

# Public Document Pack

## Cabinet

Tuesday, 16th February, 2016  
at 4.30 pm

### **PLEASE NOTE TIME OF MEETING**

Council Chamber - Civic Centre

This meeting is open to the public

#### **Members**

Councillor Simon Letts, Leader of the Council  
Councillor Daniel Jeffery, Cabinet Member for  
Education and Children's Social Care  
Councillor Mark Chaloner, Cabinet Member for  
Finance  
Councillor Satvir Kaur, Cabinet Member for  
Communities, Culture and Leisure  
Councillor Jacqui Rayment, Cabinet Member for  
Environment and Transport  
Councillor Dave Shields, Cabinet Member for Health  
and Adult Social Care  
Councillor Warwick Payne, Cabinet Member for  
Housing and Sustainability  
Councillor Christopher Hammond, Cabinet Member  
for Transformation

(QUORUM – 3)

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## **BACKGROUND AND RELEVANT INFORMATION**

### **The Role of the Executive**

The Cabinet and individual Cabinet Members make executive decisions relating to services provided by the Council, except for those matters which are reserved for decision by the full Council and planning and licensing matters which are dealt with by specialist regulatory panels.

### **The Forward Plan**

The Forward Plan is published on a monthly basis and provides details of all the key executive decisions to be made in the four month period following its publication. The Forward Plan is available on request or on the Southampton City Council website, [www.southampton.gov.uk](http://www.southampton.gov.uk)

### **Implementation of Decisions**

Any Executive Decision may be “called-in” as part of the Council’s Overview and Scrutiny function for review and scrutiny. The relevant Overview and Scrutiny Panel may ask the Executive to reconsider a decision, but does not have the power to change the decision themselves.

**Mobile Telephones** – Please switch your mobile telephones to silent whilst in the meeting.

### **Use of Social Media**

The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair’s opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council’s Standing Orders the person can be ordered to stop their activity, or to leave the meeting

### **Southampton City Council’s Priorities:**

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

### **Executive Functions**

The specific functions for which the Cabinet and individual Cabinet Members are responsible are contained in Part 3 of the Council’s Constitution. Copies of the Constitution are available on request or from the City Council website, [www.southampton.gov.uk](http://www.southampton.gov.uk)

### **Key Decisions**

A Key Decision is an Executive Decision that is likely to have a significant:

- financial impact (£500,000 or more)
- impact on two or more wards
- impact on an identifiable community

### **Procedure / Public Representations**

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

**Fire Procedure** – In the event of a fire or other emergency, a continuous alarm will sound and you will be advised, by officers of the Council, of what action to take.

**Smoking policy** – The Council operates a no-smoking policy in all civic buildings.

**Access** – Access is available for disabled people. Please contact the Cabinet Administrator who will help to make any necessary arrangements.

### **Municipal Year Dates (Tuesdays)**

<b>2015</b>	<b>2016</b>
16 June	19 January
14 July	9 February ( <b>Budget</b> )
18 August	16 February
15 September	15 March
20 October	19 April
17 November	
15 December	

## **CONDUCT OF MEETING**

### **TERMS OF REFERENCE**

The terms of reference of the Cabinet, and its Executive Members, are set out in Part 3 of the Council's Constitution.

### **RULES OF PROCEDURE**

The meeting is governed by the Executive Procedure Rules as set out in Part 4 of the Council's Constitution.

### **DISCLOSURE OF INTERESTS**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### **DISCLOSABLE PECUNIARY INTERESTS**

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

### **Other Interests**

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

### **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and

### **BUSINESS TO BE DISCUSSED**

Only those items listed on the attached agenda may be considered at this meeting.

### **QUORUM**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the “rationality” or “taking leave of your senses” principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, ‘live now, pay later’ and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## **AGENDA**

### **1 APOLOGIES**

To receive any apologies.

### **2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

## **EXECUTIVE BUSINESS**

### **3 STATEMENT FROM THE LEADER**

### **4 MATTERS REFERRED BY THE COUNCIL OR BY THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE FOR RECONSIDERATION (IF ANY)**

There are no matters referred for reconsideration.

### **5 REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)**

There are no items for consideration

### **6 EXECUTIVE APPOINTMENTS**

To deal with any executive appointments, as required.

## **ITEMS FOR DECISION BY CABINET**

### **7 MINERALS AND WASTE SAFEGUARDING AND OIL AND GAS SUPPLEMENTARY PLANNING DOCUMENTS □ (Pages 1 - 148)**

Report of the Leader of the Council seeking approval of Supplementary Planning Documents, attached.

### **8 CONCESSIONARY FARES SCHEME 2016/17 □ (Pages 149 - 158)**

Report of the Cabinet Member for Environment and Transport detailing the final arrangements for the Concessionary Fare Scheme for 2016 including the rate at which bus operators will be reimbursed for concessionary pass travel, attached.

**9 APPROVAL FOR PHASE TWO OF AN INTEGRATED SERVICE FOR CRISIS RESPONSE, REHABILITATION, REABLEMENT AND HOSPITAL DISCHARGE □**  
(Pages 159 - 244)

Report of the Cabinet Member for Health and Adult Social Care seeking approval to proceed with Phase Two of an Integrated Service for Crisis Response, Rehabilitation, Reablement and Hospital Discharge, attached.

**10 ADMISSION ARRANGEMENTS FOR COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS FOR ACADEMIC YEAR 2017/18 □** (Pages 245 - 286)

Report of the Cabinet Member for Education and Children's Social Care seeking approval of the admission arrangements for Community and Voluntary Controlled Infant, Junior, Primary and Secondary Schools for 2017/18, attached.

**11 IN-HOUSE TREE SURGERY TEAM** (Pages 287 - 342)

Report of the Cabinet Member for Environment and Transport seeking approval to bring tree surgery works in house, attached.

Monday, 8 February 2016

Service Director, Legal and Governance

# Agenda Item 7

<b>DECISION-MAKER:</b>	<b>CABINET</b>		
<b>SUBJECT:</b>	<b>MINERALS AND WASTE SAFEGUARDING AND OIL AND GAS SUPPLEMENTARY PLANNING DOCUMENTS</b>		
<b>DATE OF DECISION:</b>	<b>16 FEBRUARY 2016</b>		
<b>REPORT OF:</b>	<b>LEADER OF THE COUNCIL</b>		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Graham Tuck</b>	<b>Tel: 023 8083 4602</b>
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<b>Director</b>	<b>Name:</b>	<b>Mark Heath</b>	<b>Tel: 023 8083 2371</b>
	<b>E-mail:</b>	<b>Mark.heath@southampton.gov.uk</b>	

<b>STATEMENT OF CONFIDENTIALITY</b>	
None	
<b>BRIEF SUMMARY</b>	
The Supplementary Planning Documents provide more guidance on the safeguarding of minerals and waste sites and mineral resources (including from nearby development); and oil and gas developments. They support the statutory Minerals and Waste Plan and will be material considerations in the determination of planning applications.	
<b>RECOMMENDATIONS:</b>	
(i)	to approve the final Supplementary Planning Document for Mineral and Waste Safeguarding (Appendix 1);
(ii)	to approve the final Supplementary Planning Document for Oil and Gas (Appendix 2); and
(iii)	to delegate to the Planning and Development Manager, following consultation with the Leader of the Council, the power to make minor changes or major changes which do not affect Southampton, if needed.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	To provide further guidance to the Minerals and Waste Plan.
2.	Delegated powers to facilitate final publication once approved by all 4 authorities.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
3.	Not to approve the SPDs: this would result in a lack of useful guidance.
<b>DETAIL (Including consultation carried out)</b>	
4.	The Supplementary Planning Documents (SPDs) provide further guidance to the policies in the Hampshire Minerals and Waste Plan. This was adopted in 2013 by 5 mineral and waste planning authorities, including Southampton City

	<p>Council, and forms part of the statutory development plan. The SPDs do not have as much weight, but are a material consideration in the determination of planning applications. The SPDs have been prepared by Southampton City Council, Hampshire County Council, Portsmouth City Council and the New Forest National Park Authority. A Sustainability Appraisal and Habitat Regulations Assessment has been carried out. Public consultation on the SPDs was conducted between 29 June and 7 August 2015. This was approved under delegated powers. A summary of the responses received has been placed in the Members' Room.</p>
	<p><b>Safeguarding</b></p>
5.	<p>The Minerals and Waste Plan safeguards:</p> <ul style="list-style-type: none"> <li>• strategic mineral and waste sites (including wharves) from redevelopment to other uses unless they are relocated or there is a strong reason for the redevelopment;</li> <li>• mineral resources in the ground from sterilisation by other development without prior extraction;</li> <li>• the above sites and resources from other nearby development (e.g. residential) which may impact on them, unless there is a strong reason for the nearby development.</li> </ul>
6.	<p>The Minerals and Waste Plan sets the principles for safeguarding mineral and waste sites. Within the City this currently includes 5 mineral and waste wharves on the River Itchen and 7 waste facilities (e.g. Ashley Crescent, Empress Road, waste water treatment works). It also includes safeguarding the potential for further consideration of a mineral and waste wharf at the Port of Southampton, Dibden Bay and Marchwood Military Port.</p>
7.	<p>The Plan safeguards sites from 'nearby' development. The SPD sets a 100 metre buffer around mineral and waste sites within the urban area. This effectively gives additional guidance to where we will consider the effect of nearby development. In the Hampshire area local planning authorities are required to consult Hampshire County Council. However Southampton City Council is a minerals and waste planning authority. Therefore the SPD only requires Southampton City Council to consult Hampshire County Council for development close to the wharves, and the sand and gravel resource on the edge of the City, given their strategic significance to the City and Hampshire.</p>
8.	<p>The consultation buffer is also generally extended beyond 100 metres to include wider areas only separated by water, whilst also taking account of local circumstances. Officers will agree precise maps shortly and they have agreed that the Supermarine Wharf buffer should not extend more than 100 metres given it is a small wharf.</p>
9.	<p>When planning applications or Local Plan proposals for other developments are made in these areas, the Council should consider the effects on the mineral or waste site in line with the Plan (see para 5). The SPD does not automatically prevent development within these buffer zones. The impact on mineral and waste sites could be reduced to an appropriate level through maintaining an appropriate distance, screening with other buildings, design / layout (e.g. orientation), management (e.g. of traffic) and mitigation measures (e.g. secondary glazing). However the Plan and SPD aim to prevent incompatible developments unless the merits of the development outweigh the remaining effects on the minerals or waste site.</p>



10.	<p>The areas in Southampton where regeneration developments are most likely to be promoted adjacent to mineral and waste sites are in the city centre close to the Port, or along the River Itchen close to the mineral wharves. The City Centre Action Plan already addresses the relationship between development and the port, so the SPD represents no significant change in approach (other than consulting Hampshire County Council). In addition the River Itchen master plan work to inform the Local Plan has already taken account of these issues. It plans for a mix of uses including residential but also employment, which is likely to be appropriate adjacent to mineral wharves. The key sites within the buffer consultation zones which are proposed (or may be by others) for development for significant residential use not yet permitted are:</p> <ul style="list-style-type: none"> <li>• Drivers Wharf, adjacent to the Princes Wharf metal recycling wharf.</li> <li>• The Central Trading Estate which is adjacent to the mineral wharves but is unlikely to be developed before the wharves relocate.</li> <li>• The Willments / Hazel Road area, which is directly opposite the wharves.</li> <li>• Royal Pier and Western Gateway adjacent to the Port, although both sites are already being planned with this in mind, with residential development at Royal Pier outside the consultation zone.</li> </ul>
11.	<p>The SPD will represent an additional issue to be considered in the redevelopment of these sites.</p>
12.	<p>The Plan explains that the mineral resources are primarily sand and gravel under greenfield sites outside the City (although with small parts within the edge of the City as well). There should not be development without prior extraction of the minerals provided the extraction would be viable and appropriate. The SPD sets a requirement to consult Hampshire County Council in or within 250 metres of these areas. The SPD also introduces an order of preference. This starts with large scale prior extraction of all minerals prior to development, and goes through to small scale extraction of minerals to be used in the development on the site. The developer would need to demonstrate why the first preference is not practical. The SPD also promotes this approach outside of the formal consultation area where there is likely to be a mineral resource, including urban sites. However the SPD recognises that there are additional amenity and other constraints in such areas; and the development plan's protection of amenity policies would also apply.</p>
	<p><b>Oil and Gas (including 'fracking')</b></p>
13.	<p>There is the potential for further oil / gas operations in Hampshire, possibly in the future close to, or affecting Southampton. The Government has issued '14<sup>th</sup> round' Petroleum Exploration and Development Licences (PEDLs), which confer exclusive rights to search for and extract oil and gas. These current licences do not affect Southampton. There are likely to be future rounds of licences so this will be kept under review. It is important to emphasise that a PEDL licence is a first step, and a number of additional consents would then be required.</p>
14.	<p>The established planning policy is as follows. The National Planning Policy Framework includes a presumption in favour of sustainable development, and supports sustainable economic growth. This includes support for an adequate and steady supply of minerals, including for energy generation, and a sustainable use of energy. There should be no unacceptable impact</p>

	on the natural or historic environment or on human health.
15.	The Hampshire Plan includes a policy which supports oil and gas development subject to environmental and amenity considerations. Exploration and appraisal will be supported in acceptable locations. Commercial production will be supported provided a full appraisal has been completed and the site is in the most suitable location taking account of environmental, geological and technical factors.
16.	This SPD provides more guidance for oil and gas planning applications. This includes: <ul style="list-style-type: none"> <li>• Conventional extraction (some sites already exist in Hampshire);</li> <li>• Unconventional extraction (including 'fracking'); and</li> <li>• Exploration, appraisal, extraction, decommissioning and restoration stages.</li> </ul>
17.	In addition to a PEDL and planning permission, oil and gas operations require other licences. The planning application process determines whether a development is appropriate for its location taking account of the effects of pollution and the sensitivity of the surrounding area in environmental and amenity terms. The licencing authorities focus on ensuring that the proposal is designed and operated to appropriate standards. These consider the protection of water resources, safety, managing seismic risk, control of flaring, equipment, operations, well heads, boring, decommissioning, waste / water disposal, chemical use, environmental risk assessments and fracking plans, as follows: <ul style="list-style-type: none"> <li>• Health and Safety Executive (HSE) – safety permits.</li> <li>• Environment Agency (EA) – environmental permits, etc.</li> <li>• Oil and Gas Agency (OGA) – consent to drill.</li> </ul>
18.	The SPD provides more guidance on the following issues to help determine planning applications. At present there are no PEDLs to enable further consideration of proposals in or close to the City. The Minerals and Waste Plan, SPD and the additional licenses, permits and consents, as required and regulated by the HSE, EA and OGA, would provide an appropriate framework to control any proposed works and/or operations. Mitigation may be necessary and this would be agreed on a case by case basis. In broad terms the SPD re-iterates the policies of the Hampshire Minerals and Waste Plan and adds further guidance as follows:
19.	Mitigating and adapting to climate change – reducing emissions from the site.
20.	Nature conservation – mitigation measures to ensure no significant adverse impact, unless these are outweighed by the merits of the development.
21.	Landscape designations / countryside / townscape / design – maintain and where possible enhance, using a high quality of design, with mitigation measures to ensure no unacceptable visual impact.
22.	Local communities / amenity impact – there should be no unacceptable impact on health, safety or amenity. Many requirements will be met through an appropriate high standard of operating / management systems. In line with the National Planning Policy Guidance there should be no standard separation distances. They should be properly justified, effective and

	reasonable on a case by case basis.
23.	Lighting, noise, dust – no unacceptable impact. Gas should be collected if possible or else flaring controlled.
24.	Water resources and flood risk – no unacceptable impact (the Environment Agency are the key authority).
25.	Land stability and seismic activity – mitigation of risks and ongoing monitoring (the HSE and Oil and Gas Authority are the key authorities).
26.	Transport – maintain appropriate highway capacity and safety for all road users, mitigate the effects of traffic.
27.	Economic impact / benefit – will be taken into account in line with the national planning policy framework.
28.	Other issues covered are greenbelts, heritage, soils, public access, aerodrome safeguarding, waste disposal, and chemical use.
29.	Cumulative impact – consideration of proposals alongside the effects of other minerals and waste development and other developments.
30.	Restoration and aftercare – restoration either to the former land use or to a new agreed beneficial use.
31.	Planning conditions, developer contributions (s106 and CIL), monitoring and enforcement to cover the above issues are also set out.
32.	Community benefits – these are additional benefits an operator may choose to provide to local communities. (They would not be material in determining a planning application).
33.	The planning process is set out – public consultation, pre-application discussion, and environmental impact assessment.
34.	There is also a background report which sets out the origins of oil and gas, what a site looks like, the phases of operation, extraction processes, mineral rights, existing Hampshire sites, licencing, and key issues to be taken into account.
<b>RESOURCE IMPLICATIONS</b>	
<u>Capital/Revenue</u>	
35.	The preparation of the SPDs has been undertaken under the existing Planning Policy budget.
<u>Property/Other</u>	
36.	Some Council land interests may be affected by the planning guidance.
<b>LEGAL IMPLICATIONS</b>	
<u>Statutory power to undertake proposals in the report:</u>	
37.	Sections 17, 19 and 23 of the Planning and Compulsory Purchase Act, 2004.
<b><u>Other Legal Implications:</u></b>	
38.	None
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
39.	The SPDs are in accordance with the development plan.

<b>KEY DECISION?</b>	Yes	
<b>WARDS/COMMUNITIES AFFECTED:</b>	All	
<u>SUPPORTING DOCUMENTATION</u>		
<b>Appendices</b>		
1.	Minerals and Waste Safeguarding Supplementary Planning Document	
2.	Oil and Gas Supplementary Planning Document	
<b>Documents In Members' Rooms</b>		
1.	Summary Report of Consultation Responses	
<b>Equality Impact Assessment</b>		
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>		No
<b>Privacy Impact Assessment</b>		
<b>Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.</b>		No
<b>Other Background Documents</b>		
<b>Other Background documents available for inspection at:</b>		
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>	
1.	None	

# Minerals & Waste Safeguarding in Hampshire

## Supplementary Planning Document



***Making the most of mineral resources and protecting strategic minerals and waste infrastructure***

**A guide for local planning authorities, developers and other interested parties**

**For adoption (February 2016)**

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## Foreword

Safeguarding is vital as it helps to protect important viable mineral resources, avoiding the needless sterilisation of resources. It also protects the sites which are essential to the sustainable supply of minerals and waste management requirements within Hampshire, both now and in the future by ensuring that their operations are not prejudiced by other non-minerals-or-waste developments.

The adopted Hampshire Minerals & Waste Plan (HMWP) (2013) contains policies on the safeguarding of mineral resources, mineral infrastructure, waste infrastructure and potential wharf and rail depot infrastructure. However, it is only by working together that the Minerals and Waste Planning Authorities, other Local Authorities and developers can ensure that minerals and waste safeguarding is suitably considered.

This Supplementary Planning Document (SPD) provides guidance on the implementation of policies in the HMWP in relation to minerals and waste safeguarding.

The guidance has been prepared in partnership by Hampshire County Council, Southampton City Council, Portsmouth City Council and the New Forest National Park Authority (here after referred to as the 'Hampshire Authorities'). The SPD therefore covers the administrative areas of the Hampshire Authorities, but does not cover the part of the South Downs National Park which is in Hampshire.

Upon adoption, the document will then sit alongside the adopted HMWP, providing further guidance on the implementation of the plans safeguarding policies, It should be taken into consideration during any decision-making in relation to safeguarding minerals and waste in Hampshire.



**Councillor Seán Woodward - Executive Member for Economy, Transport and Environment (Hampshire County Council)**



**Councillor Luke Stubbs - Executive Member for Planning, Regeneration and Economic Development (Portsmouth City Council)**



**Councillor Simon Letts - Leader (Southampton City Council)**



**Oliver Crosthwaite-Eyre - Chairman (New Forest National Park Authority)**



## 1. Introduction and purpose of the Supplementary Planning Document

- 1.1 A large part of Hampshire is underlain by mineral deposits, such as sand and gravel and brick-making clay, which may be required to meet the future needs for construction materials. Allowing new building and other development to take place on top of these mineral deposits could mean they are lost permanently, limiting their supply.
- 1.2 Furthermore, meeting the needs for minerals, as well as for waste management, depends on having the right sites in the right places.
- 1.3 Non-minerals-or-waste development can 'sterilise' mineral resources (make them inaccessible for potential extraction) or prejudice the operation of existing or proposed minerals or waste management sites ('infrastructure'). This can be either:
- directly, for example by building over land that contains minerals; or
  - indirectly, through the introduction of sensitive land uses in close proximity to these resources or sites.
- 1.4 Minerals and waste safeguarding is the process through which these various potential issues are avoided.
- 1.5 In Hampshire, minerals and waste safeguarding is a very important issue.

**Minerals safeguarding helps to protect Hampshire's viable mineral resources. Minerals are non-renewable resource that can only be worked where they are found.<sup>1</sup>**

**Minerals and waste safeguarding also helps to protect important infrastructure which is essential to Hampshire's supply of minerals and waste management requirements both now and in the future. The introduction of other new activities (such as housing) may be incompatible in an area where existing minerals and waste sites are located.**

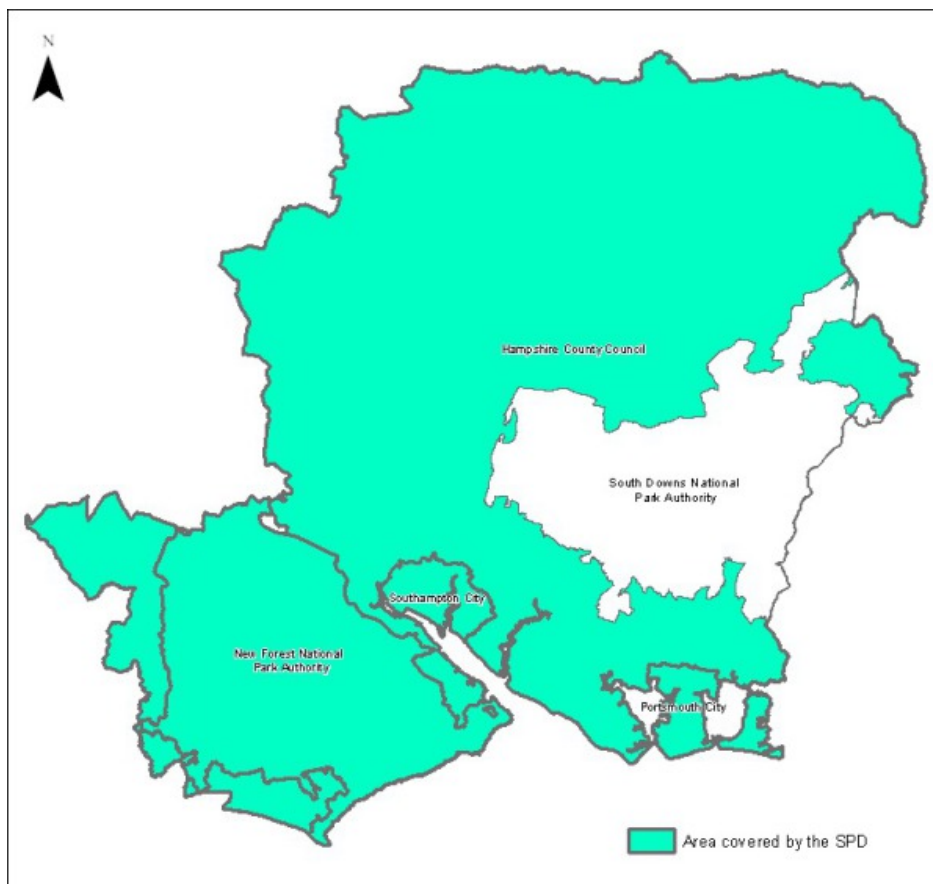
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<sup>1</sup>Key information in this document is drawn out through the use of highlight boxes.

**Minerals and waste safeguarding is not intended to prevent development. It allows for the effective consideration of potential impacts and helps to ensure that non-minerals-or-waste developments are appropriately located and designed.**

- 1.6 The adopted Hampshire Minerals & Waste Plan (hereafter referred to as the HMWP or 'the Plan') (2013)<sup>2</sup> contains policies on the safeguarding of mineral resources, mineral infrastructure, waste infrastructure and potential minerals and waste wharf or rail depot infrastructure. The HMWP was prepared by Hampshire County Council (HCC) in partnership with Portsmouth City Council (PCC), Southampton City Council (SCC), the New Forest National Park Authority (NFNPA) and the South Downs National Park Authority (SDNPA) as the Minerals and Waste Planning Authorities (MWPA)<sup>3</sup>.
- 1.7 The plan-making partnership came to an end upon the adoption of the HMWP and a new partnership has been formed between HCC, PCC, SCC and the NFNPA (hereafter referred to as the 'Hampshire Authorities') to implement and monitor the HMWP in their administrative areas. It does not cover the SDNPA area. The area covered by this SPD is highlighted in the map below.

Figure 1: The area covered by this Supplementary Planning Document



2. Hampshire Minerals & Waste Plan (2013): [www3.hants.gov.uk/planning-policy-home.htm](http://www3.hants.gov.uk/planning-policy-home.htm)

3. The HMWP covers the whole of the New Forest National Park administrative area, but only the part of the SDNP that lies in Hampshire

## Why is this Supplementary Planning Document required?

- 1.8 Since the adoption of the HMWP, the Hampshire Authorities have received a large number of requests for information or views on minerals and waste safeguarding issues. Some of these requests have arrived at an advanced stage of the planning process for non minerals or waste developments, making any opportunities to sustainably address safeguarding issues more difficult.
- 1.9 This has shown that there is a need to provide more guidance to those that work with non-minerals-or-waste developments, such as District and Borough Councils, Unitary Councils and National Park Authorities (hereafter referred to as 'Local Planning Authorities' (LPAs)) as well as developers, to ensure the issue of minerals and waste safeguarding is appropriately addressed, particularly during the early planning application stages.
- 1.10 The National Planning Policy Framework sets out the use of Supplementary Planning Documents to provide further guidance, and what weight they would carry.<sup>4</sup>

## Purpose of the Supplementary Planning Document

- 1.11 This guidance has been produced to identify where particular care is needed to prevent the unnecessary sterilisation of sand and gravel resources or encroachment of existing minerals or waste sites by non-minerals-or-waste development.
- 1.12 It is the responsibility of the MWPAs to determine minerals and waste planning applications, as well as preparing minerals and waste policy (including minerals and waste safeguarding). Developers submit non-minerals-or-waste planning applications to Hampshire's LPAs (the relevant District and Borough Councils or to Unitary and National Park Authorities) who will determine such proposals. This guidance suggests ways in which the MWPAs, developers and LPAs can work together to protect the resources and sites in safeguarded areas and ensure that development is compatible with meeting the reasons for the safeguarding.

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4. National Planning Policy Framework (2012), pg 56: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

The purpose of this SPD is to provide guidance on the implementation of the safeguarding policies in the HMWP. It sets out the following:

- how the Hampshire Authorities and Hampshire's LPAs can work constructively to ensure minerals and waste issues are taken into account as appropriate during the preparation of Local Plans and in the determination of planning applications for non-minerals-or-waste developments;
- guidance on what issues LPAs should consult the MWPA in relation to mineral resources and minerals and waste infrastructure safeguarding;
- the information used to determine Hampshire's Mineral Safeguarding Area (MSA) and allocated mineral development and waste management sites, as set out in the HMWP (see also [Background to minerals and waste safeguarding in Hampshire \[See page 13\]](#) and [Minerals and Waste Consultation Area \(MWCA\) \(including the Mineral Consultation Area \(MCA\)\) \[See page 18\]](#) );
- the agreed process for consultation with the MWPA by LPAs with regard to minerals and waste issues (see [Minerals and waste safeguarding procedures in Hampshire \[See page 32\]](#)); and
- guidance to developers of non-minerals-or-waste developments on how the issues of safeguarding can best be addressed (see [Safeguarding and the preparation of planning applications for non-mineral-or-waste uses \[See page 21\]](#) ).

### How does this guidance link to the adopted Hampshire Minerals and Waste Plan (HMWP)?

- 1.13 This guidance has been prepared following the adoption of the HMWP.
- 1.14 Once adopted, this guidance will sit alongside the adopted HMWP. The HMWP contains the relevant policies on minerals and waste safeguarding:

- Policy 15 (Safeguarding - mineral resources);
- Policy 16 (Safeguarding - minerals infrastructure);
- Policy 26 (Safeguarding - waste infrastructure); and
- Policy 34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure).

- 1.15 This document provides further guidance on the implementation of the HMWP policies. It does not contain any new policy. As a guidance document, legally it cannot be given the same weight in decision-making as the adopted HMWP.

## How was this Supplementary Planning Document prepared?

### Meeting legal requirements

- 1.16 A supplementary planning document (“SPD”) is defined in Regulation 2(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012<sup>5</sup> as: *‘any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan’*<sup>6</sup>
- 1.17 A SPD will also *‘add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan’*<sup>7</sup>.
- 1.18 The form and content of SPDs is set out in Regulation 8 the Local Planning Regulations. This SPD does not conflict with the provisions of the adopted HMWP. It provides guidance on the implementation of its policies.
- 1.19 The SPD has also been prepared in accordance with Part 5 of the Local Planning Regulations.
- 1.20 Regulation 5 of the Local Planning Regulations prescribes, for the purposes of section 17(7)(za) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”)<sup>8</sup> the descriptions of documents which are to be local development documents. This SPD relates to 1 (a) iii which relates to *‘any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land’*.
- 1.21 In preparing this SPD, the Hampshire Authorities had regard to the matters set out in section 19(2) of the PCPA 2004 and Regulation 10 of the Local Planning Regulations.
- 1.22 The document's preparation has also complied with all of the Hampshire Authorities relevant Statement of Community Involvement<sup>9</sup> documents.
- 1.23 The SPD was subject to a public consultation which ran from 29 June - 7 August 2015<sup>10</sup>.
- 1.24 To support the preparation of this SPD, a number of other documents were also prepared (see [Relevant assessment and appraisal \[See page 11\]](#)).
- 1.25 Following the consultation, the SPD was revised, as appropriate, then taken forward for adoption by each of the Hampshire Authorities. An Adoption Statement and a community engagement statement sit alongside this guidance document.

5. Town and Country Planning (Local Planning) (England) Regulations 2012: [www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi\\_20120767\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_20120767_en.pdf)

6. *Local plan* is defined in regulation 2(1) of the Local Planning Regulations as: “local plan” means any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b), and for the purposes of section 17(7)(a) of the Act these documents are prescribed as development plan documents (NPPF (Glossary): [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf))

7. National Planning Policy Framework (“NPPF”), glossary (2012): [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

8. Planning and Compulsory Purchase Act 2004: [www.legislation.gov.uk/ukpga/2004/5/contents](http://www.legislation.gov.uk/ukpga/2004/5/contents)

9. Statement of Community Involvement: [www3.hants.gov.uk/sci-2.htm](http://www3.hants.gov.uk/sci-2.htm)

10. Public consultation on the SPD: [www3.hants.gov.uk/spd-consultation-2015.htm](http://www3.hants.gov.uk/spd-consultation-2015.htm)

## Meeting the duty to co-operate

- 1.26 The National Planning Policy Framework (NPPF) requires local authorities and other public bodies to co-operate on planning issues<sup>11</sup>. The duty applies to the production of the SPD. This is imposed through the Planning and Compulsory Purchase Act 2004<sup>12</sup>. In response to this, as part of the preparation of this guidance, the Hampshire Authorities have liaised with the following organisations and parties who are considered to have an interest in minerals and waste safeguarding issues in Hampshire:
- Hampshire's LPAs;
  - regulators and statutory consultees (including the Environment Agency, Natural England, Historic England and the Department for Communities and Local Government);
  - other Minerals and Waste Planning Authorities with an interest in minerals and waste safeguarding in Hampshire, including adjoining authorities; and
  - other interested parties (including the minerals-and-waste industry and other non-minerals and waste developers).
- 1.27 This engagement is documented in a Duty to Co-operate statement which has been prepared by the Hampshire Authorities to sit alongside the SPD<sup>13</sup>.
- 1.28 This engagement will continue following the adoption of this guidance document by the Hampshire Authorities.
- 1.29 The Hampshire Authorities have committed to work collaboratively with other bodies to ensure that the strategic priorities set out in the HMWP will continue to be properly coordinated and clearly reflected in any subsequent review of the Plan, supplementary guidance and other individual Local Plans.

## Relevant assessment and appraisal

- 1.30 The preparation of this SPD has been subject to an Integrated Sustainability Appraisal (ISA)<sup>14</sup> as well as Habitats Regulation Assessment (HRA)<sup>15</sup>. An Equality Impact Assessment (EqIA)<sup>16</sup> has also been prepared.
- 1.31 As the SPD does not introduce any new policy but provides guidance on how the policies contained within the HMWP will be implemented, the assessments outlined above have included a review of the assessments undertaken for the HMWP.

11.National Planning Policy Framework (DCLG, 2012), paragraph 178-181: [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)

12.Planning and Compulsory Purchase Act 2004, section 33 (A) (1): [www.legislation.gov.uk/ukpga/2004/5/contents](http://www.legislation.gov.uk/ukpga/2004/5/contents)

13.Hampshire Minerals and Waste Plan Supplementary Planning Documents Duty to Co-operate Statement (August 2015): [www3.hants.gov.uk/planning-policy-home.htm](http://www3.hants.gov.uk/planning-policy-home.htm)

14.Integrated Sustainability Appraisal Report (FINAL)- Supplementary Planning Documents (Hampshire Authorities, 2015): [www3.hants.gov.uk/spd-consultation-2015.htm](http://www3.hants.gov.uk/spd-consultation-2015.htm)

15.Habitats Regulation Assessment Screening (Hampshire Authorities, 2015): [www3.hants.gov.uk/spd-consultation-2015.htm](http://www3.hants.gov.uk/spd-consultation-2015.htm)

16.Equality Impact Assessment for the Supplementary Planning Documents (Hampshire Authorities, 2015) v1: [www3.hants.gov.uk/spd-consultation-2015.htm](http://www3.hants.gov.uk/spd-consultation-2015.htm)

1.32 A Strategic Flood Risk Assessment (SFRA) has not been prepared as the SPD does not include any policies or site allocations. This means the SFRA prepared for the adopted HMWP can still be applied.

1.33 The following documents are also relevant to the SPD:

- Adopted Hampshire Minerals & Waste Plan<sup>17</sup>;
- Hampshire Statement of Community Involvement<sup>18</sup>;
- Portsmouth Statement of Community Involvement<sup>19</sup>;
- Southampton Statement of Community Involvement<sup>20</sup>;
- New Forest National Park Statement of Community Involvement<sup>21</sup>
- National Planning Policy Framework<sup>22</sup>;
- National Planning Practice Guidance<sup>23</sup>

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17. Hampshire Minerals and Waste Plan (2013): [www3.hants.gov.uk/planning-policy-home.htm](http://www3.hants.gov.uk/planning-policy-home.htm)

18. Hampshire Statement of Community Involvement: <http://documents.hants.gov.uk/HampshireSCIAdoptedFinalMay2014.pdf>

19. Portsmouth City Council Statement of Community Involvement: [www.portsmouth.gov.uk/ext/development-and-planning/planning/statement-of-community-involvement.aspx](http://www.portsmouth.gov.uk/ext/development-and-planning/planning/statement-of-community-involvement.aspx)

20. Southampton City Council Statement of Community Involvement: [www.southampton.gov.uk/policies/Statement%20of%20Community%20Involvement.pdf](http://www.southampton.gov.uk/policies/Statement%20of%20Community%20Involvement.pdf)

21. New Forest National Park Statement of Community Involvement: [www.newforestnpa.gov.uk/info/20040/planning\\_policy/106/community\\_involvement](http://www.newforestnpa.gov.uk/info/20040/planning_policy/106/community_involvement);

22. National Planning Policy Framework: [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)

23. National Planning Practice Guidance: <http://planningguidance.planningportal.gov.uk/>.



## 2. Background to minerals and waste safeguarding in Hampshire

2.1 Minerals and waste safeguarding is the process for protecting the following:

- the future availability of known mineral resources of local and national importance (see [Safeguarding Mineral Resources \[See page 13\]](#)); and
- the effective operation of important minerals and waste land uses (see [Safeguarding Minerals and Waste Infrastructure \[See page 14\]](#)).

2.2 The tools that the Hampshire Authorities use in minerals and waste safeguarding are:

- the Mineral Safeguarding Area (MSA), which defines the safeguarded mineral resources (see [Mineral Safeguarding Area \(MSA\) \[See page 16\]](#)); and
- the Mineral and Waste Consultation Area (MWCA), which is based on the MSA, but also includes minerals and waste sites and infrastructure (see [Minerals and Waste Consultation Area \(MWCA\) \(including the Mineral Consultation Area \(MCA\)\) \[See page 18\]](#)).

### Safeguarding Mineral Resources

2.3 As minerals can only be worked where they are found, it is important that viable mineral resources are 'safeguarded' (protected) from needless sterilisation by other development to help to secure a long-term future supply of minerals.

2.4 *Policy 15 (Safeguarding - mineral resources)* of the HMWP<sup>24</sup> provides the policy framework for mineral resource safeguarding in Hampshire. However it is important to note that safeguarding relates to the long term conservation of resources and infrastructure, necessary to secure steady and adequate supply of minerals for future generations, and is likely to remain relevant beyond the Plan period (2013 - 2030).

**As detailed in the HMWP, in Hampshire safeguarding of mineral resources only applies to the following types of mineral resource:**

- sharp sand and gravel;
- soft sand;
- silica sand; and
- brick-making clay.

2.5 The HMWP has a shortfall in site allocations to meet the apportionment for sharp sand and gravel. Therefore, unplanned opportunities are an important element of meeting demand. Safeguarding mineral resources and raising awareness of the location of potentially viable resources can help ensure such opportunities are spotted and maximised.

24. Hampshire Minerals and Waste Plan (2013): [www3.hants.gov.uk/planning-policy-home.htm](http://www3.hants.gov.uk/planning-policy-home.htm)

- 2.6 Soft sand and silica sand resources are more scarce in Hampshire compared to sharp sand and gravel and this may be reflected in the approach the Hampshire Authorities take to proposals that may sterilise these resources.
- 2.7 The HMWP identifies the known economically viable resources of soft sand and potentially silica sand at Whitehill & Bordon in East Hampshire for specific safeguarding. These resources have been specifically safeguarded as they are subject to a known development pressure.
- 2.8 Brick-making clay is important to maintain the productivity of Hampshire's brickworks. Consideration should be given to the proximity to the brickworks of a site which contains suitable and viable deposits of brick-making clay. The HMWP contains criteria to determine the suitability of viable brick-making clay deposits for extraction.

**Where non-minerals-or-waste development is proposed, the suitability and viability of extraction of known mineral resources in that location needs to be considered in any planning applications.**

- 2.9 Hampshire also has deposits of chalk, other non brick-making clay, oil, gas, malmstone and clunch. These mineral resources are not safeguarded in Hampshire for the reasons outlined in paragraphs 6.16 and 6.17 of the HMWP, mainly related to their demand, scarcity or uncertainty over the location of deposits.
- 2.10 Any proposal for other forms of development (non-minerals) affecting safeguarded mineral resources should be subject to consultation with the relevant MWPA in accordance with the defined MWCA (see [Minerals and Waste Consultation Area \(MWCA\) \(including the Mineral Consultation Area \(MCA\)\) \[See page 18\]](#)). While this guidance outlines consultation procedures between the LPAs and the MWPA for when planning applications are submitted (as set out in [Development Proposals \[See page 35\]](#)), the Hampshire Authorities encourage developers to approach the relevant MWPA as early as possible regarding any potential minerals and waste safeguarding issues.

## Safeguarding Minerals and Waste Infrastructure

- 2.11 The identification of land as a safeguarded minerals or waste site is not an absolute bar on alternative development that might impact that site, in line with provisions that have been set out in the HMWP. The circumstances of each individual development proposal will need to be considered on a case-by-case basis. However, the general presumption will be, in accordance with the HMWP, that minerals and waste uses will be protected, unless there are genuine and exceptional planning reasons why this protection should not apply.

## Minerals infrastructure

- 2.12 Safeguarding the infrastructure (different types of sites) that supports the supply of minerals for Hampshire is just as important as safeguarding the mineral resources themselves. Existing and planned minerals sites are essential as they contribute to meeting Hampshire's demand for aggregates and for some types of waste management. Safeguarding allows the MWPA to recommend refusal and resist other types of future non-minerals development which could be incompatible with existing or planned mineral infrastructure and uses.
- 2.13 *Policy 16 (Safeguarding - mineral infrastructure)* of the HMWP provides the policy framework for the safeguarding of mineral infrastructure in Hampshire.

**Safeguarded mineral infrastructure, as set out in the HMWP, includes the following types of site in Hampshire:**

- aggregate wharves, including ancillary plant;
- aggregate rail depots, including ancillary plant;
- aggregate recycling sites;
- sand and gravel quarries (sharp sand and gravel, soft sand, silica sand);
- clay quarries;
- chalk quarries;
- oil and gas development sites;
- concrete batching;
- manufacture of coated materials; and
- sites allocated in the HMWP for the above functions.

## Waste infrastructure

- 2.14 Safeguarding waste infrastructure that supports waste management provisions in Hampshire is important to allow Hampshire to sustainably manage its waste arisings. Non-waste developments can impact the operation of existing sites or viability of planned sites.
- 2.15 *Policy 26 (Safeguarding - waste infrastructure)* of the HMWP provides the policy framework for waste infrastructure safeguarding in Hampshire.

**Safeguarded waste infrastructure, as set out in the HMWP, includes the following types of waste sites in Hampshire:**

- household waste recycling centres (HWRC);
- composting sites;
- material recovery facilities (MRF);
- waste transfer stations (WTS);
- metal recycling sites;
- energy recovery facilities (ERF);
- waste water treatment sites;
- other specialist waste management uses (such as hazardous waste and waste water treatment);
- landfill sites; and
- sites allocated in the HMWP for the above functions.

## **Safeguarding potential minerals and waste wharf and rail depot infrastructure**

- 2.16 Safeguarding potential minerals and waste wharf and rail depot infrastructure allows consideration of potential minerals and waste interests on these sites when any relevant future planning decisions are made.
- 2.17 *Policy 34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure)* of the HMWP safeguards areas, so that their appropriateness for use as a minerals or waste wharf or rail depot can be considered, if they become available or are released from their current uses.

## **Mineral Safeguarding Area (MSA)**

- 2.18 National planning policy requires MWPA's to 'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked'<sup>25</sup>.
- 2.19 In Hampshire, the MSA is defined by the Hampshire Authorities on the adopted Policies Map. It includes those deposits of minerals that are safeguarded from unnecessary sterilisation by non-mineral development. The MSA is based on information published by the British Geological Survey (BGS) as well as other local knowledge, data and information available to the Hampshire Authorities at the time of the HMWP preparation.

25. National Planning Policy Framework, paragraph 143 (DCLG, 2012): [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)

- 2.20 While the MSA is based on the best available knowledge, the extent or availability of mineral resources cannot be known for certain. For example, the BGS data is provided with certain limitations<sup>26</sup>. Therefore the MSA is a guide as to where the MWPA expects that issues of sterilisation of mineral resources are likely to arise. However, it does not guarantee either that the extent it covers will contain mineral resources or that the other areas will not contain mineral resources. This is one of the reasons why a mineral assessment may be necessary in order for sufficient information on the specific circumstances to be gathered. This is also why the Hampshire Authorities will decide each case on its own merits, based on the best information available at the time any development proposal is being considered<sup>27</sup>.
- 2.21 The MSA excludes areas which are already developed e.g. for housing, other major developments or for highway uses, as it is likely that the mineral resource in these areas is already sterilised. As the boundaries of the viable mineral resource are not absolute, sites adjacent or nearby may need to be assessed in terms of impact on mineral resources. To account for this, a buffer is added to the MSA.
- 2.22 The MSA is included within the Minerals and Waste Consultation Area (MWCA). More information can be found in the section on the [Minerals and Waste Consultation Area \(MWCA\) \(including the Mineral Consultation Area \(MCA\)\)](#) [See page 18].
- 2.23 The safeguarding of land for minerals resources and the inclusion of this land within the MSA and thereafter the MWCA does not give any presumption that mineral working will be permitted. However, in line with national policy<sup>28</sup>, there will be an expectation that LPAs will not normally permit other types of development (non-minerals) within the MWCA in order to avoid needless sterilisation of the mineral resources, unless the safeguarding issue has been appropriately addressed. Safeguarding issues can be addressed through prior extraction or by fulfilling the criteria in *Policy 15 (Safeguarding – mineral resources)* of the HMWP. The Hampshire Authorities acknowledge that safeguarding is not a bar to non-mineral developments. Whether planning permission should be granted or not for non-minerals-or-waste development will depend on the circumstances of each individual proposal and the decision lies with the LPA.
- 2.24 There is an acknowledged need for new homes and employment development in Hampshire. The most appropriate locations for this development will depend on a wide range of planning factors. Where such locations fall within the identified MSA the starting presumption is that the developer will address the safeguarding issue prior to the development commencing. That is not to say that the MSA will prevent or seriously delay the development, though it will be an important consideration. Rather, a pragmatic approach will be taken that maximises opportunities for prior extraction wherever possible whilst still ensuring the timely delivery of the development. Early discussions between the developer, the LPA and the MWPA are key to ensuring this is achieved.

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26. DiGMapGB-50 Additional Information Note (BGS): [www.bgs.ac.uk/mineralsuk/maps/digmap.html](http://www.bgs.ac.uk/mineralsuk/maps/digmap.html)

27. see [Safeguarding and the preparation of planning applications for non-mineral-or-waste uses](#) [See page 21]

28. National Planning Policy Framework (2012), para144: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

2.25 *Policy 15 (Safeguarding - mineral resources)* sets out criteria where development without the prior extraction of the mineral resources in the MWCA may be permitted. In situations where a LPA is minded to approve a non-minerals development in the Hampshire MWCA that would lead to the sterilisation of a resource, the Hampshire Authorities will encourage and support the prior extraction of the resource, either before or as part of the development, wherever this is practicable. The consideration of prior extraction in a sequential approach that maximises the quantities of minerals recovered is set out in [Avoiding sterilisation of mineral resources.](#) [See page 21]

## Minerals and Waste Consultation Area (MWCA) (including the Mineral Consultation Area (MCA))

- 2.26 National planning policy requires MWPA's to set out a Minerals Consultation Area (MCA) based on the defined MSA<sup>29</sup>. The purpose of the MCA is for LPAs to consult the mineral planning authority and take account of the local minerals plan before determining a planning application on any proposal for non-minerals development within the MCA. In Hampshire, besides mineral resources and mineral infrastructure, the HMWP also safeguards waste infrastructure. The Hampshire Authorities have set out a combined Minerals and Waste Consultation Area (MWCA) that includes both the MCA and the safeguarded waste infrastructure.
- 2.27 The MWCA is defined and published (separately to the HMWP) by HCC (on behalf of the Hampshire Authorities). It is used as a basis for LPAs to consult the relevant MWPA.
- 2.28 The MWCA covers the HCC and the NFNPA administrative areas as well as small adjacent parts of the cities of Southampton and Portsmouth and the wharves.

