p>Published papers E-mails in N Hunt's IT Microsoft Office System S106 Files on Transportation Section shared IT Drive Section 106 Agreements, Lymington Town Hall</p>
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Date Notice of this Decision Given – 17 June 2014

Last Date for Call-in – 24 June 2014

APPENDIX 1

EASTERN AREA: TOTTON AND WATERSIDE Hythe and Dibden						
Location	Proposal	Cost Estimate	Sums Already Allocated	Suggested Further Allocation	Contribution Allocated For:	Planning Application No
Totton: Chapel Lane	TE/T/77 - West Totton cycle routes. Improvement of lines, signs and staggered barriers so that these consistent with Department for Transport guidance - LTN 2/08	£40,000	£15,607	£14053	Design and phased implementation by NFDC/HCC	13/10716
Totton	In addition to the above it is suggested that any underspend on the speed tables scheme ref TE/T/46 on Calmore Road (as some works have been deferred until the flooding issue is resolved) is reallocated to Raised Junction Tables in Calmore Drive at its junctions with Goodwood Gardens (TE/T/06) and Flowerdown Close (subject to proposal being agreed under Road Humps Regulations).					
SOUTHERN AREA: COASTAL TOWNS/VILLAGES						
Location	Proposal	Cost Estimate	Sums Already Allocated	Suggested Further Allocation	Contribution Allocated For:	Planning Application No
Lymington & Pennington: Pennington area	Pennington to Highfield via Priestlands Road. Footpath to Cycleway; On Road and off road cycle route (LP/T/02)	£112,000	£47,845	£1,980.00 £3,960.72 £5,940.72	Design and phased implementation by NFDC acting as HCC's traffic management agent	13/10745 10/96165
Lymington:	In addition to the above it is suggested to allocate any uncommitted part, if any, of the Webb's transport contribution (up to c £100k) to possible improvements at Captain's Row . (However, at present the exact amount available for other schemes is not known as this will be dependent on the agreement of the commuted sum for the footbridge over the railway line).					
New Milton: Peckham Avenue & Barton Lane	Town Centre to Walkford along Gore Road to Gore Road Industrial Estate (inc Elm Avenue): Shared cycle / pedestrian route (NM/T/05)	£150,000	£23,522	£3,975.88 £7,304.55 £11,280.43	Design and phased implementation by NFDC acting as HCC's traffic management agent	11/97041 11/97645
WESTERN AREA: RINGWOOD/FORDINGBRIDGE & AVON VALLEY						
Location	Proposal	Cost Estimate	Sums Already Allocated	Suggested Further Allocation	Contribution Allocated For:	Planning Application No
Fordingbridge (Town Centre)	Improvements near The Burgate School	£22,000	None	£712.50 £3,960.00 £4,105.68	Implementation by HCC/NFDC	11/97536 13/11549 08/92929

	to assist school transport			£8,778.18		
Ringwood: Hightown area	Christchurch Road: Cycle route and parking improvements: (PC15)	£300,000	(£217k allocated to PC4, PC11 & PC15)	£37,975	Implementation by HCC/NFDC	11/96611
Ringwood: Town centre	Mansfield Road to Southampton Road via Carvers sports ground (adjacent, on and off road sections) (PC14)	£68,000	£6,137.06	£3,500 (previously allocated to Salisbury Road cycle route (Ref PC13);	Design and phased implementation by NFDC	99/66264