### In Hampshire, the MWCA covers the:

- mineral resources in the MSA that are considered to be economically viable<sup>30</sup>;
- minerals and waste sites allocated in the HMWP;
- minerals infrastructure identified for safeguarding (through *Policy 16 (Safeguarding - mineral infrastructure)* and as set out in *Appendix B - List of safeguarded minerals and waste sites of the HMWP*<sup>31</sup>;
- waste infrastructure identified for safeguarding (through *Policy 26 (Safeguarding - waste infrastructure)* and as set out in *Appendix B - List of safeguarded minerals and waste sites of the HMWP*<sup>32</sup>; and
- potential sites and areas identified for safeguarding for wharf and rail depots safeguarding (through *Policy 34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure)*).

29. National Planning Policy Framework, paragraph 143 (DCLG, 2012): [www.gov.uk/government/publications/national-planning-policy-framework-2](http://www.gov.uk/government/publications/national-planning-policy-framework-2)

30. and thereafter any updates based on newly available information

31. and thereafter any updates to this list: [www3.hants.gov.uk/pd-facts-and-figures.htm](http://www3.hants.gov.uk/pd-facts-and-figures.htm)

32. and thereafter any updates to this list: [www3.hants.gov.uk/pd-facts-and-figures.htm](http://www3.hants.gov.uk/pd-facts-and-figures.htm)

- 2.29 If areas subject to redevelopment are located within the MWCA, depending on the scale of the redevelopment, the MWPA may request an assessment of the potential mineral resource as part of the proposed redevelopment (as further discussed in [Redevelopment proposals \[See page 31\]](#)).
- 2.30 The purpose of safeguarding minerals and waste infrastructure is to ensure Hampshire can meet current and future demands for minerals and waste management. As the available and planned infrastructure and the demand for minerals and waste management change, so will the need to safeguard specific sites. The minerals and waste infrastructure safeguarded at the time of the adoption of the HMWP is set out in *Appendix B - List of safeguarded minerals and waste sites* of the Plan. This includes sites allocated in the HWMP.
- 2.31 All further minerals infrastructure granted planning permission following the adoption of the HMWP which meet the criteria for safeguarding outlined in paragraphs 6.23 and 6.156 of the HMWP will also be safeguarded. The safeguarding status of minerals and waste infrastructure sites will be reviewed by the relevant MWPA and will be considered through the monitoring of the HMWP in the annual Monitoring Report. The current list of safeguarded minerals and waste sites is available online<sup>33</sup> and reflected in updates to the MWCA. This list is regularly updated.
- 2.32 The supporting text for policies *16 (Safeguarding - mineral infrastructure)*, *26 (Safeguarding - waste infrastructure)* and *34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure)* of the HMWP provides more information and guidance on issues associated with the safeguarding of minerals and waste infrastructure. In particular the HMWP details:
- potential issues of encroachment which may impact the operation of minerals or waste infrastructure (see paragraph 6.26 of the HMWP);
  - reasons why minerals or waste infrastructure may have been safeguarded (see paragraphs 6.23 and 6.151 - 6.53);
  - what happens if alternative uses of wharf and rail depots are proposed (see paragraph 6.26);
  - potential for regeneration and how this may impact minerals or waste sites e.g. wharves and rail depots (see paragraph 6.29);
  - circumstances where it may be undesirable to continue safeguarding a minerals or waste site (see paragraphs 6.30 and 6.158); and
  - safeguarding of further waste sites that are permitted following the adoption of the HMWP (see paragraph 6.156).
- 2.33 The Town and Country Planning Act 1990<sup>34</sup> places a requirement on a LPA to consult with the MWPA on development in an area (such as MWCA) that could affect, or be affected by mineral working, or prejudice the proposed use of land for waste disposal. The application of this guidance is considered in [Consultation with the Minerals Planning Authority by Hampshire's LPAs \[See page 32\]](#).

33. Minerals & Waste Site List: [www.hants.gov.uk/pd-facts-and-figures.htm](http://www.hants.gov.uk/pd-facts-and-figures.htm)

34. Town and County Planning Act 1990, Schedule 1, paragraph 7: [www.legislation.gov.uk/ukpga/1990/8/schedule/1](http://www.legislation.gov.uk/ukpga/1990/8/schedule/1)

**The MWCA includes the following buffers:**

- **250 metres around safeguarded mineral resources;**
- **250 metres around minerals and waste infrastructure in rural areas; and**
- **100 metres around minerals and waste infrastructure in urban areas (and including areas directly opposite sites where the sites are adjacent to a water body<sup>35</sup>).**

- 2.34** The buffers are applied in order to account for the indicative nature of the mineral resource mapping and for impacts that may arise from developments that are near (but not immediately adjacent to) minerals or waste infrastructure. They are based on existing guidance<sup>36</sup>, officer experience and consultation with stakeholders<sup>37</sup>. They will be kept under review.
- 2.35** The mineral resources identified in the MWCA excludes areas which are already developed e.g. for housing, other major developments or for highway uses, as it is likely that the mineral resource in these areas is already sterilised. However, if areas subject to redevelopment are located within the MWCA, depending on the scale of the redevelopment the MWPA may request an assessment of the potential mineral resource as part of the proposed redevelopment (as further discussed in [Redevelopment proposals \[See page 31\]](#)).

**The Hampshire Authorities currently have the following administrative arrangements:**

- **The MWCA will be sent to Hampshire's LPAs by HCC. It requires LPAs to consult the relevant MWPA when any development proposal comes forward within the MWCA. The MWCA should also be reflected in all LPA's Local Plans in accordance with the provisions of this SPD and the NPPF;**
- **The MWCA will be updated annually (anticipated publication will be December of each year) or as required. LPAs will be informed of any updates and data will be distributed accordingly by HCC;**
- **The MWCA will be produced in an electronic format, as Geographic Information System (GIS) layers that can be used by the LPAs. The MWCA will consist of two GIS layers, one for minerals resources and one for mineral and waste infrastructure, in order to assist the application of consultation criteria regarding these elements (see [Development Proposals \[See page 35\]](#)).**
- **The MWCA will be accompanied by a PDF version of the current minerals and waste site safeguarding list; and**
- **The MWCA will be made available to view on the HCC website as part of the live Policies Map (see [Policies Map \[See page 37\]](#)).**

**35.** These areas are selected using officer judgement as to where there may be additional potential impacts beyond 100m due to the open nature of water bodies, while also considering local circumstances and the scale of the safeguarded facility.

**36.** BGS, Mineral Safeguarding in England: good practice advice: [www.bgs.ac.uk/downloads/start.cfm?id=2069](http://www.bgs.ac.uk/downloads/start.cfm?id=2069)

**37.** Safeguarding SPD Consultation Report: <http://documents.hants.gov.uk/mineralsandwaste/consultation-2015/OilGasSPDConsultationReport.pdf>



### 3. Safeguarding and the preparation of planning applications for non-mineral-or-waste uses

- 3.1 The Hampshire Authorities support the full utilisation of mineral resources, subject to environmental and other constraints, wherever they are found, within or outside the MSA.

**The Hampshire Authorities welcome engagement with developers at any stage of the planning process to further discuss opportunities for mineral extraction, and particularly encourage early discussions, before planning applications are submitted.**

#### Developer considerations

##### Avoiding sterilisation of mineral resources

- 3.2 Avoiding the sterilisation of mineral resources is an important sustainability issue in Hampshire, both in terms of:
- self-sufficiency regarding its mineral needs; and
  - preserving these mineral resources for future generations.
- 3.3 Additionally, it also represents an opportunity to increase the sustainability of development proposals by considering the minerals as a resource through the on-site use of local minerals, including any material that is extracted through incidental activities (such as excavating for footings or landscaping).
- 3.4 The aim of *Policy 15 (Safeguarding - mineral resources)* is to avoid the needless sterilisation of viable mineral resources. Therefore, in order to minimise the sterilisation of resources, the Hampshire Authorities encourage the maximum viable level of prior extraction. To help achieve this, the Hampshire Authorities promote the use of the following framework for consideration of prior extraction (using a sequential approach).
- 3.5 The starting assumption is that large scale extraction should take place. However, it will be up to the developer to justify why this is not practicable or why a lower level of extraction (medium to smaller scale or incidental) should be accepted by the MWPA.

- **Larger scale extraction:** There may be an opportunity to extract the full mineral resource or a significant proportion. This will be the option most favoured by the MWPA as it will maximise the extraction of the resource and avoid its sterilisation. However, there will be no presumption that the mineral will be worked in full. Extraction would likely be a separate activity to the non-minerals-or-waste development and may include restoration of the land to make it suitable for future non-minerals-or-waste development.
- **Medium to smaller scale extraction:** Where there is no opportunity for a more comprehensive extraction of the mineral resources present, it may be possible to conduct prior extraction as an integral part of the development (such as during the preparation of the land for the development). The material could then either be processed and used on site or exported to a suitable site.
- **Incidental extraction:** Any preparation of the site for the development may result in the extraction of suitable mineral that could be processed and used on site. This is the minimum level of prior extraction that the MWPA would seek as part of any non-minerals-or-waste development in the MWCA, as these activities are likely to occur with any relevant proposed development. This may include excavating the foundations and footings or landscaping works associated with the development.

**The Hampshire Authorities also promote this approach for sites outside the MWCA whenever suitable mineral resources are found, subject to amenity issues.**

- 3.6 Any proposals for non-minerals development falling within the MWCA and likely to impact mineral resources must be accompanied by a proportionate assessment of the nature and extent of the mineral resource that may be present and the potential for its extraction. This work should include input from mineral operators in order to determine the need for the mineral, the viability of its extraction and options for avoiding impacts on the viability of the development itself.
- 3.7 The viability of proposals for the extraction of mineral resources will be impacted by any constraints affecting the proposed development. It is likely that many of the same constraints that apply to the non-minerals-or-waste aspect of the development will also apply to proposals for mineral extraction. Therefore similar avoidance or mitigation measures could be applied.
- 3.8 Early discussions with the LPA and the MWPA will help explore how this can be best achieved and whether a separate planning permission is required from the MWPA. It is expected that prior extraction would form part of the planning application for non-minerals-or-waste uses where this relates to the overall development of the site. This would be determined by the relevant LPA. However, if larger scale mineral extraction is considered viable, it is expected that this would be subject to a separate planning application which would be determined by the relevant MWPA (e.g. if the site is extracted, then restored).

- 3.9 Maximising the opportunity for large scale extraction may require consideration of additional issues such as restoration that would be compatible with future non-minerals-or-waste development and that longer timescales may apply. As large scale extraction is likely to be the preferred option for the MWPA, the Hampshire Authorities are particularly keen to work with LPAs, developers and mineral operators on such proposals in order to resolve any relevant issues.
- 3.10 The Hampshire Authorities also welcome any new information on the potential availability of minerals and discussions about sites that may be affected by this information.

### Recycled aggregates

- 3.11 In addition to prior extraction considerations, the Hampshire Authorities encourage developers to maximise the use of recycled aggregates. This will improve the sustainability of both the development and mineral provision in Hampshire.
- 3.12 This is discussed in policies 18 (*Recycled and secondary aggregates development*) and 30 (*Construction, demolition and excavation development*) of the HMWP, where the Plan highlights the need to reduce reliance on primary aggregates (those that have been directly extracted from the ground or sea) and to reuse and recycle as much waste as possible.
- 3.13 Discussions with the MWPA and minerals operators relating to minerals and waste safeguarding are a good opportunity to explore the potential for use of recycled aggregate in the proposed development and the Hampshire Authorities welcome such approaches.

### Consideration of existing or future minerals and waste infrastructure

- 3.14 It is important to consider current and potential mineral and waste uses or infrastructure in proximity to a proposed development site. This is in order to avoid prejudicing the operation of these sites.
- 3.15 The operation of minerals or waste management sites can potentially impact sensitive receptors (such as housing or schools, but also certain types of business uses) in the proximity of sites. New, non-minerals-or-waste development in the vicinity of such sites could prejudice the continued operation, or potential future operation, of minerals or waste activity. Hence, the key concern is the possible location of new sensitive land uses near sites that may affect the viability of operations at that site due to the new impacts that may arise.
- 3.16 Where development is close to a safeguarded minerals or waste site, careful assessment and consideration will be required to establish whether or not the development can proceed without inappropriately constraining the safeguarded site. This will ensure that non-minerals-or-waste development sites can be developed whilst maintaining the ability of the minerals or waste safeguarded site to operate effectively. The MWPA is likely to recommend refusal for development that is incompatible with existing or proposed minerals and waste sites, unless the relevant criteria in the safeguarding policies of the HMWP are met and effective consideration of safeguarding issues has been demonstrated.

- 3.17 Further information on safeguarding minerals and waste infrastructure and the relevant safeguarding considerations to be considered can be found in [Safeguarding Minerals and Waste Infrastructure \[See page 14\]](#).

### Safeguarding and the design of development

- 3.18 Considering the relevant safeguarding issues at the design stage is likely to offer the greatest opportunity to eliminate or reduce potential impacts. Adaptations could be made to:
- the **design** of the non-minerals-or-waste development itself e.g. the orientation, building materials or type of window glazing; or
  - its **surroundings** e.g. through the use of a specifically landscaped buffer zone; or
  - the way the development is **used** e.g. by changing the proposed traffic movements.

### Pre-application discussions

- 3.19 Developers should identify whether their proposed development site is located within the MWCA at the earliest stage possible, as this is an indication that there may be minerals and waste issues which need to be addressed. The Hampshire Authorities encourage discussions with both the relevant LPA and MWPA at the earliest opportunity to facilitate this process.
- 3.20 Pre-application discussions allow the developer, the LPA and the MWPA to discuss:
- any **safeguarding issues** (e.g. will the proposal result in the sterilisation of viable mineral resources or have an impact on the operation of an existing minerals or waste site);
  - whether further information may be required and the **level of detail needed**;
  - potential **opportunities to eliminate, reduce or mitigate any safeguarding issues** (e.g. changes to ground levels or use of landscaping to facilitate extraction); and
  - potential **opportunities for the prior extraction of minerals**, including sustainable use of the mineral within the development itself (thus reducing the need to import aggregates and export waste).
- 3.21 Pre-application discussions present the best opportunity to plan the timing of any workings, incorporate sustainable mineral use in the design of a development and/or adapt the design of the development in order to mitigate effects on safeguarded sites.
- 3.22 The Hampshire Authorities would welcome LPAs making developers aware that their site is located within the MWCA and advising them to discuss their proposals with the relevant MWPA.
- 3.23 Consideration of safeguarding issues at the pre-application stage helps speed up the planning application process and reduces the likelihood of the MWPA recommending to the LPA that the planning application is refused.

### Early engagement with the MWPA will help to avoid:

- **delays at the planning application stage, as the developer will have already gathered the necessary information and the MWPA will have already considered the proposal;**
- **recommendations of refusal to the planning application, as opportunities for mineral extraction and protecting safeguarded sites will have been appropriately considered and maximised where possible; and**
- **delays during development, as any prior extraction or mitigation measures will have been integrated into the general phasing of the development.**

### Information developers may need to provide

3.24 Where a development proposal is located within a MWCA the MWPA will need certain information in order to assess:

- the **current planning use** and extent of prior development;
- whether and **to what extent mineral resources are likely to be sterilised**;
- the **level of prior extraction** that could take place;
- whether any existing or proposed minerals or waste **infrastructure is likely to be affected**; and/or
- whether any of the **relevant criteria** in the safeguarding policies of the HMWP apply to a particular non-minerals-or-waste development.

3.25 The relevant information should be provided to the MWPA and the LPA by the developer. If this information is not provided, the MWPA will request it in order that an evidence-based judgement can be made.

**Generally relevant information includes:**

- **site setting (such as nature conservation designations, landscape character, proximity to local communities, highways infrastructure, utilities etc);**
- **the planning status of the site; and**
- **whether the merits of the development (for example its ability to deliver strong regeneration benefits) clearly outweigh any impacts on mineral resources or mineral or waste infrastructure.**

**3.26 If the development may impact mineral resources, required information includes:**

- **the mineral potential e.g. quality and quantity (see [Mineral exploratory data \[See page 26\]](#));**
- **any likely opportunities for the prior extraction of mineral resources and how these can be maximised;**
- **any constraints to the prior extraction of mineral resources;**
- **any opportunities for incidental extraction as part of the development of the site (e.g. foundations and footings);**
- **mineral resources outside of the MWCA / MSA in proximity to the site; and**
- **evidence of discussions with local operators to confirm the viability of prior extraction, where relevant.**

**3.27 If the development may impact current or proposed minerals or waste infrastructure, required information includes:**

- **the overall compatibility of the development with the minerals or waste use;**
- **the distance of the development from the safeguarded site;**
- **the presence of any buildings to screen the development;**
- **the ability of the development to introduce layout, design and other mitigation measures to mitigate potential effect on and from the safeguarded site;**
- **existing planning conditions on the minerals and waste infrastructure;**
- **pre-existing conditions, such as background noise and lighting; and**
- **capacity of the minerals and waste site and whether this capacity is proposed to be provided elsewhere in Hampshire.**

### **Mineral exploratory data**

**3.28** In order to assess the quality and quantity of the mineral resource that is potentially impacted by a development proposal, it is likely that a developer will need to undertake mineral exploratory work. This could be undertaken as part of the initial ground investigation works and should include boreholes and/or trial pits.

**3.29** The MSA and MWCA layers are based on BGS data, most of which can be found on their website, including scans of borehole information that the BGS holds<sup>38</sup>. This data is meant to be used at a 1:50,000 scale which means it can only give an indication that mineral is likely to be present. Therefore, the developer will need to undertake exploratory work to locally test the extent of the mineral. This work should be undertaken by appropriately qualified experts.

- 3.30 There are a number of different ways that borehole sampling can take place. In Hampshire, sampling techniques have been integrated into two preferred approaches - non stratified and stratified. The following diagrams highlight what the preferred borehole sampling techniques in Hampshire look like. Please note that stratified sampling can refer to either sampling only within the MWCA or only outside the MWCA.

Figure 2: Stratified systematic borehole sampling (samples only outside the MWCA)

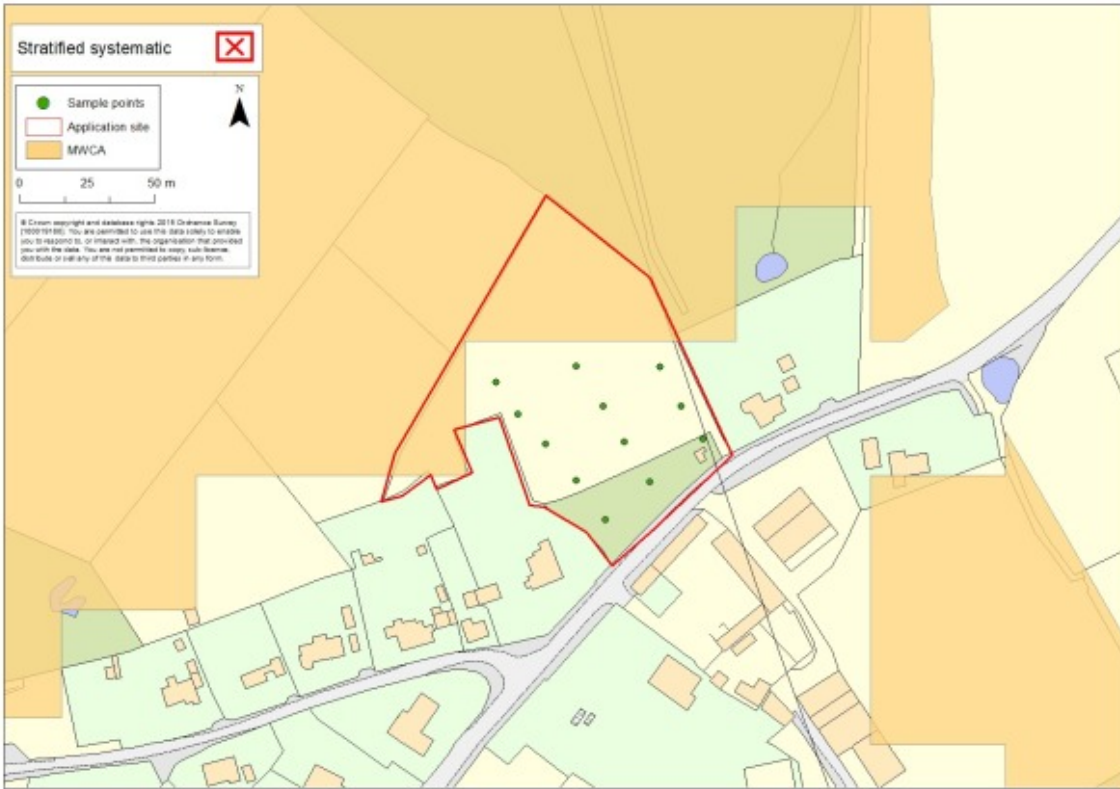


Figure 3: Stratified random borehole sampling (samples only within the MWCA)

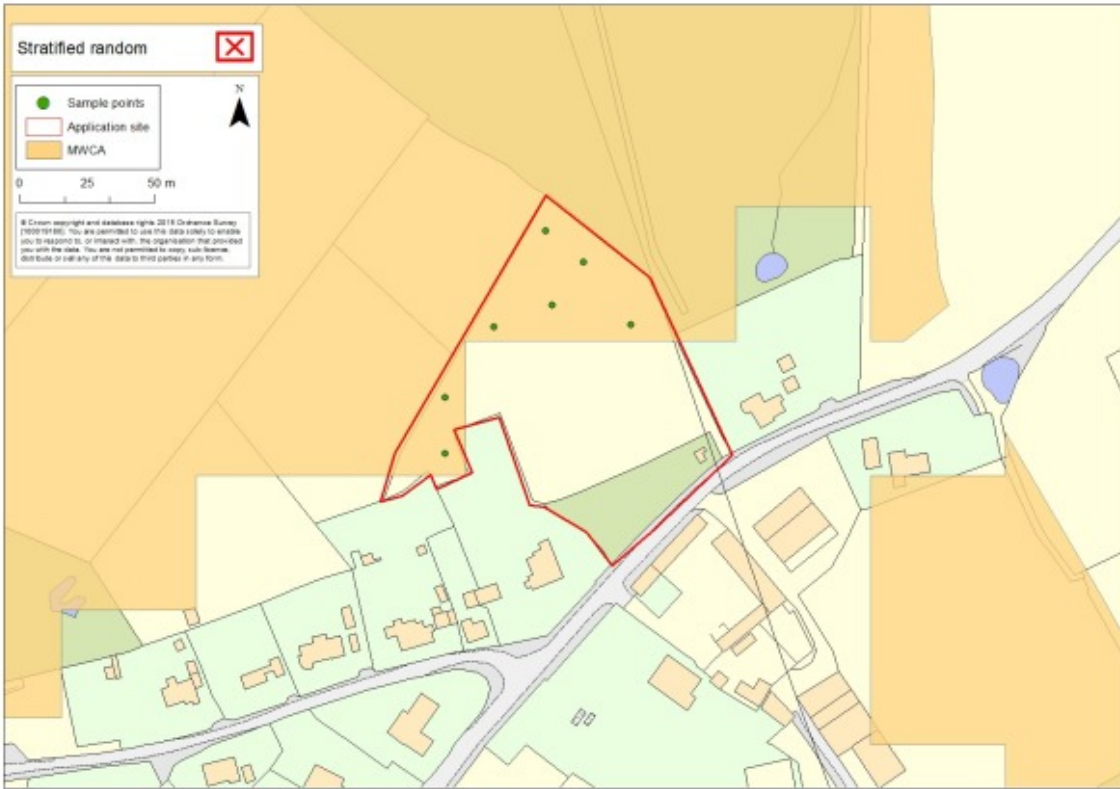




Figure 4: Non-stratified systematic borehole sampling (samples from whole development proposal area)

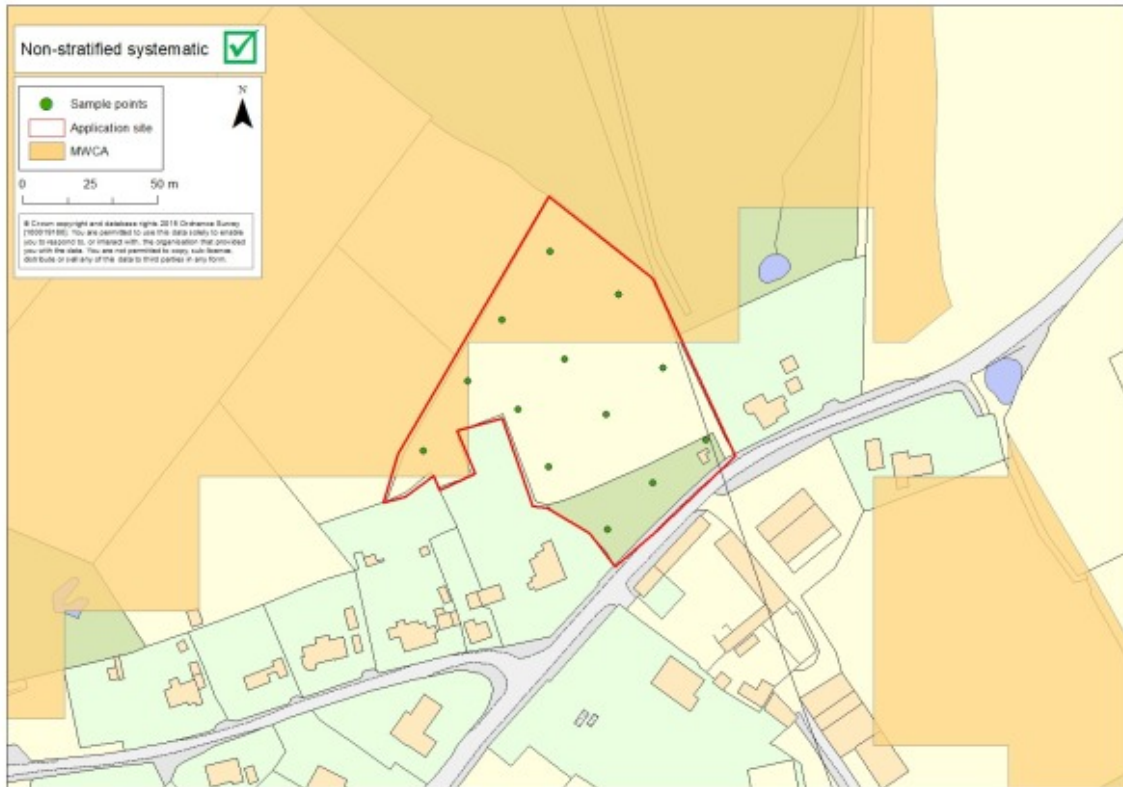
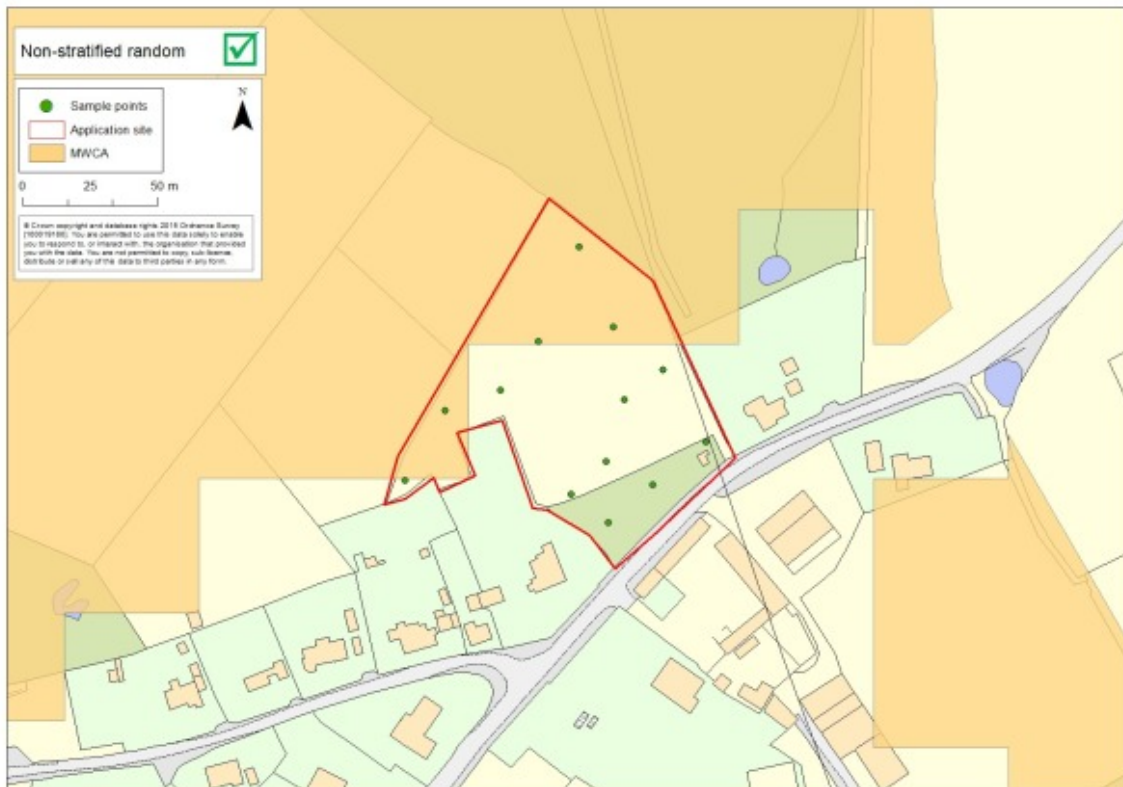


Figure 5: Non-stratified random borehole sampling (samples from whole development proposal area)



Source: Hampshire Authorities, 2015

3.31 The following table provides more information on the characteristics of the different sampling techniques.

Table 1: Mineral resource sampling techniques

	Non stratified systematic	Non stratified random	Stratified systematic	Stratified random
A pattern of sample points can be identified and taken using a map of the study area, for example every 10 meters. Patterns of sample points may vary, but to be systematic they must be regular	✓	✓	✓	
The area can be divided into known sections based on physical characters			✓	✓
Random number of sample points can be identified and taken within the study area at any location, at any number of times		✓		✓

3.32 The non-stratified sampling is preferred in Hampshire for the following reasons:

- the mineral resources included in the MWCA will only be indicative and the exact location of the resources may differ; and
- non-stratified sampling will ensure that a more thorough assessment is undertaken.

**To ensure that a comprehensive assessment is undertaken on a site, the Hampshire Authorities recommend that:**

- a combination of borehole and trial pits are used;
- the borehole depths are to at least 5 metres<sup>39</sup>;
- limitations on depth should be noted in any assessment e.g. water strike; and
- a non-stratified sampling technique is applied.

3.33 The Hampshire Authorities also recommend that the information should be prepared by a geologist experienced in mineral developments and that laboratory analysis of the site investigation results is conducted, including testing the material to accepted aggregate specifications.

3.34 Additional information (e.g. drilling or environmental information) may also be available from the mineral industry and it is recommended that the developer contacts relevant organisations directly or through a mineral operator.

39. This depth is considered sufficient to give information on mineral resources potentially suited to small and medium scale extraction and indication of resources suitable for large scale extraction.

## Redevelopment proposals

- 3.35 In some instances, previously developed land may come forward for redevelopment. This may include land released from Ministry of Defence uses. All such areas are likely to be outside of the MSA and MWCA as they have previously been considered as urban (see [Mineral Safeguarding Area \(MSA\) \[See page 16\]](#)). However, this land may also lie in areas where the MWPA has knowledge of the geology in the area or there are known mineral resources. The redevelopment may provide an opportunity to examine whether prior extraction of the mineral resources can take place, before the land is redeveloped (i.e. to avoid needless sterilisation). If the land lies outside the MSA, it is not safeguarded. However, the Hampshire Authorities encourage the sustainable use of minerals wherever they are found as part of any relevant re-development proposal.
- 3.36 Use of minerals found under a development site will have the same benefits as identified in the section on [Avoiding sterilisation of mineral resources, \[See page 21\]](#) as discussed for new development sites.
- 3.37 The Hampshire Authorities promote the sequential approach to the consideration of prior extraction, as outlined in the section on [Avoiding sterilisation of mineral resources \[See page 21\]](#), but also recognise that previously developed land may have additional amenity or other constraints on development and on the potential for prior extraction.

## 4. Minerals and waste safeguarding procedures in Hampshire

### Existing consultation procedures

4.1 Hampshire's LPAs are already consulted by the Hampshire Authorities on:

- **minerals and waste plan-making;**
- **all minerals and waste applications within their administrative area (or if their administrative area is impacted by a proposed development).**

4.2 In addition, Hampshire's LPAs consult the Hampshire Authorities on:

- local plan-making; and
- certain planning applications within their administrative area.

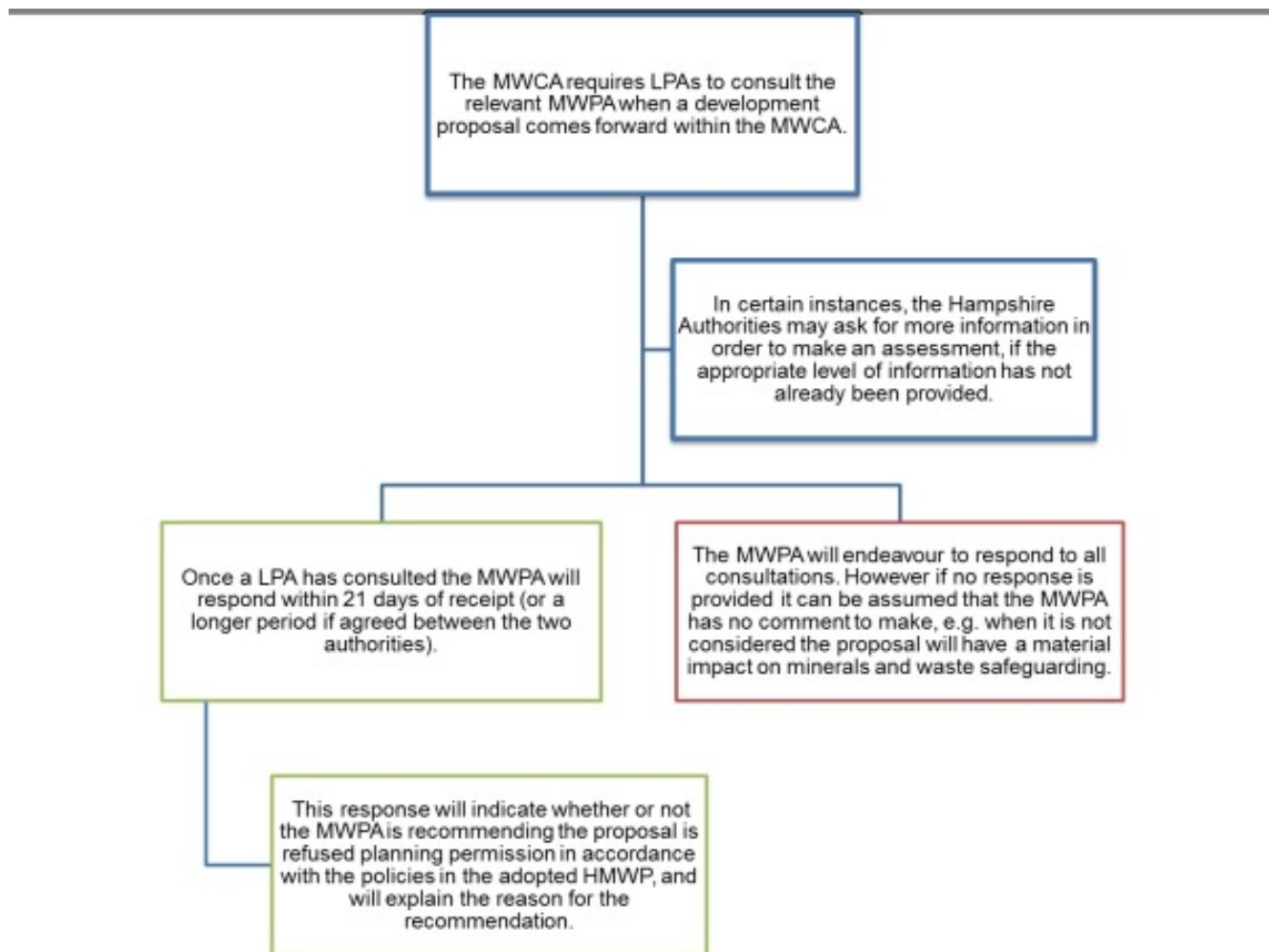
4.3 This guidance does not involve any changes to these current arrangements.

### General consultation arrangements

4.4 As set out in [Minerals and Waste Consultation Area \(MWCA\) \(including the Mineral Consultation Area \(MCA\)\) \[See page 18\]](#), Hampshire has a MWCA which is defined and published by HCC (on behalf of the Hampshire Authorities). This is published separately to the HMWP and is distributed to all of Hampshire's LPAs.

4.5 The following figure illustrates the proposed consultation arrangements regarding minerals and waste safeguarding.

Figure 6: Proposed general consultation arrangements



Source: Hampshire Authorities, 2015

4.6 Hampshire's LPAs will be expected to consult the relevant MWPA when considering Local Plan site allocations or determining non-mineral or waste planning applications, in line with the following principles:

- the development proposed has the **potential to prejudice the effective operation** of minerals or waste sites that are currently in use or permitted for such use;
- the development proposed would, by virtue of its nature or scale, have the **potential to sterilise mineral resources** within the MWCA (including site allocations);
- there is a **potential impact on the future operation of a safeguarded minerals site**, either allocated or existing as listed in *Appendix B* of the HMWP (and any updates to that list);
- there is a **potential impact on the future operation of a safeguarded waste site**, either allocated or existing (including waste water and sewage treatment works) as listed in *Appendix B* of the HMWP (and any updates to that list); or
- there is a **potential impact on the sites or areas identified for wharf or rail depot safeguarding**. These sites are safeguarded so that they can be considered for their suitability for minerals or waste uses.

4.7 The relevant LPA will need to come to a view regarding the need for consultation based on the above broad criteria and depending on the type, scale and location of development. To assist in this, specific criteria have been developed and are discussed in the sections on:

- Local Plan work ([Local Plan preparation \[See page 34\]](#)); and
- proposals for non-minerals-or-waste development ([Development Proposals \[See page 35\]](#)).

**If the LPA has any doubt on whether to consult the MWPA, consultation should take place.**

4.8 As the MWCA already incorporates appropriate buffers, Hampshire's LPAs **do not need to apply additional buffering** when deciding when to consult the MWPA unless they are aware of particular circumstances that may warrant this (e.g. elements of a planning application, such as a haul road, that may extend the impact of the development beyond its site boundaries).

## Local Plan preparation

4.9 Consultation as part of Local Plan preparation is important for a number of reasons. Most notably, to ensure that the MWCA is included as part of the Local Plan and that any allocated sites that might have an impact on mineral resources or minerals and waste infrastructure have considered these potential impacts.

**The LPA should consult the MWPA on all development allocations or policy proposals that may have the potential to impact minerals or waste safeguarding. This includes where the proposal:**

- fully or partially overlies potential mineral resources, as indicated by the MWCA;
- is within or adjacent to an existing mineral or waste site, as indicated by the MWCA;
- is within or adjacent to a safeguarded mineral or waste site, as indicated by the MWCA; or
- is a new designation of land fully or partially within the MWCA<sup>40</sup>.

4.10 The reasons for consultation are set out in more detail in [Appendix 1: Consultation with the MWPA on LPA Local Plan work \[See page 47\]](#).

<sup>40</sup>including Conservation Area, Green Belt, Air Quality Management Area or Site of Importance for Nature Conservation

- 4.11 In order for a proposed Local Plan to be consistent with the adopted HMWP, any site allocations that meet one or more of the above criteria will need to address the relevant safeguarding policies in the HWMP. This can be achieved if the LPA shows how it has considered the specific impact that allocation could have on the relevant minerals or waste safeguarding and includes any appropriate development considerations and / or mitigation.

## Neighbourhood Plans

- 4.12 While Neighbourhood Plans can differ from Local Plans in their scale and preparation procedures, they may still need to consider minerals and waste safeguarding issues if sites are being proposed within the MWCA. Therefore the Hampshire Authorities recommend that LPAs and others involved in the preparation of Neighbourhood Plans follow the same consultation procedures as for Local Plans. Parish and Town Councils and other groups can view the MWCA on the online Policies Map (see [Policies Maps \[See page 37\]](#)). Hampshire County Council (on behalf of the Hampshire Authorities) can also provide electronic GIS files to Councils and groups upon request.

## Development Proposals

- 4.13 When a planning application is received by a LPA for a non-minerals-or-waste development and the site is located within the MWCA, the LPA should apply the following tests to decide whether consultation with the MWPA is required.

**The LPA should consult on all relevant development proposals within the MWCA with the exception of developments that have no implications for mineral or waste safeguarding. A simple definition of what development requires consultation is where the proposal:**

- overlies mineral resource (as indicated by the MWCA) and has a total proposal area of over 3 hectares (ha); OR
- is within or adjacent to an existing mineral or waste site (as indicated by the MWCA)<sup>41</sup> OR
- is within or adjacent to a safeguarded or allocated mineral or waste site (as indicated by the MWCA)<sup>42</sup> .

- 4.14 By applying the above criteria, LPAs can reduce the number of planning applications which require consultation with the relevant MWPA.
- 4.15 Consultation with the MWPA is important for a number of reasons. In order to clarify the above guidance, [Appendix 2: Consultation with the MWPA on non minerals or waste planning applications \[See page 48\]](#) includes examples of different proposals that are and are not of relevance to the MWPA in terms of consultation on minerals and waste safeguarding issues.

41. In order to capture adjacent proposals, appropriate buffers have been added to the existing safeguarded sites. The buffers are discussed in the section on the [MWCA \[See page 18\]](#).

42. In order to capture adjacent proposals, appropriate buffers have been added to the safeguarded and allocated sites. The buffers are discussed in the section on the [MWCA \[See page 18\]](#).

4.16 A threshold of 3 ha is advised by the Hampshire Authorities. This is based on consultation with interested parties, analysis of past planning applications and estimates of viable mineral resources. It particularly considers that most prior extraction from proposed development sites will be of a medium to small scale, therefore a greater area will be required for a viable quantity of minerals to be available for extraction. It also balances the need to safeguard mineral resources and the viability of smaller non-minerals developments. The threshold will be kept under review and updated as necessary, in consultation with the LPAs. It has the following implications:

- **A certain size of site is required in order to make mineral extraction viable. In contrast, even smaller developments may affect the viability of safeguarded minerals or waste sites. Therefore, the 3 ha threshold is only applied when a non-mineral development may have an impact on potential mineral resources (as indicated by the MWCA) and no threshold is set for consulting if the impact relates to a safeguarded minerals or waste site.**
- **Proposals with a site area of less than 3 ha are unlikely to be recommended for refusal by the relevant Hampshire Authority on the grounds of minerals or waste safeguarding. However, consideration should be made if a proposal sits alongside other piecemeal development (i.e. other small proposal clusters within the MWCA) or there are known future plans for development (i.e. site is located within a wider development area). The LPAs should advise the relevant MWPA where they are aware of this kind of situation.**
- **Proposals with a site area of less than 3 ha, or even outside the MWCA, may still provide suitable mineral material (e.g. from digging footings, excavations or landscaping work) that could be processed and, ideally, used on site. The Hampshire Authorities strongly support every effort to make use of such material (see [Safeguarding Mineral Resources \[See page 13\]](#) and [Avoiding sterilisation of mineral resources \[See page 21\]](#)).**
- **Proposals with a site area of more than 3 ha will require further information on mineral potential and whether the proposal can accommodate prior extraction. However, this issue should be considered on balance with the type of proposal and the importance of the mineral resource.**



4.17 The above guidance is also summarised in the following figure.

Figure 7: Decision chart for consulting the MWPA on development proposals



Source: Hampshire Authorities, 2015

4.18 There is no need to consult the MWPA on developments that have no implications for mineral or waste safeguarding. Examples of these are given in [Appendix 2: Consultation with the MWPA on non minerals or waste planning applications \[See page 48\]](#). However if in doubt, or to simplify the consultation procedure, the LPA should apply the broad criteria described above and the MWPA will decide on the relevance of individual proposals when consulted.

## Policies Maps

4.19 The Hampshire Authorities have published a live and interactive online Policies Map<sup>43</sup>. This map includes the most up-to-date information on safeguarded mineral resources as well as minerals and waste infrastructure. It also includes the sites allocated in the HMWP.

- 4.20 The Hampshire Authorities will seek to keep the Online Policies Map up-to-date and available on the HCC website for LPAs to refer to and cross-reference with their own information. The Hampshire Authorities will aim to update it at least once a year as part of the monitoring of the HMWP.
- 4.21 LPAs should keep their electronic policy information up-to-date and revise printed copies when cost effective to do so.
- 4.22 The LPAs Policies Map should include the following information:
- the Mineral Safeguarding Area (MSA);
  - the mineral site allocations (in the HMWP or any reviews of the HMWP);
  - the waste site allocations (in the HMWP or any reviews of the HMWP); and
  - cross reference to the most up-to-date list of safeguarded minerals and waste sites.
- 4.23 Developers should give full regard to the LPA Policies Map, however due to the time that it takes to develop and adopt plans, there may be cases where the LPA Policies Map does not include all the most up-to-date information. Therefore developers should continue to have regard to the most up-to-date information provided directly by the MWPA.
- 4.24 The Hampshire Authorities are monitoring the implementation of the HMWP following its adoption. A Monitoring Report is produced annually and is a useful reference for up-to-date information on minerals and waste and is accompanied by an updated list of safeguarded minerals and waste sites. Both can be found on the HCC website<sup>44</sup>.

### Consideration of comments received from the Minerals and Waste Planning Authority (MWPA)

- 4.25 Any comments received from the MWPA will be considered by the LPA in determining the planning application, alongside all other material considerations.
- 4.26 In its response, the MWPA will make it clear whether the issue of safeguarding has been addressed adequately through the planning process and what comments the authority has on the proposal in this respect.
- 4.27 If there is insufficient information accompanying the planning application for the MWPA to come to a view on the associated minerals and waste safeguarding issues, further information is likely to be requested. As this may introduce delays to the process of assessing and determining development proposals it is recommended that LPAs work with developers and the MWPA as early as possible to ensure this information is obtained and provided at the early stages of the proposed development. The information the MWPA may need is discussed in the section on [Information developers may need to provide \[See page 25\]](#).

4.28 Where the LPA is minded to approve a planning application which has been recommended for refusal by the MWPA on mineral or waste safeguarding grounds, they will inform the MWPA of this intention and will not determine the application until either the MWPA has confirmed that it does not wish to refer the application to the Secretary of State, or a period of 21 days has passed, whichever is the shorter. This period will allow the MWPA to request the Secretary of State to call in the planning application where this is considered necessary. It is expected that such requests will only be made in exceptional cases. Wherever possible, in order to avoid delays in the process, the MWPA's initial response to the LPA will include a statement indicating whether or not a request to the Secretary of State will be made in the event that the LPA is minded to approve the planning application.

### Monitoring of the Supplementary Planning Document

4.29 The SPD will sit alongside the adopted HMWP and will be monitored through the same process, that is through an annually prepared Monitoring Report.

4.30 Particular consideration will be paid to the effectiveness of:

- the SPD as a tool for developers;
- the SPD as a tool for LPAs;
- the buffer distances around the mineral resource and mineral and waste infrastructure;
- the 3ha limit on consultation requirements regarding non-minerals-or-waste-development that affects mineral resources; and
- the SPD as an awareness raising tool.

4.31 If issues are identified, a view will be taken on the need to revise local procedures or the SPD itself.

## Glossary and acronyms

**Aggregate recycling site:** Facilities where hard, inert materials are crushed and screened (filtered) to produce recycled/secondary aggregate of various grades. Aggregates may be produced from construction, demolition and excavation (CDE) waste, or incinerator bottom ash (IBA) from energy recovery facilities.

**Brick-making clay:** Clay which is specifically used for brick or tile making. Brick-making clay is associated with Hampshire's brickworks.

**British Geological Survey (BGS):** The BGS provides earth science information, expertise, services and impartial advice in all areas of geoscience.

**Chalk:** A soft white rock primarily formed from the mineral calcite. One of the uses of this mineral is in agriculture.

**Clay:** A fine-grained, firm earthy material that is plastic when wet and hardens when heated, consisting primarily of hydrated silicates of aluminium and widely used in making bricks, tiles, and pottery.

**Certificate of Lawfulness for an Existing Use or Development (CLEUD):** A method to establish formally that an existing use or development is lawful at the time the application is made.

**Certificate of Lawfulness for a Proposed Use or Development (CLUDP):** A method to establish whether a use or development (which has not yet occurred) needs planning permission.

**Composting:** Aerobic decomposition of organic matter to produce compost for use as a fertiliser or soil conditioner.

**Construction, Demolition & Excavation Waste (CDE):** Waste generated by the construction, repair, maintenance and demolition of buildings and structures. It mostly comprises brick, concrete, hardcore, subsoil and topsoil but can also include timber, metals and plastics.

**Curtilage:** The curtilage is the enclosed plot of land on which a building sits, including any of its associated outbuildings, and is demarcated by the boundaries of the land, though what may be the curtilage of a particular building is variable depending on a number of relevant matters of fact and degree.

**Department of Communities and Local Government (DCLG):** The UK Government department for communities and local government in England.

**Energy Recovery Facility (ERF):** A facility at which waste material is burned to generate heat and/or electricity.

**Environment Agency (EA):** A public organisation with the responsibility for protecting and improving the environment in England and Wales. Its functions include the regulation of industrial processes, the maintenance of flood defences and water resources, water quality and the improvement of wildlife habitats.

**Existing mineral site:** A site which has planning permission for minerals uses. The majority of existing mineral sites are also safeguarded through 'Appendix B - List of safeguarded minerals and waste sites of the Hampshire Minerals & Waste Plan'. This list will be updated through the annual monitoring of the Plan.

**Existing waste management site:** A site which has planning permission for waste uses. The majority of existing waste sites are also safeguarded through Appendix B - List of safeguarded minerals and waste sites' of the Hampshire Minerals & Waste Plan. This list will be updated through the annual monitoring of the Plan.

**Gas:** A hydrocarbon and a non-renewable resource.

**Hampshire Authorities:** The Hampshire Authorities comprise Hampshire County Council, Southampton City Council, Portsmouth City Council and the New Forest National Park Authority who have worked in partnership to produce this supplementary document.

**Hampshire County Council (HCC):** The county council that governs the county of Hampshire in England. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**Hampshire Minerals & Waste Plan (HMWP):** A policy document which facilitates the delivery of the right minerals and waste development in the right place at the right time up to 2030. The HMWP was produced in partnership by Hampshire County Council, Southampton City Council, Portsmouth City Council, New Forest National Park Authority and the South Downs National Park Authority.

**Historic England (HE):** This is a non-departmental public body which acts to preserve and protect England's historic environment. This body was formerly a constituent part of English Heritage, which is now a charitable organisation that cares for historic buildings, monuments and sites.

**Household waste:** Waste arising from domestic property which has been produced solely from the purposes of living, plus waste collected as litter from roads and other public places.

**Household Waste Recycling Centre (HWRC):** A facility provided by the Local Authority which is accessible to the general public to deposit waste which cannot be collected with the normal household waste, such as bulky items, garden waste and engine oil (formerly known as civic amenity sites).

**Incidental extraction:** Extraction or digging up of soils and mineral material as part of other work relating to the proposed development, e.g. excavating foundations or footings or as part of landscaping schemes.

**Landfill:** The deposit of waste (e.g. municipal, inert, hazardous) into voids in the ground.

**Local Planning Authority (LPA):** The local authority or council that is empowered by law to exercise statutory development planning functions for a particular area of the UK. Where this document refers to 'local planning authority' this relates to Hampshire's Districts and Borough Councils.

**Major development (except for Policy 4 of the HMWP - Protection of the designated landscape):** All mineral extractions, landfill and hazardous/low level radioactive facilities, as well as developments that occupy at least a hectare of land and/or have a throughput of 50,000 tonnes per annum.

**Metal recycling site:** A facility where metals removed from the waste stream are sorted. Different types of metals will then be re-used, recovered or recycled into secondary materials.

**Material considerations:** A material consideration is a matter that should be taken into account in deciding a planning application or on appeal against a planning decision. Material considerations can include (but are not limited to); overlooking/loss of privacy, loss of light or overshadowing, parking and highway safety. Issues such as loss of view, or negative effect on the value of properties are not material considerations.

**Ministry of Defence (MoD):** The Government department responsible for implementation of the government defence policy.

**Mineral:** Limited and finite natural resources which can only be extracted where they are found geologically.

**Mineral Consultation Area (MCA):** An area identified to ensure consultation between the relevant Local Planning Authority, the minerals industry and the relevant Minerals and Waste Planning Authority before certain non-mineral planning applications made within the area are determined. The Hampshire Mineral Consultation Area incorporates the Mineral Safeguarding Area and is encompassed in the Minerals and Waste Consultation Area (see *Minerals and Waste Consultation Area*).

**Mineral and Waste Consultation Area (MWCA):** An area identified to ensure consultation between the relevant Local Planning Authority, the minerals and waste industry and the relevant Minerals and Waste Planning Authority before certain non-mineral planning applications made within the area are determined which may impact safeguarded mineral resources or safeguarded minerals and waste infrastructure. In Hampshire the MWCA incorporates the Minerals Consultation Area (which incorporates the Mineral Safeguarding Area) as well as safeguarded minerals and waste sites.

**Mineral resources:** Mineral aggregates and hydrocarbons, which occur naturally within geological deposits in the earth.

**Mineral Safeguarding Area (MSA):** The MSA is defined by Minerals and Waste Planning Authorities. It includes viable resources of aggregates and is defined to prevent proven resources of aggregates from being sterilised by non-mineral development. The MSA does not provide a presumption for these resources to be worked.

**Minerals and Waste Planning Authorities (MWPA):** The local planning authorities (County and Unitary Councils) responsible for minerals and waste planning. In Hampshire, Hampshire County Council, Portsmouth and Southampton City Councils, the New Forest National Park Authority and South Downs National Park Authority are Minerals and Waste Planning Authorities.

**Monitoring:** Minerals and waste developments are monitored to ensure that they comply with the policies of the plan and planning conditions attached to their permissions. The HMWP will also be subject to monitoring.

**Monitoring Report (MR):** The HMWP is monitored by HCC on behalf of the Hampshire Authorities and the SDNPA to assess the effectiveness of the policies and site allocations. The results are published in a Monitoring Report which is intended to be published annually.

**National Planning Policy Framework (NPPF):** The NPPF sets out the Government's planning policies for England and how these are expected to be applied.

**National Planning Practice Guidance (NPPG):** The NPPG sits alongside the NPPF, providing guidance on its application. It is a live document and is subject to updates as required.

**Natural England:** Public body tasked with the conservation and improvement of the natural environment. Natural England designates Areas of Outstanding Natural Beauty and National Parks, manages National Nature Reserves and notifies Sites of Special Scientific Interest.

**New Forest National Park:** The New Forest National Park was created in March 2005. The National Park lies mainly in south-west Hampshire - from east of the Avon Valley to Southampton Water and from the Solent coast to the edge of the Wiltshire chalk downs.

**New Forest National Park Authority (NFNPA):** The New Forest National Park Authority took up its full powers in April 2006. Its purposes are to conserve and enhance the natural beauty, wildlife and cultural heritage of the Park, to promote opportunity for understanding and enjoyment of its special qualities and to seek to foster the social and economic well-being of local communities within the Park. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**Non-minerals-or-waste proposal/development:** Development which is not minerals or waste related e.g. housing, retail, education etc.

**Non stratified systematic:** Random number of sample points can be identified and taken within the study area at any location, at any number of times using a systematic approach.

**Non stratified random:** Random number of sample points can be identified and taken within the study area at any location, at any number of times.

**Oil:** A hydrocarbon and a non renewable resource.

**Planning application:** Operators proposing a new minerals or waste development need to apply for permission from the relevant planning authority in order to be allowed to carry out their operations.

**Planning permission:** Once planning applications have been reviewed by the relevant local planning authority, permission may be granted - i.e. consent for the proposed development is given. Permissions may have certain conditions or legal agreements attached which allow development as long as the operator adheres to these.

**Portsmouth City Council (PCC):** The city of Portsmouth is administered by Portsmouth City Council, a unitary authority. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**Pre-application discussions:** Engagement / discussions between applicants (and their agents) with the relevant minerals and waste planning authority prior to any application being submitted.

**Rail depot:** A railway facility where trains regularly stop to load or unload passengers or freight (goods). It generally consists of a platform and building next to the tracks providing related services.

**Random:** Random number of sample points can be identified and taken within the study area at any location, at any number of times.

**Recovery:** Any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in a facility or in the wider economy.

**Regeneration:** Investment in an urban area by improving what is there.

**Recycling:** The series of activities by which discarded materials are collected, sorted, processed and converted into raw materials and used in the production of new products. Any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery or reprocessing into materials that are to be used as fuels or for backfilling operations.

**Rural areas:** Areas that are not urban in nature (see Urban areas).

**Safeguarding:** The method of protecting needed facilities or mineral resources and of preventing inappropriate development from affecting these.

**Safeguarded site:** Safeguarding protects minerals and waste sites from development pressures and inappropriate encroachment from nearby developments, preventing the unnecessary sterilisation of their associated resources and infrastructure. Usually, where sites are threatened, the course of action would be to recommend refusal to the proposal or negotiate an acceptable resolution.

**Sensitive Receptors:** The aspects of the environment likely to be significantly affected by the development, particularly population, fauna, flora, soil, water, air, climatic factors, material assets (including the architectural and archaeological heritage), landscape and the inter-relationship between these factors. These include Sensitive Human Receptors (locations where people live, sleep, work or visit that may be sensitive to the impact of minerals and waste activity on health, well-being and quality of life, such as houses, hospitals and schools).



**Silica sand:** Also known as industrial sand, contains a high proportion of silica in the form of quartz. It is produced from unconsolidated sands and crushed sandstones and is used for applications other than as construction aggregates (e.g. the production of glass).

**Site allocations:** Specific sites are identified for minerals and waste activities in the development plan that are viable opportunities, have the support of landowners and are likely to be acceptable in planning terms.

**Southampton City Council (SCC):** The city of Southampton is administered by Southampton City Council, a unitary authority. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**South Downs National Park:** The National Park was formally established on 1 April 2011 and includes areas in the Hampshire County Council boundary.

**South Downs National Park Authority (SDNPA):** The South Downs National Park Authority took up its full powers in April 2011 and is responsible for all planning in the South Downs National Park. The authority was one of the partners in the Hampshire Minerals & Waste Plan.

**Statutory consultee:** These are organisations and public bodies who are required to be consulted concerning specific issues relating to planning applications. They also help inform any decision made by the planning authority.

**Sterilisation:** Land-use or other change on or near land that contains minerals that prevents potential future extraction of the mineral resources.

**Stratified borehole sampling:** The area can be divided into known sections based on physical characters.

**Stratified random borehole sampling:** Random number of sample points can be identified and taken within the study area at any location, at any number of times.

**Stratified systematic borehole sampling:** The area can be divided into known sections (e.g. area known to contain minerals) and each sectional sampled using a systematic approach.

**Supplementary Planning Document (SPD):** Any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan. SPD also 'add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

**Systematic:** A pattern of sample points can be identified and taken using a map of the study area, for example every 10 meters. Patterns of sample points may vary, but to be systematic they must be regular.

**Urban areas:** An area characterised by higher population density and significant built development in comparison to areas surrounding it. Urban areas may be cities, towns or conurbations.

**Waste:** The Waste Framework Directive 75/442 (as amended) defines waste as 'any substance that the holder discards or intends or is required to discard'.

**Waste arisings:** Waste generated within a specified area.

**Waste Transfer Station (WTS):** A location where waste can be temporarily stored, separated and bulked after being dropped off by domestic waste collection lorries before being carried off by larger vehicles for subsequent treatment or ultimate disposal.

## Appendices

### Appendix 1: Consultation with the MWPA on Local Plan work

A LPA **should consult** the MWPA where a Local Plan includes a proposed or adopted site allocation which meets the following criteria:

Criteria for consulting the MWPA	Reason
A site allocation which includes an existing mineral quarry or processing site	<p>Existing and allocated mineral and waste sites are essential for meeting Hampshire's demands for minerals and sustainable waste management. Non-minerals-or-waste development can impact the operation of existing sites and/or compromise the development of allocated sites.</p> <p><b>**Please note that if the safeguarded site includes a wharf or rail depot site, the LPA should also consult Hampshire County Council if the proposal is not within its administrative area.**</b></p>
A site allocation which includes an existing waste management site	
The site allocation lies within 250 metres of a site safeguarded for minerals and waste within a RURAL area	
The site allocation lies within 100 metres (or directly opposite where the site is adjacent to a water body) of a site safeguarded for minerals or waste within an URBAN area	
A site allocation is within a safeguarded minerals or waste site	
A site allocation lies within or partially within the MWCA	

A LPA **should consult** the MWPA where a Local Plan includes a proposed designation which meets the following criteria:

Criteria for consulting the MWPA	Reason
A proposal for a Conservation Area designation	A proposed designation may be a consideration for existing minerals and waste development or for allocated minerals and waste sites as the designation would need to be taken into account as part of any future planning decision-making.
A proposal for a Green Belt designation	
A proposal for an Air Quality Management Area (AQMA) designation	Minerals and waste developments may lead to an increase in HGV movements. The location of an AQMA is therefore an important consideration for any future planning decision-making.
A proposal for a Site of Importance for Nature Conservation (SINC) designation	Minerals can only be worked where they are found. In many instances, viable mineral resources are located in the rural landscape. This may mean there are mineral resources located within or close to areas of designation.

## Appendix 2: Consultation with the MWPA on non-minerals-or-waste planning applications

A LPA **should consult** the MWPA where a non-minerals-and-waste proposal meets the following criteria:

Criteria for consulting the MWPA	Reason
The proposal includes an existing mineral quarry or processing site	Existing and allocated minerals and waste sites are essential for meeting Hampshire's demands for minerals and waste management. Non-minerals-or-waste development can impact the operation of existing sites and/or compromise the development of allocated sites.  <b>**Please note that if the safeguarded site includes a wharf or rail depot site, the LPA should also consult Hampshire County Council if the proposal is not within its administrative area.**</b>
The proposal includes an existing waste site	
The proposal lies within 250 metres of a site safeguarded for minerals and waste in a RURAL area	
The proposal lies within 100 metres (or directly opposite where the site is adjacent to a water body) of a site safeguarded for minerals and waste in an URBAN area	
The proposal is within a safeguarded minerals or waste site	
The proposal lies within or partially within the MWCA and has a development boundary greater than 3 hectares	

In order to clarify specific scenarios that may arise, the following table gives some specific examples of proposals that the MWPA **does** want to be consulted on:

Type of non-minerals & waste proposal	Should the MWPA be consulted?
A proposal with a development boundary greater than 3 hectares and involving the redevelopment of previously developed land	YES
Reserved matters for any proposal which has been granted permission (related to minerals and waste issues)	YES
Installation of a wind turbine on land with a development boundary greater than 3 hectares	YES
Installation of solar panels	YES

The following table outlines the types of non-minerals-and-waste proposals that the MWPA **does not** want to be consulted on (these are based on consultations previously received by the MWPA's):

Type of non-minerals & waste proposal	Should the MWPA be consulted?
<b>Dwellings</b>	
One-for-one replacement of dwellings	NO
Loft conversion with an existing dwelling	NO
Internal waterproof roof membrane for dwelling	NO
Single-storey house extension	NO
First floor side house extension	NO
Cladding for a dwelling	NO
Changes to a porch of a dwelling	NO
Changes to a roof of a dwelling	NO
Amendment, replacement or addition of a conservatory to a dwelling	NO
Amendment, replacement or addition of a chimney stack	NO
Installation of a wind turbine on a dwelling	NO
Installation of a wind turbine on land (with a development boundary less than 3 ha)	NO
Amendment, replacement or addition of a driveway to a dwelling	NO
Amendment, replacement or addition of fencing or a wall to a dwelling	NO
New or relocation of an out-building for home/office/hobby use within the curtilage of an existing use	NO
Development of a porch as an addition to a dwelling	NO
Development of a tennis court (associated with a dwelling)	NO
Use of a garage as ancillary living accommodation	NO
Installation of a garage at or close to an existing dwelling	NO
Use of land as garden curtilage	NO
Demolition of dwellings or buildings where there are no plans for development of the land	NO
Permission for establishing a business from home	NO
Details submitted as reserve matters for residential or commercial developments (if not within the MWCA)	NO
<b>Recreation</b>	
Provision of open or recreational space as part of a development (not located in proximity to existing minerals or waste use)	NO
Development of an enclosure	NO
<b>Other developments</b>	
Erection of security lighting	NO
Advertisement consent	NO
Prior notifications	NO
Installation of illuminated wall signs	NO
Installation of a kickwall (for sports)	NO
Applications for Listed Building Consent	NO
Demolition of cartsheds	NO
Placement of a mobile home within an existing caravan park	NO
Siting of portable cabins or containers	NO
Change of use	NO
Tree Preservation Orders	NO

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**This document can be made available in large print, on audio media, in Braille or in some other languages.**

**For further information, please contact Minerals and Waste Planning Policy in the Strategic Planning group:**

**Telephone: 0300 555 1389 or 01962 846591**

**Email: [planning.policy@hants.gov.uk](mailto:planning.policy@hants.gov.uk)**

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Hampshire County Council  
Floor 1 Elizabeth II Court West  
Winchester SO23 8UD

Internet: [www.hants.gov.uk/county-planning](http://www.hants.gov.uk/county-planning)

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# Oil & Gas Development in Hampshire

## Supplementary Planning Document



***Providing guidance on the implementation of the policies of the adopted Hampshire Minerals & Waste Plan***

**For Adoption (February 2016)**



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## Foreword

In 2013, Hampshire County Council (HCC), Portsmouth City Council (PCC), Southampton City Council (SCC), the New Forest National Park Authority (NFNPA) and the South Downs National Park Authority (SDNPA) adopted the Hampshire Minerals & Waste Plan (the 'Plan' or HMWP) in partnership as Minerals Planning Authorities (MPAs) in Hampshire.

The Plan ensures that we have enough minerals for Hampshire's needs up to 2030 as well as ensuring there are enough facilities to effectively deal with our waste management requirements.



Oil and gas are mineral resources and primary sources of energy. It is evident that the UK is becoming increasingly reliant on these resources to meet its energy needs. However, oil and gas are both finite natural resources which are being depleted through our energy and manufacturing requirements.

United Kingdom's demand for oil and gas is currently supplemented by imported oil and gas. This, in addition to volatile energy prices, has resulted in energy security becoming a focus for national policy. Oil and gas development is therefore an important issue for Hampshire as its communities and economy both rely on oil and gas.

Hampshire already has a long history of conventional oil and gas development with three existing active oilfields and associated satellite sites and infrastructure. One of the Hampshire oilfields also stores gas underground.

Hampshire's in-situ oil and gas resources may provide further opportunities to meet growing energy demands, provided this can be extracted in a sustainable way.

All oil and gas development requires planning permission from the relevant MPA as well as the relevant regulating licences and/or environmental permits from other agencies. These permissions and consents help manage the impacts on Hampshire's communities and the environment which may be associated with oil and gas development.



When proposing an oil or gas development, it is important that a careful balance is struck between any potential impact on the environment and local communities while supporting our future economic prosperity.

The Hampshire Minerals & Waste Plan (HMWP) includes robust policies relating to all issues associated with proposals for onshore oil and gas development. This Supplementary Planning Document (SPD) has been prepared following the adoption of the Plan. It:

- outlines planning policy guidance for oil and gas development in Hampshire;
- assists the implementation of the policies of the Hampshire Minerals & Waste Plan; and
- provides further, more technical guidance on oil and gas issues in the Plan area.

The overriding concern of the adopted HMWP is to ensure that any oil or gas proposal is the right development, in the right place, at the right time. The SPD sets out clear expectations for planning applications for oil and gas developments in Hampshire.

As the SPD is guidance, it does not include further policies on oil and gas. The adopted Plan already includes the necessary policies against which any proposal for oil and gas will be judged.

This SPD covers the administrative areas of HCC, SCC, PCC and the NFNPA only. This is because the plan-making partnership established for the HMWP has now come to an end and a new partnership has been established between HCC, PCC, SCC and the NFNPA to implement and monitor the Plan. Therefore, this SPD does not cover the administrative area of the SDNPA which falls within Hampshire.

**Councillor Seán Woodward - Executive Member for Economy, Transport and Environment - Hampshire County Council**

*Seán Woodward*

**Councillor Luke Stubbs- Executive Member for Planning, Regeneration and Economic Development - Portsmouth City Council**

*Luke Stubbs*

**Councillor Simon Letts - Leader - Southampton City Council**

*SL*

**Oliver Crosthwaite-Eyre - Chairman - New Forest National Park Authority**

*Oliver Crosthwaite-Eyre*

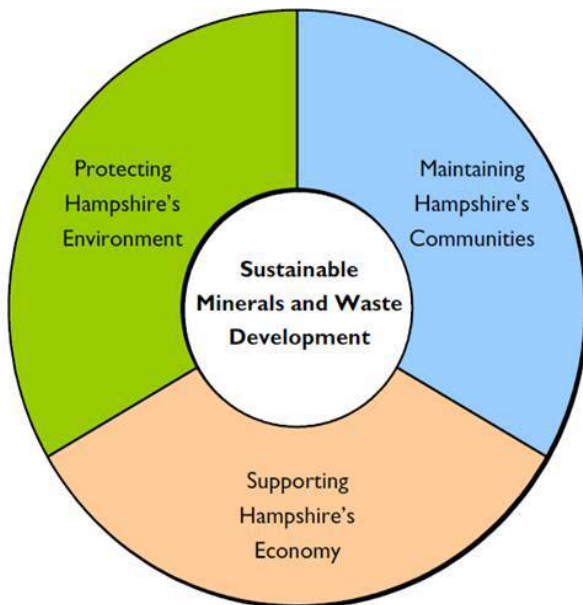
## 1. Introduction and purpose of the Supplementary Planning Document

- 1.1 This document is a supplementary planning document (SPD) on onshore oil and gas development in Hampshire. It should be read in conjunction with the adopted Hampshire Minerals & Waste Plan (2013) ('the Plan') (HMWP). The SPD has been prepared to assist the implementation of the Plan's policies in relation to oil and gas development.
- 1.2 Oil and gas (also known as 'hydrocarbons') play a central role in the United Kingdom's (UK) economy as they are primary sources of energy. Government energy policy makes it clear that energy supplies should come from a variety of sources including oil and gas and renewable energy. All households and businesses in Hampshire require oil or gas in one way or another. However, oil and gas are both finite natural resources which are being increasingly depleted through our domestic, business and industrial requirements. These factors, in addition to volatile energy prices, have resulted in energy security becoming a focus for national policy. Accordingly, there is a national and local need to sustainably secure oil and gas resources as part of a wider package of energy supply sources.
- 1.3 'Conventional' oil and gas refers to oil and gas resources contained in sandstone or limestone rock formations which are relatively porous meaning oil and gas is trapped in reservoirs. Although the conventional oil and gas reservoirs are usually overlain by a cap rock or seal, often shale, conventional extraction does not include shale oil or gas. Oil and gas extracted from shale is often referred to as 'unconventional'. It is found where oil and gas has become trapped within the shale rock itself and has not migrated into conventional reservoirs. Natural gas, like many other commodities can be stored for an indefinite period of time in gas storage facilities for later consumption.
- 1.4 In Hampshire, conventional oil exploration, appraisal and production has been taking place for a number of years. There are three active oil fields in Hampshire at Humbly Grove near Alton, Stockbridge and Horndean where the production of oil is currently taking place. Underground gas storage also takes place at Humbly Grove.
- 1.5 The SPD only covers onshore oil and gas development. It does not cover offshore oil and gas as the Hampshire Authorities, as MPAs, do not determine offshore oil and gas planning applications. These would be determined by the Marine Management Organisation (MMO). The Hampshire Authorities would expect to be consulted on any offshore proposals which occur in proximity to their administrative boundaries.

## How this guidance links to the adopted Hampshire Minerals & Waste Plan

- 1.6 This SPD has been prepared following the adoption of the HMWP.
- 1.7 HCC, PCC, SCC, NFNPA and the SDNPA worked in partnership to produce the Hampshire Minerals & Waste Plan ('the Plan'). The Plan was adopted by the partner authorities in October 2013.
- 1.8 The Plan is based upon the principle of delivering sustainable minerals (and waste) development in Hampshire up to 2030. In relation to minerals, this means ensuring Hampshire has the right minerals developments to maintain a reliable supply, at the right time, whilst protecting the environment and our communities. In doing so, it is important that Hampshire's Minerals Planning Authorities (MPAs) strike a careful balance between any potential impact on Hampshire's environment and communities while supporting future economic prosperity. This approach is endorsed by national planning policy (National Planning Policy Framework (NPPF))<sup>1</sup> and is demonstrated in the following diagram.

Figure 1: **Balancing the environment, community and the economy in Hampshire**



Source: Hampshire Authorities, 2013

- 1.9 The adopted plan includes the policies necessary to determine whether an oil or gas proposal should be granted planning permission.
- 1.10 Since the adoption of the Plan, oil and gas development has emerged as an issue of great national and local interest, in particular with regards to the potential for hydraulic fracturing ('fracking').

1. National Planning Policy Framework: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

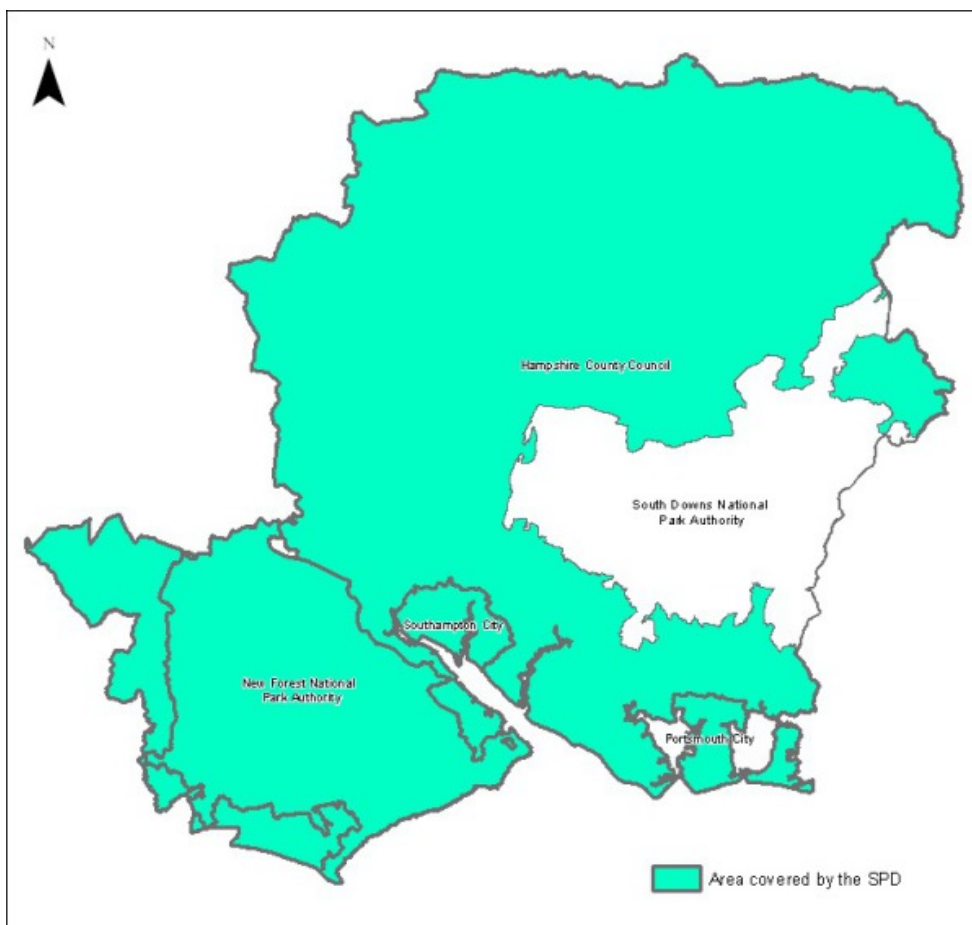
1.11 This guidance only relates to:

- conventional oil and gas;
- shale oil; and
- shale gas.

1.12 Hampshire does not have the geology which supports other forms of unconventional oil or gas.

1.13 This SPD has been jointly prepared by Hampshire County Council (HCC), Southampton City Council (SCC), Portsmouth City Council (PCC) and the New Forest National Park Authority (NFNPA) (here after referred to as the 'Hampshire Authorities') as Mineral Planning Authorities (MPA) in Hampshire. It therefore covers the administrative areas of these authorities. The SPD does not cover the administrative area of the South Downs National Park Authority (SDNPA) although the part of the SDNPA in Hampshire is covered by the provisions of the HMWP. The SDNPA is a Hampshire MPA in its own right. The area covered by this SPD is highlighted in the following map.

Figure 2: The area covered by this SPD



Source: Author - Hampshire Authorities, 2015

- 1.14 The SPD provides guidance on the implementation of the Plan's policies in the HCC, SCC, PCC and NFNPA administrative areas. Where this document refers to 'local planning authority' this relates to Hampshire's district and borough councils.

**This SPD includes a description of the:**

- **relevant planning policy guidance for oil and gas development in Hampshire;**
- **issues related to planning applications for oil and gas development;**
- **the role of other organisations in the planning process; and**
- **other technical guidance on oil and gas issues in the Plan area.**

- 1.15 The SPD considers the following areas:

- [Planning for oil and gas development](#);
- [Oil and gas licencing in Hampshire \[See page 8\]](#);
- [Phases of oil and gas development \[See page 11\]](#);
- [Permitted development \[See page 10\]](#);
- [Planning Performance Agreements \[See page 16\]](#);
- [Pre-application discussions \[See page 19\]](#);
- [Preparing a planning application \[See page 17\]](#);
- [What issues will need to be considered as part of any planning application? \[See page 26\]](#);
- [What planning application fees will be applicable? \[See page 25\]](#);
- [What other regulatory regimes or agencies may be involved or have an interest in the planning process? \[See page 45\]](#);
- [How will decision making take place for oil or gas developments? \[See page 49\]](#);
- [What conditions are likely to be attached to planning permissions? \[See page 51\]](#); and
- [Monitoring and enforcement of permitted oil and gas developments \[See page 55\]](#).

- 1.16 The guidance does not contain any further policies. As a guidance document, it will not be given the same weight in decision-making as the adopted Plan although it will be given appropriate weight as supporting guidance.

- 1.17 The remaining part of this document, considers many of the issues in more detail.

- 1.18 The SPD, once adopted by the Hampshire Authorities, will sit alongside the adopted HMWP, providing guidance on the implementation of the plans policies in relation to oil and gas development in Hampshire.

## How was this Supplementary Planning Document prepared?

### Meeting legal requirements

- 1.19 A SPD is defined in regulation 2(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 as: '*any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan*'<sup>2</sup>.

- 1.20 SPDs also *'add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan'*<sup>3</sup>.
- 1.21 The form and content of SPDs is set out in Regulation 8 of the Local Planning Regulations<sup>4</sup>. This SPD does not conflict with the provisions of the adopted HMWP. It provides guidance on the implementation of its policies.
- 1.22 The SPD has been prepared in accordance with Part 5 of the Local Planning Regulations<sup>5</sup>.
- 1.23 Regulation 5 of the Local Planning Regulations prescribes, for the purposes of section 17(7)(za) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004")<sup>6</sup> the descriptions of documents which are to be local development documents. This SPD relates to 1 (a) iii which relates to *'any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land'*.
- 1.24 In preparing this SPD, the Hampshire Authorities have had regard to the matters set out in section 19(2) of the PCPA 2004 and regulation 10 of the Local Planning Regulations. The preparation of the document has also complied with all of the Hampshire Authorities relevant Statement of Community Involvement documents.
- 1.25 This SPD was adopted by the Hampshire Authorities on [add date] 2016. The adopted SPD is supported by an Adoption Statement<sup>7</sup> and a Community Engagement Statement<sup>8</sup> will be issued.

### Meeting the duty to co-operate

- 1.26 The NPPF requires local authorities and other public bodies to co-operate on planning issues<sup>9</sup>. The duty applies to the production of the SPD. This is imposed through the Planning and Compulsory Purchase Act 2004<sup>10</sup>.

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2. *Local plan* is defined in regulation 2(1) of the Local Planning Regulations as: "local plan" means any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b), and for the purposes of section 17(7)(a) of the Act these documents are prescribed as development plan documents

3. National Planning Policy Framework ("NPPF"), glossary (2012): [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf2](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf2)

4. Regulation 8 of the Local Planning Regulations: [www.legislation.gov.uk/uksi/2012/767/pdfs/uksi\\_20120767\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf)

5. Regulation 5 of the Local Planning Regulations: [www.legislation.gov.uk/uksi/2012/767/pdfs/uksi\\_20120767\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf)

6. Planning and Compulsory Purchase Act 2004: [www.legislation.gov.uk/ukpga/2004/5/contents](http://www.legislation.gov.uk/ukpga/2004/5/contents)

7. Add link

8. add link

9. National Planning Policy Framework, paragraph 178-181: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

10. Planning and Compulsory Purchase Act 2004, section 33 (A) (1): [www.legislation.gov.uk/ukpga/2004/5/contents](http://www.legislation.gov.uk/ukpga/2004/5/contents)



**In preparing this guidance, the Hampshire Authorities have liaised with the following organisations and parties who are considered to have an interest in oil and gas issues in Hampshire:**

- Hampshire's district and borough councils as well as interested surrounding authorities;
- regulators (Environment Agency (EA), the Oil and Gas Authority (OGA) and the Health and Safety Executive (HSE));
- other minerals and waste planning authorities with an interest in oil and gas development in Hampshire including adjoining authorities; and
- other interested parties (including other statutory consultees such as Natural England (NE) and Historic England (HE)).

- 1.27 This engagement is documented in a Duty to Co-operate statement which has been prepared by the Hampshire Authorities to sit alongside the SPD<sup>11</sup>.
- 1.28 This co-operation will continue once this guidance has been adopted by the Hampshire Authorities, and indeed if any proposals for oil and gas development come forward in the future. In addition, liaison will continue with statutory consultees<sup>12</sup>, other environmental organisations and the minerals industry on oil and gas issues in Hampshire.
- 1.29 The Hampshire Authorities have committed to work collaboratively with other bodies to ensure that the strategic priorities set out in the HMWP are properly coordinated and clearly reflected in any subsequent review of the Plan, supplementary guidance and other individual Local Plans.

### Relevant assessments, appraisals and other useful documents

- 1.30 The preparation of this SPD has been subject to an Integrated Sustainability Appraisal (ISA)<sup>13</sup> as well as Habitats Regulation Assessment (HRA)<sup>14</sup>. An Equality Impact Assessment (EqIA)<sup>15</sup> has also been prepared.
- 1.31 A Strategic Flood Risk Assessment (SFRA) has not been prepared as the SPD does not include any policies or site allocations for oil or gas development, This means that the SFRA for the adopted Hampshire Minerals and Waste Plan can still be applied.
- 1.32 The following documents are also relevant to the SPD:
- Adopted Hampshire Minerals & Waste Plan<sup>16</sup>;
  - Hampshire Statement of Community Involvement<sup>17</sup>;

11.Hampshire Minerals and Waste Plan Supplementary Planning Documents Duty to Co-operate Statement (August 2015): [www3.hants.gov.uk/planning-policy-home.htm](http://www3.hants.gov.uk/planning-policy-home.htm)

12.Statutory Consultees: Environment Agency, Natural England and Heritage England as well as water companies

13.Integrated Sustainability Appraisal Report (FINAL)- Supplementary Planning Documents (Hampshire Authorities, 2015): [www3.hants.gov.uk/spd-consultation-2015.htm](http://www3.hants.gov.uk/spd-consultation-2015.htm)

14.Habitats Regulation Assessment Screening (Hampshire Authorities, 2015): [www3.hants.gov.uk/spd-consultation-2015.htm](http://www3.hants.gov.uk/spd-consultation-2015.htm)

15.Equality Impact Assessment for the Supplementary Planning Documents (Hampshire Authorities, 2015) v1: [www3.hants.gov.uk/spd-consultation-2015.htm](http://www3.hants.gov.uk/spd-consultation-2015.htm)

16.Hampshire Minerals and Waste Plan (2013): [www3.hants.gov.uk/planning-policy-home.htm](http://www3.hants.gov.uk/planning-policy-home.htm)

- Portsmouth Statement of Community Involvement<sup>18</sup>;
- Southampton Statement of Community Involvement<sup>19</sup>;
- New Forest National Park Statement of Community Involvement<sup>20</sup>;
- National Planning Policy Framework (2012)<sup>21</sup>;
- National Planning Practice Guidance<sup>22</sup>;
- Onshore oil and gas development in Hampshire FAQ (2015)<sup>23</sup>;
- Oil and Gas in Hampshire: Background Study<sup>24</sup>.

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17. Hampshire Statement of Community Involvement: <http://documents.hants.gov.uk/HampshireSCIAcceptedFinalMay2014.pdf>

18. Portsmouth City Council Statement of Community Involvement: [www.portsmouth.gov.uk/ext/development-and-planning/planning/statement-of-community-involvement.aspx](http://www.portsmouth.gov.uk/ext/development-and-planning/planning/statement-of-community-involvement.aspx)

19. Southampton City Council Statement of Community Involvement: [www.southampton.gov.uk/policies/Statement%20of%20Community%20Involvement.pdf](http://www.southampton.gov.uk/policies/Statement%20of%20Community%20Involvement.pdf)

20. New Forest National Park Statement of Community Involvement: [www.newforestnpa.gov.uk/info/20040/planning\\_policy/106/community\\_involvement](http://www.newforestnpa.gov.uk/info/20040/planning_policy/106/community_involvement)

21. National Planning Policy Framework: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

22. National Planning Practice Guidance: <http://planningguidance.planningportal.gov.uk/>

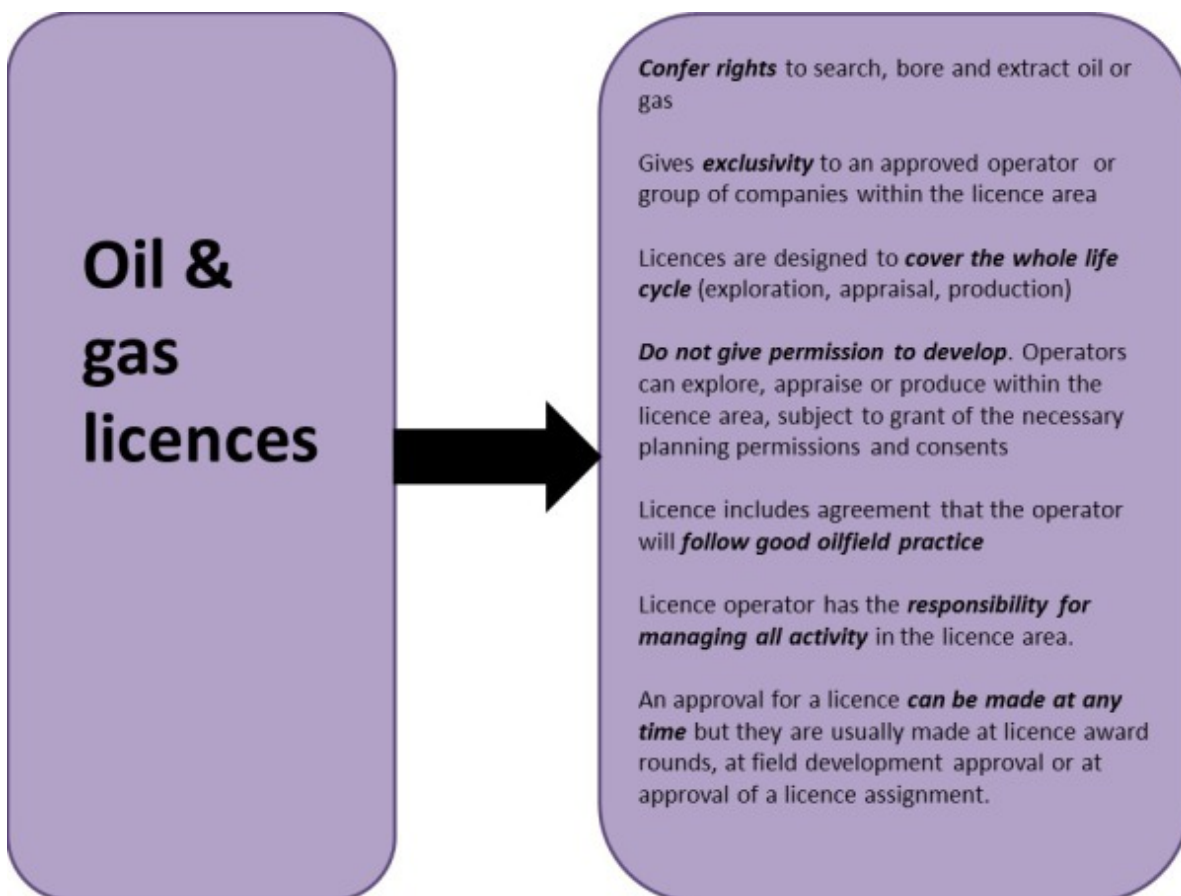
23. Onshore oil and gas FAQ: <http://documents.hants.gov.uk/mineralsandwaste/onshoreoilandgas-faq.pdf>

24. Oil and Gas in Hampshire Background Study (Hampshire Authorities, 2015) v2: [www3.hants.gov.uk/spd-consultation-2015.htm](http://www3.hants.gov.uk/spd-consultation-2015.htm)

## 2. Oil and gas licencing in Hampshire

- 2.1 Oil and gas development can only take place where there is an oil and gas licence in place.
- 2.2 On 1st April 2015, certain functions passed from the Department of Energy and Climate Change (DECC) to the newly created Oil and Gas Authority (OGA), an Executive Agency of the DECC. The OGA now issue the licences for onshore and offshore exploitation of UK oil and gas resources, acting on behalf of the Secretary of State for Energy and Climate Change.
- 2.3 Oil and gas licences are issued periodically, giving a company or group of companies (a joint venture) exclusive rights to explore for, and develop, the resource in a particular geographic location. Licences allow a company or joint venture to pursue a range of activities for conventional or unconventional oil or gas subject to planning permission and the necessary associated consents. A summary of what a licence means is summarised below.

**Figure 3:**What a oil and gas licence means in practice



Source: Author - Hampshire Authorities, 2015

- 2.4 The OGA regulate specific activities relating to oil and gas development, including:

- drilling;
- field development and production;
- licence transfers and operations; and
- storage and confidentiality of data.

- 2.5 Hampshire already has a number of licence areas which were issued through previous rounds of licencing. Licenced areas are an indication of Hampshire's potential oil and gas resources.
- 2.6 On 18 August 2015, the OGA announced that 27 onshore licence blocks from the 14th Onshore Oil and Gas Licensing Round will be formally offered to companies.
- 2.7 If and when an operator is approved for each licence, the operator is given the responsibility for managing all activity in the licence area. No method for drilling is specified in the initial licence, as it only conveys exclusivity in an area for the licensee.
- 2.8 The OGA states that 'final consent to any well or well operations is dependent on confirmation that all other necessary permits and consents have been obtained'. Licences do not give consent for drilling or any other operations or development. Potential operators will also need to obtain the following before any development can commence:
- consent from the landowner;
  - planning permission for each stage of development (exploration, appraisal and production) from the MPA;
  - regulatory consents (such as from the Environment Agency and the Health and Safety Executive); and
  - any additional consents (including well consent) from the OGA for drilling operations.
- 2.9 The granting of a licence for the exploration of a resource does not imply that planning permission would be granted for its extraction.
- 2.10 Under licencing agreements, operators must agree to follow good oilfield practice.
- 2.11 More information on oil and gas licencing in Hampshire can be found in the latest version of the Oil and Gas in Hampshire Background Study<sup>25</sup>.

### 3. Permitted oil and gas development

- 3.1 Planning permission is required for each phase of oil and gas development from the relevant MPA. However, some minor works may be considered to be 'permitted development' and so does not require planning permission.
- 3.2 Permitted development for oil and gas is set out in the Town and Country Planning (General Permitted development) Order 2015<sup>26</sup>. Part 17 of Schedule 2 of the order sets out the types of activities which are considered to be permitted development in relation to oil and gas. The order includes some restrictions on permitted development rights within areas such as National Parks, Areas of Outstanding Natural Beauty, Sites of Archaeological Interest, and Sites of Special Scientific Interest.
- 3.3 It is important to note that, whilst some development may be considered to be permitted development, it may still require new and/or variations of other associated consents or permits (see [What other regulatory regimes or agencies may be involved or have an interest in the planning process for oil or gas developments? \[See page 45\]](#)).