APPENDIX 2

SUMMARY OF RELEVANT LEGAL (SECTION 106) AGREEMENTS

PARISH REFERENCE	DEVELOPERS NAME(S) - LOCATION OF DEVELOPMENT	PLANNING APPLICATION NO	SUM CURRENTLY UNALLOCATED	DEVELOPMENT STARTED	Works referred to Legal Agreements / Remarks
TE	RUSCRETE LTD, RUSHINGTON BUSINESS PARK, CHAPEL LANE, TOTTON SO40 9AH	13/10716	£14,053		An index linked transport contribution in accordance with Core Strategy Policy CS1, 10, 24 and 25. To be paid on date of agreement (no refund clause included)
LP	THE SPORTSMANS ARMS, THE SQUARE, PENNINGTON, LYMINGTON SO41 8GN	13/10745	£1,980		Transport contribution paid in accordance with Core Strategy Policies CS1, 10, 24 and 25 (No refund clause).
LP	Carl Robertson Gulland and Gail Elizabeth Gulland - Land at 5 Conifer Crescent, Pennington	10/96165	£3,960.72		Transport contribution paid in accordance with Core Strategy Policies CS1, 10 and 25. Refund 5 years after date of payment.
NM	Land of 16 PECKHAM AVENUE, NEW MILTON	11/97041	£3,975.88		An indexed linked transport contribution in accordance with Policy CS1, CS10 and CS25. (No refund/repayment clause for transport contributions)
NM	Eagle Hoburne Security Services Ltd - 76 BARTON LANE, BARTON-ON-SEA, NEW MILTON BH25 7PW	11/97645	£7,304.55		An indexed linked transport contribution in accordance with Policy CS1, CS10, CS24 and CS25. To be paid on date of agreement (Refund/repayment clause included for 10 years after receipt of contribution)
FO	SHEERIN BETTLE & ASSOCIATES - 2-6 BRIDGE STREET, FORDINGBRIDGE SP6 1AH	11/97536	£712.50		An indexed linked transport contribution in accordance with Policy CS1, CS10, CS24 and CS25. To be paid on or before the transportation contribution date (before commencement of developed). (No refund clause)
FO	Mellors Property Holding Company Ltd - 18-20 High St	13/11549	£3,960.00		An indexed linked transport contribution in accordance with Policy CS1, CS10, CS24 and CS25. To be paid on or before the transportation contribution date (date of agreement). (No refund clause)
FO	Shering / Crownshade Limited - Land adjacent to 51 CHURCH STREET, FORDINGBRIDGE SP6 1BB	08/92929	£4,105.68	Y	To pay transport contribution before commencement of development and repay unused contributions at the expiry of 10 years from date of payment.

RI	Churchill Retirement Living - MILLSTREAM HOUSE, PARKSIDE, RINGWOOD BH24 3SG	11/96611	£37,975.00		An index linked Transport Contribution in accordance with Policy CS1, CS10, CS24 and CS25 of NFDC Core Strategy. Any part of contribution not used within 10 years of years receipt is to be returned.
RI	Surereed Ltd - 14 Market Place, Ringwood	99/66264	£7,590		In lieu of the provision of four on-site car parking spaces, before first occupation of the Development, pay to the Council the sum of six thousand pounds (£6,000). To apply the Parking Payment in the improvement of pedestrian and cycle facilities in Ringwood. To use the Parking Payment within 10 years of the date it is received (by 15/08/2016).

COMMENTS FROM NFDC/HCC MEMBERS AND TOWN/PARISH COUNCILS

Consultees:

Cllr Steve Clarke, Cllr Steve P Davies; Cllr Mel Kendal; New Milton Town Council;
Cllr Jeremy Heron; Cllr Steve Rippon-Swaine; Ringwood Town Council;
Cllr Penny Jackman; Cllr Alexander Kilgour; Cllr Elizabeth Lewis; Cllr Anna Rostand; Cllr Tony Swain; Cllr Jacqui England; Lymington & Pennington Town Council
Cllr Roxanne Bellows; Cllr Ann Sevier; Cllr Edward Heron; Fordingbridge Town Council;
Cllr Di Brooks; Cllr David Russell; Cllr Ron Scrivens; Cllr Brian Lucas; Cllr Chris Lagdon; Cllr George Dart; Cllr Neville Penman; Totton & Eling Town Council.
Cllr Paul Vickers.

Cllr Edward Heron (Fordingbridge):

I fully support the proposed allocation.

Officer response: Comments noted.

Cllr Chris Lagdon (Totton):

I fully agree

Officer response: Comments noted.

Cllr. W Steve Rippon-Swaine (Town Mayor of Ringwood, Hampshire County, New Forest District & Ringwood Town Councillor)

A useful re-allocation of funds - Southampton Rd/Carvers work is long overdue!!

Officer response: Comments noted.

Cllr Jeremy D Heron (Ringwood South Ward NFDC)

I would concur with Steve's comments, does this mean that we could complete the Southampton Road project?

Officer response: Comments noted. The current total allocation of around £25k for this scheme together with the suggested extra allocation may be enough; however final scheme costs have not yet been obtained.

Ringwood Town Council:

The Town Council supports the use of developers' contributions as outlined.

Officer response: Comments noted.