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26. Town and Country Planning (General Permitted Development) Order 2015: [www.legislation.gov.uk/uksi/2015/596/contents/made](http://www.legislation.gov.uk/uksi/2015/596/contents/made)

## 4. Phases of oil and gas development

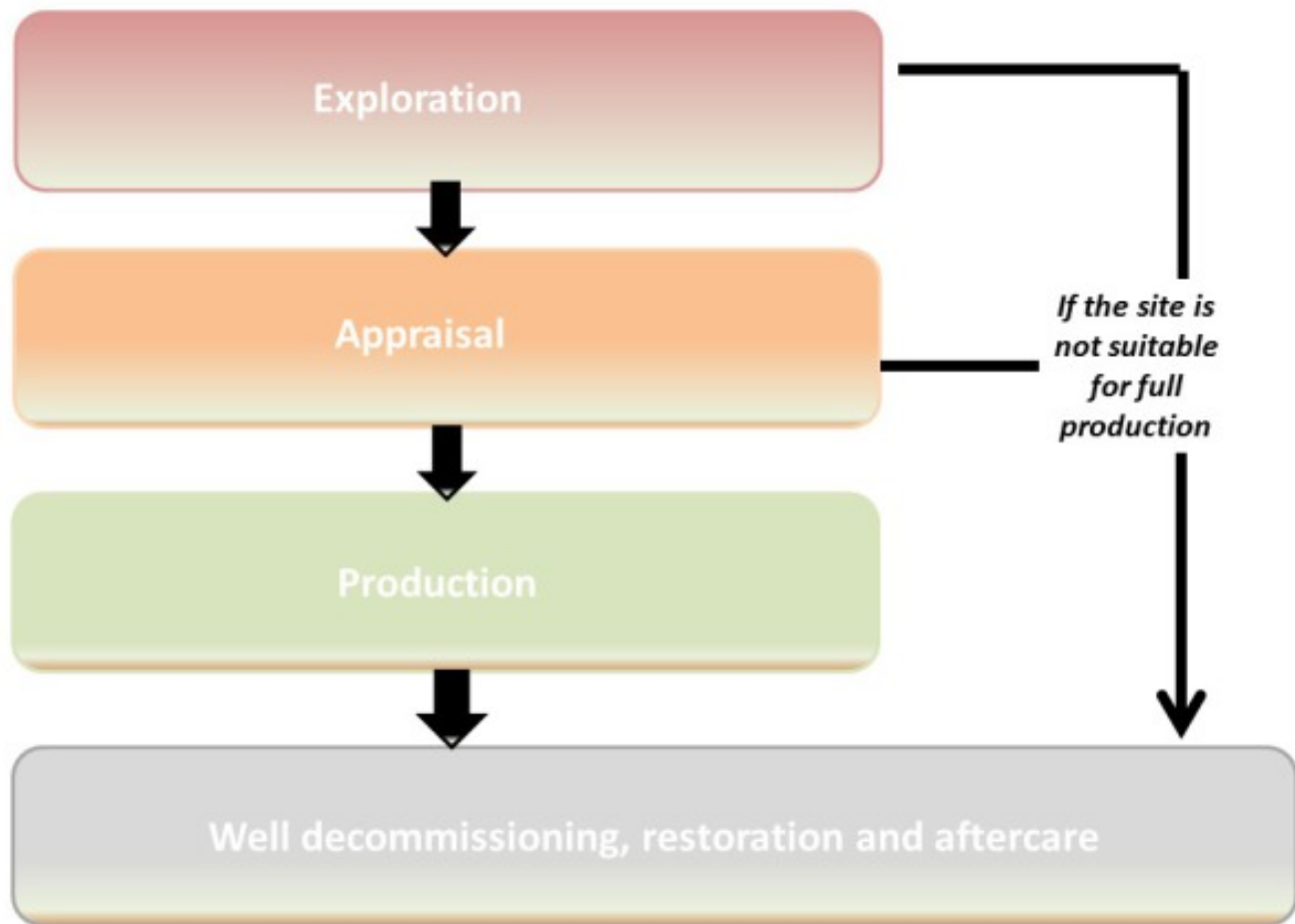
- 4.1 Oil and gas developments are very different from other mineral workings (such as sand and gravel extraction) and have a more limited land-take. They are also more flexible in their locational requirements compared to other minerals developments. The planning for the supply of oil and gas has a number of characteristics which may not be present in other forms of development.

### Oil and gas planning characteristics:

- the location of oil and gas extraction will depend on the presence of economically viable oil or gas resources (see [Oil and gas origins](#));
- oil and gas activity is a temporary land use although it can often take place over a long period of time;
- sites will often be located on previously undeveloped land;
- most adverse effects caused by working oil or gas resources can be mitigated through conditions attached to planning permissions granted or other required consents;
- as the extraction of oil or gas is a continuous process of development, there is a requirement for regular monitoring, and if necessary, enforcement to secure compliance with planning conditions (see [Monitoring and enforcement of permitted oil and gas developments \[See page 55\]](#));
- following working, surface land will be restored to make it suitable for beneficial after-use (see [Restoration and aftercare of oil and gas sites](#)); and
- oil and gas development can only take place in areas where the OGA have issued a licence under the Petroleum Act 1998<sup>27</sup> (Petroleum Licence) (see [Oil and gas licencing in Hampshire \[See page 8\]](#)).

- 4.2 If development is not considered to be permitted development (see [Permitted development \[See page 10\]](#)), planning permission would be required from the relevant MPA for each phase of development.
- 4.3 There are three phases of oil and gas development (conventional and unconventional) which all require separate planning permissions and environmental permits (from the EA) for each phase of development. These phases are followed by decommissioning, restoration and aftercare.
- 4.4 The different phases of oil and gas development are illustrated in the following diagram.

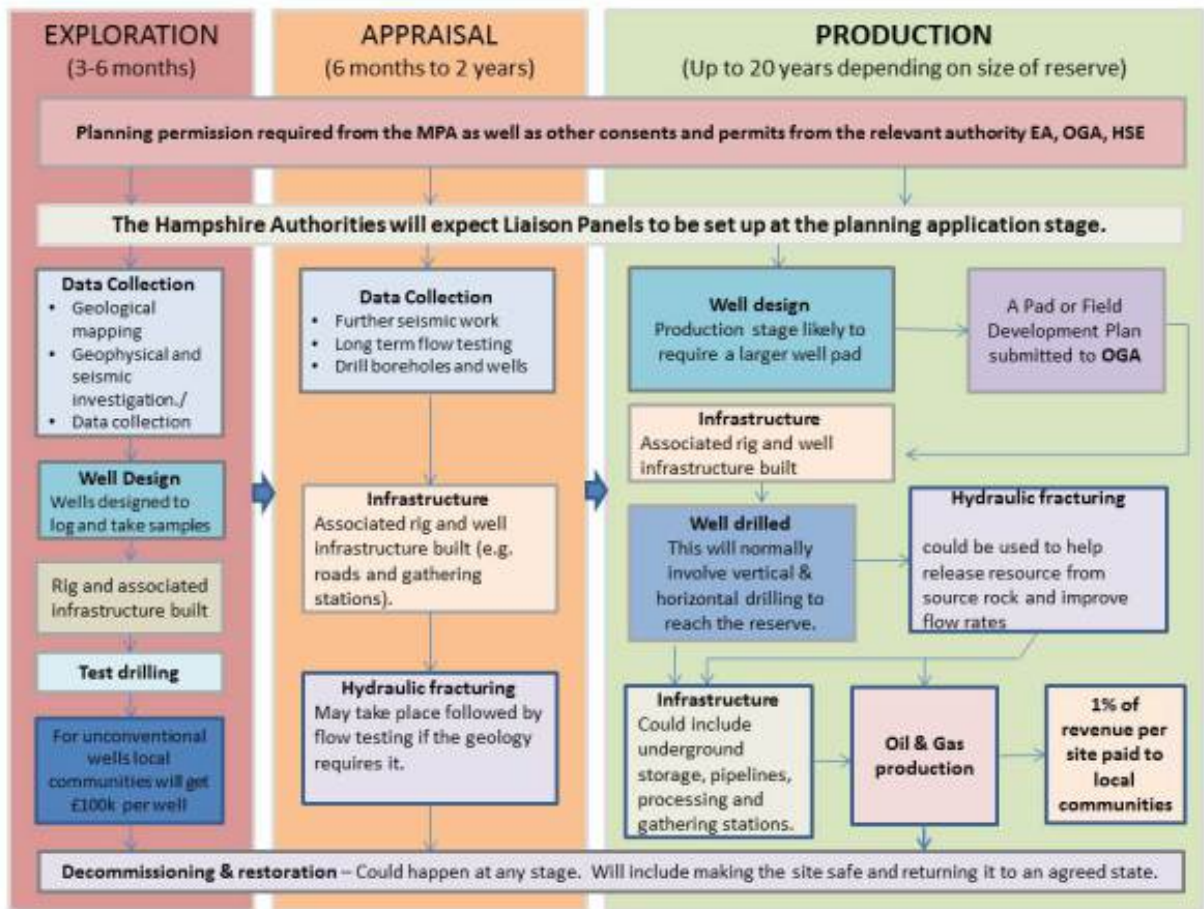
**Figure 4:** Phases of oil or gas development



Source: Author - Hampshire Authorities, 2015

- 4.5 Each phase is likely to include several distinct stages, with activity and vehicle movements varying according to the stage.
- 4.6 The following diagram summarises what each phase involves.

Figure 5: Exploration, appraisal and production phases of oil and gas development



Source: Author - Hampshire Authorities, 2015

4.7 Not all exploration will lead to appraisal and not all appraisal will lead to production. This means that decommissioning and restoration could follow each phase, as required, and is therefore an important consideration.



### ***Exploration***

- 4.8 Exploration will take place if there is a high probability that there are viable oil or gas resources in a locality. This will be defined by assessments of the geology as well as other surveying and research in advance of this phase.
- 4.9 Exploration is the process of ascertaining the presence, extent or quality of the oil or gas deposit.

#### **Key characteristics of the exploration phase:**

- usually small-scale and will only be granted planning permission for a temporary, often short term period;
- drilling of a number of vertical wells which will be tested to determine if resources are present and suitable for extraction;
- may involve hydraulic fracturing, particularly for unconventional oil or gas proposals, to stimulate flow;
- restoration of the site will be an important consideration.

### ***Appraisal***

- 4.10 The appraisal phase takes place once the existence of oil or gas has been proven through exploration. Appraisal is required to establish the extent of the deposit or its production characteristics, such as the flow, and to determine whether it is economical to exploit it. Before appraisal information is acquired, it is difficult to evaluate the various options available or to assess the viability and potential environmental effects of commercial exploration.
- 4.11 It is important that the suitability of a site's location is taken into account at this stage as wells could subsequently be used for production.

#### **Key characteristics of the appraisal phase:**

- may include further exploration work around existing exploratory wells;
- may include hydraulic fracturing, particularly for unconventional oil or gas proposals, to stimulate flow;
- length of time to complete this stage will depend on the size and complexity of the oil or gas reservoir involved; and
- restoration of the site will be an important consideration.

### ***Production***

- 4.12 The production phase is likely to see a more intensive level of activity as the site is established and as plant and machinery is delivered or removed from the site.

- 4.13 Once a resource has been identified as being viable and of commercial interest, planning permission may be sought for full production. Production is when full extraction of the resource is undertaken.
- 4.14 It is important that any proposal for production justifies the number of wells required and their locations using the knowledge gained at previous stages. The location of wells will need to be justified given both above and below ground constraints. The need for the development and location of other associated infrastructure will also have to be demonstrated.

#### Key characteristics for the production phase:

- production will only be acceptable where any adverse impacts can be sufficiently mitigated;
- the treatment and disposal of any water or waste materials associated with the development is an important consideration;
- HGV movements are likely to be highest at this stage; and
- when the production phase ceases, the facilities should be dismantled and the site will be restored.

#### *Decommissioning, restoration and aftercare*

- 4.15 The decommissioning and restoration of the site is important. The decommissioning and restoration of a site could take place within any of the three phases of oil or gas development.
- 4.16 On completion of drilling operations, a well may be suspended to allow for future testing. If it is concluded that there is no commercially viable oil or gas resources present or if the extraction of resources has been completed, then the well will be abandoned, in accordance with the latest Oil and Gas United Kingdom Standards.
- 4.17 Once the decision has been made to abandon a well, it will be made safe and the site infrastructure will be removed.
- 4.18 The site will then be restored to its former use or, in some circumstances, an appropriate new use or for other environmental benefits (See [Restoration and aftercare of oil and gas sites](#)).
- 4.19 A period of aftercare will commence following restoration to ensure that the land returns to a state that is the same or better than it was prior to operations commencing.

## 5. Planning Performance Agreements

- 5.1 The Localism Act 2011<sup>28</sup> provides for the opportunity to enter into a Planning Performance Agreement (PPA). PPAs are a project management tool that Local Planning Authorities (LPAs) and applicants can use to agree timescales, actions and resources for handling particular applications. They can help to provide increased certainty and transparency in the development of major schemes and in the assessment of planning applications and the decision-making process.
- 5.2 A PPA is agreed voluntarily between the applicant and the LPA prior to a planning application being submitted, and can be a useful focus of pre-application discussions about the issues that will need to be addressed. An agreement should cover the pre-application and planning application stages but may also extend through to the post-application stage.
- 5.3 PPAs can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They also encourage joint working between the applicant and LPA and can also help to bring together other parties such as statutory consultees<sup>29</sup>.
- 5.4 There are costs associated with PPAs. Applicants should consult the relevant Hampshire Authority to discuss potential costs of PPAs.
- 5.5 The need and suitability of a PPA will be discussed at the pre-application stage (see [Pre-application discussions \[See page 19\]](#)).

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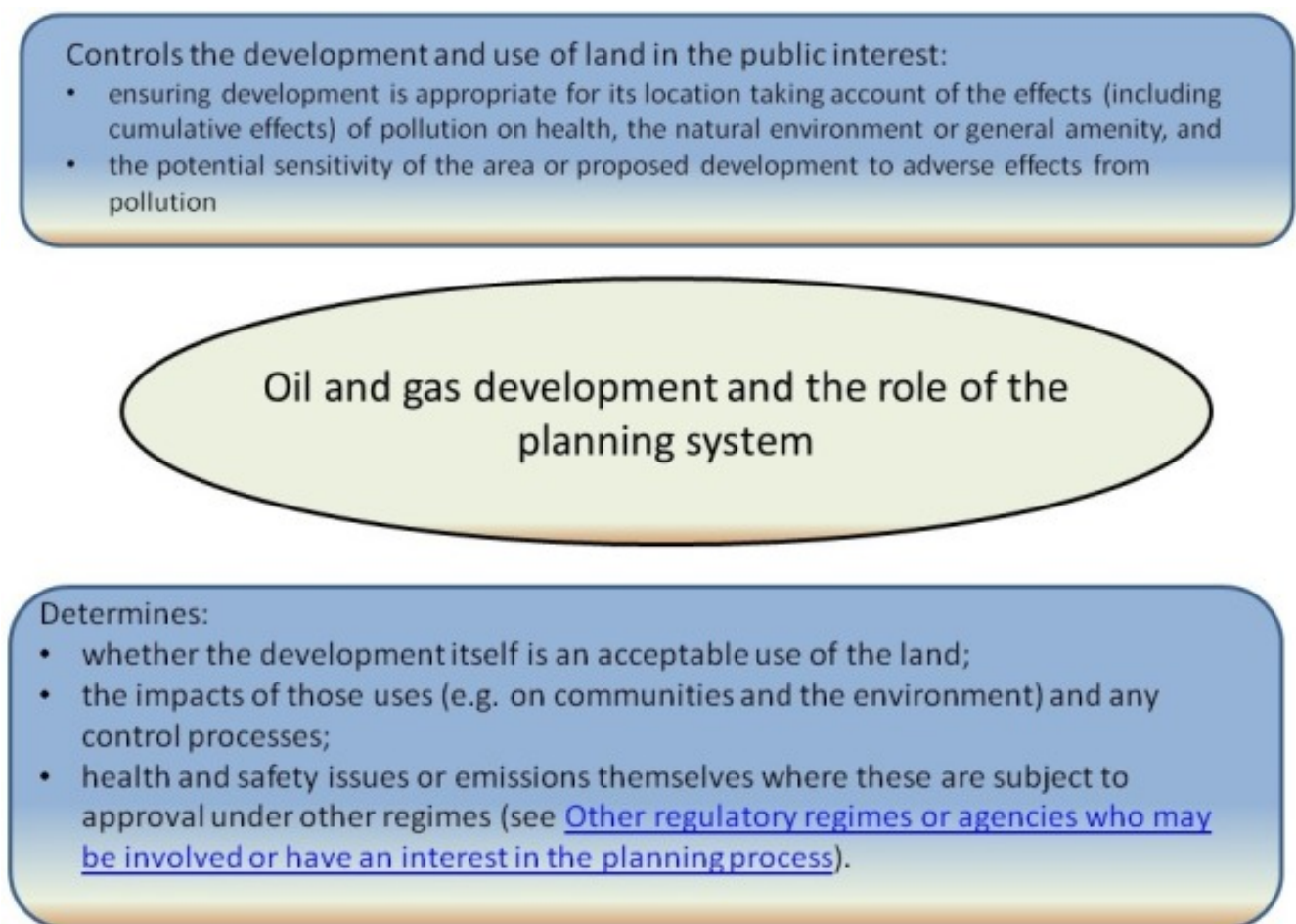
28. Localism Act 2011: [www.legislation.gov.uk/ukpga/2011/20/contents/enacted](http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted)

29. Statutory consultees may include the Environment Agency who also encourage pre-application discussions for pre-planning and pre-permitting as well as Natural England and Historic England (formerly English Heritage) as well as water companies

## 6. Preparing a planning application for oil or gas development in Hampshire

- 6.1 Planning permission is one of the main regulatory requirements that oil and gas operators must meet before any oil or gas activity can take place. The planning system controls development and the use of land in the public interest. It also helps to determine whether an oil or gas development is acceptable. This is demonstrated in the following diagram.

Figure 6: Oil and gas development and the planning system



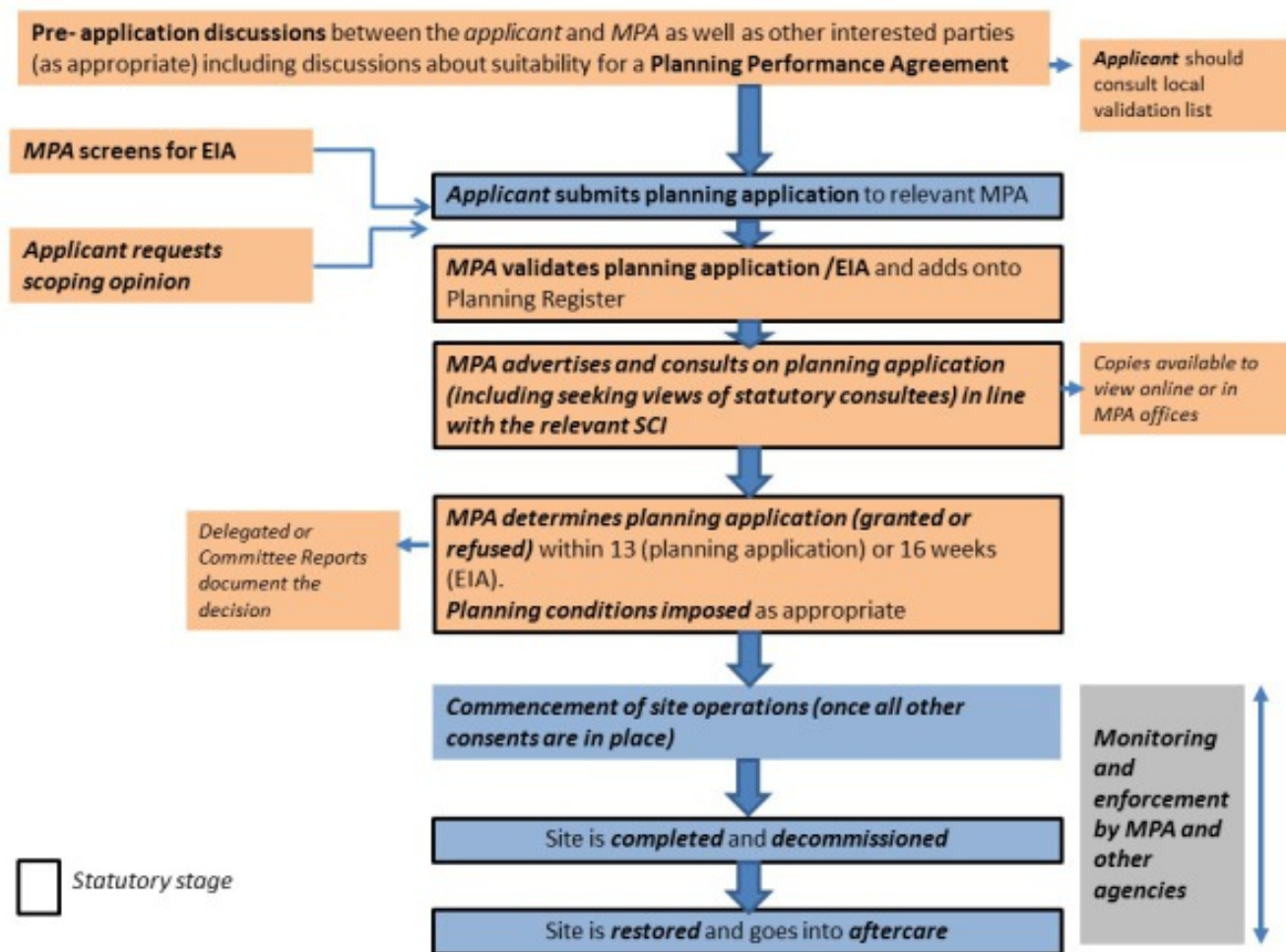
Source: Author - Hampshire Authorities, 2015

- 6.2 Oil and gas development can only take place in areas where the Oil and Gas Authority (OGA) (which is part of the Department of Energy and Climate Change) has issued a licence under the Petroleum Act 1998<sup>30</sup> (Petroleum Licence) (see [Oil and gas licencing in Hampshire \[See page 8\]](#)).

30. Petroleum Act 1998: [www.legislation.gov.uk/ukpga/1998/17/contents](http://www.legislation.gov.uk/ukpga/1998/17/contents)

- 6.3 In some cases, some minor initial works associated with oil or gas developments may be considered to be permitted development and therefore would not require planning permission (see [Permitted development \[See page 10\]](#)). If activities are not considered to be permitted development, planning permission will be required before any operations can begin. The following diagram provides a summary of the planning process.

Figure 7: The planning process for all phases of oil and gas development



Source: Author - Hampshire Authorities, 2015

- 6.4 The Hampshire Authorities are responsible for processing and determining any planning application for the different phases of onshore oil and gas development (see [Planning for oil and gas development](#)) within their administrative areas. This will include any proposals for underground gas storage proposals which have an expected working capacity below 43 million standard cubic metres or maximum flow rate below 4.5 million standard cubic metres per day<sup>31</sup>. Applications for storage projects above this size, are dealt with under the Planning Act 2008<sup>32</sup> and must be made to the Secretary of State for Energy and Climate Change<sup>33</sup>. Hampshire's district and borough councils do not determine minerals applications.

31.National Planning Practice Guidance, minerals section (2014): <http://planningguidance.planningportal.gov.uk/blog/guidance/minerals/>

32.Planning Act 2008, section 1.8 of the Gas Supply Infrastructure and Gas and Oil Pipelines National Policy Statement, (EN-4): [www.legislation.gov.uk/ukpga/2008/29/contents](http://www.legislation.gov.uk/ukpga/2008/29/contents)

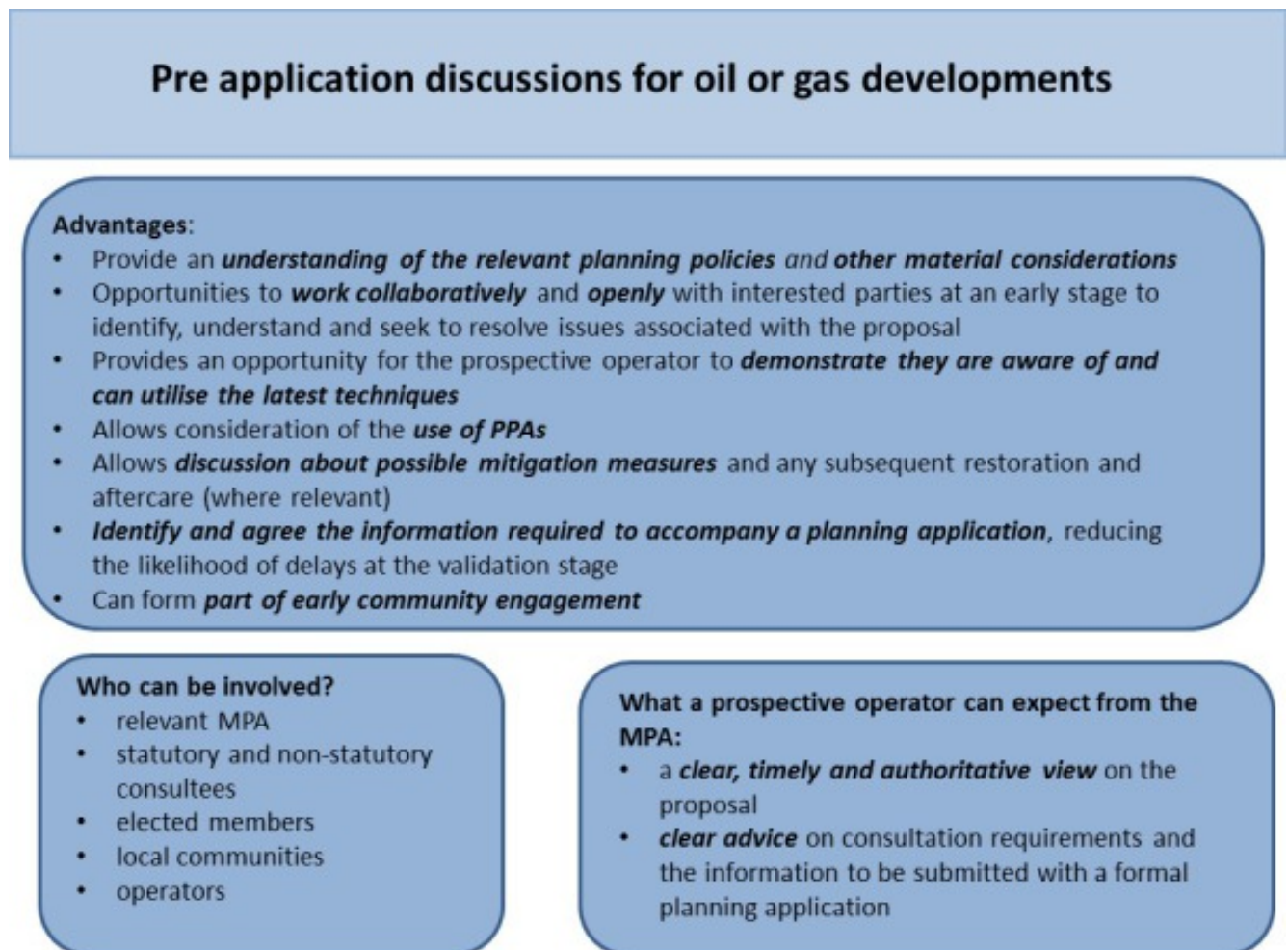
- 6.5 The Hampshire Authorities encourage pre-application discussions in advance of any submission of an application for oil and gas development (see [Pre-application discussions \[See page 19\]](#)).
- 6.6 An operator must submit a separate and valid planning application to the relevant MPA to seek planning permission for each of the exploration, appraisal or production phases (see [Preparing a planning application \[See page 17\]](#)).
- 6.7 The precise nature of what is included in a planning application for oil or gas development will depend in part on the applicant. The applicant and the OGA will already have agreed a work programme as part of the exploration licence application.
- 6.8 When determining planning applications, responses received as part of the public consultation will be taken into account, as appropriate (see [Why is community engagement important to the planning process? \[See page 47\]](#)).
- 6.9 A number of other organisations may be involved in the planning process for oil and gas development. In addition to gaining planning permission, there are a number of other consents which will also be required before oil or gas developments can commence (see [Other regulatory regimes or agencies who may be involved or have an interest in the planning process \[See page 45\]](#)). Twin tracking planning applications for oil and gas development alongside applications for other consenting requirements is encouraged, where appropriate.
- 6.10 The relevant MPA is required to determine planning applications for onshore oil or gas developments within statutory timescales (from validation to decision) (see [How will decision making take place for oil or gas developments? \[See page 49\]](#)).
- 6.11 Following development, it is essential that an oil or gas development site is restored to ensure an effective afteruse (see [What issues will need to be considered as part of any planning application? \[See page 26\]](#))
- 6.12 The remaining parts of this section consider the main issues associated with the planning process for oil or gas developments.

## Pre-application discussions

- 6.13 Pre-application discussions between the prospective applicant and other interested parties are encouraged by the Hampshire Authorities for all oil and gas developments. Discussions occur in advance of the formal submission of a planning application.

- 6.14 Discussions offer significant potential to improve both the efficiency and effectiveness of the planning application process. They are a valuable part of the overarching planning application process and help to ensure that the planning process for oil or gas development is front loaded if discussions are undertaken appropriately. They allow for the anticipation and identification of issues that may cause difficulties or delays in the planning process and time for these issues to be resolved in advance of the submission of a planning application. Good quality pre-application discussion enable better co-ordination between public and private resources and improved outcomes for the community<sup>34</sup>.
- 6.15 The following diagram sets out what can be achieved by pre-application discussions, who can be involved and what an operator can expect from these discussions.

Figure 8: Advantages, involvement and expectations of pre-application discussions on oil or gas developments



Source: Author - Hampshire Authorities, 2015

- 6.16 Parties involved in pre-application discussions will vary according to the type of development, the phase of development and the nature of the issues. Each party involved has an important role to play in ensuring the efficiency and effectiveness of pre-application engagement.

34. National Planning Policy Framework, paragraph 188-195: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

- 6.17 Advice will be provided in accordance with the relevant MPAs pre-application advice procedure. Applicants are encouraged to consult the local validation checklist in advance of the pre-application stage. Each MPA (HCC<sup>35</sup>, SCC<sup>36</sup>, PCC<sup>37</sup> and NFNPA<sup>38</sup>) has a separate list which is available to view on it's website.
- 6.18 The level of information necessary for effective pre-application engagement will vary. However, in all cases, the level of information requested by the MPA will be proportionate to the phase of development and the relevant phase of the oil or gas development. A prospective operator would not necessarily be expected to provide all of the information that would accompany a formal planning application. However, the information provided needs to be sufficient to allow the MPA to take an informed view.
- 6.19 It is useful if applicants submit information on land ownership at the pre-application stage.
- 6.20 Prospective applicants should identify any potential adverse impacts and show how the scheme's design addresses these impacts. Pre-application discussions help to facilitate this process. Mitigation measures should only be applied to any residual impacts which cannot be addressed through the design of the development.
- 6.21 Statutory consultees<sup>39</sup> for planning applications can play an important role in the pre-application discussions since they may be involved in providing advice to the MPA on a formal planning application.
- 6.22 It is advisable that where a proposal is to be located in any Source Protection Zone (SPZ) (including sub-surface SPZs) or within 1 kilometre of any SPZ boundary that the relevant water companies are involved in pre-application discussions. Where necessary, the interested parties who are reliant on the SPZ should also be involved in early discussions. It should be noted that exploration in SPZ1 and 1C is highly unlikely to gain a permit from the Environment Agency.
- 6.23 Relevant non-statutory consultees such as the Health and Safety Executive and sewerage undertakers may also make an important contribution. Pre-application discussions with other non-statutory consultees can also provide prospective operators with an opportunity to share information that may be relevant to the planning applications being prepared, as well as applications for other permits, consents or licences. There may be a charge for some pre-application services offered by other organisations.

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35. Hampshire County Council validation requirements: [www3.hants.gov.uk/planning-application-validation-requirements-2.pdf](http://www3.hants.gov.uk/planning-application-validation-requirements-2.pdf)

36. Southampton City Council validation list: [www.southampton.gov.uk/Images/National-and-Local-Validation-checklists-Sept2014\\_tcm63-368279.pdf](http://www.southampton.gov.uk/Images/National-and-Local-Validation-checklists-Sept2014_tcm63-368279.pdf)

37. Portsmouth City Council planning application information: [www.portsmouth.gov.uk/ext/development-and-planning/planning/pre-application-planning-advice.aspx](http://www.portsmouth.gov.uk/ext/development-and-planning/planning/pre-application-planning-advice.aspx)

38. New Forest National Park planning application pages: [www.newforestnpa.gov.uk/info/20132/planning\\_processes/12/planning\\_application\\_process](http://www.newforestnpa.gov.uk/info/20132/planning_processes/12/planning_application_process)

39. Statutory consultees may include the Environment Agency who also encourage pre-application discussions for pre-planning and pre-permitting as well as Natural England and Historic England (formerly English Heritage) as well as water companies. Water companies are considered to be statutory consultees for any developments involving the boring for or getting oil or gas from shale as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument No. 595).



- 6.24 Applicants and local planning authorities should discuss the potential of entering into PPA, where this might achieve a faster and more effective application process (see [Planning Performance Agreements](#)).

### Costs

- 6.25 HCC charges for pre-planning application advice will be applicable for any oil or gas proposal within the County Council's administrative area<sup>40</sup>.
- 6.26 PCC<sup>41</sup> and SCC<sup>42</sup> both charge for pre-application advice for oil or gas proposals which fall within the relevant City Council administrative area.
- 6.27 The NFNPA currently offers free pre-application advice for oil and gas proposals which fall within the National Park Authority's administrative area<sup>43</sup>. Following the adoption of the SPD, applicants are advised to contact the NFNPA directly to check the status of pre-application charging at the time of preparation.

## When will a proposal require an Environmental Impact Assessment application?

- 6.28 Some oil or gas proposals will require an Environmental Impact Assessment (EIA). The aim of EIA is to protect the environment by ensuring that a LPA, when deciding whether to grant planning permission for a project which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects and takes this into account in the decision making process. The requirements for EIA are set out in Town and Country Planning (EIA) Regulations 2011<sup>44</sup> and National Planning Practice Guidance<sup>45</sup>.

### The regulations set out:

- a procedure for identifying those projects which should be subject to an Environmental Impact Assessment;
- the list of aspects which may be significantly affected which should be considered; and
- a method for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

- 6.29 A particular oil or gas proposal will not necessarily give rise to all of the effects noted in the regulations. A full and detailed assessment will be required for those impacts which are likely to be significant.

40. Hampshire County Council Pre Application Advice: [www3.hants.gov.uk/pre-application-2.htm](http://www3.hants.gov.uk/pre-application-2.htm)

41. Portsmouth City Council Pre Application Advice: [www.portsmouth.gov.uk/ext/development-and-planning/planning/pre-application-planning-advice.aspx](http://www.portsmouth.gov.uk/ext/development-and-planning/planning/pre-application-planning-advice.aspx)

42. Southampton City Council Pre Application Advice: [www.southampton.gov.uk/planning/planning-permission/pre-application-advice.aspx](http://www.southampton.gov.uk/planning/planning-permission/pre-application-advice.aspx)

43. New Forest National Park Pre-application advice: [www.newforestnpa.gov.uk/info/20129/how\\_do\\_i\\_apply/201/pre-application\\_advice](http://www.newforestnpa.gov.uk/info/20129/how_do_i_apply/201/pre-application_advice).

44. Town and Country Planning (Environmental Impact Assessment) Regulations 2011, part 2: [www.legislation.gov.uk/uksi/2011/1824/regulation/32/made](http://www.legislation.gov.uk/uksi/2011/1824/regulation/32/made)

45. National Planning Practice Guidance (Live): <http://planningguidance.planningportal.gov.uk/blog/guidance/environmental-impact-assessment/>

- 6.30 The relevant MPA will carry out a screening exercise to determine whether any proposal for onshore oil and gas extraction requires an EIA upon request<sup>46</sup>. Screening is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. It should normally take place at an early stage in the design of the project. However, it can also occur after a planning application has been submitted or even after an appeal has been lodged. The screening process is summarised in [Appendix 5: Establishing whether a proposed oil or gas development requires an Environmental Impact Assessment \(EIA\) \[See page 69\]](#).
- 6.31 If an oil or gas development is considered to require an EIA, the applicant is encouraged to request a Scoping Opinion<sup>47</sup> from the relevant MPA. This would help determine the scope of the information to be provided in the Environmental Statement (ES). The Scoping stage allows the MPA to clarify what it considers the main effects of development to be and, therefore, the aspects on which the applicant's ES should focus.
- 6.32 Any information prepared as part of the high level Environmental Risk Assessment or the preparation of the [Environmental Permit \[See page 45\]](#) (where required) can be used to inform, or be included as part of the ES which sets out the findings of the EIA.
- 6.33 Applicants for proposals which include hydraulic fracturing should work under the assumption that an EIA will be necessary to support a planning application for this type of development.

## Ensuring a planning application for oil or gas development is valid

- 6.34 Each of the Hampshire Authorities has information on its individual website about the submission of planning applications (HCC<sup>48</sup>, SCC<sup>49</sup>, PCC<sup>50</sup> and NFNPA<sup>51</sup>).
- 6.35 Applicants are encouraged to consult the local validation checklist in advance of the pre-application stage. Each MPA (HCC<sup>52</sup>, SCC<sup>53</sup>, PCC<sup>54</sup> and NFNPA<sup>55</sup>) has a separate list which is available to view on its website.
- 6.36 The following diagram sets out the key areas which must be addressed to make a planning application for oil and gas development valid.

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46. Town and Country Planning (Environmental Impact Assessment) Regulations 2011, part 2: [www.legislation.gov.uk/ukxi/2011/1824/regulation/32/made](http://www.legislation.gov.uk/ukxi/2011/1824/regulation/32/made)

47. Town and Country Planning (Environmental Impact Assessment) Regulations 2011, part 2: [www.legislation.gov.uk/ukxi/2011/1824/regulation/32/made](http://www.legislation.gov.uk/ukxi/2011/1824/regulation/32/made)

48. Hampshire County Council information on the submission of planning applications: [www3.hants.gov.uk/make-an-application.htm](http://www3.hants.gov.uk/make-an-application.htm)

49. Southampton City Council information on the submission of planning applications: [www.southampton.gov.uk/planning/](http://www.southampton.gov.uk/planning/)

50. Portsmouth City Council information on the submission of planning applications: [www.portsmouth.gov.uk/ext/development-and-planning/development-and-planning.aspx](http://www.portsmouth.gov.uk/ext/development-and-planning/development-and-planning.aspx)

51. New Forest National Park Authority information on the submission of planning applications: [www.newforestnpa.gov.uk/planning](http://www.newforestnpa.gov.uk/planning)

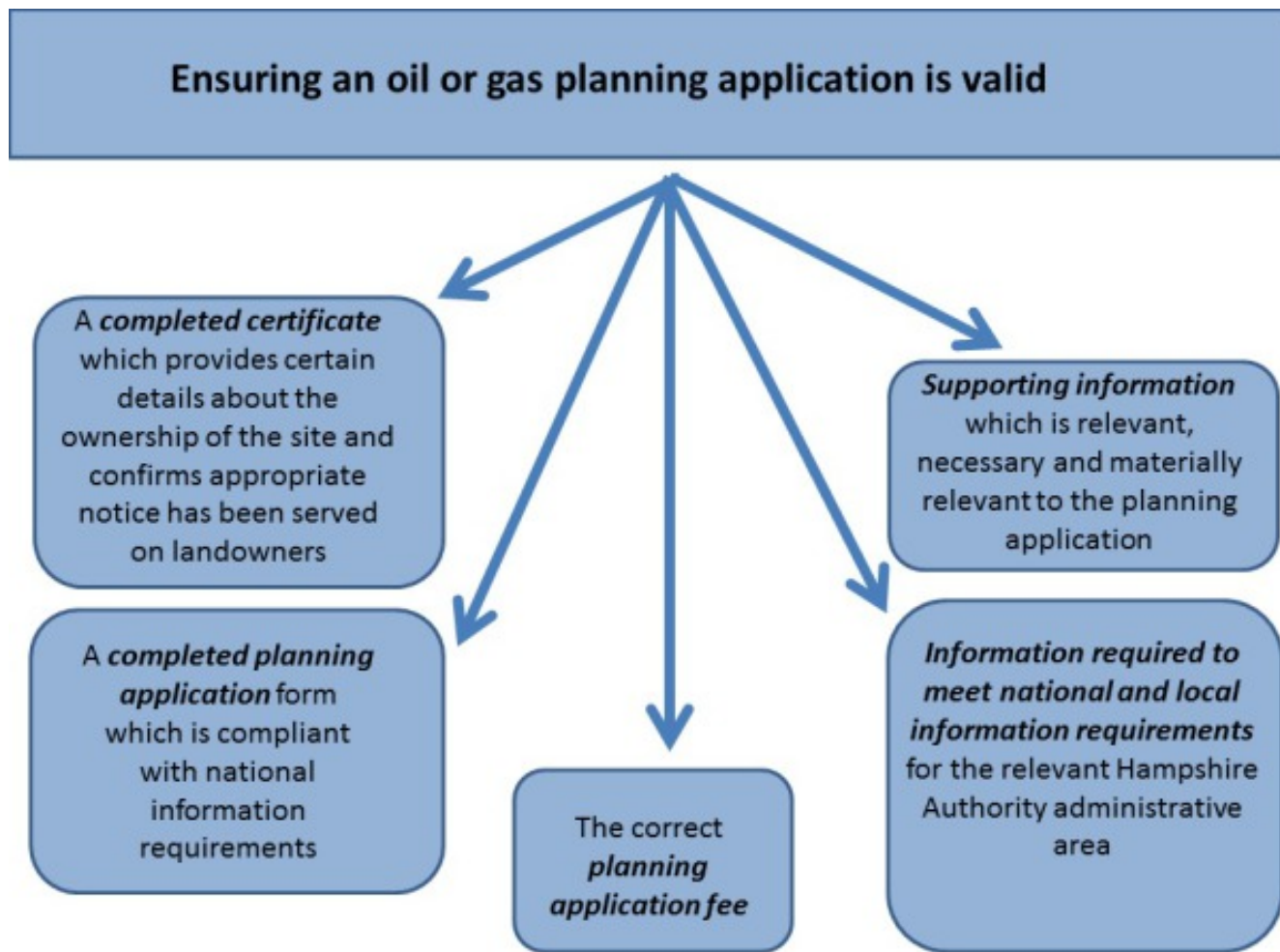
52. Hampshire County Council validation requirements: [www3.hants.gov.uk/planning-application-validation-requirements-2.pdf](http://www3.hants.gov.uk/planning-application-validation-requirements-2.pdf)

53. Southampton City Council validation list: [www.southampton.gov.uk/Images/National%20and%20Local%20Validation%20checklists%20as%20of%2015th%20April%202015\\_tcm63-368279.pdf](http://www.southampton.gov.uk/Images/National%20and%20Local%20Validation%20checklists%20as%20of%2015th%20April%202015_tcm63-368279.pdf)

54. Portsmouth City Council planning application information: [www.portsmouth.gov.uk/ext/development-and-planning/planning/planning-application-process-and-fees.aspx](http://www.portsmouth.gov.uk/ext/development-and-planning/planning/planning-application-process-and-fees.aspx)

55. New Forest National Park planning application pages: [www.newforestnpa.gov.uk/info/20132/planning\\_processes/12/planning\\_application\\_process](http://www.newforestnpa.gov.uk/info/20132/planning_processes/12/planning_application_process)

Figure 9: Ensuring that a planning application for oil or gas development is valid



Source: Author - Hampshire Authorities, 2015

- 6.37 Pre-application discussions help to guide applicants on the types of information which should be submitted with a planning application to ensure that it is valid (see [Pre-application discussions \[See page 19\]](#)). Applicants will determine how much preliminary data is necessary before seeking planning permission to undertake any exploratory drilling. Data which the operator might obtain at the exploratory stage will be used to determine the most appropriate locations for drilling. MPAs will only request supporting information that is relevant, necessary and material to the planning application in question.
- 6.38 In some instances, an Environmental Impact Assessment (EIA) will be required (see ['Environmental Impact Assessment \(EIA\) applications' \[See page 22\]](#)).
- 6.39 Twin tracking planning applications for oil and gas development alongside applications for other consenting regimes is encouraged, where appropriate. Twin tracking may provide an opportunity for information required at the consenting or permitting stage to be used to inform the decision-making process for planning applications. This may include environmental permitting from the Environment Agency (see [Other regulatory regimes or agencies who may be involved or have an interest in the planning process \[See page 45\]](#)).

- 6.40 The Planning Portal includes a standard application form for oil and gas developments in England<sup>56</sup>.

### How should notice on landowners be served?

- 6.41 The Petroleum Act 1998<sup>57</sup> vested all rights and ownership of oil and gas resources to the Crown. This means that oil and gas resources are not owned by the surface landowner.
- 6.42 Where someone other than the sole owner of land applies for planning permission to develop land, they are legally required to give notice of the planning application to owners or tenants of any part of the land to which the application relates. This is set out in the Town and Country Planning Act 1990<sup>58</sup> and the Town and Country Planning (Development Management Procedure) Order 2015<sup>59</sup>.
- 6.43 Part 4 (26) of the Order applies in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations. The rationale for these provisions is that any owner or tenant of land should be made aware that a planning application is going to be submitted in relation to the land in which they have an interest to ensure they have the opportunity to make representations.
- 6.44 The Infrastructure Act 2015<sup>60</sup> has amended the provisions for access to underground resources in England and Wales. This affects land which may be subject to proposals for conventional or unconventional oil or gas proposals.
- 6.45 Information on landownership is welcomed by the Hampshire Authorities at the pre-application stage (see [Pre-application discussions \[See page 19\]](#)).

### What planning application fees will be applicable to oil or gas development?

- 6.46 Planning fees were introduced in 1981<sup>61</sup> with the intention that users and potential beneficiaries of the planning system, rather than taxpayers, meet the costs incurred by Local Planning Authorities (LPAs) in processing and determining planning applications.
- 6.47 The Secretary of State has the power to make and amend regulations setting the fees that applicants for planning permission must pay to the relevant LPA. The Scale of Fees for different categories of development are set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended)<sup>62</sup>. National Planning guidance has more information on planning fees<sup>63</sup>.

56. Standard planning application form for oil and gas developments: [www.planningportal.gov.uk/uploads/1app/forms/Form035\\_england\\_en.pdf](http://www.planningportal.gov.uk/uploads/1app/forms/Form035_england_en.pdf)

57. Petroleum Act 1998: [www.legislation.gov.uk/ukpga/1998/17/contents](http://www.legislation.gov.uk/ukpga/1998/17/contents)

58. Town and Country Planning Act 1990: [www.legislation.gov.uk/ukpga/1990/8/contents](http://www.legislation.gov.uk/ukpga/1990/8/contents)

59. The Town and Country Planning (Development Management Procedure) (England) Order 2015: [www.legislation.gov.uk/uksi/2015/595/contents/made](http://www.legislation.gov.uk/uksi/2015/595/contents/made)

60. Infrastructure Act 2015: [www.legislation.gov.uk/ukpga/2015/7/contents/enacted](http://www.legislation.gov.uk/ukpga/2015/7/contents/enacted)

61. Planning Fees 1981: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7685/10.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7685/10.pdf),

- 6.48 The Government has recently amended the 2012 regulations with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2014<sup>64</sup>. This clarifies that, for the purposes of onshore oil and gas development, fees should be calculated on the basis of the area of the above ground works only. As part of the changes, it is also intended to increase fees for planning applications for onshore oil and gas development by 10% on the basis of surface area works. Any changes will be reflected in revised fees guidance in due course.

## What issues should be considered as part of any oil and gas planning application?

- 6.49 From time to time, oil and gas exploration, appraisal or production proposals come forward in Hampshire. This section sets out the key issues which need to be addressed in any planning application for oil and gas development. It is important to note that 'material considerations' for oil and gas proposals may vary over time e.g. if there is a change of national government policy.

### Compliance with National Planning Policy

#### National Planning Policy Framework (NPPF)

- 6.50 The NPPF<sup>65</sup> sets out national minerals planning policy for onshore oil and gas.
- 6.51 The Government is clear that responsibility for determining planning applications for onshore oil and gas activities, including for the exploration of shale oil or gas, lies with MPAs. Decisions will therefore continue to be taken in accordance with Local Plans such as the adopted Hampshire Minerals & Waste Plan (HMWP)<sup>66</sup> (see [Compliance with Local Planning Policy \[See page 27\]](#)) and the NPPF.

#### National Planning Practice Guidance (NPPG)

- 6.52 The NPPG was issued in 2014<sup>67</sup>. The guidance sets out a number of planning issues that should be addressed in relation to oil and gas development. The NPPG is a live document and is updated as required. It is important that applicants view the live version when preparing planning applications for oil or gas developments. It should be read alongside other planning guidance and the NPPF.
- 6.53 The NPPG was published following the public examination of the adopted HMWP (see [Compliance with Local Planning Policy \[See page 27\]](#)). However, the adopted Plan is compliant with its provisions.

62. Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012: [www.legislation.gov.uk/ukdsi/2012/9780111527290](http://www.legislation.gov.uk/ukdsi/2012/9780111527290)

63. National Planning Practice Guidance ref 22-001-20141047: <http://planningguidance.planningportal.gov.uk/blog/guidance/fees-for-planning-applications/>

64. Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2014: [www.legislation.gov.uk/ukdsi/2014/9780111107485](http://www.legislation.gov.uk/ukdsi/2014/9780111107485)

65. National Planning Policy Framework: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

66. Hampshire Minerals & Waste Plan (2103): [www3.hants.gov.uk/planning-policy-home.htm](http://www3.hants.gov.uk/planning-policy-home.htm)

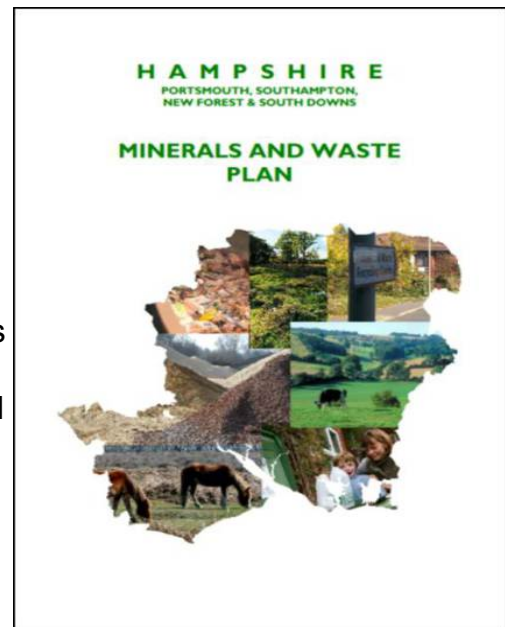
67. National Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/>

6.54 The NPPG also makes it clear where issues (such as emissions, health and safety, noise and water resources) should be addressed by other regulatory agencies (i.e. not the MPA). However, whilst the planning and other regulatory regimes are separate, they are also complimentary. Therefore may be put before an MPA as part of a planning application. The MPA should assume that non-planning regimes will operate effectively.

### Compliance with Local Planning Policy - The Hampshire Minerals and Waste Plan (2013)

6.55 Currently, adopted minerals policy is set out in the HMWP (2013)<sup>68</sup>. The Plan provides a robust planning framework including adequate safeguards for potential environmental, community or amenity impacts from the development. The Hampshire Authorities will use all relevant policies to consider any proposal for oil or gas development (conventional or unconventional) and to determine whether it should be granted planning permission.

6.56 The importance of onshore oil and gas supplies is acknowledged in the adopted HMWP. It includes a policy relating to oil and gas development (*Policy 24: Oil and gas development*). *Policy 24* sets out criteria for when oil and gas development will be supported (subject to environmental and amenity considerations) for the exploration and appraisal as well as the commercial production of oil and gas. Any proposal for conventional or unconventional oil and gas development will be judged against *Policy 24*, its associated supporting text as well as all other relevant policies in the Plan in relation to protecting the environment, maintaining communities and supporting the economy. The HMWP does not identify any new sites (site allocations) for onshore conventional or unconventional oil and gas development.



6.57 *Policy 1 (Sustainable minerals and waste development)* of the adopted Plan sets out a presumption in favour of sustainable development and indicates that minerals development that accords with policies in the HMWP will be approved without delay, unless material considerations indicate otherwise.

6.58 The following Table outlines the HMWP policies that are relevant to oil and gas development proposals, dependent on their location and what the proposal entails.

68. Hampshire Minerals & Waste Plan (2013): [www3.hants.gov.uk/mineralsandwaste.htm](http://www3.hants.gov.uk/mineralsandwaste.htm)

Table 1: Hampshire Minerals and Waste Plan (2013) policies relevant to this SPD

Relevant Hampshire Minerals and Waste Plan (2013) Policies			
Sustainable Minerals and Waste Development	Protecting Hampshire's environment	Maintaining Hampshire's communities	Supporting Hampshire's economy
Policy 1 (Sustainable minerals and waste development)	Policy 2 (Climate change mitigation and adaptation)	Policy 10 (Protecting public health, safety and amenity)	Policy 16 (Safeguarding - minerals infrastructure)
	Policy 3 (Protection of habitats and species)	Policy 11 (Flood risk and prevention)	
	Policy 4 (Protection of the designated landscape)	Policy 12 (Managing traffic)	
	Policy 5 (Protection of the countryside)		
	Policy 6 (South West Hampshire Green Belt)	Policy 13 (High quality design of minerals and waste development)	Policy 24 (Oil and gas development)
	Policy 7 (Protection of the historic environment)		
	Policy 8 (Protection of soils)	Policy 14 (Community benefits)	
Policy 9 (Restoration of minerals and waste developments)			

- 6.59 In some instances, oil or gas development may have legal agreements attached to them (see [Planning obligations \[See page 53\]](#)) if they are required to make a proposal acceptable.
- 6.60 The HMWP also includes a policy which encourages community benefits (*Policy 14*) that may be associated with oil or gas developments (see [Community benefits \[See page 57\]](#)).
- 6.61 Safeguarding is the method by which mineral resources and minerals and waste facilities are protected from inappropriate development. Oil and gas deposits are found at much deeper levels under the ground than the other minerals worked in Hampshire and are less threatened by surface development. As a result, safeguarding of oil and gas resources is not required. The extent of oil and gas resources is also commercially sensitive information which is unavailable to the MPA. However it is still important that existing oil and gas infrastructure is safeguarded. Hampshire's existing oil and gas sites are safeguarded through the policies of the HMWP relating to safeguarding minerals infrastructure (*Policy 16: Safeguarding - minerals infrastructure*). Any subsequent update to the list following the adoption of this SPD will be reflected in the most recent Monitoring Report which sets out information on the performance of the HMWP<sup>69</sup>.
- 6.62 The remaining part of this section expands upon the key policy areas and issues which are relevant to oil and gas proposals in Hampshire. The issues are presented in the order they appear in the HMWP i.e. by policy.

## Sustainable oil and gas developments

6.63 *Policy 1 (Sustainable minerals and waste development)* of the adopted Hampshire Minerals & Waste Plan sets out the presumption in favour of sustainable minerals or waste development. Applied to oil and gas development, it indicates that there will be a presumption in favour of sustainable oil or gas developments unless material considerations (such as compliance with the other policies contained within the HMWP) indicate otherwise. All other relevant policies in the Plan will be taken into account (see [What issues which will need to be considered as part of any planning application? \[See page 26\]](#)) when coming to a decision on whether to grant planning permission.

## Protecting Hampshire's environment

### Ensuring oil and gas development mitigates and adapts to climate change

6.64 The way in which national energy needs are met is subject to national policy. How this need is met is not a direct issue relevant to the HMWP and its associated guidance. The main driver for the HMWP in relation to oil and gas developments is to ensure that site based greenhouse gas emissions are adequately controlled and mitigated. Any proposal for oil and gas development will need to consider the provisions of *Policy 2 (Climate change - mitigation and adaptation)* of the HMWP which relates to minimising impacts, reducing vulnerability and providing resilience to the impacts of climate change through minerals and waste development.



6.65 Ultimately, emissions from conventional or unconventional oil and gas development will be determined by the design and conditions of a particular development. This will include:

- consideration of design, use of resources (such as construction materials or water);
- the potential to develop other energy recovery or low carbon technologies alongside the proposed development; and
- avoiding areas which are considered to be vulnerable to climate change.

6.66 The design of the development will also be important in the delivery of any mitigation or adaptation measures associated with the development (see 'Design of oil and gas developments').

6.67 Any planning application would be required to minimise the release of methane to the atmosphere.

### Oil and gas sites in areas of nature conservation designation

6.68 Hampshire contains areas of land designated for its nature conservation value. These include international, national and locally designated sites.



- 6.69 Any proposal for oil and gas development will need to take into account the provisions of *Policy 3 (Habitats and species)* of the Plan which relates to the protection of habitats and species.

***Policy 3 (Habitats and species)* protects the following habitats and species in accordance with the level of their relative importance:**

- a. internationally designated sites including Special Protection Areas, Special Areas of Conservation, Ramsar sites, any sites identified to counteract adverse effects on internationally designated sites, and European Protected Species;**
- b. nationally designated sites including Sites of Special Scientific Interest and National Nature Reserves, nationally protected species and Ancient Woodland;**
- c. local interest sites including Sites of Importance for Nature Conservation, and Local Nature Reserves;**
- d. habitats and species of principal importance in England;**
- e. habitats and species identified in the UK Biodiversity Action Plan or Hampshire Authorities' Biodiversity Action Plans.**

- 6.70 It is important that nature conservation designations are not adversely impacted by oil or gas developments. In relation to nature conservation designations, a judgement will be made by the MPA on whether the merits of the proposal outweighs any likely environmental damage to the designated area.
- 6.71 It will be important that any oil or gas proposal which impacts the noted designations includes details of appropriate mitigation or compensation measures which will be required to protect biodiversity impacts. These measures should address the purposes of the designations of the affected areas.
- 6.72 Proposals should include details of the nature and duration of the proposed impacts as well as habitats surveys (where relevant) in their supporting information.
- 6.73 All oil or gas proposals which impact designated areas will need to consider why there is a need for the development, options and opportunities to locate the proposal outside of the designated areas and mitigation measures which can be employed to offset any impacts.
- 6.74 The design of the development will also be important to ensure the development fits into the surrounding area (see 'Design of oil and gas developments'). Restoration of the site will also be an important consideration for any proposal, at any phase (see 'Restoration and aftercare of oil and gas sites') for development located within or in proximity to sites designated for nature conservation.

### Oil and gas sites in areas of landscape designation and countryside

- 6.75 Hampshire contains two National Parks. The New Forest National Park is covered by this SPD. The part of Hampshire located within the South Downs National Park is not covered by this SPD.
- 6.76 In addition, Hampshire has three Areas of Outstanding Natural Beauty located at North Wessex Downs, Cranborne Chase and West Wiltshire Downs, and Chichester Harbour.
- 6.77 Hampshire also benefits from extensive countryside outside of the designated areas which is also important and highly valued.
- 6.78 Oil and gas development, although temporary, can have an impact on the local and wider landscape. Landscape impacts are likely to be greater at the production stage compared to other stages due to the length of time infrastructure is likely to be in place.
- 6.79 Any proposal for oil and gas development will need to take into account the provisions of Policies 4 (*Protection of landscape designations*) and 5 (*Protection of the countryside*) of the Plan which relate to the protection of designated landscapes and the countryside. Proposals will need to consider how the development will impact any of the designations noted in the policy.
- 6.80 Oil and gas developments should not have an unacceptable visual or noise impact. Proposals should maintain and enhance the character of the local landscape or townscape, where appropriate.
- 6.81 Proposals should include details of the nature and duration of the proposed impacts.
- 6.82 Oil or gas developments could affect access to public rights of way, open spaces or outdoor recreation, whilst the development is in progress. Development could also affect routes favoured by cyclists, equestrians and walkers. Oil and gas development should not negatively affect these features to an unacceptable degree. It is standard practice for such routes to be diverted if they are impacted by a development. In such instances, it is expected that rights of way will be replaced, diverted or equivalent alternative routes be provided.



- 6.83 The design and operation of the development will also be important in ensuring it fits into the surrounding area (see 'Design of oil and gas developments'). Developments should effectively mitigate any landscape or visual impacts, appropriate to the character and nature of its location. Details of mitigation measures to protect the landscape in proximity to a proposal will need to be included within a planning application. This may include screening, buffer zones or locating infrastructure underground. Consideration should be given to opportunities for screening to be provided in advance of the main development taking place. In such instances, it will be important to ensure that enough time is planned to allow natural screening to grow to provide a sufficient height and density to be effective.
- 6.84 Restoration of the site will also be an important consideration in any oil or gas proposal, at any phase (see 'Restoration and aftercare of oil and gas sites') located within or outside of the designated areas in Hampshire.

### ***Designated areas***

- 6.85 National planning policy<sup>70</sup> attaches great weight to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The NPPF clearly states that major developments (including oil and gas developments) within designated areas should be refused planning permission except in exceptional circumstances and where it can be demonstrated they are in the public interest.
- 6.86 Policy 4 of the Plan states that developments will not be permitted in Hampshire's National Parks or Areas of Outstanding Natural Beauty except in exceptional circumstances. Exceptional circumstances may include where there are no other suitable locations (outside of designated areas) which can offer an alternative to extraction within the designated areas. The policy sets out matters which will need to be considered when considering such applications.
- 6.87 All proposals which impact the designated areas will need to demonstrate why there is a need for the development to be located in the designated area, options and opportunities were taken to locate the proposal outside of the designated areas and what mitigation measures will be employed to offset any impacts.
- 6.88 Applicants should look to agree a programme of work with the MPA as part of the planning application which takes account, as far as is practicable, the potential impacts on local landscape designations and operational considerations over the expected duration of operations.

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70. National Planning Policy Framework, paragraphs 115-116 (DCLG, 2012): [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

6.89 How a proposal may impact tranquillity is an important consideration, especially within designated areas. Tranquillity is one of the special qualities of the New Forest National Park. The National Park Authority has recently conducted a mapping exercise which maps tranquil areas. This will need to be taken into account when considering planning applications in the national park area. Where development may be proposed outside of the boundaries of the New Forest National Park but the development may have the potential to impact the National Park area, the park's neighbours and other statutory bodies are required by Section 62 of the Environment Act 1995<sup>71</sup> to have regard to the National Park purposes. Tranquillity is also an important issue in Hampshire's AONBs.

### **Countryside**

6.90 Where proposals are located in the countryside outside of designated areas, it is important that the special qualities of the countryside are protected. Proposals will need to consider how the development will respect its location and what measures are proposed to address any adverse impacts.

6.91 How a proposal may impact the tranquillity of the countryside is also an important consideration.

### **Oil and gas sites in Hampshire's Green Belt**

6.92 Oil and gas development, as a mineral development, is considered to be a temporary use. It is therefore not considered to be inappropriate in the Green Belt provided that it preserves the openness of the designation and does not conflict with the purpose of including the land within the Green Belt.

6.93 Hampshire has one Green Belt designated in the south west of the county. Any proposal for oil and gas development located in the South West Hampshire Green Belt will need to consider the provisions of *Policy 6 (South West Hampshire Green Belt)* of the HMWP.

6.94 Any proposal within the South West Hampshire Green Belt will need to demonstrate that it is an appropriate location for this type of facility. The proposal will need to demonstrate, as far as possible, that it can enhance the beneficial use of the Green Belt. The design, operation and restoration of the site will therefore be important considerations (see 'Design of oil and gas developments').

### **Oil and gas sites in areas of importance for the historic environment**

6.95 Hampshire has many areas and sites which are designated for their historic importance.

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71.Environment Act 1995, section 62: [www.legislation.gov.uk/ukpga/1995/25/section/62](http://www.legislation.gov.uk/ukpga/1995/25/section/62)

**The historic environment includes:**

1. **scheduled ancient monuments;**
2. **listed buildings;**
3. **conservation areas;**
4. **registered parks and gardens;**
5. **registered battlefields;**
6. **sites of archaeological importance.**

6.96 Any proposal for oil and gas development which may have an impact on the historic environment or assets will need to consider the provisions of Policy 7 (Conserving the historic environment and heritage assets) of the HMWP. It is important that the historic environment is not adversely impacted by oil and gas development. The setting of an asset will also be a key consideration.



6.97 Development should protect and wherever possible enhance the historic environment and heritage assets of both designated and non-designated sites including their setting.

6.98 The Hampshire Archaeology and Historic Buildings Record (HAHBR)<sup>72</sup> and the Hampshire Historic Landscape Character Assessment<sup>73</sup> may be of assistance to applicants when preparing planning applications in areas of historic environment

6.99 The design of the development will be important as it will need to take into account historic environment features if these are relevant to the proposal (see 'Design of oil and gas developments').

**Oil and gas development and the protection of soils**

6.100 Hampshire has rich and diverse soils. Any proposal for oil and gas development will need to consider the provisions of *Policy 8 (Protection of soils)* of the HMWP. Development should protect, and wherever possible, enhance soils. Soils potentially at risk from oil or gas development should be protected throughout the life of the development.



6.101 Any proposed development which may impact soils or best and most versatile agricultural land must demonstrate that appropriate measures are taken to ensure their protection during the construction, operation and restoration of sites. It will also be important for proposals to consider the potential impact on working surrounding agricultural land, where this is relevant.

72. Archaeology and Historic Buildings Record: [www3.hants.gov.uk/historic-buildings-register.htm](http://www3.hants.gov.uk/historic-buildings-register.htm)

73. Hampshire Historic Landscape Character Assessment: [www3.hants.gov.uk/historic-landscape.htm](http://www3.hants.gov.uk/historic-landscape.htm)

- 6.102 The UK Onshore Operators Group has produced guidelines for the consideration of soils during well construction<sup>74</sup>.
- 6.103 Details of the mud systems in use should be declared during the planning application stage and, where required, should be in accordance with the environmental permitting process (see [What other regulatory regimes or agencies may be involved or have an interest in the planning process? \[See page 45\]](#)).
- 6.104 The design of the development will be important in ensuring soils are effectively managed and protected (see 'Design of oil and gas developments').

#### **Restoration and aftercare of oil and gas sites**

- 6.105 Restoration of all oil and gas sites is a key consideration at the planning application stage. Any site will need to be restored following the completion of development. Restoration involves returning the land to an acceptable condition. Sites should either be restored to the former land use or to a new agreed beneficial use.
- 6.106 Any proposal for oil and gas development in Hampshire will need to consider the provisions of *Policy 9 (Restoration of quarries and waste sites)* of the HMWP.
- 6.107 Restoration should be in keeping with the character and setting of the local area. Proposals should show how restoration will contribute to local objectives for habitats, biodiversity and community uses. The restoration of sites could occur at any phase of development.
- 6.108 Once oil and gas development has been completed, and restoration and aftercare of land is been achieved, the land can take on many uses.

#### **Restoration may include:**

- **creation of new habitats and biodiversity;**
- **use for agriculture;**
- **use for forestry; and**
- **use for recreational activities.**

- 6.109 The most appropriate form of afteruse will be determined on a site-by-site basis following discussions between the operator and the relevant MPA.
- 6.110 As oil and gas development takes place over three stages, it may be appropriate to restore the site at the end of each stage, rather than allowing the operator to keep the site on hold before moving on to the next stage. This issue will be addressed on a case-by-case basis.
- 6.111 The design of the development will be important to the restoration of the site (see 'Design of oil and gas developments').

74. UK Onshore Operators Group information on soils: [www.ukoog.org.uk/environment/water-and-soil](http://www.ukoog.org.uk/environment/water-and-soil)

6.112 The MPA will ensure the proper restoration and aftercare of a site through imposition of suitable planning conditions and, where necessary, through Section 106 Agreements (see [Planning obligations \[See page 53\]](#)). Any conditions attached to planning permissions related to restoration will be drafted in such a way that, even if the interest of the applicant applying for permission is subsequently disposed of, the requirements for restoration and aftercare should still be fulfilled (whether by a new operator, or in the case of default, by the land-owner).

**The exact planning conditions which relate to restoration will be framed with the intended after-use in mind, and will vary according to factors including the:**

- **characteristics of the individual site;**
- **intended after-use;**
- **type of resource to be worked;**
- **method of working;**
- **timescale of the working;**
- **general character of the area; and**
- **planning policies for the area.**

6.113 A financial guarantee to cover restoration and aftercare costs will normally only be implemented in exceptional cases. Such cases include:

- very long-term new projects where progressive reclamation is not practicable and where incremental payments into a secure fund may be made at appropriate stages in the development of site operations; and
- where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not sufficient to justify refusal of planning permission.

6.114 The successful completion of the restoration of the site will be subject to monitoring and enforcement to ensure compliance with any planning permissions granted. More information on monitoring can be found in the [Monitoring and enforcement of permitted onshore oil and gas developments \[See page 55\]](#).

6.115 Where a minerals operator is contributing to an established mutual funding scheme (outside of any planning permissions granted), it is not necessary for a MPA to seek a guarantee against possible financial failure, even in exceptional circumstances. The MPA will seek to meet any justified and reasonable concerns about financial liabilities relating to the restoration of the site through agreeing a planning obligation or voluntary agreement before planning permission is granted.

## Maintaining Hampshire's communities

### Protecting health, safety amenity impacts from oil or gas developments

- 6.116 Oil and gas development should not result in or give rise to unacceptable amenity impacts. All proposals will need to consider the provisions of *Policy 10 (Protection of public health, safety and amenity)* of the HMWP. Many of the criteria under *Policy 10* will be fulfilled by oil and gas operators adopting appropriate management systems such as International Standards Organisation controls and other operational controls at their sites.
- 6.117 The NPPF<sup>75</sup> and the NPPG<sup>76</sup> set out what constitutes a material planning consideration. This includes ensuring that new development is appropriate for its location *'taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution'*.
- 6.118 Oil and gas operators should agree a programme of work as part of the planning application process, with the relevant MPA which:
- reduces the potential impacts on the local community; and
  - maintains an appropriate separation from occupied properties and sensitive receptors.
- 6.119 High operating standards, sensitive working practices and site management are essential for all oil or gas developments to minimise the harm to local communities and the environment.
- 6.120 Proposals will need to set out the investigation work carried out as part of preparing the proposals, as well as any proposed mitigation and monitoring measures.
- 6.121 National planning guidance<sup>77</sup> indicates that there *'is no standard minimum separation distance for proposals for hydrocarbon extraction. Any proposed separation distance should be effective, properly justified but reasonable'* and sets out issues to be taken into account when coming to this approach. Further guidance is provided on above ground distances between oil and gas developments and nearby sensitive receptors which is dependent on specific circumstances, site specific assessments and other forms of mitigation measures.
- 6.122 The adopted HMWP states that it is standard practice for operational mineral extraction sites to have a minimum buffer of 100 metres, where appropriate, from the nearest sensitive receptors, though this distance will be reviewed on a case-by-case basis.

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75. National Planning Policy Framework: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

76. National Planning Practice Guidance: <http://planningguidance.planningportal.gov.uk/>

77. National Planning Practice Guidance: <http://planningguidance.planningportal.gov.uk/>



- 6.123 In some instances, appropriate standards of the control (e.g. for emissions and protecting water resources) are set by other agencies. Often these standards are based on national legislation, policy and guidance. Oil and gas developments should meet these standards. These agencies include:
- the Environment Agency as part of its responsibility for protecting and improving the environment and as the regulatory body for issuing Environmental Permits (see [Appendix 3: Role of the Environment Agency \[See page 72\]](#)); as well as
  - local Environmental Health Officers at district and borough councils.
- 6.124 The MPA will use appropriate planning conditions, having regard to issues for which they have responsibility, to mitigate any adverse impacts on the local community's health, safety and amenity. Mitigation could involve screening the apparatus or locating infrastructure underground.
- 6.125 The design of an oil or gas site will be an important element of addressing many of the issues noted (see 'Design of oil and gas developments').

### ***Dust and emissions***

- 6.126 Oil and gas development should not cause unacceptable dust or release emissions to the atmosphere, land or water (subject to appropriate standards). The issue of emissions must be taken into account in any oil or gas proposal.
- 6.127 The issue of flaring is also an important consideration. Proposals should include details of how the sequential approach has been applied in determining the management of gas during the development. Utilisation of gas is the preferred option and this may necessitate connection to the grid. In such instances, proposals should include information on the connection route. Where utilisation is not a viable option, flaring may be required. Proposals in these instances should therefore include information on the method and flaring infrastructure required. In the event that gas sites are located in proximity to each other, operators are encouraged to work together to ensure efficient provision of gas collection.

### ***Health***

- 6.128 Oil and gas development should not have an unacceptable impact on human health and this is clearly addressed in *Policy 10 (Protection of public health, safety and amenity)*.
- 6.129 Applicants should expect to submit a Health Impact Assessment as part of any planning application for unconventional oil or gas development.
- 6.130 The location of public strategic infrastructure such as water, electricity and gas networks may also restrict oil or gas developments in some instances. Where proposals are likely to impact such infrastructure, the planning application should consider how impacts can be mitigated.

**Noise**

- 6.131 Oil and gas development should not cause unacceptable noise. It is important that any noise generated from oil or gas developments is appropriately minimised and managed to ensure there is not an unacceptable impact on habitats, landscapes and local communities. Noise mitigation may include noise management, screening of sites and other mitigation measures.

**Lighting**

- 6.132 There may be the potential for lighting issues during each phase of oil or gas development, from facilities and flaring, subject to the design of the development. These are likely to be similar to lighting issues caused by other industrial developments and without appropriate mitigation may have an amenity impact on nearby properties, habitats and the natural environment. Proposals should include measures to mitigate any lighting impacts including minimising light sources. In line with government guidance, details of proposed lighting, including siting, height, design and position of floodlights should be submitted to the relevant MPA as part of the planning process.

**Visual impact**

- 6.133 Oil and gas development should not have an unacceptable visual impact (see 'Protection of designated areas and the countryside' and 'Countryside'). Developers should demonstrate what measures they have put in place to minimise the visual impact of development, particularly in sensitive or designated areas.

**Aerodrome safeguarding**

- 6.134 Oil and gas development should not endanger aircraft from bird strikes and structures.
- 6.135 Bird-strike zones around aerodromes cover significant parts of Hampshire.
- 6.136 Locating sites within these zones may impact oil and gas development in a number of ways, including:
- operation;
  - types of infrastructure;
  - working,
  - restoration and after use of sites.
- 6.137 Other hazard zones, such as those around military installations, chemical plants and storage areas for dangerous substances, cover some areas of Hampshire and can also restrict certain types of development at those locations.
- 6.138 Applicants will need to take into account the height of rigs and other associated infrastructure, as well as levels of illumination if development is located within a safeguarding zone.

**Subsidence**

6.139 Oil and gas development should not cause an unacceptable impact on subsidence.

**Seismicity**

6.140 Safeguards are in place to mitigate the risks of seismic activity<sup>78</sup>. These safeguards include a 'Traffic Light' system to address concerns and monitor seismicity during hydraulic fracturing operations<sup>79</sup>.

6.141 The MPA will consult the OGA on the issue of potential seismic impacts. The MPA will take into account the advice of the OGA in coming to a decision on the potential impacts associated with any proposal.

**Migration of contaminants (including the use of chemicals)**

6.142 The use of chemicals during oil and gas development is tightly controlled in the UK. All chemicals need to be authorised by the Environment Agency and should be disclosed.

6.143 Well design and barrier planning is subject to detailed guidance as set out in Oil and Gas UK's Well Integrity guidelines<sup>80</sup>, particularly in regard to the installation and testing of barriers to prevent leaching of chemicals into nearby soil.

**Waste disposal**

6.144 It is likely that each stage of oil and gas development will generate some form of waste which will require management or disposal. Waste generated may include:

- drill cuttings from drilling activities; and
- flowback water.

6.145 Any proposal for oil and gas development will need to ensure it has adequately considered the management of waste, as required.

6.146 Waste disposal issues will be considered by the Environment Agency through Environmental Permitting.

6.147 Some of the wastes generated during oil and gas development will require disposal (e.g. to landfill). This may include drill cuttings.

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78. Written Ministerial Statement by Edward Davey: Exploration for Shale Gas

79. Traffic Light Monitoring System: [www.gov.uk/government/publications/traffic-light-monitoring-system-shale-gas-and-fracking](http://www.gov.uk/government/publications/traffic-light-monitoring-system-shale-gas-and-fracking)

80. Oil and gas well integrity guidelines (Oil and Gas UK, 2012): <http://oilandgasuk.co.uk/product/well-integrity-guidelines-issue-1-july-2012/>

- 6.148 Oil and gas extraction can produce mining wastes which need to be effectively managed. This is set out in the European Mining Waste Directive<sup>81</sup> which aims to reduce as far as possible any adverse effects on the environment, as well as any resultant risk to human health from the management of waste from the extractive industries. Almost all of the Directive is transposed in the UK through the Environmental Permitting (England and Wales) Regulations 2010<sup>82</sup> which are regulated by the Environment Agency.
- 6.149 Muds associated with drilling operations will be made up of various chemicals. The Environment Agency provides more information on drilling muds<sup>83</sup>.
- 6.150 Flowback water will be collected and contained in closed tanks. This water will then need to be discharged to the sewer system, if acceptable or transported to a waste water treatment works. Flowback water may contain Naturally Occurring Radioactive Materials (NORM) at low levels. Procedures for the management of NORM are well established in the United Kingdom. These will include pre-treatment prior to conventional water treatments.

***Protection of water and water resources (including flood risk)***

- 6.151 Hampshire's groundwater is of great importance for drinking supplies and nature conservation designations. The county is reliant on groundwater for its potable supplies. It is expected that all necessary measures will be taken to protect water resources. The need to protect water resources is given further weight by the Water Framework Directive<sup>84</sup> which is designed to preserve, restore and improve the water environment.
- 6.152 Oil and gas development should not have an unacceptable impact on coastal, surface or groundwaters. It should not result in increased flood risk to the area in which it is located or up or downstream from its location. Any proposal which impacts a flood risk area will need to take into account the provisions of policies 11 (*Flood risk*) and 10 (*Protection of public health, safety and amenity*) of the HMWP in relation to impact on water resources.
- 6.153 The Environment Agency protects water resources and therefore has a key role to play in the regulation of oil and gas development in relation to the water environment. It is advisable that applicants discuss proposals for the protection of ground and surface waters with the Environment Agency and the relevant water company in advance of any planning application being submitted.

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81. European Mining Waste Directive <http://ec.europa.eu/environment/waste/mining/>

82. Environmental Permitting (England and Wales) Regulations 2010

83. Environment Agency guidance: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384623/LIT\\_10064.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384623/LIT_10064.pdf) / [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384624/LIT\\_10065.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384624/LIT_10065.pdf)

84. Water Framework Directive: [http://ec.europa.eu/environment/water/water-framework/index\\_en.html](http://ec.europa.eu/environment/water/water-framework/index_en.html)

- 6.154 Proposals should include information on the likely amount of water required and the potential impacts on locally available water resources<sup>85</sup>. This will be particularly important where proposals include hydraulic fracturing. When proposing a site for unconventional oil or gas development, applicants must ensure that there is sufficient water and infrastructure for their operations. It may be necessary to apply for an abstraction license from the Environment Agency and to consult the relevant water company. The MPA will also seek the views of the relevant water company when oil and gas proposals are submitted in their areas.
- 6.155 All proposals should include detailed investigations into the potential impact associated with the proposed development on ground water and surface water courses. This should include a comprehensive risk assessment to determine the potential impact on ground and surface waters.
- 6.156 It is highly unlikely that the Environment Agency would permit oil and gas development in Source Protection Zone 1 and 1 C.
- 6.157 Potential impacts on water resources should be designed out of a proposal at the earliest possible stage. Mitigation measures should only be applied to any residual impacts.
- 6.158 The MPA will consult the Environment Agency and will take into account the advice provided by the agency in coming to a conclusion on the potential impact on water resources. The Environment Agency sets out clear Groundwater Protection Policy and Guidance<sup>86</sup>.
- 6.159 Where development proceeds, the Environment Agency will expect the application of best available techniques to protect groundwater where any associated drilling or operation of the boreholes passes through a groundwater resource.
- 6.160 Waste water following the extraction process (for both conventional and unconventional) returns to the surface following its use. This requires management, treatment and disposal. Proposals will need to include information on the measures to be put in place for the appropriate management of waste water as well as fuels and oils.
- 6.161 In the event that oil or gas sites are located in proximity to each other, operators are encouraged to work together to ensure the efficient provision of water treatment infrastructure, as appropriate, in order to reduce cumulative impacts.
- 6.162 In relation to flood risk, oil and gas proposals should incorporate flood protection, resilience and resistance measures if these are required on site. Development should also not result in an increase in surface water run-off. In some instances, it may be appropriate for oil and gas developments to be accompanied by sustainable drainage systems. All built infrastructure should also have site drainage systems as part of their design.



85.Environment Agency guidance: <https://consult.environment-agency.gov.uk/file/2582905>

86.Environment Agency Groundwater Protection Guidance: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297347/LIT\\_7660\\_9a3742.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297347/LIT_7660_9a3742.pdf)

- 6.163 Applicants should expect to submit a Flood Risk Assessment where a site is located in a Flood Risk Zones 2 and 3 or if the development is over 1 hectare in size.
- 6.164 Surface water run-off needs to be carefully managed and controlled at oil and gas sites. The management, maintenance, monitoring procedures and risks will need to be carefully considered at the pre-application stage and will need to form part of the overall waste management plan for the site.
- 6.165 Water companies will be a consultee for oil and gas proposals within their catchment within the HCC administrative area<sup>87</sup>.

### ***Public strategic infrastructure***

- 6.166 Oil and gas development should not have an unacceptable impact on public infrastructure. Public infrastructure may include water, electricity and gas networks as well as petroleum and other infrastructure pipelines. The location of such infrastructure may restrict development in some instances.

### ***Cumulative impacts associated with oil or gas development***

- 6.167 Oil and gas development should not cause an unacceptable cumulative impact arising from the interactions between minerals and waste developments, and between mineral, waste and other forms of development in the locality. The potential cumulative impacts of oil and gas developments and the way they relate to existing developments must be addressed to an acceptable standard as part of a planning application.

**Cumulative impacts may relate to a number of the issues, some of which have been highlighted within this section such as:**

- **dust;**
- **noise;**
- **health and safety;**
- **lighting;**
- **water resources;**
- **public safety;**
- **visual impact;**
- **land stability; and**
- **seismicity etc.**

- 6.168 Oil and gas proposals should consider their:

- interaction with other existing developments in the area such as housing;
- impacts on existing surrounding uses and planned development.

- 6.169 It is unlikely that cumulative impact will be a significant issue at the exploration phase of development, regardless of how close individual well pads are to each other, due to the nature of the activity and the short time it takes to complete this phase.

<sup>87</sup> Hampshire County Council will consult all water companies where an oil or gas proposal will impact their catchment area. This is in line with the provisions of the adopted Hampshire Statement of Community Involvement (2014)

- 6.170 There could also be circumstances where two or more planning applications could be considered together.

#### **Oil and gas development and managing associated transport**

- 6.171 It is essential that all oil and gas developments have a safe and suitable access onto the highway network and, where possible, minimise the impacts of its generated traffic through the use of alternative methods of transport. Alternative methods of transport may include rail and the use of pipelines which are already used to move oil resources in Hampshire.
- 6.172 Any proposal will need to consider the provision of *Policy 12 (Managing traffic)* of the HMWP. Oil and gas development will be required to minimise the impact of traffic, wherever possible, and demonstrate how any impacts on highway safety, pedestrian safety, and highway capacity will be mitigated. Highway improvements will be required to mitigate any significant adverse effects in these areas.
- 6.173 Where an oil or gas site is served by roads that would otherwise be unsuitable for access, improvements will need to be made as part of the development. It may be necessary to agree the route that vehicles will use as part of the planning permission.

#### **Design of oil or gas developments**

- 6.174 It is essential that all oil and gas proposals should be of the highest quality design. Any proposal will need to consider the provisions of *Policy 13 (High quality design and operation of minerals and waste development)* of the HMWP.
- 6.175 The sustainable design and operation of oil and gas development is critical in ensuring potential impacts are reduced or avoided.
- 6.176 Many of the aspects highlighted earlier in this section will relate to the design of the overall development in one way or another.
- 6.177 Potential impacts on the environment and communities should be designed out of a proposal at the earliest possible stage. Mitigation measures should only be applied to any residual impacts which cannot be addressed through the design of the development.

### **Supporting Hampshire's economy**

#### **Oil and gas development**

- 6.178 *Policy 24 (Oil and gas development)* will be used to judge all oil and gas proposals which are received in Hampshire. Planning permission is required for each phase of oil or gas development. The policy includes criteria for the different phases.

#### **Economic impact of oil or gas developments**

- 6.179 An Environmental Statement (see [Preparing a planning application \[See page 17\]](#)) for an oil or gas proposal will consider the issue of economic need for a proposal on a national, regional and local scale.

6.180 The HMWP does not include any policies which directly relate to the potential economic impact or benefits associated with development, with the exception of community benefits. Where this issue is of importance, the MPA will therefore rely on the policies and direction of the NPPF<sup>88</sup>, as appropriate. The NPPF specifically states that when determining planning applications, local planning authorities should give great weight to the benefits of mineral extraction, including to the economy<sup>89</sup>.

### What other regulatory regimes or agencies may be involved or have an interest in the planning process for oil or gas developments?

6.181 An applicant will also need to go through a number of other regulatory processes before development can commence, aside from gaining planning permission. The following diagram highlights these processes.

Figure 10: What other measures need to be addressed before oil or gas development can commence?



Source: Author - Hampshire Authorities, 2015

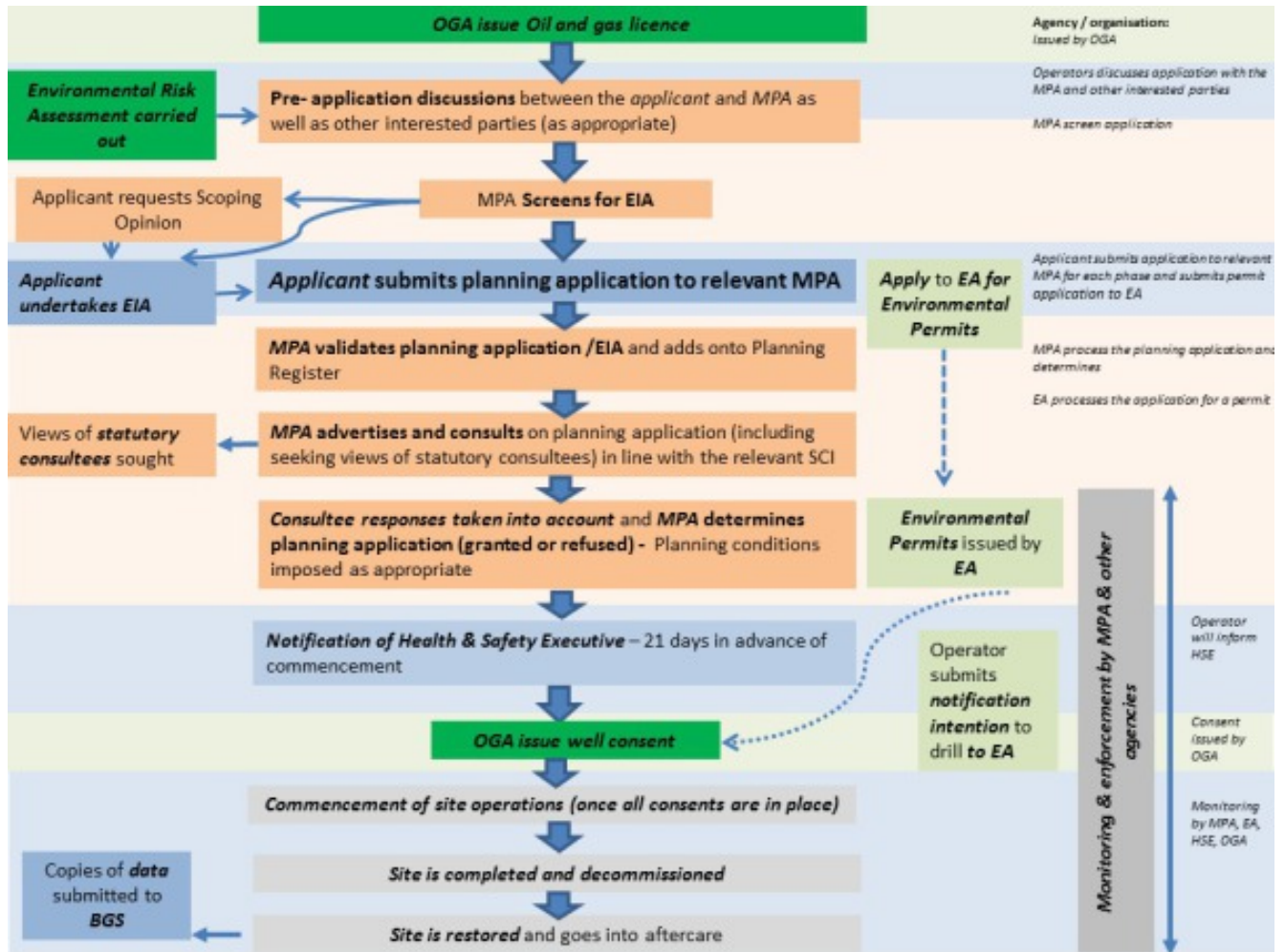
6.182 The following diagram highlights how the planning and regulatory system are separate but complementary.

88. National Planning Policy Framework: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

89. National Planning Policy Framework, paragraph 144: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)



Figure 11: How the planning system links to the regulation system for each phase of oil or gas development



Source: Author - Hampshire Authorities, 2015

Oil and gas operations, as with other industrial activities, are regulated under a number of different regimes and are one of the most tightly regulated business sectors. These regimes are separate but complementary to the planning system. Therefore, some issues of importance to the planning process may be covered by other regulatory regimes. This is highlighted in the diagram on the outline process located in [Planning for oil and gas development](#). Agencies such as the Oil and Gas Authority, the Environment Agency and the Health and Safety Executive all have a role to play in the regulation of the oil and gas industry, with responsibilities to ensure that the extraction of oil and gas (both conventional and unconventional) is conducted in a manner that the risks to people and the environment are properly managed and controlled.

- 6.183 [Appendix 2: Role of the Oil and Gas Authority \[See page 70\]](#), [Appendix 3: Role of the Environment Agency \[See page 72\]](#) and [Appendix 4: Role of the Health and Safety Executive \[See page 74\]](#) provide more information on the role of the other agencies and interested parties which link to the planning process and have an interest in oil and gas development in Hampshire.
- 6.184 The MPAs will assume that these regimes will operate effectively when determining planning applications. Whilst matters which will be addressed by the other regulatory bodies may be put before MPAs as part of the planning process, the MPAs will not carry out their own assessment as they will rely on the assessment of the other relevant regulatory bodies. However, before granting planning permission the MPAs will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body. The MPA will use this information to make a judgement on potential impacts and to make a decision on whether planning permission should be granted and what conditions should be applied.
- 6.185 [Appendix 5: Role of other agencies \[See page 77\]](#) provides information on a number of other organisations who may also be consulted on planning applications for conventional or unconventional oil and gas development or have an interest in development in Hampshire. These may include Natural England, the British Geological Survey, Hazardous Substance Authorities, Historic England and water companies. There may be additional consents and orders which must be obtained, such as diverting or altering rights of way or temporary road orders.

### Why is community engagement important to the planning process?

- 6.186 Public consultation will form an important part of every oil or gas planning application in Hampshire. Following submission of a planning application, the local community and other interested parties in the location of the proposal will be consulted. The views of interested parties and the local communities will be taken into account when coming to a decision.
- 6.187 Hampshire County Council's Statement of Community Involvement (SCI)<sup>90</sup> sets out the parameters for consultation on any minerals or waste planning application submitted for consideration within the HCC administrative area. The SCI sets out the minimum requirements for publicising planning applications received by the County Council.
- 6.188 Portsmouth City Council<sup>91</sup>, Southampton City Council<sup>92</sup> and the New Forest National Park Authority<sup>93</sup> have their own SCIs which would be complied with if a proposal were to be received for oil and gas development within their administrative areas.

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90. Hampshire Statement of Community Involvement: <http://documents.hants.gov.uk/HampshireSCIAdoptedFinalMay2014.pdf>

91. Portsmouth Statement of Community Involvement: [www.portsmouth.gov.uk/ext/development-and-planning/planning/statement-of-community-involvement.aspx](http://www.portsmouth.gov.uk/ext/development-and-planning/planning/statement-of-community-involvement.aspx)

92. Southampton Statement of Community Involvement: [www.southampton.gov.uk/modernGov/mgIssueHistoryHome.aspx?IId=10117](http://www.southampton.gov.uk/modernGov/mgIssueHistoryHome.aspx?IId=10117)

93. New Forest National Park Statement of Community Involvement: [www.newforestnpa.gov.uk/info/20040/planning\\_policy/106/community\\_involvement](http://www.newforestnpa.gov.uk/info/20040/planning_policy/106/community_involvement)

- 6.189 In the event that a proposal impacts on an area outside of the determining Hampshire Authority's administrative area, adjacent areas will be consulted in line with the provisions of the relevant SCI. In terms of the New Forest National Park, the park's neighbours and other statutory bodies are required by Section 62 of the Environment Act 1995<sup>94</sup> to have regard to the National Park purposes.
- 6.190 For shale gas development, the industry's own Charter sets out that communities must be engaged from the very start of any planning application process.
- 6.191 The Office for Unconventional Gas and Oil<sup>95</sup> has also made it a priority to help people understand the facts about shale gas development, including supporting local authorities' engagement with their communities to help resolve any issues.
- 6.192 When determining planning applications, responses received as part of the public consultation, will be taken into account, as appropriate. Summary of the responses received will be documented in any decision report produced by the MPA (see [Why is community engagement important to the planning process? \[See page 47\]](#)).
- 6.193 Interested parties have an opportunity to request to make a representation on an oil and gas proposal when the proposal is being considered at the planning committee of the relevant Hampshire Authority. Each of the Hampshire Authorities have their own procedures in place for this and these are documented in the SCIs (see above).
- 6.194 The Hampshire Authorities encourage the formation of site liaison panels to ensure that local communities can examine oil or gas proposals and engage with other interested parties. A number of Hampshire's existing oil fields have established liaison panels. Liaison Panels are useful throughout the planning process. Relevant water companies should be invited to take part in liaison panels where a site is located within 1 km of a SPZ (including sub-surface SPZs).

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94.Environment Act 1995, section 62 [www.legislation.gov.uk/ukpga/1995/25/section/62](http://www.legislation.gov.uk/ukpga/1995/25/section/62)

95.Office for Unconventional Gas and Oil: [www.gov.uk/government/policy-teams/office-of-unconventional-gas-and-oil-ougo](http://www.gov.uk/government/policy-teams/office-of-unconventional-gas-and-oil-ougo)

## 7. How will decision making take place for oil or gas developments in Hampshire?

- 7.1 Planning applications for any phase of oil or gas development will be considered on a proposal's individual merits. The Hampshire Authorities will use the relevant adopted policies set out in the Hampshire Minerals & Waste Plan to determine any proposal for development (see [Compliance with Hampshire's planning policy \[See page 27\]](#)). The Hampshire Authorities will also refer to the national planning policies, as appropriate, in particular with regard to the demand for hydrocarbons and national energy policy<sup>96</sup>.
- 7.2 *Policy 1 (Sustainable minerals and waste development)* of the adopted Hampshire Minerals & Waste Plan sets out the presumption in favour of sustainable minerals or waste development. All other relevant policies in the Plan will be taken into account (see [What issues which will need to be considered as part of any planning application? \[See page 26\]](#)) when coming to a decision.
- 7.3 To ensure that timescales are met, it is important that planning applications, when submitted, are accompanied by sufficient information to allow for the full consideration of any environmental impacts and proposed mitigation measures.
- 7.4 Pollution control and health and safety requirements, some of which will be regulated by other consents and permits (see [What other regulatory regimes or agencies may be involved or have an interest in the planning process? \[See page 45\]](#)) for an oil or gas proposal will be the same, regardless of the phase of the development. Before granting planning permission, the MPA will need to be satisfied that the issues can or will be adequately addressed. The MPA will use the information provided by the regulator to make a judgement on potential impacts and come to a decision on whether planning permission should be granted.

### When determining planning applications the MPA will have regard to the following:

- the fact that previous phases of development may have taken place on a particular site is likely to be material in determining the suitability of continuing to use that site only insofar as it establishes the presence of hydrocarbon resources. Production will only be acceptable where any adverse impacts can be sufficiently mitigated;
- safeguards which are proposed to protect the environment and local communities, in line with the policies of the HMWP. These may include mitigation measures;
- responses received as part of the public consultation will be taken into account, as appropriate. The responses received will be documented in any decision report produced by the MPA;
- possible cumulative effects arising from any existing or approved phases of hydrocarbon extraction.

96. National Planning Policy Guidance: <http://planningguidance.planningportal.gov.uk/blog/guidance/minerals/planning-for-hydrocarbon-extraction/>

- 7.5 An MPA is required to determine planning applications for onshore oil or gas developments within the statutory timescales (from validation to decision) which are as follows:
- 13 weeks - all oil and gas planning applications; or
  - 16 weeks - applications for oil or gas development which are accompanied by an Environmental Statement; or
  - such a period as may be agreed with the applicant in accordance with a Planning Performance Agreement (see [Planning Performance Agreements \[See page 16\]](#)).
- 7.6 In the event that planning applications are not determined within the timescales set (and no extension has been agreed between the applicant and the MPA), the applicant can appeal to the Planning Inspectorate to determine the planning application on the grounds of non-determination.
- 7.7 The Secretary of State has the powers to call in any significant planning applications for his determination.
- 7.8 Any planning permission granted for oil or gas development will be accompanied by planning conditions (see [What conditions are likely to be attached to planning permissions? \[See page 51\]](#)) and potentially a Section 106 agreement where relevant (see [Planning obligations \[See page 53\]](#)). Community benefits packages may also be established which are associated with oil and gas developments but are outside of the planning process (see [Community benefits \[See page 57\]](#)).

## 8. What conditions are likely to be attached to planning permissions in Hampshire?

- 8.1 MPAs have powers to impose a planning condition when granting permission for development. The Hampshire Authorities will consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions or planning obligations (see [Planning obligations \[See page 53\]](#)) if conditions cannot be applied.
- 8.2 There are strict measures in place in legislation and guidance which determine in what instances planning conditions can be imposed<sup>97</sup>.

### In summary, a condition must be:

- **necessary;**
- **relevant to planning and;**
- **to the development to be permitted;**
- **enforceable;**
- **precise and;**
- **reasonable in all other respects.**

- 8.3 Further guidance is set out in the National Planning Practice Guidance<sup>98</sup>.
- 8.4 Conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission.

### Basic principles of conditions

- **The MPA will expect all information to be submitted up front so that it can be considered as part of the planning application process;**
- **No significant issue can be addressed through conditions once planning permission has been granted. There is an expectation that issues that require ongoing assessment (e.g. the submission of noise monitoring information) will be subject to a planning condition;**
- **It is unlikely that issues which relate to associated consents or permits granted by other regulators will be considered within a planning condition unless there is a specific request from that regulatory authority to do so. This includes areas such as seismicity and protection of water resources below ground level, the use of chemicals and waste management.**

97.Paragraph 203-206 of the National Planning Policy Framework (DCLG, 2012): [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60772/116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60772/116950.pdf)

98.National Planning Practice Guidance: <http://planningguidance.planningportal.gov.uk/blog/guidance/use-of-planning-conditions/what-approach-should-be-taken-to-imposing-conditions/>

- 8.5 Conditions applied to planning permissions will be specific to each individual oil or gas proposal and can cover a variety of issues. Examples of the types of matters conditions may cover for oil and gas development are included in [Appendix 6: Issues which may be addressed by planning conditions \[See page 78\]](#).

## 9. Planning obligations

- 9.1 Planning authorities are able to grant permission subject to planning obligations, as well as conditions, in order to bring development in line with the objectives of the development plan. Planning obligations can only be sought for improvements that are necessary to make the development acceptable in planning terms which cannot be secured by planning condition (see [What conditions are likely to be attached to planning permissions? \[See page 51\]](#)).

### Section 106 agreements

- 9.2 Agreements under section 106 (S106) of the Town and Country Planning Act 1990<sup>99</sup> can be used to secure planning obligations. It is the land itself that is bound by the agreement, rather than the landowner or applicant.

#### Section 106 agreements can be used to:

- prescribe the nature of development;
- compensate for loss or damage created by a development; or
- mitigate a development's impact.

- 9.3 It may be necessary for a S106 agreement to be entered into in respect of an oil or gas development in order to secure improvements necessary to make the development acceptable in planning terms. Typically such mitigation will be required off-site and therefore cannot be conditioned, such as ensuring HGVs do not use inappropriate roads to travel to the site or providing land off-site to mitigate the ecological impact of the development.

### Community Infrastructure Levy (CIL)

- 9.4 Financial contributions towards infrastructure provision are now governed by the Community Infrastructure Levy Regulations (CIL) 2010 (as amended)<sup>100</sup>. This allows the district, borough and unitary authorities to levy a charge on development in order to fund the infrastructure needed to support the local development plan.
- 9.5 CIL is not administered by County Councils. However the County Council has a responsibility to collect CIL on behalf of the local authority where appropriate.
- 9.6 CIL is not levied on buildings which people don't normally enter, or only enter to perform maintenance, and therefore the majority of oil and gas development would only be liable for CIL if ancillary buildings, such as offices in excess of 100sqm gross internal floor space are proposed.

99. Section 106 of the Town and Country Planning Act 1990: [www.legislation.gov.uk/ukpga/1990/8/contents](http://www.legislation.gov.uk/ukpga/1990/8/contents)

100. Community Infrastructure Levy Regulations 2014: [www.legislation.gov.uk/ukdsi/2014/9780111106761/contents](http://www.legislation.gov.uk/ukdsi/2014/9780111106761/contents)



- 9.7 The introduction of CIL has resulted in the restriction of the use of S106 agreements to secure infrastructure funding. Consequently contributions cannot be secured for infrastructure that is intended to be funded by CIL and is included on a list published by the local authority, known as a Regulation 123 list.
- 9.8 There should be no circumstances where a developer is paying CIL and S106 for the same infrastructure.

### **Section 278 agreements**

- 9.9 Improvements to the highway network may be required in order to facilitate safe access and egress into a site where oil or gas extraction is proposed, or to mitigate any formerly mentioned impacts that are identified. In order for the works to be implemented, an agreement is needed under section 278 of the Highways Act 1980<sup>101</sup> which gives permission for the applicant to carry out approved works on the highway on behalf of the local highway authority.

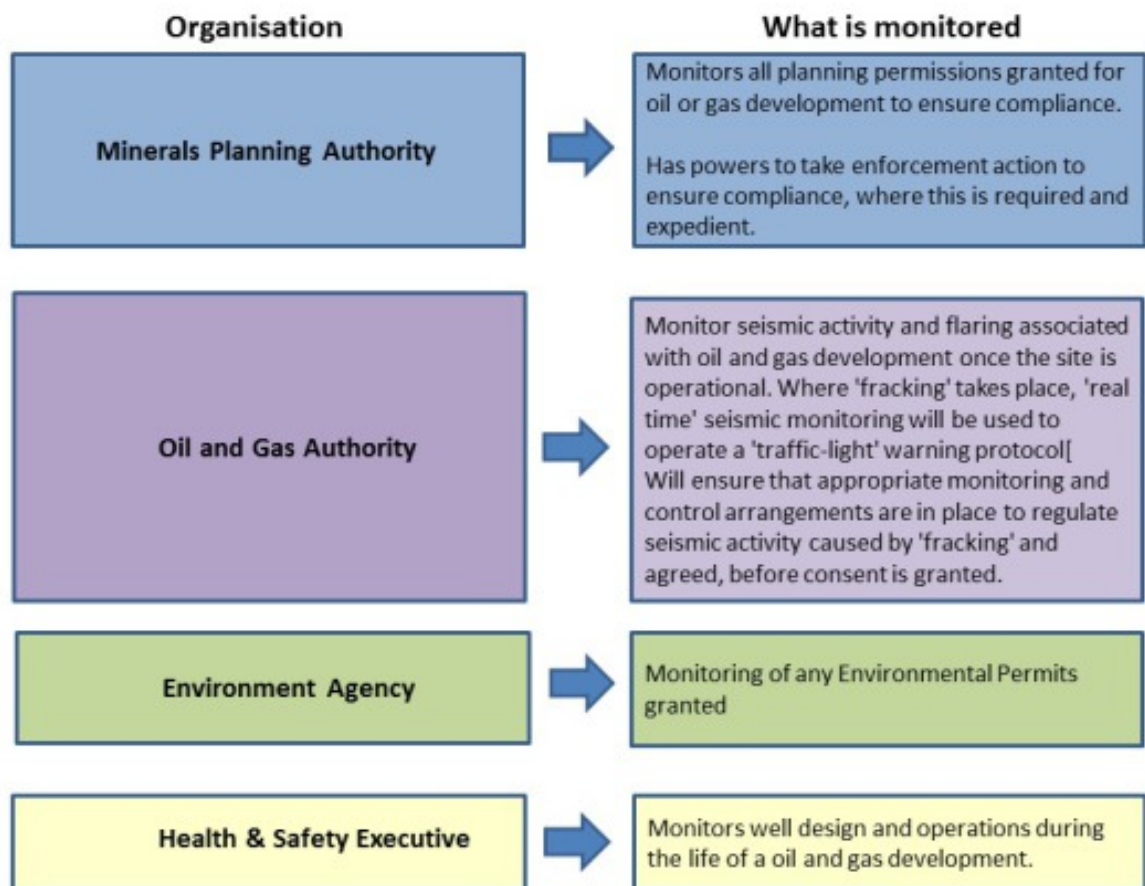
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101.Highways Act 1980: [www.legislation.gov.uk/ukpga/1980/66/section/278](http://www.legislation.gov.uk/ukpga/1980/66/section/278)

## 10. Monitoring and enforcement of oil and gas developments in Hampshire

10.1 There are a number of different organisations which will monitor oil or gas development once it has commenced. This helps to ensure that the developments are operating in a manner which is compliant with the associated planning permissions and consents. The following diagram highlights the monitoring of oil or gas developments undertaken by various different agencies.

Figure 12: **Monitoring of oil or gas developments**



Source: Author - Hampshire Authorities, 2015

## Monitoring by the Hampshire Authorities

- 10.2 If planning permission is granted for oil or gas development, the development will be required to operate within the conditions imposed through the grant of planning permission. Monitoring of planning permissions helps to ensure that all development is compliant with any planning permissions (and associated conditions or legal agreements). The frequency with which sites are visited will depend on the nature and scale of the development. If breaches are found to be taking place at existing sites, more visits will need to be undertaken.
- 10.3 HCC and the NFNPA actively monitor all oil and gas development in terms of compliance with the planning permission granted. This involves unannounced and regular site visits for the total life of the development i.e. from when the site is granted planning permission through to when the site has been fully restored and aftercare has been completed.
- 10.4 All of the Hampshire Authorities will investigate any breaches of planning control discovered or reported.
- 10.5 All of the Hampshire Authorities, as Minerals Planning Authorities, can charge for a maximum of eight site visits for monitoring mineral site operations within any 12 month period. This is in line with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2014<sup>102</sup>. Additional site visits may be undertaken but these will not be subject to a charge.
- 10.6 If required, all of the Hampshire Authorities have powers to take enforcement action to ensure compliance with planning permissions granted by that authority. Where a breach of planning control is identified, the relevant Hampshire Authority will take appropriate and proportionate action to address any breaches, where it is expedient to do so.
- 10.7 More information on enforcement is available on the relevant Hampshire Authority's website (HCC<sup>103</sup>, PCC<sup>104</sup>, SCC<sup>105</sup> and NFNPA<sup>106</sup>).

## Monitoring by other regulators

- 10.8 Monitoring will also be carried out by the other regulators which include the Environment Agency, Health and Safety Executive and the Oil and Gas Authority in line with their own monitoring procedures.

102. The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2014: [www.legislation.gov.uk/ukdsi/2014/9780111107485?view=plain](http://www.legislation.gov.uk/ukdsi/2014/9780111107485?view=plain)

103. HCC enforcement: [www3.hants.gov.uk/monitoring-and-enforcement-homepage-3.htm](http://www3.hants.gov.uk/monitoring-and-enforcement-homepage-3.htm)

104. Portsmouth City Council enforcement policy: [www.portsmouth.gov.uk/ext/community-and-environment/community/enforcement-policy.aspx](http://www.portsmouth.gov.uk/ext/community-and-environment/community/enforcement-policy.aspx)

105. Southampton City Council enforcement: [www.southampton.gov.uk/planning/planning-enforcement/](http://www.southampton.gov.uk/planning/planning-enforcement/)

106. New Forest National Park Authority enforcement: [www.newforestnpa.gov.uk/info/20041/enforcement](http://www.newforestnpa.gov.uk/info/20041/enforcement)

## 11. Community benefits

- 11.1 Minerals developments such as oil and gas can provide community benefits in their local 'host' areas. The Hampshire Authorities encourage the use of community benefits associated with oil and gas development. However, this provision lies outside of the planning process.

### Community benefits:

- **may result from the actual development, or through the restoration of the site; and**
- **can be used to address local issues.**

- 11.2 In Hampshire, community benefit funds associated with many mineral extraction and waste sites in Hampshire have already been used to fund local infrastructure improvements such as play areas and replacement village hall roofs.
- 11.3 Community benefits are not part of the planning process although *Policy 14 (Community benefits)* of the HMWP encourages such benefits as source of funding for local projects. It is important to note that community benefit schemes or packages will not be taken into account during the decision-making process for oil or gas developments or for any other minerals or waste development in Hampshire.
- 11.4 All members of the UK Oil Operators Group (UKOOG) have signed up to a community benefits scheme<sup>107</sup>. This commitment has been set out in the UKOOG Community Engagement Charter<sup>108</sup>.

107. UKOOG information on community benefits: [www.ukoog.org.uk/community/benefits](http://www.ukoog.org.uk/community/benefits)

108. Oil and Gas industry community charter: [www.ukoog.org.uk/community/charter](http://www.ukoog.org.uk/community/charter)

## Glossary and acronyms

**Aftercare:** Action necessary to bring restored land up to the required standard for an agreed after-use such as agriculture, forestry or amenity.

**After-use:** The use that land, used for minerals working or waste management, is put to after restoration.

**Amenity:** Something considered necessary to live comfortably.

**Appraisal:** An assessment of a proposal for the purposes of determining both its value, viability and deliverability taking into account the positive and negative impacts the development would have.

**Archaeology and Historic Buildings Record (AHBR):** This is the Historic Environment Record (HER) for Hampshire County Council. It is an index of the known archaeological sites and finds, historic buildings, designed and historic landscapes, parks and gardens and industrial monuments in the county. The unitary authorities of Southampton and Portsmouth and Winchester City Council maintain their own Historic Environment Records.

**Areas of Outstanding Natural Beauty (AONB):** Areas of countryside considered to have significant landscape value, and protected to preserve that value. Originally identified and designated by the Countryside Commission under Sections 87 and 88 of the National Parks and Access to the Countryside Act 1949. Natural England is now responsible for designating AONBs and advising Government and other organisations on their management and upkeep. AONBs are designated by the Countryside and Rights of Way Act 2000. The role and management of AONBs are set out in AONB Management Plans.

**Beneficial after-use:** In relation to *Policy 9 (Restoration of minerals and waste developments)* of the HMWP, beneficial after-uses are when following minerals or waste development, the land is returned back to a beneficial condition through restoration. Restoration involves effective planning to ensure that a sites end use (after-use) is in keeping with the character and local area and therefore is of benefit once it is restored. In relation to *Policy 20 (Local land-won aggregate)* of the HMWP, beneficial after-uses will include mineral extraction which takes place to facilitate another end use development.

**Best and most versatile agricultural land (BMV):** The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use in the planning system. It helps underpin the principles of sustainable development. The ALC system classifies land into five grades, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by Government policy guidance. This is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass.

**Bird strike:** Risk of aircraft collision with birds, which are often attracted to landfill sites containing organic waste.

**Bird Strike Zone:** An area identified where minerals and waste development may be impacted by its location. Landfill and mineral operations, including site working and restoration options, in these areas can be affected due to the need to keep birds away from aircraft flight paths.

**British Geological Survey (BGS):** The BGS is the world's oldest national geological survey and provides expert services and impartial advice in all areas of geoscience.

**Climate change:** The significant and lasting change in the distribution of weather patterns over periods ranging from decades to millions of years and the implications on the environment and community.

**Community benefits:** Minerals developments such as oil and gas can provide community benefits in their local 'host' areas which are outside of the planning process. In relation to *Policy 14 (Community benefits)* of the HMWP, negotiated agreements are agreements between minerals and waste developers and local communities as a source of funding for local benefits.

**Community Infrastructure Levy (CIL):** A charge which local authorities in England and Wales will be empowered, but not required, to charge on most types of new development in their area. CIL charges will be based on simple formulae which relate the size of the charge to the size and character of the development paying it. The proceeds of the levy will be spent on local and sub-regional infrastructure to support the development of the area.

**Conservation Areas:** Designated areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

**Conventional hydrocarbons (oil and gas):** Oil and gas where the reservoir is formed in sandstone or limestone.

**Countryside:** Areas that are not urbanised.

**Cumulative impact:** Impacts that accumulate over time, from one or more sources.

**Department for Communities and Local Government (DCLG):** The UK Government department for communities and local government in England.

**Department of Energy and Climate Change (DECC):** The UK Government department which works to make sure the UK has secure, clean, affordable energy supplies and promotes international adaptation and mitigation to climate change. The DECC issues licences for oil and gas development in the UK. DECC's responsibilities in relation to oil and gas are now within the jurisdiction of the Oil and Gas Authority (see Oil and Gas Authority).

**Department of Food and Rural Affairs (Defra):** The UK Government department responsible for environmental protection, food production and standards, agriculture, fisheries and rural communities.

**Emissions:** In the context of the HMWP, emissions are gases released into the atmosphere as a result of human activity. A prominent greenhouse gas is carbon dioxide which arises from the combustion of fossil fuel and consequently contributes to climate change.

**Enforcement:** Use of enforcement powers to ensure compliance with planning permissions granted or to regularise unauthorised development.

**Environment Agency (EA):** A public organisation with the responsibility for protecting and improving the environment in England and Wales. Its functions include the regulation of industrial processes, the maintenance of flood defences and water resources, water quality and the improvement of wildlife habitats.

**Environmental Impact Assessment (EIA):** Systematic investigation and assessment of the likely effects of a proposed development, to be taken into account in the decision-making process. The process is undertaken for a proposed development that would significantly affect the environment because of its siting, design, size or scale.

**Environmental Permit:** Anyone who proposes to deposit, recover or dispose of waste is required to have a permit. The permitting system is administered by the Environment Agency and is separate from, but complementary to, the land-use planning system. The purpose of a permit and the conditions attached to it are to ensure that the waste operation which it authorises is carried out in a way that protects the environment and human health.

**Environmental Risk Assessment (ERA):** An ERA is intended to provide a systematic and prioritised review of the environmental risks associated with the operations proposed, and a demonstration of the safe and environmentally responsible management of these operations.

**Equality Impact Assessment (EqIA):** A process designed to ensure that a policy, project or scheme does not discriminate against any disadvantaged or vulnerable people.

**Exploration:** The stage at which developers search potential areas for hydrocarbon (oil and gas) resources. This may involve exploratory drilling to locate oil for instance. Should resources be found, further permissions will be required in order to progress to the next stages of development – such as appraisal or production.

**Flood protection:** Protection of land / infrastructure etc from the impacts of flooding through mitigation measures such as coastal and flood water defences.

**Flood resilience:** Flood resilience can be defined in a number of ways; it may include the management of land and the development of flood defences to ensure that the risk of flooding is managed in a sustainable way.

**Flood risk:** Areas which have a flood risk have the potential to flood under certain weather conditions. Flood risk zones are determined by the Environment Agency. Areas at risk of flooding are categorised as follows:

- Flood Risk Zone 1: Low Probability;
- Flood Risk Zone 2: Medium Probability;
- Flood Risk Zone 3a: High Probability; and
- Flood Risk Zone 3b: Functional Floodplain.

**Flood Risk Zones (FRZ):** Defined geographical areas with different levels of flood risk. Flood risk zones are defined by the Environment Agency.

**Fracking:** See '*Hydraulic fracturing*'

**Gas:** Is a hydrocarbon (see '*Hydrocarbons*'). Gas is a non renewable resource.

**Green Belt:** An area designated in Local Plans, providing an area of permanent separation between urban areas. The main aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The most important quality of Green Belts is their openness. There is one Green Belt located in Hampshire, in the south west of the county.

**Greenhouse gas (GHG):** Gases resulting from various processes which, when emitted into the atmosphere, trap heat from the sun causing rises in global temperatures – a process often referred to as the greenhouse effect.

**Groundwater Source Protection Zones (GPZ):** Geographical areas, defined by the Environment Agency, used to protect sources of groundwater abstraction.

**Habitats Regulation Assessment (HRA):** Statutory requirement for Planning Authorities to assess the potential effects of land-use plans on designated European Sites in Great Britain. The Habitats Regulations Assessment is intended to assess the potential effects of a development plan on one or more European Sites (collectively termed 'Natura 2000' sites). The Natura 2000 sites comprise Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). SPAs are classified under the European Council Directive on the conservation of wild birds (79/409/EEC; Birds Directive) for the protection of wild birds and their habitats (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).

**Hampshire Authorities:** The Hampshire Authorities comprises Hampshire County Council, Southampton City Council, Portsmouth City Council and the New Forest National Park Authority who have worked in partnership to produce this SPD.

**Hampshire County Council (HCC):** The County Council that governs the county of Hampshire in England. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**Hampshire Minerals & Waste Plan (HMWP):** The Hampshire Authorities and the SDNPA adopted the Hampshire Minerals & Waste Plan (HMWP) on 15 October 2013. This Plan contains planning policy for minerals and waste development in Hampshire. It replaces the Hampshire Minerals and Waste Core Strategy and the saved policies of the Hampshire Minerals and Waste Local Plan 1998.

**Hazardous waste:** Waste that contains hazardous properties that may render it harmful to human health or the environment. Hazardous wastes are listed in the European Waste Catalogue (EWC).

**Health and Safety Executive (HSE):** The national independent watchdog for work-related health, safety and illness.

**Health Impact Assessments:** An assessment of the impacts of policies, plans and projects on health in diverse economic sectors using quantitative, qualitative and participatory techniques.

**Highways Authority:** The organisation responsible for the administration of public roads in a particular local area.



**Highways England:** Highways England (formerly the Highways Agency) is a government-owned company with responsibility for managing the core road network in England.

**Highway capacity:** In relation to *Policy 12 (Managing traffic)* of the HMWP, highway capacity is the capacity level set for the highway.

**Highway improvements:** In relation to *Policy 12 (Managing traffic)* of the HMWP, highway improvements are improvements to the highway, as a result of any minerals and waste development which is permitted and will potentially impact a particular section of the road. This issue is addressed at the planning application stage.

**Historic England:** A public body that looks after England's historic environment. Historic England was formerly part of English Heritage.

**Horizontal drilling:** Horizontal drilling is used to maximise the amount of oil or gas resources available for hydraulic fracturing. It is used for both conventional and unconventional extraction. Recent technological advancements have resulted in horizontal drilling which has made tapping into shale deposits financially viable. Horizontal drilling means it is possible to drill several laterals from one point on the surface (surface drilling pad).

**Hydraulic fracturing:** Hydraulic fracturing is a technique used in the extraction of oil or gas by injecting fluid at high pressure. The technique uses fluid, predominately water, which is pumped at high pressure into the rock to create narrow fractures. It opens and or extends existing narrow fractures or creates new ones in gas bearing rocks. This allows gas to flow into wellbores to be captured.

**Hydrocarbons:** Hydrocarbons comprise petroleum (oil and gas natural liquids) and gas which are fossil fuels that occur concentrated in nature as economic accumulations trapped in structures and reservoir rocks beneath the earth surface. They are principally valued as a source of energy.

**Integrated Sustainability Appraisal (ISA):** An appraisal process, which fulfils the statutory requirements of Sustainability Appraisal and Strategic Environmental Assessment (*See Sustainability Appraisal*).

**Interested party:** Any party expected to have a concern or interest in the proceedings of a particular minerals and waste development.

**Listed Buildings and Sites:** Buildings and sites protected under the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Local Validation List:** The additional information may be national requirements defined by Statutory Instruments or local requirements that the relevant Council need to validate and determine a planning application.

**Low carbon technologies:** These are a range of technologies developed to specifically reduce the amount of carbon dioxide (CO<sub>2</sub>) released into the atmosphere.

**Local Planning Authority (LPA):** The local authority or council that is empowered by law to exercise statutory development planning functions for a particular area of the UK. Where this document refers to 'local planning authority' this relates to Hampshire's districts and borough councils.

**Low-Level Radioactive Waste (LLW):** Low-Level Radioactive Waste (LLW) is the lowest activity category of radioactive waste. It is classified as waste containing radioactive materials other than those acceptable for disposal with ordinary refuse, but not exceeding 4GBq per tonne of alpha or 12 GBq per tonne of beta/gamma activity. Low-level wastes includes metals, soil, building rubble and organic materials, which arise principally as lightly contaminated miscellaneous scrap. Metals are mostly in the form of redundant equipment. Organic materials are mainly in the form of paper towels, clothing and laboratory equipment that have been used in areas where radioactive materials are used – such as hospitals, research establishments and industry. LLW contains radioactive materials other than those acceptable for disposal with municipal and general commercial or industrial waste. A sub-category of LLW is Very Low Level Waste (VLLW).

**Major development (except for Policy 4 – Protection of the designated landscape):** All mineral extractions, landfill and hazardous/low level radioactive facilities, as well as developments occupying at least one hectare of land and/or have a through put of 50,000 tonnes per annum.

**Material considerations:** A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Material considerations can include (but are not limited to); overlooking/loss of privacy, loss of light or overshadowing, parking, highway safety. Issues such as loss of view, or negative effect on the value of properties are not material considerations.

**Methane:** The main constituent of natural gas (a fossil fuel). It is found in naturally occurring gas field deposits within the ground, but can also be harvested as a by-product of anaerobic decomposition of organic materials by bacteria. Methane is used as fuel to generate heat and power, and when released into the atmosphere acts as a powerful greenhouse gas, and is much more potent than carbon dioxide.

**Minerals Planning Authority (MPA):** See '*Minerals and Waste Planning Authorities*'.

**Minerals and Waste Planning Authorities (MWPA):** The local planning authorities (County and Unitary Councils) responsible for minerals and waste planning. In Hampshire, Hampshire County Council, Portsmouth and Southampton City Councils, the New Forest National Park Authority and South Downs National Park Authority are minerals and waste planning authorities.

**Mitigation:** This is the process by which negative or harmful effects caused by a development are prevented or lessened by incorporating countermeasures into the design or operation.

**Monitoring:** Minerals and waste developments are monitored to ensure that they comply with the policies of the plan and planning conditions attached to their permissions. The Plan will also be subject to monitoring.

**National Park:** These are large areas of countryside which have been designated, and therefore protected by law in order to conserve their natural scenic beauty, wildlife and cultural heritage for future generations. There are two national parks in Hampshire. These are the New Forest National Park and the South Downs National Park. Each National Park is managed by its own National Park Authority.

**National Planning Policy Framework (NPPF):** Published in March 2012, the NPPF sets out the Government's planning policies for England and how these are expected to be applied.

**National Planning Practice Guidance (NPPG):** The NPPG sits alongside the NPPF, providing guidance on its application. It is a live document and is subject to updates as required.

**Natura 2000 sites:** Designated land including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) and Ramsar sites.

**Natural England:** Public body tasked with the conservation and improvement of the natural environment. Natural England designates Areas of Outstanding Natural Beauty and National Parks, manages National Nature Reserves and notifies Sites of Special Scientific Interest.

**New Forest National Park:** The New Forest National Park was created in March 2005. The National Park lies mainly in south-west Hampshire – from east of the Avon Valley to Southampton Water and from the Solent coast to the edge of the Wiltshire chalk downs.

**New Forest National Park Authority (NFNPA):** The New Forest National Park Authority took up its full powers in April 2006. Its purposes are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park, to promote opportunity for understanding and enjoyment of its special qualities and to seek to foster the social and economic well-being of local communities within the park. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**Offshore oil or gas:** Refers to drilling for oil and gas lying beneath the sea bed on the continental shelf.

**Onshore oil and gas:** Refers to an oil or gas extraction site located on dry land. Can be extracted through either conventional or unconventional methods.

**Oil:** Is a hydrocarbon (see '*Hydrocarbons*'). Oil is a non renewable resource.

**Oil and Gas Authority (OGA):** An Executive Agency of the DECC. The OGA now issue the licences for onshore and offshore exploitation of UK oil and gas resources, acting on behalf of the Secretary of State for Energy and Climate Change.

**Petroleum Exploration and Development Licences (PEDL):** Petroleum Exploration and Development Licences (PEDL) can be issued by OGA for onshore drilling and exploration activities.

**Permitted development rights:** Permitted development rights grant automatic planning permission to proposals for particular development that includes a physical operation, or a material change of use, or both.

**Planning application:** Operators proposing a new minerals or waste development need to apply for permission from the relevant planning authority in order to be allowed to carry out their operations.

**Planning Performance Agreements (PPA):** PPAs are a project management tool the Local Planning Authorities (LPAs) and applicants can use to agree timescales, actions and resources for handling particular applications.

**Planning permission:** Once planning applications have been reviewed by the relevant planning authority, permission may be granted - i.e. consent for the proposed development is given. Permissions may have certain conditions or legal agreements attached which allow development as long as the operator adheres to these.

**Phased restoration:** This is the restoration of land which has already been worked whilst the development progresses at a new location within the same site. This reduces the overall time taken for restoration to be completed once the development is completed and helps to mitigate any detrimental impacts on the environment. Phased restoration is expected to take place at all mineral and waste sites unless it can be demonstrated that this is not appropriate, otherwise restoration will commence immediately following the completion of mineral extraction or landfilling.

**Portsmouth City Council (PCC):** The city of Portsmouth is administered by Portsmouth City Council, a unitary authority. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**Pre-application discussions:** Engagement / discussions between applicants (and their agents) with the relevant minerals and waste planning authority prior to any application being submitted.

**Production:** Obtaining useful end products from minerals or waste material - which may include the extraction of sand and gravel, producing recycled and secondary aggregate, extraction of oil and gas and the generation of energy from waste.

**Ramsar Sites (Wetlands of International Importance):** Sites of international importance for waterfowl protected under the Ramsar Convention of the Conservation of Wetlands of International Importance, ratified by the UK Government in 1976.

**Registered parks and gardens:** Registered parks and gardens are identified by Historic England. They are listed and classified in a similar system to that used for listed buildings. There are over 1,600 sites listed in England, ranging from the grounds of large stately homes to small domestic gardens, as well as other designed landscapes such as town squares, public parks and cemeteries.

**Renewable energy:** Energy which comes from natural resources such as sunlight, wind, rain, tides and geothermal heat, which are naturally replenished.

**Reservoir:** A subsurface accumulation of oil or gas, contained in porous or fractured rock formations trapped by impermeable overlying rock.

**Restoration:** The process of returning a site to its former use, or restoring it to a condition that will support an agreed after-use, such as agriculture or forestry.

**Rights of Way (RoW):** Paths which the public have a legally protected right to use.

**Safeguarding:** The method of protecting needed facilities or mineral resources and of preventing inappropriate development from affecting them. Usually, where sites are threatened, the course of action would be to object to the proposal or negotiate an acceptable resolution.

**Safeguarded site:** Safeguarding protects minerals and waste sites from development pressures and inappropriate encroachment from nearby developments, preventing the unnecessary sterilisation of their associated resources and infrastructure.

**Scheduled Ancient Monument (SAM):** Nationally important archaeological sites included in the Schedule of Ancient Monuments maintained by the Secretary of State under the Ancient Monuments and Archaeological Areas Act 1979.

**Section 106 Agreement (S106):** The Town and Country Planning Act 1990 allows a person interested in any land to enter into a legally-binding agreement or planning obligation with a local planning authority (LPA) when applying for planning permission. The obligation is termed a Section 106 Agreement. These agreements are a way of dealing with matters that are necessary to make a development acceptable in planning terms. They are increasingly used to support the provision of services and site specific infrastructure.

**Section 278 agreement (S278):** A legal agreement between developers or other interested parties and the Local Authority for changes and improvements to highways.

**Sensitive Receptors:** The aspects of the environment likely to be significantly affected by the development, including in particular population, fauna, flora, soil, water, air, climatic factors, material assets, as well as including the architectural and archaeological heritage, landscape and the inter-relationship between these factors.

**Sensitive Human Receptors:** Locations where people live, sleep, work or visit that may be sensitive to the impact of minerals and waste activity on health, well-being and quality of life. Examples include houses, hospitals and schools.

**Shale gas:** A natural gas (predominantly methane) which is found in shale rock. Natural gas produced from shale is often referred to as unconventional.

**Shale oil:** Shale oil is an unconventional oil produced from oil shale rock by pyrolysis, hydrogenation, or thermal dissolution. These processes convert the organic matter within the rock into synthetic oil or gas. The resulting oil can be used immediately as a fuel or upgraded to meet refinery feedstock specifications and can be used for the same purposes as those derived from crude oil.

**Significant adverse effects:** In relation to *Policy 3 (Protection of habitats and species)* of the HMWP, significant adverse effects relate to the potential for minerals or waste development to have a significant adverse effect(s) on sites designated for nature conservation.

**Site of Special Scientific Interest (SSSI):** A national designation for an area of special interest because of its flora, fauna, or geological or physiographical features, selected by Natural England and notified under Section 28 of the Wildlife and Countryside Act 1981.

**Source Protection Zone (SPZ):** Geographical areas defined by the Environment Agency and used to protect sources of groundwater abstraction.

**Source rock:** Rocks from which hydrocarbons have been generated or are capable of being generated.

**Southampton City Council (SCC):** The city of Southampton is administered by Southampton City Council, a unitary authority. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**South Downs National Park:** The National Park was formally established on 1 April 2011 and includes areas within the Hampshire County Council boundary.

**South Downs National Park Authority (SDNPA):** The South Downs National Park Authority took up its full powers in April 2011 and is responsible for all planning in the South Downs National Park. The authority was one of the partners in the Hampshire Minerals & Waste Plan.

**Special Area of Conservation (SAC):** Areas which have been given special protection under the European Union's Habitats Directive. They provide increased protection to a variety of wild animals, plants and habitats and are a vital part of global efforts to conserve the world's biodiversity.

**Special Protection Area (SPA):** An area of importance for the habitats of certain rare or vulnerable categories of birds or for regularly occurring migratory bird species, required to be designated for protection by member states under the European Community Directive on the Conservation of Wild Birds (79/409/EC).

**Statement of Community Involvement (SCI):** A Local Development Document which sets out the standards the Planning Authority intends to achieve when involving the community in preparing Local Development Documents, or when making a significant development control decision. It also sets out how the Authority intends to achieve these standards. A consultation statement must be produced showing how the Authority has complied with its SCI.

**Statutory consultee:** These are organisations and public bodies who are required to be consulted concerning specific issues relating to planning applications, they also help to inform any decision made by the planning authority.

**Strategic Environmental Assessment (SEA):** A system of incorporating environmental considerations into policies, plans, programmes and part of European Union Policy. It is sometimes referred to as strategic environmental impact assessment and is intended to highlight environmental issues during decision-making about strategic documents such as plans, programmes and strategies. The SEA identifies the significant environmental effects that are likely to result from implementing the Plan or alternative approaches to the Plan. The Integrated Sustainability Appraisal (ISA) includes the SEA of the Plan alongside Sustainability Appraisal.

**Strategic Flood Risk Assessment (SFRA):** An assessment of the potential flood risk such as from groundwater and fluvial floods, undertaken at the appropriate level (county or district).

**Subsidence:** Subsidence is the motion of a surface as it shifts downward (in relation to *Policy 10* of the HMWP). This may cause uneven settlement leading to subsidence at the surface.

**Supplementary Planning Document (SPD):** Any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan. SPD also 'add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

**Sustainability Appraisal:** In United Kingdom planning law, an appraisal of the economic, environmental, and social effects of a plan from the outset of the preparation process, to allow decisions that are compatible with sustainable development. Since 2001, sustainability appraisals have had to conform to the EU directive on Strategic Environmental Assessment (SEA).

**Sustainable Development:** Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

**Sustainable Drainage Systems (SuDS):** These are urban design concepts which are adopted to deal with increased surface water in urban areas by mimicking the normal water cycle in natural landscapes. This is opposed to more traditional methods which just involved re-routing surface water to watercourses. Techniques utilised in SuDS include facilitating increased water infiltration into the earth as well as increased evaporation of surface water and transpiration from vegetation (collectively called evapotranspiration) to decrease the amount of surface water run-off.

**Townscape:** The appearance of a town or city; an urban scene.

**Unconventional hydrocarbons (oil and gas):** Oil or gas resources where the reservoir has formed in tiny pockets within impermeable rocks such as shale (*see 'Shale gas'*).

## United Kingdom (UK)

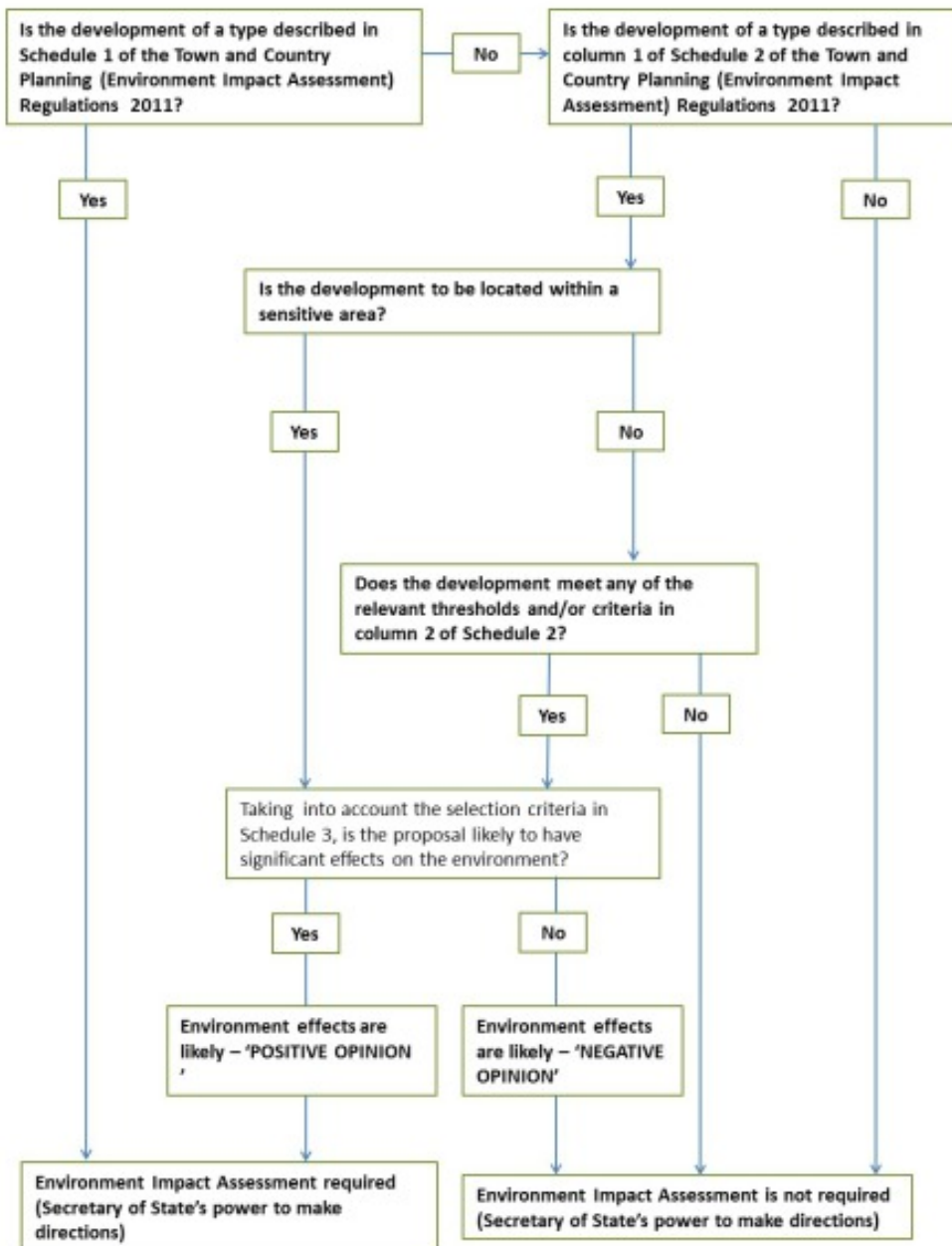
**Urban areas:** An area characterised by higher population density and vast human features in comparison to areas surrounding it. Urban areas may be cities, towns or conurbations.

**Vertical drilling:** Vertical drilling is used to reach the required depth below the surface. It is used for both conventional and unconventional extraction. Conventional extraction methods generally involve drilling a borehole down to porous rock where oil or gas has formed in a reservoir. For conventional production, if the site is going to be vertically drilled, a hole will be drilled straight into the ground.

**Visual impact:** Generally the perceived negative effect that the appearance of minerals and waste developments can have on nearby communities.

## Appendices

### Appendix 1: Establishing whether a proposed oil or gas development requires an Environmental Impact Assessment (EIA)



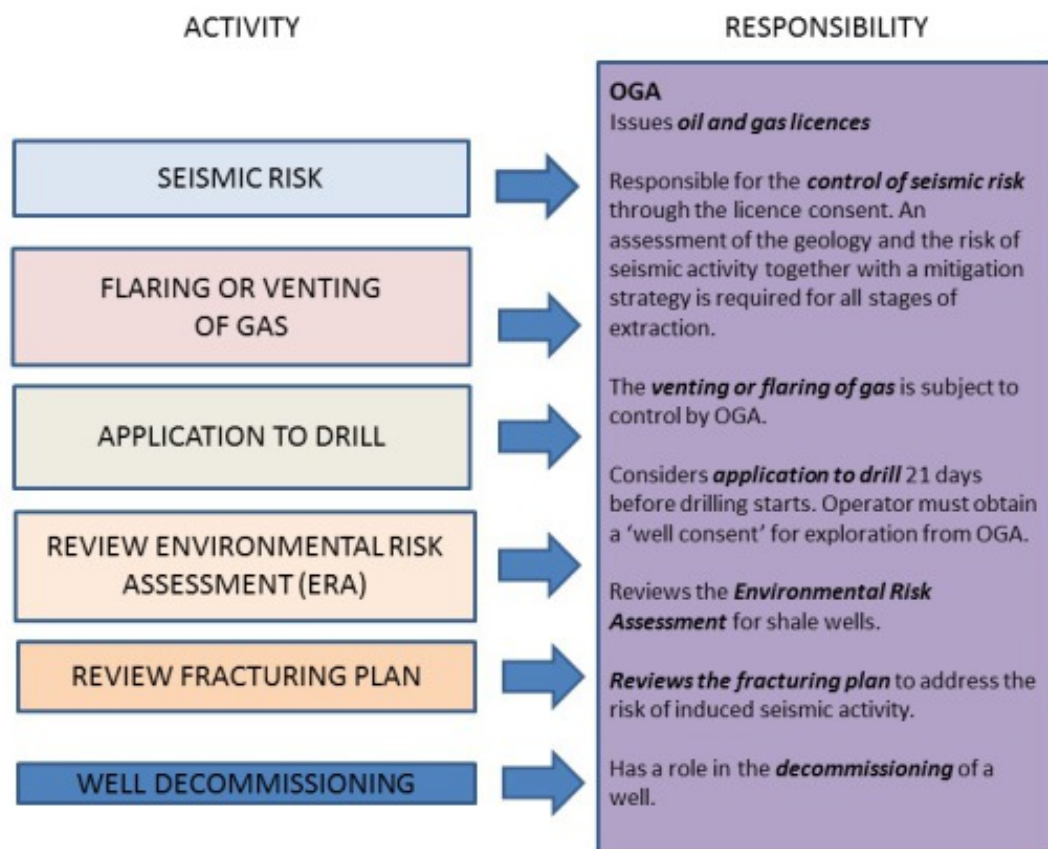
Source: Author - Hampshire Authorities, 2015, amended from DCLG, 2013



## Appendix 2: Role of the Oil and Gas Authority

The Petroleum Act 1998<sup>109</sup> vested all the rights and ownership of oil and gas resources to the Crown (see [Mineral right ownership for oil or gas](#)) and these are administered by the Oil and Gas Authority (OGA)<sup>110</sup>. The OGA works with government and industry to make sure that the UK gets the maximum economic benefit from its oil and gas reserves. The OGA issues oil and gas licences (see [Onshore oil and gas licencing in Hampshire \[See page 8\]](#)) and guidance on oil and gas development. The MPA will consult the OGA on all planning applications for oil and gas development. The following diagram highlights the roles and responsibilities of the OGA in relation to oil and gas development and the planning system.

### OGA roles and responsibilities



Source: Author - Hampshire Authorities, 2015

An Environmental Risk Assessment (ERA) is intended to provide a systematic and prioritised review of the environmental risks associated with the operations proposed, and a demonstration of the safe and environmentally responsible management of these operations<sup>111</sup>.

109. Petroleum Act 1998: [www.legislation.gov.uk/ukpga/1998/17/contents](http://www.legislation.gov.uk/ukpga/1998/17/contents)

110. Oil and Gas Authority: [www.gov.uk/government/organisations/oil-and-gas-authority](http://www.gov.uk/government/organisations/oil-and-gas-authority)

If a proposal includes the intention to 'frack', the OGA would impose the controls<sup>112</sup> which include:

- a geological assessment identifying faults;
- a 'Frack Plan'; and
- monitoring of seismic activity before, during and after hydraulic fracturing.

Finally, the OGA will check that the environmental regulator, e.g. the Environment Agency, and Health and Safety Executive have no objections to the proposed operations, before consent is given.

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111. Guidance on preparing Environmental Risk Assessments: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/305884/](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/305884/Guidance_on_the_preparation_of_an_environmental_risk_assessment_of_shale_gas_operations_in_Great_Britain_involving_the_use_of_hydraulic_fracturing.pdf)

112. Oil and Gas Authority: [www.gov.uk/government/organisations/oil-and-gas-authority](http://www.gov.uk/government/organisations/oil-and-gas-authority)

## Appendix 3: Role of the Environment Agency

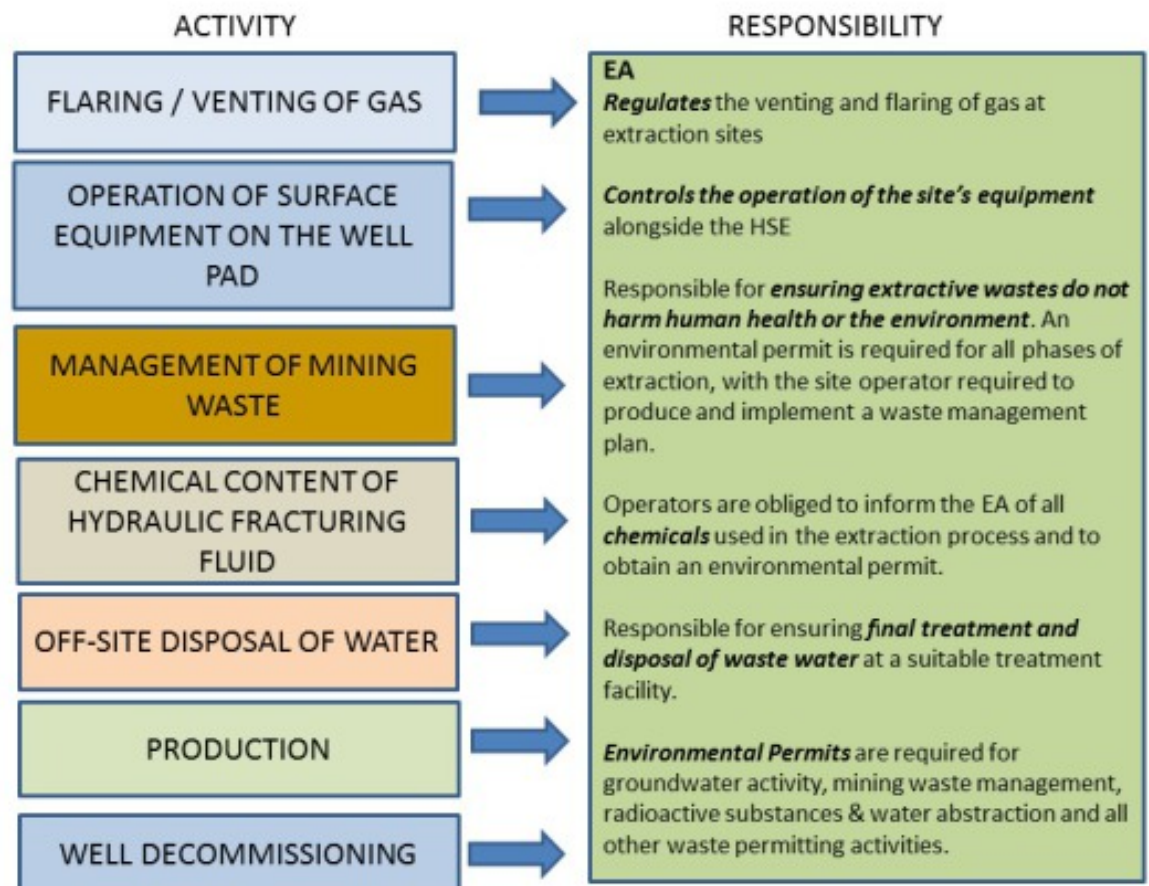
The EA is a statutory consultee in the land use planning process. The EA will consider all issues relevant to its remit when consulted on an oil and gas development.

### The EA:

- protects water resources (including groundwater aquifers);
- ensures appropriate treatment; and
- regulates wastes and any naturally occurring radioactive materials.

The following diagram highlights the roles and responsibilities of the EA in relation to oil and gas development and the planning system.

### Environment Agency roles and responsibilities



Source: Author - Hampshire Authorities, 2015

In England and Wales, onshore oil and gas exploratory activities require environmental permits issued under the Environmental Permitting Regulations<sup>113</sup> and other permissions from the Environmental regulator, depending on the methods used and the geology of the site. Environmental permits will be required for oil and gas developments<sup>114</sup> <sup>115</sup>. Other issues may be considered as part of the environmental permitting process.

Environmental Regulation requires a notice to be served on the regulator under section 199 of the Water Resources Act 1991<sup>116</sup> to ‘construct a boring for the purposes of searching for or extracting minerals’.

The EA has issued a number of guidance documents relating to onshore oil and gas operations and more specifically shale gas extraction and hydraulic fracturing<sup>117</sup> <sup>118</sup> <sup>119</sup>.

The EA works closely with the Health and Safety Executive on the regulation of shale oil and gas activity<sup>120</sup> (see [Appendix 4: Role of the Health and Safety Executive \[See page 74\]](#)).

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113. [www.gov.uk/government/publications/environmental-permitting-of-onshore-oil-and-gas-facilities](http://www.gov.uk/government/publications/environmental-permitting-of-onshore-oil-and-gas-facilities)

114. Environmental Permitting: [www.gov.uk/environmental-management/environmental-permits](http://www.gov.uk/environmental-management/environmental-permits)

115. Permitting for oil and gas developments: [www.gov.uk/government/publications/environmental-permitting-of-onshore-oil-and-gas-facilities](http://www.gov.uk/government/publications/environmental-permitting-of-onshore-oil-and-gas-facilities)

116. Water Resources Act 1991: [www.legislation.gov.uk/ukpga/1991/57/contents](http://www.legislation.gov.uk/ukpga/1991/57/contents)

117. Guidance on Environmental Risk Assessment for shale gas exploratory operations: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/296949/LIT\\_8474\\_fbb1d4.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296949/LIT_8474_fbb1d4.pdf)

118. Guidance on Regulation of exploratory shale gas operations: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297015/LIT\\_7284\\_231c35.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297015/LIT_7284_231c35.pdf)

119. Environmental Permitting Regulations EPR (2010): [www.legislation.gov.uk/ukdsi/2010/9780111491423/contents](http://www.legislation.gov.uk/ukdsi/2010/9780111491423/contents)

120. [www.hse.gov.uk/aboutus/howwework](http://www.hse.gov.uk/aboutus/howwework)

## Appendix 4: Role of the Health and Safety Executive

The HSE is the health and safety regulator for Great Britain. Its responsibilities include onshore oil and gas exploitation activities.

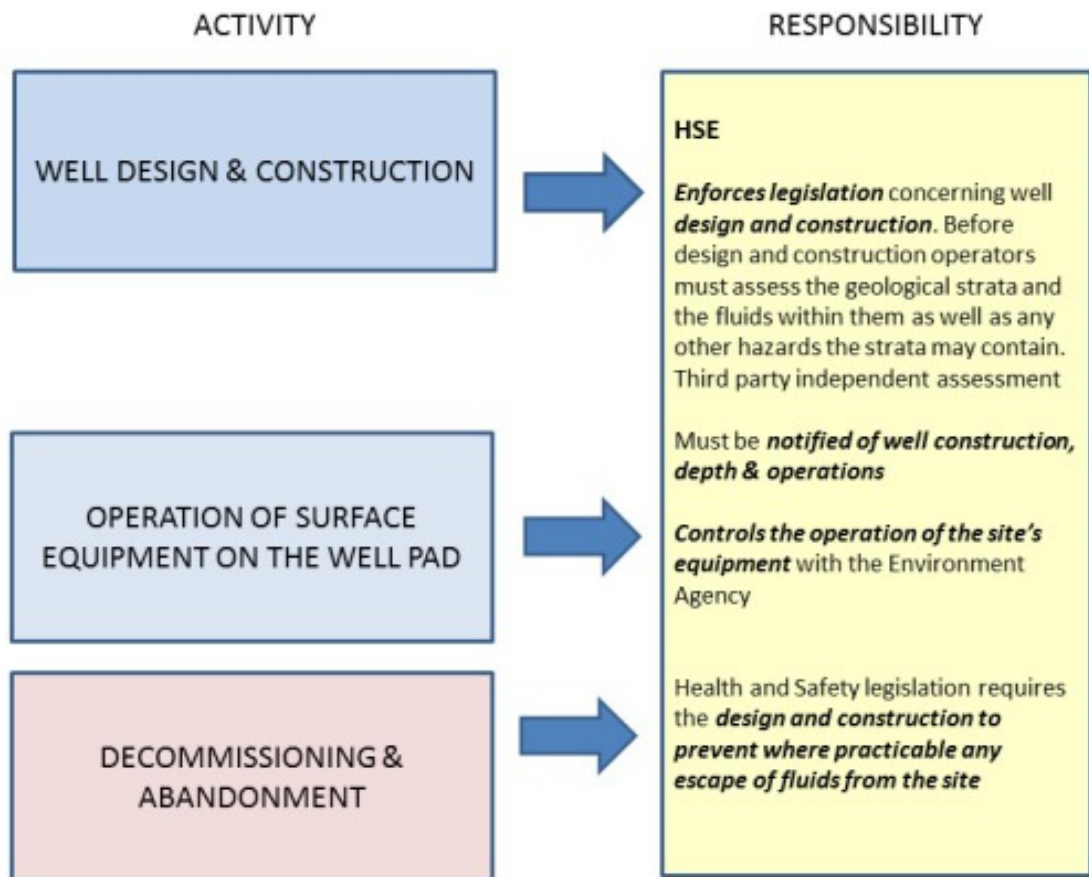
The HSE ensures that well operator complies with specific health and safety regulation in particular to the extraction of oil or gas and to prevent, so far as is reasonably practicable those working on sites or others who could be affected by the work.

### **The HSEs role is to:**

- **regulate the safety aspects of all phases of oil and gas development;**
- **has a particular responsibility for ensuring the appropriate design and construction of a well casing for any borehole before development commences;**
- **ensure the safety of drilling operations; and**
- **monitors oil and gas operations from a well integrity and site safety perspective.**

The HSE has a role in the following areas which are of relevance to the planning process as highlighted in the following diagram.

## Role of the Health and Safety Executive



Source: Author - Hampshire Authorities, 2015

The HSE is not a statutory consultee for oil and gas developments although the organisation plays a role as a non statutory consultee as the enforcing authority for health and safety activities<sup>121</sup>.

There is a requirement that a well is designed, constructed, operated and decommissioned to ensure that there are no unplanned release of fluids. An operator is required to supply details of the decision and construction of a well. This is scrutinised by the HSE before drilling can commence and before decommissioning.

The HSE must be notified of the well design and operation plans to ensure that major accident hazard risks to people from well and well related activities are properly controlled and subject to the same stringent regulation as any other industrial activity. HSE regulations also require verification of the well design by an independent third party. Notification of an intention to drill has to be served to the environmental regulator under section 199 of the Water Resources Act<sup>122</sup>.

121. More guidance on the role of the HSE for oil and gas developments: [www.hse.gov.uk/offshore/shale-gas-planners.pdf](http://www.hse.gov.uk/offshore/shale-gas-planners.pdf)

122. Section 199 of Water Resources Act 1991: [www.legislation.gov.uk/ukpga/1991/57/contents](http://www.legislation.gov.uk/ukpga/1991/57/contents)

The HSE conducts scrutiny of all activities associated with oil and gas development through weekly reports supplied by the operators during construction of wells, during any drilling or decommissioning. Any unplanned release of fluids or unplanned deployment of safety equipment used to prevent a release of fluids is reported to the HSE.

The HSE worked jointly with the EA on the regulation of shale oil and gas activity. This includes pre-commencement joint site visits as well as sharing knowledge and experience. The HSE has issued joint guidance with the EA relating to shale gas extraction and hydraulic fracturing<sup>123</sup>.

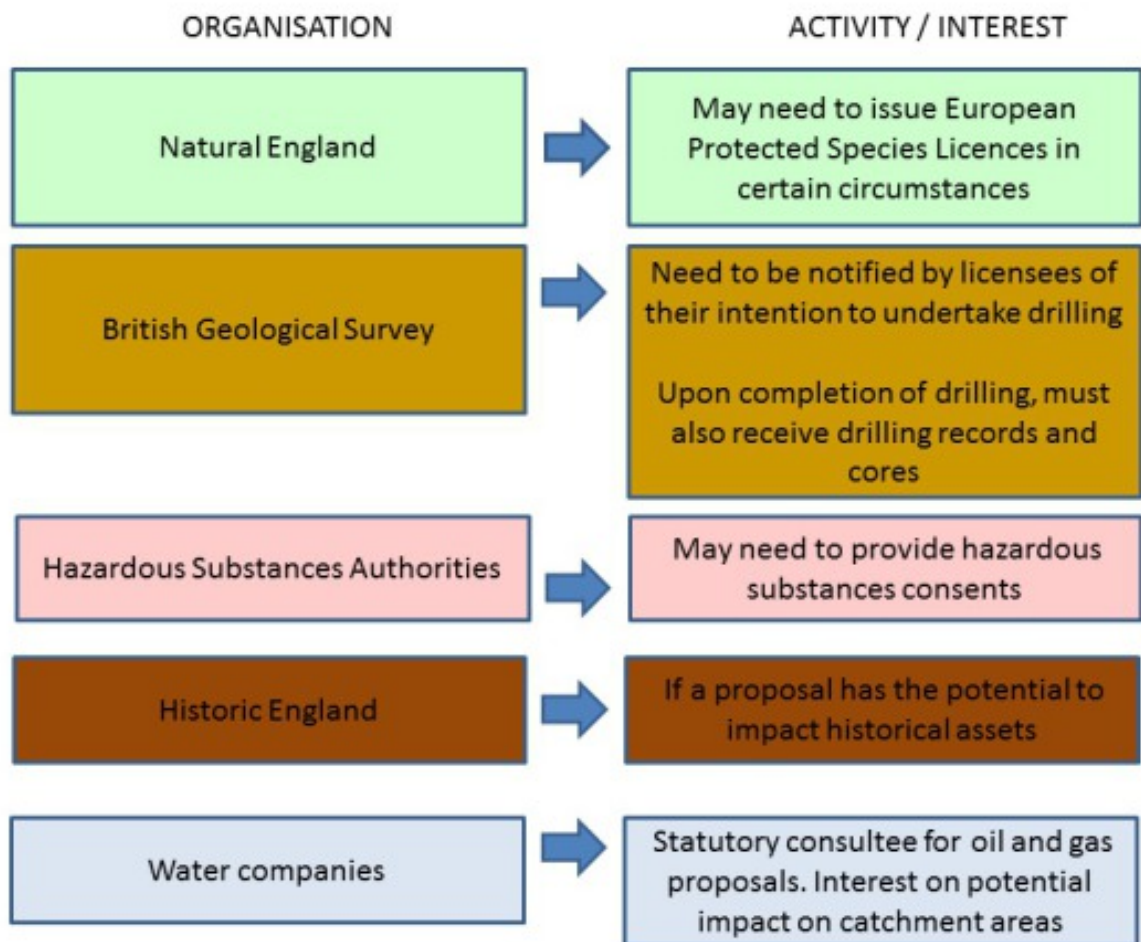
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123. The Environment Agency and the Health and Safety Executive: Working together to regulate unconventional oil and gas development: [www.hse.gov.uk/aboutus/howwework/framework/aa/hse-ea-oil-gas-nov12.pdf](http://www.hse.gov.uk/aboutus/howwework/framework/aa/hse-ea-oil-gas-nov12.pdf)

## Appendix 5: Role of other agencies

A number of other organisations may also be consulted on planning applications for conventional or unconventional oil and gas development in Hampshire. These may include the organisations highlighted in the following diagram as well as other minerals planning authorities, local planning authorities, parish and town councils, local interest groups and local residents.

**Other organisations who may be consulted or have an interest in planning applications for oil or gas development**



Source: Author - Hampshire Authorities, 2015

There may be additional consents and orders which must be obtained, such as diverting or altering rights of way or temporary road orders.



## Appendix 6: Issues which may be addressed by planning conditions

Conditions applied to planning permissions will be specific to each individual oil or gas proposal and can cover a variety of issues. Examples of the types of subjects conditions may cover for oil and gas development are included in the following table.

**It is important to note that this table is not an exhaustive list.** There may be instances where conditions which are not highlighted may be applied. The Hampshire Authorities can only apply conditions if they meet the test highlighted above. **The ticks in the table represent where a condition may be of relevance to one of the policies in the adopted Hampshire Minerals and Waste Plan (2013).**

### Issues which may be addressed by planning conditions attached to oil and gas proposals in Hampshire

How the issues may relate to other key issues / areas (Policies of the adopted HMWP)	<i>Habitats and species</i>			<i>Landscape and countryside</i>			
	<i>Method statement for the protection of designated areas (nature conservation) during construction</i>	<i>Method statement for the protection of designated areas (nature conservation) during operation of the facility</i>	<i>Ecological surveys to establish the presence, or otherwise, of any protected species on the site within the site boundary and immediately outside</i>	<i>Landscape management schemes for the protection of designated areas (landscape) during construction</i>	<i>Landscape management schemes for the protection of designated areas (landscape) during operation of the facility</i>	<i>Planting schemes</i>	<i>Footpath management plans (including mitigation measures)</i>
<b>Climate change</b>							
<b>Habitats and species</b>	✓	✓	✓			✓	
<b>Designated landscapes</b>				✓	✓	✓	✓
<b>Countryside</b>				✓	✓	✓	✓
<b>Green Belt</b>							
<b>Historical heritage</b>							
<b>Soils</b>	✓	✓					
<b>Restoration</b>	✓	✓	✓	✓		✓	✓
<b>Health, safety and amenity</b>				✓		✓	✓
<b>Flooding</b>							
<b>Transport</b>							
<b>Cumulative impacts</b>							✓
<b>Design</b>	✓	✓	✓	✓		✓	✓

How the issues may relate to other key issues / areas (Policies of the adopted HMWP)	Historic environment			Soils		
	Pre-development archaeological report	Historic environment management plan	Archaeological watching brief	Soil management plan	Stripping of topsoil during the construction	Storage of topsoil
Climate change						
Habitats and species				✓	✓	✓
Designated landscapes				✓		
Countryside				✓	✓	✓
Green Belt						
Historical heritage	✓	✓	✓			
Soils				✓	✓	✓
Restoration				✓	✓	✓
Health, safety and amenity						
Flooding						
Transport						
Cumulative impacts	✓			✓		
Design	✓			✓	✓	✓

How the issues may relate to other key issues / areas (Policies of the adopted HMWP)	<b>Emissions and dust</b>							
	<i>Timing of flaring</i>	<i>Pollution prevention</i>	<i>Method of flaring</i>	<i>Disposal of unwanted gas</i>	<i>Emissions management</i>	<i>AQMA monitoring</i>	<i>Cessation of operations if the development causes dust to be emitted so as to adversely affect adjacent residential properties and/ or other sensitive uses and/ or local environment</i>	<i>Dust management plan</i>
Climate change	✓	✓	✓	✓			✓	
Habitats and species		✓		✓			✓	✓
Designated landscapes		✓					✓	✓
Countryside		✓		✓			✓	✓
Green Belt								
Historical heritage								
Soils		✓						
Restoration								
Health, safety and amenity	✓	✓	✓	✓	✓	✓	✓	✓
Flooding								
Transport								
Cumulative impacts	✓	✓	✓	✓	✓	✓	✓	✓
Design	✓	✓	✓	✓	✓	✓	✓	✓

How the issues may relate to other key issues / areas (Policies of the adopted HMWP)	<b>Noise and vibrations</b>			
	<i>Noise mitigation schemes</i>	<i>Submission of noise monitoring records</i>	<i>Plant and machinery being adequately maintained and silenced in accordance with the manufacturer's recommendations at all times</i>	<i>Cessation of operations if permitted noise levels are exceeded</i>
Climate change				
Habitats and species	✓	✓		✓
Designated landscapes	✓	✓		✓
Countryside	✓	✓		✓
Green Belt				
Historical heritage				
Soils				
Restoration				
Health, safety and amenity	✓	✓	✓	✓
Flooding				
Transport	✓	✓		
Cumulative impacts	✓	✓	✓	✓
Design	✓	✓	✓	✓

How the issues may relate to other key issues / areas (Policies of the adopted HMWP)	Lighting	Water resources							
	Details of proposed lighting, including siting, height, design and position of floodlights (including implementation)	Water management	Hydrogeology or Hydrological monitoring	Hydrological risk assessment	Water storage	Construction of the boreholes to prevent uncontrolled discharge of chemicals into groundwater or surface water	Prevention of uncontrolled discharge of water	Storage of oils, fuels, lubricants or other liquid materials	Location and use of spill kits
Climate change		✓	✓	✓	✓				
Habitats and species	✓	✓	✓	✓	✓	✓	✓	✓	✓
Designated landscapes	✓	✓	✓	✓	✓	✓	✓	✓	✓
Countryside	✓	✓	✓	✓	✓	✓	✓	✓	✓
Green Belt	✓	✓	✓	✓			✓	✓	✓
Historical heritage	✓								
Soils		✓	✓	✓	✓		✓	✓	✓
Restoration		✓	✓	✓	✓	✓	✓	✓	✓
Health, safety and amenity	✓	✓	✓	✓	✓	✓	✓	✓	✓
Flooding		✓			✓	✓	✓	✓	✓
Transport									
Cumulative impacts	✓	✓	✓	✓	✓	✓	✓	✓	✓
Design	✓	✓	✓	✓	✓	✓	✓	✓	✓

How the issues may relate to other key issues / areas (Policies of the adopted HMWP)	Transportation					Flooding		Health, safety and amenity		
	Vehicular access	Lorry movements and routing	Lorry numbers restrictions	Vehicle management (including silencing)	Highway improvements	Flood risk management strategy	Flood mitigation measures	Phasing and timing of development	Scheme of working	Hours of working
Climate change										
Habitats and species	✓	✓		✓		✓	✓	✓	✓	✓
Designated landscapes	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Countryside	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Green Belt	✓	✓	✓	✓	✓			✓	✓	✓
Historical heritage	✓	✓		✓	✓					
Soils	✓	✓						✓	✓	✓
Restoration	✓	✓	✓			✓	✓	✓	✓	✓
Health, safety and amenity	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Flooding						✓	✓			
Transport										
Cumulative impacts	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Design	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

How the issues may relate to other key issues / areas (Policies of the adopted HMWP)	Design					Aerodrome safeguarding	Restoration and aftercare				
	Aspects of design (materials, cladding etc)	Rig specification	Protection of footpaths (including mitigation)	Height of infrastructure	Location of infrastructure	Location and height of infrastructure	Type of restoration	Scheme and programme for the restoration of the site	Phased restoration	Scheme and programme for the aftercare of the site	Aftercare
Climate change											
Habitats and species						✓	✓	✓	✓	✓	✓
Designated landscapes	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
Countryside	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
Green Belt	✓	✓	✓	✓	✓						
Historical heritage	✓	✓		✓	✓		✓	✓	✓	✓	✓
Soils	✓	✓					✓	✓	✓	✓	✓
Restoration	✓	✓	✓			✓	✓	✓	✓	✓	✓
Health, safety and amenity	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
Flooding											
Transport											
Cumulative impacts	✓	✓	✓	✓	✓						✓
Design	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓





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**For further information, please contact Minerals and Waste Planning Policy in the Strategic Planning group:**

**Telephone: 0300 555 1389 or 01962 846591**

**Email: [planning.policy@hants.gov.uk](mailto:planning.policy@hants.gov.uk)**

Write to:

Minerals and Waste Policy

Strategic Planning

Economy, Transport & Environment Department

Hampshire County Council

Floor 1 Elizabeth II Court West

Winchester SO23 8UD

Internet: [www.hants.gov.uk/county-planning](http://www.hants.gov.uk/county-planning)

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# Agenda Item 8

<b>DECISION-MAKER:</b>	<b>CABINET</b>		
<b>SUBJECT:</b>	<b>CONCESSIONARY FARES SCHEME 2016/17</b>		
<b>DATE OF DECISION:</b>	<b>16 FEBRUARY 2016</b>		
<b>REPORT OF:</b>	<b>CABINET MEMBER OF ENVIRONMENT AND TRANSPORT</b>		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Simon Bell</b>	<b>Tel: 023 8083 3814</b>
	<b>E-mail:</b>	<b>simon.bell@southampton.gov.uk</b>	
<b>Director</b>	<b>Name:</b>	<b>Mark Heath</b>	<b>Tel: 023 8083 2371</b>
	<b>E-mail:</b>	<b>mark.heath@southampton.gov.uk</b>	

<b>STATEMENT OF CONFIDENTIALITY;</b>	
None.	
<b>BRIEF SUMMARY</b>	
To agree the final scheme and the reimbursement rate to bus companies for the concessionary fare scheme for 2016/17	
<b>RECOMMENDATIONS:</b>	
(i)	To agree to reimburse bus operators at 49.3% in line with the guidance issued by the Department for Transport.
(ii)	To agree the local enhancements above the statutory minimum.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	To enable the Council to comply with the statutory requirement to serve bus operators with the minimum 28 days notice of the local enhancements and the reimbursement rate that the Council will use.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	The Council could withdraw the local enhancements that are offered to city residents but this is likely to achieve little saving as most passengers would just travel 30 minutes later in the morning once free travel is allowed.
<b>DETAIL (Including consultation carried out)</b>	
3.	The Council is required by law to give bus operators 28 days' notice of the Scheme that will operate and the reimbursement rate the Council will use. This report will allow the Council to give the required notice. Should the bus operator refuse to participate in the concessionary fare scheme the Council would need to issue a participation notice requiring them to do so. For the Notices to be effective, final confirmation is necessary of the additional local enhancements to the statutory minimum i.e. travel from 0900 rather than 0930 and between 2300 and 0030 for Southampton residents. Non Southampton residents will qualify to the statutory minimum. The proposed scheme for 2016/17 is the same as that which operates in 2015/16. This offers residents greater opportunity to access health and other facilities so

	helping with well-being.
4.	The Department for Transport provides local authorities with guidance each year on the reimbursement and a calculator to use. This takes various factors into account and the information on the scheme that the authority has submitted. The Council has used this to set its reimbursement rate for several years now. The reimbursement rate for 2016/17 will be 49.3% instead of 48.9% in 2015/16 which increases the cost to the Council by around £10,000pa. The Council also produces a claim form that operators are required to populate with data on concessionary fare use and average fares. It is possible for the Council to agree a fixed reimbursement with any operator which provides reassurance for operators and the Council of the budget for 2016/17. As the bus network in Southampton has been subject to several changes, intensive competition and reductions in fares it is suggested that the Council do not enter into a fixed arrangement with any of the larger operators as it is unclear how the networks will perform in 2016/17. Once the scheme starts on 1 <sup>st</sup> April bus operators then have 56 days to appeal to the Secretary of State on the proposed reimbursement rates.
5.	Appendix 1 shows details of the proposed scheme for 2016/17.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
6.	The current budget for the concessionary fare scheme in 2015/16 is £5,250,300 The draft budget for 2016/17 is £5,407,800 subject to amendment by full Council on the 10 <sup>th</sup> February 2016.
<b><u>Property/Other</u></b>	
7.	There are no property or other implications
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
8.	Concessionary fares are governed by the Transport Acts of 1985 and 2000, and the Concessionary Fares Act of 2007. If it were to be agreed that the future that no enhancements over and above the statutory minimum will be offered, then the 1985 Act does not apply as all local enhancements are made under this Act.
<b><u>Other Legal Implications:</u></b>	
9.	The provision of a concessionary travel scheme in accordance with the national minimum is a statutory duty. A discretionary power exists to provide a scheme that extends the entitlement of services over and above the national minimum. Any scheme must be made having regard to the Human Rights Act 1998 (with any national minimum scheme will be deemed to comply). Statutory notice must have been given by 1 <sup>st</sup> December 2015 and any representations received in accordance with the Notice considered and determined in accordance with the Act and Regulations.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
10.	The provision of concessionary travel accords with the policy direction of the City's adopted Local transport plan 2011 – 2016 by helping the Council meet its targets for increasing the use of sustainable transport modes (and bus travel in particular) and also increasing accessibility and promoting social

	inclusion.

<b>KEY DECISION?</b>	<b>Yes/No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	<b>ALL</b>
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Scheme details for 2016/17

**Documents In Members' Rooms**

1.	None
<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>No</b>
<b>Privacy Impact Assessment</b>	
<b>Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.</b>	<b>No</b>
<b>Other Background Documents</b>	
<b>Other Background documents available for inspection at:</b>	
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	None

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### Scheme Conditions

#### **SOUTHAMPTON CONCESSIONARY FARES SCHEME 2016 ('the Scheme')**

##### **Introduction**

The Concessionary Fares Scheme agreed by Southampton City Council will come into effect on Friday, 1 April 2016 and continues until 31<sup>st</sup> March 2017. This Notice and Scheme replaces the Southampton Concessionary fares Scheme 2015 and supersedes all previous Schemes and Notices

##### **Legislation**

The scheme is made in accordance with the Concessionary Bus Travel Act 2007, the Transport Act 2000, the Travel Concessions (Eligibility) Act 2002 and the discretionary powers contained in the Transport Act 1985 ('the Acts').

##### **Responsible Authority**

The responsible authority for the Scheme shall be Southampton City Council. The Scheme shall be funded by Southampton City Council. The Scheme shall be administered by either Southampton City Council or its appointed agent(s).

All enquiries regarding the Scheme and all Notices required to be served upon the responsible authority under the Acts should be addressed to:

Mike Harris, Acting Service Director - Growth, Civic Centre, Southampton, SO14 7LY.

A copy of the Scheme will be supplied to any person on request by post from the person specified above and is available on the Council website at [www.southampton.gov.uk](http://www.southampton.gov.uk) .

##### **Operator Eligibility**

Operators of registered bus services running within the City which is in receipt of Bus Service Operators Grant or contracted by the Local Public Transport team of Southampton City Council or a neighbouring local authority.

##### **User Eligibility**

Residents of Southampton who meet any of the following criteria will be eligible for a free concessionary fares pass:

- men and women aged 63 years and older;
- blind people;
- partially sighted people;
- deaf people;
- people without speech (in any language);
- people with a disability, or who have suffered an injury, which, in the opinion of a qualified medical practitioner, seriously impairs their ability to walk;
- people without the use of both arms;
- people with a learning difficulty;
- people who would be refused the grant of a driving licence to drive a motor vehicle under Section 92 of Part III the Road Traffic Act 1988;

- people with a long term mental health problem; and
- travelling companions/escorts of disabled people.

For those under the age of 63, applicants must either provide confirmation that:

- i) They are in receipt of Disability Living Allowance (higher mobility component); or
- ii) They have been awarded 8 or more points Personnel Independent Payment for Moving Around or Communicating verbally
- iii) They are in receipt of War Pensions Mobility Supplement; or
- iv) They have a valid registration card for their disability; or
- v) Certification of Vision impairment; or
- vi) Have learning difficulties and attend Southampton Day Services or registered with Southampton Learning Disabilities team; or
- vi) They have a signed form (MQ14) from their doctor confirming eligibility.

### **Hours of Operation**

The Southampton concessionary fares scheme will be based on bus travel alone. Concessionary travel available all day on Saturdays, Sundays, Bank Holidays and declared public holidays and between 09:00 and 00:30 on other days for residents of Southampton and between 0930 and 2300 for all others. Blind persons will be permitted to travel at any time.

### **Area of Travel**

Any journey that starts within the boundary of Southampton (NOTE: funding of such travel shall be subject to any inter-authority boundary/funding agreements which may be entered into and shall be deemed to be part of this Scheme. This will not affect user eligibility or operator reimbursement).

### **Level of Concession**

The proposed scheme provides free travel on presentation of a valid pass:

### **Administration**

The administration of the issue of concessionary fares scheme passes will be carried out by the Public Transport and Operations Team. A database of all people who are issued with a bus pass will be kept. The City Council will be responsible for meeting the statutory requirements for data protection.

### **Reimbursement**

Operators will submit monthly returns to the City Council unless otherwise agreed in advance. Payment of 85% of the estimated figure for the month will be agreed with the operator and be made on the 15<sup>th</sup> of the month. The outstanding figure paid once exact figures are known and the claim should identify the number of journeys undertaken and the average fare payable.

The City Council will require all information required to be produced in support of claims under the scheme to be certified as accurate by a “responsible person”.

The returns will be subject to periodic audit by the City Council or its nominated representatives. Bus operators will be expected to provide information reasonably required for this purpose.



The City Council will reimburse you at 49.3% of the average fare. An additional amount of £0.07p per generated trip will be paid to recognise operators' additional costs in providing the concession. The council will also pay an administration fee of £0.002p for each trip made under the scheme.

#### Guidelines on evidence required to substantiate Additional Capacity Cost claims to the Concessionary Fares Scheme

The Southampton Concessionary Fares Scheme makes provision for operators to claim specific additional costs "to cover the costs of providing additional vehicle capacity to cope with growth in patronage brought about by concessionary travel", in addition to the standard marginal additional costs allowance. Such Additional Capacity Costs are considered on a case-by-case and service-specific basis, on submission of written evidence of the circumstances together with a statement of the costs incurred and may comprise claims for marginal capacity costs calculated in accordance with any prevailing DfT guidance and/or Peak vehicle Requirement Costs if evidenced to the satisfaction of the City Council.

The following checklist gives guidance on the nature of information which is considered necessary to substantiate Additional Capacity Cost claims. It should be appreciated that the amount and detail of information required will increase with claims of greater scope: one duplicate journey will require much more limited evidence than that to support a general increase of service frequency.

The claimant should demonstrate, with auditable evidence for each affected service:

- a) The extent of the capacity increase which is deemed necessary, itemising the resources entailed in its provision.
- b) The rationale for the increase, including –
  - the average distribution of capacity and utilisation by day / time and direction, and the scale and frequency of peaks in each;
  - the decision thresholds applied; and
  - any constraints on those decisions (e.g. maintaining clock face frequency).
- c) The proportions of concessionary passengers using the service at relevant times, and the contribution towards costs made by commercial passengers generated by the additional capacity.
- d) The relevant costs, clearly distinguishing –
  - marginal costs of operation (e.g. driver's time, fuel, tyres);
  - semi-variable costs (e.g. maintenance);
  - attributable overheads (if any); and
  - capital / financing costs and profit margin (if capital investment is involved).

Account should be taken of the standard Additional Marginal Costs allowance, either by netting off the cash sum or the exclusion of relevant cost headings.

On request, the operator must make available historic boarding data for affected services; this will normally be in the form of unprocessed data from electronic ticket machine systems.

To enable the timely and efficient operation of the scheme and consideration of claims, claims should be submitted by the end of the calendar year to which they relate and relate to the preceding 12 months operation of the scheme. Additional claims submitted in accordance with the Limitation Act 1980 will be considered on a case by case basis.

Any challenge to any decision by the Authority in relation to any claim for additional capacity costs must be brought in accordance with the paragraph below headed "Operator Representations and Complaints".

### **Right to Survey**

The City Council has the right to carry out surveys on vehicles on which concessions are given. Bus operators will be consulted as to how and when the survey will be carried out and operators will be given reasonable prior notice of the City Council's intention.

### **Variations**

Southampton City Council reserves the right to vary the Scheme or to offer discretionary enhancements to the Scheme in accordance with the provisions of the Transport Act 1985 and any reimbursement arrangements relating to and forming part of the Scheme at any time in accordance with the provisions of the Acts, upon relevant Notice. Southampton City Council shall give 28 days notice in writing to Operators of any proposed variations or changes to the Scheme, save where changes relate to reimbursement arrangements in relation to which the Authority shall give 4 months notice of any proposed changes reimbursement arrangements, but the period of such notice may be shortened by mutual agreement or variations to the scheme required to give effect to a decision of the Secretary of State for Transport's determination of any application under the Transport Acts in relation to which the Authority shall give notice in writing to apply with immediate effect .

### **Right of Participation**

Notwithstanding the mandatory participation of Operators in accordance with the Transport Act 2000 and the Concessionary Bus Travel Act 2007, Southampton City Council may require and notify any Operator to participate in the Scheme or any variation of the Scheme in accordance with the Transport Act 1985, and such participation will commence not less than 28 days after receipt of such written notification. At the date of notification the Operator will be supplied with a copy of this Scheme and any Variations thereto.

### **Operator Representations and Complaints:**

If an Operator participating in this Scheme wishes to make any representations in relation to this scheme or reimbursement under this scheme (including any challenge, complaint, concern or grievance in relation to the Scheme) such a representation should be made in writing to the Responsible Authority at the address set out above. Representations will be considered by the Council on their merits and without prejudice to the Operators rights of Appeal under the Acts. Operators also have the right to avail themselves of the Authority's Corporate Complaints Policy, details of which may be found on the Authority's website at [www.southampton.gov.uk](http://www.southampton.gov.uk)

## **Right of Appeal**

Any Operator has a right of appeal to the Secretary of State against the terms of reimbursement of the Scheme under the Transport Acts 1985 and 2000 or against participation in any discretionary element of the Scheme under the Transport Act 1985 on the grounds that:-

(a) There are special reasons why their company's participation in the scheme in respect of any of the services to which the notice applies would be inappropriate (under both the 2000 Act and the 1985 Act); or

(b) Any provision of the scheme or of any of the scheme arrangements are inappropriate for application in relation to any operators who are not voluntarily participating in the scheme (1985 Act only).

Prior to making such an application, notice in writing must be given to the person and at the address specified under the 'Responsible Authority Heading above.

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# Agenda Item 9

<b>DECISION-MAKER:</b>	<b>CABINET</b>		
<b>SUBJECT:</b>	<b>APPROVAL TO PROCEED WITH PHASE TWO OF AN INTEGRATED SERVICE FOR CRISIS RESPONSE , REHABILITATION, REABLEMENT AND HOSPITAL DISCHARGE</b>		
<b>DATE OF DECISION:</b>	<b>16 FEBRUARY 2016</b>		
<b>REPORT OF:</b>	<b>CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE</b>		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Donna Chapman Madeleine Cato</b>	<b>Tel: 023 8029 6004 023 8083 2391</b>
	<b>E-mail:</b>	<a href="mailto:Donna.chapman@southamptoncityccg.nhs.uk">Donna.chapman@southamptoncityccg.nhs.uk</a> <a href="mailto:Madeleine.cato@southampton.gov.uk">Madeleine.cato@southampton.gov.uk</a>	
<b>Director</b>	<b>Name:</b>	<b>Stephanie Ramsey</b>	<b>Tel: 023 8029 6941</b>
	<b>E-mail:</b>	<a href="mailto:Stephanie.ramsey@southampton.gov.uk">Stephanie.ramsey@southampton.gov.uk</a>	
<b>STATEMENT OF CONFIDENTIALITY</b>			
<b>NONE</b>			
<b>BRIEF SUMMARY</b>			
<p>The Southampton Better Care Plan is a joint approach by Southampton City Council and Health towards transforming health and social care and the vision is to achieve significant benefits for clients and reduce costs for services. This report seeks approval for implementation of the next phase (Phase Two) of the re-designed Integrated Service for Crisis Response, Rehabilitation, Reablement and Hospital Discharge that will mean clients will have a better experience. This will be through integrated health and care services which are centred on the needs of individual clients and which help them to become independent. Consideration was given to consultation feedback before finalising the proposals in this report.</p> <p>The City Council has been committed to prevention and early intervention as an approach and the central focus of this report is a shift from caring for people in institutions (hospitals, nursing homes, residential homes etc.) to caring for them in their homes for as long as possible. This is to avoid situations occurring, re-occurring or worsening and promote recovery through person centred rehabilitation and reablement.</p> <p>National research has consistently demonstrated the significant benefits of home based reablement for clients, for example, improving independence, prolonging people's ability to live at home and therefore reducing or removing the need for commissioned care hours, in comparison with standard domiciliary home care. There is evidence to show a reduction in care hours for a majority of service users and for the reduction in service hours being maintained for at least 2 years. The best results show that up to 62% of reablement users no longer need a service after 6–12 weeks (compared with 5% of the control group), and</p>			

that 26% had a reduced requirement for home care hours (compared with 13% of the control group).

The implementation of Phase Two is expected to lead to an increasing proportion of domiciliary care from the Council’s new Domiciliary Care Framework where the unit costs of care are significantly lower; and over time reduce the proportion of care sourced from the Council’s in house Reablement Team (City Care First Support) as vacancies occur through natural staff turnover.

The implementation of Phase Two will also include the closure of bed-based provision at Brownhill House which is a City Council facility. However, exploration of further usage or potential disposal of Brownhill House is not included in this report and will be reported to Cabinet at a future date.

The staff involved in providing rehabilitation and reablement services at Brownhill House also provide respite and “emergency” respite services at Brownhill House. The consequence of integrating bed-based rehabilitation and reablement services in Phase Two will also necessitate a transfer of responsibility for these respite services. Suitable alternative provision has been identified and costed in respect of respite and “emergency respite” so that people can continue to access these services as required.

As an indirect consequence of approval of Phase Two, the Day Services provided by Social Care in Action (SCA) at Brownhill House will also need to re-locate. The Council has been working with SCA and identified at least two suitable potential alternative venues for the Day Services.

**RECOMMENDATIONS:**

	<p><b>(i)</b> To note the consultation feedback and representations received, and after taking into account of the feedback and representations, to approve the implementation of Phase Two of the re-designed Integrated Service for Crisis Response, Rehabilitation, Reablement and Hospital Discharge. This implementation will include the closure of bed-based provision at the City Council facility, Brownhill House and redirection of resources into domiciliary care and more community focussed options of flexible bed based provision e.g. extra care housing.</p>
	<p><b>(ii)</b> To approve the commissioning of an increasing proportion of domiciliary care from the Council’s new Domiciliary Care Framework (implemented from April 2015) where the unit costs of care are significantly lower; and over time reduce the proportion of care sourced from the Council’s in house Reablement Team (City Care First Support, CCFS) as vacancies occur through natural staff turnover.</p>
	<p><b>(iii)</b> To approve a formal consultation about future employment/roles with all relevant affected staff in the City Council on the implementation of Phase Two, as set out in paragraph 61 of this report.</p>
	<p><b>(iv)</b> To delegate authority to Director of Quality and Integration and Service Director: Legal and Governance following consultation with the Cabinet Member for Health and Adult Social Care to do anything necessary to give effect to the Phase Two proposals incorporating any changes resulting from the staff consultation.</p>

(v)	To approve the inclusion of the Council's budgets for the Hospital Discharge Team (£0.52m) and the Reablement Team (£1.18m) in the Rehabilitation and Reablement Scheme of the Section 75 Better Care Partnership Agreement Pooled Fund to enable costs and savings to be shared in this way as outlined in paragraph 75.
(vi)	To approve delegated authority to the Section 151 Officer to agree additional investment of up to £0.400M to enable the commencement of the "invest to save" proposals as outlined in paragraphs 88-93.
(vii)	To note the potential to explore further usage or potential disposal of Brownhill House is outside of the remit of this work programme, and will be the subject of a future separate Cabinet report.

### REASONS FOR REPORT RECOMMENDATIONS

1.	<p>The recommendations in this report contribute to a key element of the Better Care Plan approved by Cabinet in January 2014, which was to achieve a re-designed integrated health and social care rehabilitation/ reablement service for Southampton. This requires a new service that can deliver an improved client experience that is:</p> <ul style="list-style-type: none"> <li>• Person-centred, seamless and integrated</li> <li>• Provides a clear and effective pathway to promote recovery and independence and which can:</li> <li>• Increase efficiencies by reducing service duplication, providing co-ordinated care and a more tailored use of bed-based resources</li> <li>• Reduce spend across the health and social care system by reducing the future demand for services as the population gets older e.g. reduce spend on avoidable hospital admission rates, length of hospital stay and need for on-going complex packages of care.</li> </ul>
2	<p>A number of national studies have been carried out e.g. De Montfort University with Leicestershire County Council: External Evaluation of the Home Care Reablement Pilot Project (2000) and research via Social Care Institute for Excellence (SCIE 2011). These studies and others have clearly demonstrated the significant and sustainable benefits to clients of a home based reablement approach. For example, the best results show that up to 62% of reablement service users no longer need a service after 6 – 12 weeks (compared to 5% of the control group), and 26% of people had a reduced need for ongoing home care hours (compared with 13% of the control group).</p>
3	<p>Cabinet received a report on 18<sup>th</sup> August 2015 which highlighted the significant pressures on City Council resources and pressures on the health system, and made a strong case for change e.g.</p> <ul style="list-style-type: none"> <li>• Rates of unplanned admissions to hospital and delayed discharges from hospital are above the national average</li> <li>• Pressure on hospital beds is unsustainable and unsafe</li> <li>• A higher proportion of older people in Southampton rely on input from social services than is the case nationally and demand for services is rising</li> <li>• The city has a much higher rate of admissions of older people aged 65 and over to residential and nursing care homes when compared to Health and Wellbeing Boards in our comparator areas and nationally.</li> </ul> <p>Two separate Phases of development were proposed to achieve a re-designed integrated health and social care rehabilitation/ reablement service for Southampton.</p>

4	Cabinet approved (18 <sup>th</sup> August 2015) Phase One of the service re-design, and following consultation this is now being implemented. At the core of Phase Two is the principle that people are best supported to regain or maintain their independence within their own home or usual place of residence. This includes a shift towards a more domiciliary / community based model of care which will require fewer specific rehabilitation and reablement beds to be provided by council in-house services.
<b>ALTERNATIVE OPTIONS CONSIDERED</b>	
5	<p><u>Option:</u> Implement Phase One (re-structure staffing resources and bring together all the functions associated with crisis response, rehabilitation, reablement and at a later date hospital discharge, into a single integrated service) but <b>not</b> proceed to Phase Two.</p> <p>This option is not recommended because :</p> <ul style="list-style-type: none"> <li>• It maintains a heavy reliance on hospital beds, which does not support the ethos of reablement and independence the city aspires to</li> <li>• It does not offer the flexibility required to meet clients' needs</li> <li>• Business Case data (based on 3 separate Bed Audits) evidenced up to 50% of all clients in community beds are medically fit and could, with appropriate support, be supported in the community/own home with better outcomes</li> <li>• Efficiencies and savings across the rehabilitation and reablement care "pathway" would not be realised</li> <li>• Resources would not be transferred to positively promote new ways of working to deliver Better Care Plan principles.</li> </ul>
6	<p><u>Option:</u> Implement Phase Two but <b>without</b> reducing the proportion of domiciliary care provided by the council's in-house Reablement Team.</p> <p>This option is not recommended because it would reduce the savings generated by Phase Two, which in turn are available for reinvesting in more rehabilitation and reablement activity to meet increasing need, and deliver the wider system change across Health and Adult Social Care.</p>
<b>DETAIL (Including consultation carried out)</b>	
	<b>Background</b>
7	Cabinet received a report on 18 <sup>th</sup> August 2015 which highlighted the significant pressures on City Council resources and pressures on the health system, and made a strong case for change to address this and to increase the benefits for clients. Two separate Phases of development were proposed to achieve a re-designed integrated health and social care rehabilitation/ reablement service for Southampton as set out in the Southampton Better Care Plan approved by Cabinet in January 2014. This report provides an update on the implementation of Phase One of the proposals, and recommendations for approval to proceed with Phase Two.
8	Cabinet approved (August 18 <sup>th</sup> 2015) a consultation with stakeholders in respect of a preferred service model to integrate crisis response, rehabilitation, reablement and hospital discharge functions, to provide a seamless response to service users. The functions were delivered by a variety of teams across the City Council and Solent NHS Trust.



9	<p>The consultation was on proposals covering two separate Phases of development.</p> <p><u>Phase One</u>: a proposal to re-structure staffing resources and bring together all the functions associated with crisis response, rehabilitation, reablement and at a later date hospital discharge, into a seamless process with clear outcomes achieved through a single integrated team approach, with a single integrated management structure that would better support people in their communities and maximise their potential for independence. Cabinet approved delegated authority to the Acting Director of Adult Social Care and Head of Legal and Democratic Services, following consultation with the lead Cabinet Member for Health and Adult Social Care to do anything necessary to give effect to the Phase One proposals subsequent to the staff consultation.</p> <p><u>Phase Two</u>: a proposal for a reconfiguration and overall reduction of rehabilitation and reablement beds to achieve the most appropriate balance of bed based and domiciliary care to support the new integrated service model, whilst offering a more flexible range of suitable alternative provision to meet clients' outcomes, and represent a better value use of resources. This Phase would include the closure of beds at the City Council provision Brownhill House and a redirection of resources into domiciliary care and more community focussed options of flexible bed based provision e.g. extra care housing.</p>
10	<p>The Phase Two proposal represented a reduction from 68 rehabilitation beds to 43 rehabilitation beds. It proposed to keep the community beds at Royal South Hants (RSH) hospital where medical cover is provided, and to cease using the 25 beds at Brownhill House, shifting the setting of care for those individuals without medical needs to alternative settings, e.g. people's own homes, extra care housing. The proposal included a significant investment in domiciliary care to enable more people to be supported in their own homes both for time limited periods of reablement and also for longer term packages of support. The additional domiciliary care capacity would be primarily sourced from the council's new Domiciliary Care Framework which was implemented from April 2015.</p>
11	<p><u>Phase One</u>: All affected staff were consulted for a 45 day period from 15<sup>th</sup> October – 18<sup>th</sup> November 2015. The integration of the staff teams was progressed by the Acting Director of Adult Social Care on approved delegated authority. All affected staff have been successfully re-employed within the new integrated management team or re-deployed within Solent NHS Trust, and therefore the new integrated team structure is now in place. The necessary agreements to facilitate full integrated working between Health and Social Care (Section 113 and Section 75 agreements, NHS Act 2006) are being established.</p>
12	<p><u>Phase Two</u>: All potentially affected staff in the council and Solent NHS Trust were consulted for a 45 day period from 2<sup>nd</sup> November – 16<sup>th</sup> December 2015. Staff were encouraged to complete the Consultation Survey and also invited to raise any other comments/suggestions / concerns in the consultation meetings.</p>
13	<p>All other stakeholders were consulted for a 12 week period from 7<sup>th</sup> September to 27<sup>th</sup> November. Appendix 1 is a summary of the consultation programme and an analysis report of the public feedback.</p>
	<p><b>CONSULTATION DETAIL</b></p>
14	<p>The public Consultation Survey generated a total of 210 individual responses, of which 33% of respondents identified themselves as local residents, 19% as family members of service users at Brownhill House, 12% as service users at Brownhill House, and</p>

	14% as Day Service clients. 70% of all respondents agreed with the overall vision for a new Integrated Service.
15	<p>In respect of the presented preferred Option (Option 2: Joining together Council and Solent NHS Trust staff teams involved in rehabilitation, reablement, crisis response and hospital discharge services AND prioritising support at home or in people's communities):</p> <ul style="list-style-type: none"> <li>• 34% of respondents agreed with the option</li> <li>• 26% were neutral</li> <li>• 40% disagreed with the option.</li> </ul> <p>Data analysis has shown that the 40% who disagreed with the option were mainly service users and their families, the majority of whom disagreed with the option; whereas a majority of local residents and staff agreed with the preferred option.</p>
16	All consultation feedback from staff and public has been carefully considered and discussed at meetings of the Programme Board (Integrated crisis response, rehabilitation, reablement and discharge service) on 17 <sup>th</sup> December 2015, and 21 <sup>st</sup> January 2016; and by the Project Team on 23 <sup>rd</sup> November, 14 <sup>th</sup> and 22 <sup>nd</sup> December 2015, and 7 <sup>th</sup> January 2016.
17	<p>The Phase Two proposals have been further amended to take on board consultation feedback:</p> <ul style="list-style-type: none"> <li>• The links between the new Integrated Service, GP Cluster teams and new developments in community solutions are being strengthened to ensure that people receiving rehabilitation/reablement at home are supported to access their wider communities and are not isolated socially</li> <li>• The additional staff hours for rehabilitation therapy in the community have been re-calculated</li> <li>• The monitoring processes for provision of domiciliary care have been strengthened.</li> </ul>
18	<p>There were many positive responses to the proposals e.g:</p> <ul style="list-style-type: none"> <li>• "I believe this resource could be used much more effectively if individuals were rehabilitated in their own homes"</li> <li>• "The vision sounds perfect in comparison to what is in place at the moment"</li> <li>• "I think this is a very sensible solution that will make much more efficient use of resources whilst giving patients and carers flexible choices that suit their needs"</li> <li>• "I would be less fearful of hospital admissions if I knew all efforts were being made to get me back home as soon as clinically possible."</li> </ul>
19	<p>However there were also a number of concerns which were individually considered and discussed at the Project Team meetings. The most commonly raised issues of concern in the consultation can be summarised as concerns about:-</p> <ul style="list-style-type: none"> <li>• Availability, effectiveness and sustainability of home care alternatives, leading to a rise rather than a fall in hospital readmission rates</li> <li>• Lack of choice of appropriate quality care</li> <li>• Lack of alternatives for respite and "emergency respite" care.</li> </ul> <p>These concerns and other key concerns expressed during the consultation are addressed in detail in the sections below.</p>
	<b>Concerns: Availability, effectiveness and sustainability of home care</b>

	<b>alternatives, leading to a rise rather than a fall in hospital readmission rates</b>
20	<p>The main concerns expressed were:-</p> <ul style="list-style-type: none"> <li>• Impact of “winter pressures” on health and social care system if fewer rehabilitation and reablement beds (i.e. no provision at Brownhill House)</li> <li>• People not able to access the same levels of therapy support in the community/own home as they do at a specialised facility (Brownhill House)</li> <li>• Provision of more home-based/community service will require more staff when there is already a shortage and a reliance on temporary or Agency staff</li> <li>• Provision of more home-based/community service will require more staff time for travel and will be less efficient</li> <li>• Community services do not have the capacity to cope with increased demand and therefore hospital admission will be the default</li> <li>• What will happen to people who are assessed as being unsafe to go home?</li> <li>• Provision at Brownhill House helps prevent hospital admission following crises at home</li> <li>• Provision at Brownhill House has beneficial social impact rather than isolation at home.</li> </ul>
	<b>Considerations:</b>
21	<p>There has been a continuous audit of admissions to the rehabilitation and reablement beds at Brownhill House over the period Sept – December 2015 to explore the suitability and availability of alternative provision for each individual should Brownhill House no longer be an option. Of the 71 cases examined between September 2015 and January 2016, it was assessed that 75% of clients could have been discharged from hospital to their own home if an appropriate support package had been available, 7% had medical needs which could in the future be managed in the community reablement beds at Royal South Hants (RSH) hospital and only 18% required 24 hour supervision due to falls risk which would in the future still need residential bed provision.</p>
22	<p>The Phase Two proposals include plans for purchasing additional activity from the Residential Care sector to meet the needs of those rehabilitation and reablement clients who require 24 hour supervision. This has been factored into the costings of the new service model as set out in paragraph 84. The council works with over 50 Residential Care providers across the city and there is additional unused capacity within this market.</p>
23	<p>The new Integrated Service model includes regular and continued therapeutic support being provided to clients during their short-term stay in Residential Care as appropriate. Rehabilitation and reablement clients within these beds will remain under the care management of the Integrated Service which will assess their needs, plan and oversee their care and ensure timely transfer to their future place of residence as soon as appropriate.</p>
24	<p>The Phase Two proposals also include plans for purchasing additional short-term bed-based provision for rehabilitation and reablement clients within the Extra Care Housing sector. This has also been factored into the costings. Currently there is 1 unit at Rozell Court (Council Extra Care Housing) being used for social care clients. From August 2016, 1 additional unit will be available at Erskine Court (Council) and 3 additional beds at Weston Court (Council Supported Housing) for rehabilitation and reablement clients, who will be supported by specifically tailored packages of care.</p>

25	The new Integrated Service model includes the recruitment of additional staff to provide short-term intensive therapy support at home, as part of the care pathway on discharge from hospital. The Council and Solent NHS Trust have a recruitment strategy in place and these additional costs have been factored in as above.
26	Recent monitoring of the Domiciliary Care Framework contracts has also confirmed that the majority of providers now have robust recruitment strategies in place and are moving to systems where they are able to offer a greater number of staff contracts guaranteeing hours of service delivery. For new areas of work, the Council is requiring providers to evidence how they will recruit to ensure capacity requirements are met, and also to commit to meeting specified levels of service.
27	The Council and Solent NHS Trust are developing workforce development plans to support the new Integrated Service model, and this includes working with providers to identify people currently working in support services who would be willing to undertake additional training to enter the care employment market.
28	The “step up” community beds at RSH will be an option to provide time limited support following crises at home. The numbers of people accessing RSH in this way will be regularly monitored.
29	Taking a sustainable approach to supporting clients to access their wider community and develop/maintain relationships and social networks, wherever their care is provided – at home or in a short term residential care bed - is an important part of the new Integrated Service model and part of the ethos of reablement. The service will work closely with local communities and available resources to ensure that clients are supported to make social connections as part of their reablement plan and that there is a “planned” exit from rehabilitation/reablement support into the wider support networks, services and activities being developed in communities under the Better Care programme e.g. GP Cluster Group self-management initiatives, Community Navigators, Time Banks, voluntary sector clubs/groups etc.
30	Therefore, the responses to the main points of concern are: <ul style="list-style-type: none"> <li>• The need for bed-based provision has been closely audited and provisions have been built into the model for this</li> <li>• Account has been taken in the model of the need for additional staff to carry out therapeutic programmes in the community</li> <li>• Significant investment will be made in additional domiciliary care to support reablement</li> <li>• Sustainable links between the rehabilitation and reablement Integrated Service, the GP Cluster teams and development of community solutions are being strengthened to ensure that people are supported to access their wider communities and are not isolated socially</li> <li>• Recruitment strategies are in place, and experience so far amongst domiciliary care providers on the Framework shows that they are being able to recruit to meet commissioning requirements.</li> </ul>
	<b>Concerns: A lack of choice of appropriate quality care</b>
31	The main concerns expressed were:

	<ul style="list-style-type: none"> <li>• People who are not able to go home for their support will get a worse service</li> <li>• Some residential care homes offer a poor quality service - high staff turnover</li> <li>• Some home-based services are poor quality - staff lack skills/knowledge, poor timekeeping</li> <li>• Brownhill House offers a first class service – council jobs being eroded and business going to independent sector.</li> </ul>
	<b>Considerations:</b>
32	As previously noted (paragraph 22), any rehabilitation and reablement clients who are unable to directly return home and need a placement in short-term Residential Care instead, will remain under the care management of the Integrated Service even though they are in a residential care bed. The Integrated Service will monitor delivery of their care, and report to Commissioners if they have concerns about any particular residential home so that these can be actively managed.
33	A new Service Specification has been written to clearly state the requirements and standards that providers of rehabilitation and reablement provision in Residential Care are to meet – Appendix 3.
34	The Council and Health implemented a new Domiciliary Care Framework from April 2015. In order to ensure high standards of quality are delivered and maintained within this provision, a monitoring framework has been implemented and a Quality Standards Monitoring Tool (Appendix 4) introduced to support providers in reporting on quality. Quality starts from the premise that services provide dignity in the delivery of care. A dedicated Quality Assurance team (City Council and Health) will also review care plans to ensure these are person-centred, that plans show how the risks to individuals at home are identified and managed, and also that services are responsive to changing needs and wishes. Specific feedback on provider performance is also sought from other professionals involved with domiciliary care clients to enable a more rounded assessment of quality. “Quality” review visits are arranged with high volume providers and those where concerns have been raised as above.
35	Monitoring meetings with domiciliary care providers in November and December 2015 have identified a number of positive improvements since the implementation of the new Framework e.g. an increase in the number of frontline care staff overall, and an improvement in day to day communication between agencies and Health and Adult Social Care staff. The monitoring meetings have also been used to address specific performance concerns in more detail e.g. responsiveness to new work, the ability and capacity to provide care to people with the highest support level needs, and the duration of visit times. Development work on these areas is continuing with provider agencies and will form part of the ongoing monitoring meetings which will be held quarterly.
36	There were many positive comments in the Consultation from clients, and families of people who had used the services at Brownhill House. The quality of service delivery at Brownhill House is not a point of issue. The implementation of Phase Two is about redirecting underused funding to support the delivery of crisis response, rehabilitation, reablement and at a later date, hospital discharge services in a different way, focusing on the individual in their community.
37	Phase Two is an investment in domiciliary care to enable more people to be

	supported in their own homes both for time limited periods of reablement and also for longer term packages of support. The additional domiciliary care capacity will be increasingly sourced from the new Domiciliary Care Framework where the unit costs are significantly lower. The savings associated with this shift to the independent sector have been costed into the service model as set out in paragraph 83.
38	<p>Therefore, the responses to the main points of concern are:</p> <ul style="list-style-type: none"> <li>• Clear quality standards and robust monitoring arrangements are in place for both residential care and domiciliary care providers; there is strong support from the dedicated Quality Assurance team of experienced social care and nursing staff in monitoring these contracts</li> <li>• The Integrated Rehabilitation and Reablement Service will continue to oversee the care of clients when in these provisions and will identify and escalate any issues or concerns relating to quality</li> <li>• Quality improvements are already being seen since the implementation of the new domiciliary care framework in April 2015</li> <li>• The commissioning of an increasing proportion of domiciliary care from the Framework will only happen over time as vacancies occur through natural staff turnover in the CCFS team.</li> </ul>
	<b>Concerns: A lack of alternatives for respite and “emergency respite” care</b>
39	<p>The main concerns expressed were:</p> <ul style="list-style-type: none"> <li>• What will happen to clients needing respite services?</li> <li>• What will be available for “emergency” respite?</li> <li>• What will be available for emergency safeguarding?</li> <li>• Cost of alternative provision for both respite and “emergency” respite.</li> </ul>
	<b>Considerations:</b>
40	The same staffing resource supports the rehabilitation and reablement beds and the respite beds at Brownhill House. It is therefore a consequence of approval of Phase Two that bed provision for respite and “emergency respite” services at Brownhill House will also cease.
41	The audit of the usage of the 12 respite and “emergency” respite beds at Brownhill House identified 14 clients who could be categorised as “regular” respite users i.e. taking planned respite provision on two or more occasions in any one year. All 14 clients have had a Review in the last 2 months and suitable alternative respite provision can be offered in Residential Care Homes across the city .This has been factored into the plans and costs already included in Phase Two for purchasing additional activity from the residential care sector for respite and “emergency” respite clients, as well as rehab and reablement clients whose needs require a bed based solution for a time limited period. 30 clients have accessed Brownhill House for “one off” periods of planned respite during the last 12 months.
42	The Council and SCCCG are also currently undertaking a Review of Replacement Care (respite) Services across the city. The re-provision of respite and “emergency” respite care for clients who have/ would have accessed Brownhill House has been included in the Phase Two proposals. Direct contact has already been made with a number of providers of residential care for older people and there is scope to increase the provision locally.
43	An audit of “emergency” respite usage of Brownhill House (June – December 2015)

	<p>has also shown that approximately 40% of the “emergencies” could potentially have been averted with better integrated working between Health and Adult Social Care. Better Care developments include a range of initiatives designed to promote early intervention and recognition of need. For example:-</p> <ul style="list-style-type: none"> <li>• Joint working and co-location</li> <li>• Workforce development, such as the development of an “Every Contact Counts” culture</li> <li>• Shared person-centred care planning</li> <li>• Increasing emphasis on contingency planning with clients and, as appropriate carers/families</li> <li>• Developing a Lead Professional case management model of working to identify need and coordinate support appropriately</li> <li>• Developing Risk Stratification approaches at a community level to support the early identification of need and reducing the need for planning in an “emergency” as involvement would be more proactive</li> <li>• Developing a “step down” approach to support the transition between receiving rehabilitation and reablement services and regaining independence. This is important as people are enabled to continue to support themselves with appropriate self-management planning and those individuals who remain vulnerable would be identified and supported by a risk stratification process reducing the need to plan in an “emergency” as involvement can be more proactive.</li> </ul>
44	<p>The identified alternative provision of short-term residential care or Extra Care Housing would also have been suitable for approximately 70% of the “emergency” respite cases. However, approximately 20% of the clients requiring “emergency” respite in the audit were either too young to be appropriately placed in short-term residential care / Extra Care Housing, or had additional needs e.g. substance misuse issues or were homeless. For clients in these circumstances a range of alternative provision with specialist Agencies/ support has been considered, and an appropriate and suitable alternative will be provided on an individual case basis as required.</p>
45	<p>Approximately 10% of “emergency” respite cases were in relation to clients unable to be in their own homes due to housing related issues or adaptations needed to the accommodation. The previously identified alternative access to short-term residential care for clients at high falls risk, or Extra Care Housing will also be suitable options for these clients for reablement – and has been costed into the service model (paragraph 84).</p>
46	<p>Therefore, Cabinet is requested to note that the responses to the main points of concern are:</p> <ul style="list-style-type: none"> <li>• Alternative provision for meeting existing respite and “emergency” respite needs for clients using Brownhill House has been identified. Provision will be sourced from Extra Care Housing and the Residential Care sectors and has been costed into the proposals</li> <li>• The Replacement Care review during 2016/17 may open up alternative opportunities for meeting this need in future but this is a separate piece of work.</li> </ul>
	<p><b>Concerns: Specific feedback from Carers</b></p>

47	<p>The main concerns expressed were:</p> <ul style="list-style-type: none"> <li>• People will come home without access to enough support for rehabilitation and reablement, and carers will have to take on even more</li> <li>• The impact on carers' well-being</li> <li>• Provision of replacement care (respite).</li> </ul>
	<b>Considerations:</b>
48	<p>Better Care is about improving outcomes for clients and their experience of health and social care, this includes taking a person-centred approach by putting people at the heart of decisions about their own care. Each case will be assessed as to individual need and wishes, also taking into account the wellbeing of any carers. As a result, for some clients a short-term residential care option may be the preferred option. Clients will be able to access rehabilitation and reablement support through a short-term placement in residential care and will remain under the care management of the Integrated Service.</p>
49	<p>The council works with over 50 Residential Care providers across the city and there is additional unused capacity within this market. People will be offered short-term placements in residential care as close to their main place of residence as possible to facilitate regular contact with carers/family.</p>
50	<p>The new Integrated Service model includes the recruitment of additional staff to provide short-term intensive therapy support at home, as part of the care pathway on discharge from hospital.</p>
51	<p>Carers are entitled to an assessment in their own right from Social Care under the Care Act. The Council has also commissioned Carers In Southampton to help identify carers, provide a range of information, advice and support services, and carry out Carers' Assessments.</p>
52	<p>Replacement care (respite) will continue to be provided, other than at Brownhill House, as set out in paragraphs 40 - 46.</p>
53	<p>Therefore, the responses to the main points of concern are:</p> <ul style="list-style-type: none"> <li>• For each client, their rehabilitation and reablement plan and how/ where this is provided, will be based on an assessment of individual need and wishes, also taking account of the wellbeing of carers</li> <li>• In circumstances where needs are such that it would be to the detriment of the client's care or carer's wellbeing to provide rehabilitation and reablement at home, a residential option will be considered</li> <li>• Account has been taken in the model of the need for additional staff to carry out therapeutic programmes in the home/community</li> <li>• Carers in Southampton is a commissioned service to enable carers to access support and Carers' Assessments.</li> </ul>
	<b>Alternative suggestions raised during consultation</b>
54	<p>The consultation invited views on any alternative suggestions to the Phase Two proposals. The main suggestions can be summarised as:</p> <ul style="list-style-type: none"> <li>• Make more use of Brownhill House e.g. move patients from RSH wards, or invest in more equipment for Brownhill House so that it is suitable for a greater range of client needs</li> </ul>



	<ul style="list-style-type: none"> <li>• Give people the choice to pay for their own care at Brownhill House.</li> </ul>
	<b>Considerations:</b>
55	The quality of service delivery at Brownhill House is not a point of issue. The implementation of Phase Two is about supporting the wider transformation of the way care is provided in Southampton within the rehabilitation and reablement ethos of Better Care. It is about using resources differently to invest in a more flexible system with a focus on keeping people as independent as possible within their own homes and communities. National research has shown that people are more likely to regain good health if they receive care within their own home /community.
56	It would not be possible to sustain investment in the structure of Brownhill House to accommodate the range of necessary equipment, or the funding for on-going services, on the basis of an unknown potential number of people paying for their own care.
57	The response to the alternative suggestions is, that the proposals represent a redesign of rehabilitation and reablement which better meets the needs of more clients, delivers improved outcomes and represents better value for the system as a whole.
58	All of the consultation feedback has been used to update the Equality and Safety Impact Assessment attached as Appendix 5.
59	Cabinet is requested to note the consultation feedback and responses, this will involve a genuine and conscientious consideration of the representations and after taking them into account to approve the implementation of Phase Two of the re-designed Integrated Service for Crisis Response, Rehabilitation, Reablement and Hospital Discharge; to achieve a more appropriate and cost effective balance of bed-based and domiciliary care that will meet the needs of clients and deliver better outcomes for them, whilst achieving best value use of resources. This implementation will include the closure of all services at Brownhill House including the closure of bed-based provision at the City Council facility and redirection of resources into domiciliary care and more community focussed options of flexible bed based provision e.g. extra care housing. It will also include the relocation of the Day Services run by SCA.
60	Cabinet is requested to approve the commissioning of an increasing proportion of domiciliary care from the council's new Domiciliary Care Framework (implemented from April 2015) where the unit costs of care are significantly lower; and over time reduce the proportion of care sourced from the Council's in house Reablement Team (City Care First Support, CCFS) as vacancies occur through natural staff turnover.
	<b>Implementation process</b>
61	Cabinet is requested to approve a formal consultation about future employment/roles with all relevant affected staff in the City Council on the implementation of Phase Two. The consultation is proposed to start on 26 <sup>th</sup> February and will extend beyond the standard 45 day period until 17 <sup>th</sup> April 2016 in recognition of Easter holiday period. The consultation methods will include written particulars, meetings with relevant recognised unions, team meetings and 1:1 sessions and will follow agreed Council policies and procedures.
62	The implementation of Phase Two will mean the closure of bed-based provision at the City Council facility, Brownhill House, and a redirection of resources into domiciliary care and more community focussed options of flexible bed based provision e.g. extra care housing. This has the potential to put 41 Full Time Equivalent (FTE) Council posts at risk. Officers from the City Council, Solent NHS Trust, University Hospital

	Services and SCCCG are working together to identify opportunities for redeployment / ring-fenced employment opportunities across the system to mitigate the risk of staff redundancies.
63	Cabinet is requested to delegate authority to Director of Quality and Integration and Service Director: Legal and Governance, following consultation with the lead Cabinet Member for Health and Adult Social Care to do anything necessary to give effect to the Phase Two proposals incorporating any changes resulting from the staff consultation.
64	A draft Implementation Plan to proceed with Phase Two of the Integrated service has been prepared - Appendix 2.
65	It is proposed the 25 Rehabilitation and Reablement beds at Brownhill House will be closed to referrals from 18 April 2016. The average length of stay within the Rehabilitation/ Reablement beds over the last 18 months has been 36 days. It is therefore anticipated that all clients will have completed their initial rehabilitation/reablement programme at Brownhill House, and returned to their home or accommodation of choice by 1 <sup>st</sup> June 2016.
66	It is proposed that the 12 Respite and “emergency” use beds at Brownhill House will also be closed to admissions from 18 <sup>th</sup> April. The average length of stay within these beds over the last 18 months has been 28 days (when one exceptional case of a prolonged stay is removed from the calculation). It is therefore anticipated that all clients will have vacated the respite and “emergency” beds to return home or into suitable alternative provision by 1 <sup>st</sup> June 2016.
67	The welfare of current users is being taken into account at all stages and individual assessments will be carried out so that all individual risks of the closure are considered and minimised. These assessments will include a Care Act 2014 assessment or review, updated care and support plan (if any) mental capacity assessment, if needed. The individuals will be supported during this assessment, which may involve independent advocates. All clients will be provided with suitable alternative care settings or care packages in their own home.
68	Plans are in place to bring on line the additional domiciliary care capacity required from the Framework through a mini-competition process from 18 <sup>th</sup> April 2016, and to commission the additional activity required from the residential care sector from 18 <sup>th</sup> April 2016, subject to Cabinet approval of the implementation of Phase Two.
69	The staffing resource supporting the rehabilitation, reablement and respite beds is therefore also planned to transfer from Brownhill House on 1 <sup>st</sup> June 2016. However, the Brownhill House service will only close at the point of all the beds being vacant.
	<b>Social Care in Action (SCA) Day Services</b>
70	As an indirect consequence of approval of Phase Two, the Day Services provided by Social Care in Action (SCA) will need to re-locate. The Council has a contract with SCA to provide Day Services (and associated transport) for older people (High Level Physical Dependency) at Brownhill House. The Day Service has a capacity of 18 places per day and operates for 5 days per week (Monday – Friday) for 48 weeks of the year. A total of 51 people are currently using the Day Services across the week. Cabinet is requested to note that the additional potential costs of provision from an alternative venue have been included in the recommendation to proceed with Phase Two.

71	<p>A possible alternative venue is Freemantle Community Centre. The building meets all requirements from SCA's perspective e.g. accessible toilets, exclusive occupancy of rooms, catering facilities etc and satisfies the key mitigating factors of a move:-</p> <p>(i) enabling clients to retain existing friendship groups</p> <p>(ii) ensuring client transport time is retained at the existing level i.e. completed in fifty minutes (maximum).</p> <p>A further potential venue is the Fenwick Centre in Lyndhurst which SCA already use for other provision.</p>																																										
72	<p>The City Council will continue to work closely with SCA to facilitate the relocation of the Day Service. It is anticipated that the Day Services will be operational from a new venue by 1<sup>st</sup> April 2016.</p>																																										
<p><b>Future of Brownhill House</b></p>																																											
73	<p>Cabinet is asked to note that the potential to explore further usage or potential disposal of Brownhill House is outside of the remit of this work programme, and will be the subject of a future separate Cabinet report.</p>																																										
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74	<p>Included within the scope of this project, there are City Council services that have an aggregated budget of £3.690M and Southampton City Clinical Commissioning group (SCCCG) funded services that total £9.750M bringing a total combined resource to £13.440M The table below outlines the services, the associated funding and FTE that are proposed to be included within this project.</p> <table border="1" data-bbox="220 1122 1385 1798"> <thead> <tr> <th data-bbox="220 1122 922 1211">City Council Services</th> <th data-bbox="922 1122 1134 1211">FTE</th> <th data-bbox="1134 1122 1385 1211">2015/16 Budget £M</th> </tr> </thead> <tbody> <tr> <td data-bbox="220 1211 922 1256">Hospital Discharge Team</td> <td data-bbox="922 1211 1134 1256">18.69</td> <td data-bbox="1134 1211 1385 1256">0.52</td> </tr> <tr> <td data-bbox="220 1256 922 1301">Brownhill House (respite and emergency care)</td> <td data-bbox="922 1256 1134 1301">41.13</td> <td data-bbox="1134 1256 1385 1301">0.56</td> </tr> <tr> <td data-bbox="220 1301 922 1346">City Care First Support (reablement care)</td> <td data-bbox="922 1301 1134 1346">112.94</td> <td data-bbox="1134 1301 1385 1346">1.43</td> </tr> <tr> <td data-bbox="220 1346 922 1391">Reablement Team</td> <td data-bbox="922 1346 1134 1391">32.53</td> <td data-bbox="1134 1346 1385 1391">1.18</td> </tr> <tr> <td data-bbox="220 1391 922 1435"><b>Total</b></td> <td data-bbox="922 1391 1134 1435"><b>205.29</b></td> <td data-bbox="1134 1391 1385 1435"><b>3.69</b></td> </tr> <tr> <th data-bbox="220 1435 922 1480">SCCCG Investment and Services</th> <th data-bbox="922 1435 1134 1480">FTE</th> <th data-bbox="1134 1435 1385 1480">2015/16 Budget £M</th> </tr> <tr> <td data-bbox="220 1480 922 1525">City Care First Support (reablement care)</td> <td data-bbox="922 1480 1134 1525">As above</td> <td data-bbox="1134 1480 1385 1525">1.31</td> </tr> <tr> <td data-bbox="220 1525 922 1570">Brownhill House (rehab and reablement care)</td> <td data-bbox="922 1525 1134 1570">As above</td> <td data-bbox="1134 1525 1385 1570">0.80</td> </tr> <tr> <td data-bbox="220 1570 922 1615">Community ED Team</td> <td data-bbox="922 1570 1134 1615">10.43</td> <td data-bbox="1134 1570 1385 1615">0.21</td> </tr> <tr> <td data-bbox="220 1615 922 1659">RSH Ward and therapy staff</td> <td data-bbox="922 1615 1134 1659">73.83</td> <td data-bbox="1134 1615 1385 1659">5.19</td> </tr> <tr> <td data-bbox="220 1659 922 1704">Community Rehab Team</td> <td data-bbox="922 1659 1134 1704">37.78</td> <td data-bbox="1134 1659 1385 1704">0.89</td> </tr> <tr> <td data-bbox="220 1704 922 1749">Rapid Response</td> <td data-bbox="922 1704 1134 1749">38.33</td> <td data-bbox="1134 1704 1385 1749">1.35</td> </tr> <tr> <td data-bbox="220 1749 922 1798"><b>Total</b></td> <td data-bbox="922 1749 1134 1798"><b>160.37</b></td> <td data-bbox="1134 1749 1385 1798"><b>9.75</b></td> </tr> </tbody> </table>	City Council Services	FTE	2015/16 Budget £M	Hospital Discharge Team	18.69	0.52	Brownhill House (respite and emergency care)	41.13	0.56	City Care First Support (reablement care)	112.94	1.43	Reablement Team	32.53	1.18	<b>Total</b>	<b>205.29</b>	<b>3.69</b>	SCCCG Investment and Services	FTE	2015/16 Budget £M	City Care First Support (reablement care)	As above	1.31	Brownhill House (rehab and reablement care)	As above	0.80	Community ED Team	10.43	0.21	RSH Ward and therapy staff	73.83	5.19	Community Rehab Team	37.78	0.89	Rapid Response	38.33	1.35	<b>Total</b>	<b>160.37</b>	<b>9.75</b>
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75	<p>As per the recommendations within this report it is proposed that all of the above resources, or equivalent for 2016/17, are incorporated within the existing Rehabilitation and Reablement Scheme of the Better Care Pooled Fund S75 agreement. This will require the budgets for Hospital Discharge Team and Reablement Team to be formally included within this pooled fund; all other budgets are already included. This will ensure that adequate system wide financial oversight is in place for this initiative which</p>																																										

	will include effective performance and financial monitoring to ensure that outcomes, investments and savings are achieved in line with the proposals within this report. Cabinet is requested to note that within the pooled fund it is proposed, in respect of this scheme, all savings and investments are shared on an equal basis (50/50) with both partners regardless of where the saving should fall. The pooled fund will be managed by a Senior Commissioner from the Integrated Commissioning Unit. The Commissioning Partnership Board will take a strategic view of this scheme.
76	It should be noted that for 2016/17 the proposed estimates to be agreed at Council 16 <sup>th</sup> February 2016 include an increase, above those for inflationary of annual pay award purposes, of £0.387M for City Care First Support. This is due to the observed cost arising from the changes to the scheme for pay and allowances implemented in June 2015.
77	It should be noted that, in respect of this project, a part year saving of £0.400M for 2015/16 and a full year £0.800M for 2016/17 was agreed as part of the Council's approved savings in February 2015. However, owing to slippage, this project will not deliver savings until 1 <sup>st</sup> June 2016, when services cease from Brownhill House. Correspondingly this adversely impacts on the timescale for delivery of these savings. However, for 2016/17 a saving of £0.300M, a reduction of £0.500M from the approved £0.800M, has been included within the Health & Adult Social Care budget based on the revised projections included within this report.
78	In the Cabinet paper of August 2015 which sought permission to consult on the proposals, the scope of the total annual net savings to be achieved from this project across the whole health and social care system were modelled as £0.210M in the first year, increasing to £0.825M by year 5. This calculation included both the impact on Operational costs of the changes to the rehabilitation and reablement services as well as the costs and anticipated savings of the wider Invest to Save initiative. Within this report, the details of the Organisational proposal and the Invest to Save proposal have been shown separately to provide greater clarity and to allow for separate consideration. Cabinet is asked to note that some of the original resourcing assumptions have also been revised on the basis of further analysis, which has had the effect of increasing the savings.
79	Cabinet is requested to note that the confirmed net savings that are currently directly achievable from the implementation of Phase Two (Operational savings only) are calculated to be £0.631M full year effect in the first year rising to £1.223M, full year effect, by year 5 as outlined within the table contained in paragraph 85 below. At this stage potential savings from the Invest to Save initiative are not included within this total due to the inherent degree of uncertainty that accompanies savings from proposals to influence demand.
	<b>Operational costs and savings</b>
80	The proposal to reduce the current number of manager post by 3.5fte and to cease service provision from Brownhill House will save £0.188M and £1.313M respectively from both SCCCG and the Council's Health & Adult Social Care budgets. However, as indicated within this report there will be a requirement to source alternative provision for eligible clients funded by either partner.
81	The cost of reprovision is estimated to be £1.018M full year effect on a recurring basis, generating an annual net saving of £0.483M. In addition there are savings of £0.148M in year 1 to £0.740M in year 5 from increasing the volume of less costly external provision compared to internally provided reablement care. Overall this generates a

	saving projection of £0.631M full year effect in the first year, rising to £1.223M, full year effect, by year 5.
82	Based on the proposed saving and investment share with SCCC of 50/50 the Council's proportion of these savings will be £0.315M full year effect in the first year rising to £0.612M, full year effect, in year 5. This increase in saving beyond the initial £0.315M is not included within the Council's Medium Term Financial Forecast. It will therefore be subject to a further savings proposal in preparation for the 2017/18 budget.
83	<p>The operational savings associated with the approval of Phase Two are:</p> <ul style="list-style-type: none"> <li>• Closure of services at Brownhill House for which alternative provision will be provided within clients' homes, or within alternative community based, more flexible bed resources (i.e. temporary Residential Care and Extra Care Housing), at an anticipated lower unit cost</li> <li>• The transfer year on year through natural staff turnover of some of the work undertaken by the Council's CCFS team to the new Domiciliary Framework providers. The cost difference between Framework providers and the CCFS team is approximately £16 per hour. A saving of £0.148M based on 10% of provision is expected for the first full year through this approach and a further 10% year on year has been modelled into future years</li> <li>• An integrated management structure for the 7 currently separately managed health and social care teams which will require fewer management posts – reduction of 3.5 FTE posts.</li> </ul>
84	<p>The operational costs associated with the above are as follows:</p> <ul style="list-style-type: none"> <li>• Additional investment in equipment to support reablement in people's homes</li> <li>• Additional Domiciliary Care hours purchased through the Domiciliary Framework providers. There is an assumed need of 280 hours a week, based on 20 clients at any one time needing an average of 14 hours a week each</li> <li>• Access to residential care beds for clients who would not be able to go straight back to their usual place of residence for reablement care e.g. awaiting housing adaptations, high falls risk. A requirement for 5 beds at any one time has been assumed based on a review of Brownhill House admissions during the period September – December 2015</li> <li>• Some additional therapy resource will be required within the Integrated Rehabilitation and Reablement service to cover the additional travel costs of providing therapy to individuals within their own homes as opposed to within a single bed-based setting</li> <li>• Access to 4 beds (1 x Extra Care Housing at Erskine Court, 3 x Supported Housing at Weston Court) for clients</li> <li>• Alternative provision for respite clients currently using Brownhill House. This has been based on 741 planned respite days in the last 12 months (by 44 people - 14 of whom are regular respite users) and re-providing this activity in a residential care home</li> <li>• Alternative provision for "emergency" respite clients currently using Brownhill House. Based on a recent audit of Brownhill House usage, it has been assessed that 2 beds would be required at any one time</li> <li>• Costs associated with relocation of the SCA day care provision which currently uses Brownhill House.</li> </ul>

85		Operational				
		1	2	3	4	5
		£	£	£	£	£
	<b><u>Domiciliary Care</u></b>					
	Additional Hours, Framework	218,400	218,400	218,400	218,400	218,400
	Transfer hours from internal provision to framework	(148,082)	(296,164)	(444,246)	(592,328)	(740,410)
	<b><u>Integ Rehab &amp; Reab Service</u></b>					
	Reinvestment of management saving to support discharge to alternative settings & therapy in home setting	188,160	188,160	188,160	188,160	188,160
	<b><u>Equipment</u></b>					
	Increase in level of Equipment	374,000	374,000	374,000	374,000	374,000
	<b><u>Management</u></b>					
	Reduction in Managers of 3.5fte	(188,160)	(188,160)	(188,160)	(188,160)	(188,160)
	<b><u>Brownhill House</u></b>					
	Closure of Brownhill House	(1,313,000)	(1,313,000)	(1,313,000)	(1,313,000)	(1,313,000)
	Reprovision of Respite / Emergency service	80,942	80,942	80,942	80,942	80,942
	Reprovision of Day Care accomm	23,000	23,000	23,000	23,000	23,000
	Residential Care Beds	113,150	113,150	113,150	113,150	113,150
	Extra Care Housing Beds	20,800	20,800	20,800	20,800	20,800
	<b>Total</b>	<b>(630,790)</b>	<b>(778,872)</b>	<b>(926,954)</b>	<b>(1,075,036)</b>	<b>(1,223,118)</b>
	<b>Invest to save initiative</b>					
86	<p>Cabinet is requested to note that a key aim of this scheme also includes delivering a greater impact across the wider Health and Social Care system by investing additional resources to increase Rehabilitation and Reablement activity and meet the needs of more people. The expectation is that in reaching a larger group of clients there will be greater savings achieved through a reduction in:</p> <ul style="list-style-type: none"> <li>• Permanent admissions to Residential and Nursing care</li> <li>• Hospital admissions</li> <li>• Delayed discharges from hospital.</li> </ul> <p>The details of this “invest to save” proposal are outlined below and have potential for increasing the net saving indicated in paragraph 85 above.</p>					
87	<p>Within this proposal there will be additional and equal investment required by both partners to drive out further net savings. The financial model included within paragraph 97 is based on implementation assuming the full programme of investment from the outset and the estimated impact this may have on demand.</p>					

88	Based on this model the combined cost of the investment is £0.796M in year 1 increasing to £0.854M by year 5. The increase is due to a minor programmed expansion of staff within the integrated Rehabilitation and Reablement service. The Council's proportion of the investment would be 50%, £0.400M, in year 1.
89	The potential saving achieved through a corresponding reduction in demand is estimated to be £1.003M full year effect in the first year rising to £1.940M, full year effect, in year 5.
90	Therefore, the net saving is anticipated to be £0.208M full year effect in the first year rising to £1.086M, full year effect, in year 5. The council's proportion of this net saving would be £0.104M full year effect in the first year rising to £0.593M, full year effect, in year 5.
91	However, savings achieved through taking actions to reduce demand are, by their nature, very difficult to either predict or provide a high degree of certainty of achievement in advance. To mitigate the impact of this significant risk it is proposed that an incremental approach is taken whereby investment required to enable the increase in activity to reduce demand is agreed in phases.
92	It is proposed that only when the programmed savings for each phase are evidenced to be achieved will further additional investment be released. It is proposed that the decision to release each phase of council investment is delegated to the Council's Section 151 Officer.
93	Should this proposal be agreed the initial investment outlay would instead be £0.10M each for both partners, providing an initial investment total of £0.20M.
94	The savings associated with the "invest to save" proposals are as follows: <ul style="list-style-type: none"> <li>• Reduction in non-elective hospital admissions amongst the 65 year old plus age group– this has been phased over 5 years to allow the team to embed with a 5% reduction in year 1 (just 93 admissions) building up to a 25% reduction by year 5 (465 admissions)</li> <li>• Reduction in excess bed days amongst patients aged 65 and over – this has been remodelled following further audit and analysis of excess bed days in October 2015 which showed the potential to halve the average number of excess bed days per complex discharge patient from 15 days to 7.5 days through a discharge to assess approach, informed by the findings of a pilot undertaken by University Hospital Services during 2015/16</li> <li>• Reduction in nursing and residential care permanent admissions – based on bringing Southampton's rate down to the national average over the next 5 years.</li> </ul>
95	The costs associated with the "invest to save" proposals are as follows: <ul style="list-style-type: none"> <li>• Additional domiciliary care purchased through the Domiciliary Care Framework providers, equating to an additional 28,291 hours a year, which constitutes a 50% increase in current provision</li> <li>• Investment in more staff within the integrated Rehabilitation and Reablement Service to provide additional capacity for therapeutic support, early intervention and crisis management</li> <li>• Access to additional community based short stay beds to address known blocks in the system and facilitate earlier discharge. This includes a dedicated bed for bariatric clients ready for discharge and 3 beds for Homelessness clients.</li> </ul>
96	The table below shows the overall impact of the "invest to save" proposals based on full implementation from the outset. It should be noted that these are in addition to the costs and savings shown in paragraph 85 above.

97		Invest to Save				
		1	2	3	4	5
		£	£	£	£	£
	<b><u>Integ Rehab &amp; Reab Service</u></b>					
	Support workers additional					
	7.25fte ramping up to 8.9	273,088	288,155	301,338	316,405	331,472
	<b>Total</b>	<b>273,088</b>	<b>288,155</b>	<b>301,338</b>	<b>316,405</b>	<b>331,472</b>
	<b><u>Domiciliary Care</u></b>					
	Additional Hours, Framework	424,360	424,360	424,360	424,360	424,360
	<b><u>Community Based Beds</u></b>					
Additional community beds	98,000	98,000	98,000	98,000	98,000	
<b>Total</b>	<b>795,448</b>	<b>810,515</b>	<b>823,698</b>	<b>838,765</b>	<b>853,832</b>	
	1	2	3	4	5	
Savings projected						
NEL Admissions	(73,728)	(152,064)	(234,240)	(321,792)	(413,184)	
Excess Bed Days	(573,807)	(573,807)	(573,807)	(573,807)	(573,807)	
Nursing & Residential Care Admissions	(355,712)	(508,160)	(647,904)	(800,352)	(952,800)	
<b>Total (Saving)/Pressure</b>	<b>(207,799)</b>	<b>(423,516)</b>	<b>(632,253)</b>	<b>(857,186)</b>	<b>(1,085,959)</b>	
98	It is proposed that the achievement of savings are monitored during 2016/17 in order to ascertain a reliable forecast of saving from this initiative. It is anticipated that a long term saving will be proposed for this initiative during the 2017/18 budget setting process.					
<b><u>Property/Other</u></b>						
99	Cabinet is asked to note that the potential to explore further usage or potential disposal of Brownhill House is outside of the remit of this work programme, and will be the subject of a future separate Cabinet report.					
<b>LEGAL IMPLICATIONS</b>						
<b><u>Statutory power to undertake proposals in the report:</u></b>						
100	The Care Act 2014 provides an updated legal framework for care and support and introduces a number of new rights, responsibilities and processes. Of particular note is the new duty under sections 3, 6, and 7 of the Act which requires Local Authorities to:					



	<ul style="list-style-type: none"> <li>• Carry out their care and support responsibilities with the aim of promoting greater integration with NHS and other health-related services</li> <li>• Cooperate generally with relevant partners in performing their functions related to care and support and</li> <li>• In specific individual cases cooperate in performing their respective functions relating to care and support.</li> </ul>
101	The recommended option of moving to a more integrated and personalised service approach would support greater compliance with the Care Act 2014. Any re-provision of services, including the integration of these services, must comply with the Care Act and its statutory guidance set out in pages 281-300 and Care Act regulations. Any market re-shaping of services must also take into account the main principles under the Care Act and its statutory guidance including the focus on outcomes and well-being, promoting quality services, including through workforce development and remuneration and ensuring appropriately resourced care and support, supporting sustainability and ensuring choice.
102	Local authorities must ensure their commissioning practices and the services delivered on their behalf comply with the requirements of the Equality Act 2010 and should encourage services that respond to the fluctuations and changes in people's care and support needs. The City Council must also take into consideration the community safety implications of any decisions in line with Section 17 of the Crime and Disorder Act 1998. This will be included in the Equality and Safety Impact Assessment.
<b>Other Legal Implications:</b>	
103	The Council is under a duty to consult with affected staff on the implications to them in respect of Phase Two. The consultation duties will be met in respect of Phase Two by following the steps set out in Recommendation (iii) and paragraph 61.
104	Cabinet must give genuine and conscientious consideration of the consultation feedback and representations and take them into account before making its decision.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
105	<p>This service re-design is consistent with:-</p> <p>Council Strategy 2014-2017 priorities including:-</p> <ul style="list-style-type: none"> <li>: prevention and early intervention</li> <li>: protecting vulnerable people</li> <li>: a sustainable council</li> </ul> <p>Better Care Plan including to:-</p> <ul style="list-style-type: none"> <li>: Significantly reduce permanent admissions to residential and nursing homes.</li> <li>: Increase the percentage of older people still at home 91 days post discharge into reablement services.</li> <li>: Significantly reduce delayed transfers of care</li> <li>: Reduce non elective emergency admissions</li> <li>: Reduce the number of injuries due to falls requiring hospitalisation per week.</li> </ul>
<b>KEY DECISION?</b>	<b>Yes</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	<b>ALL</b>
<b>SUPPORTING DOCUMENTATION</b>	

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<b>Appendices</b>	
1.	Analysis of Public Consultation
2.	Draft Implementation Plan
3.	Service Specification – Residential Care Reablement Provision
4.	Quality Standards Monitoring Tool
5.	Equality and Safety Impact Assessment (revised)

**Documents In Members’ Rooms**

1.	None
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**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>Yes</b>
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**Privacy Impact Assessment**

<b>Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.</b>	<b>No</b>
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**Other Background Documents**

**Other Background documents available for inspection at:**

<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1. None	

## Consultation report

### Introduction

1. On the 18<sup>th</sup> August 2015 Cabinet considered a report which set out two development phases of a proposed new Integrated Service model, and a preferred option for future service delivery. The preferred option was to fully integrate the Council and Solent NHS Trust staff teams involved in crisis response, rehabilitation, reablement and hospital discharge functions (Phase One) **and** prioritise service delivery /support at home or in people's local communities (Phase Two. Members agreed that the proposals should be consulted on with key stakeholders and the public before a final decision.
2. Southampton City Council undertook a public consultation with staff, service users and stakeholders regarding proposals to develop an integrated rehabilitation and reablement service including, but not limited to, the preferred option between 7<sup>th</sup> September and 27<sup>th</sup> November 2015.
3. Rehabilitation services support people to recover more quickly following treatment: an example might be teaching someone how to walk again following an accident. Reablement services help people to learn or re-learn daily living skills so that they can better manage any ongoing illness or condition, for example re-learning how to cook, or manage their own medication. Rehabilitation and reablement both aim to help people regain as much independence as possible, as well as avoid unplanned or unnecessary hospital admissions, and ensure people only need to stay in hospital as long as they medically need to.
4. The development of an integrated service for rehabilitation and reablement provision is a key element of the Southampton Better Care Plan, which aims to improve the health and wellbeing of people in Southampton. The proposals were designed with the intention of improving people's experience of care and the outcomes they achieve by transforming the way care is provided in Southampton, as well as ensuring best use is made of resources, in terms of both staff and money.

### Consultation principles

5. The Council takes its duty to consult with residents and stakeholders on changes to services very seriously. The Council's consultation principles ensure all consultation is:
  - Inclusive: so that everyone in the city has the opportunity to express their views.
  - Informative: so that people have adequate information about the proposals, what different options mean, and a balanced and fair explanation of the potential impact, particularly the equality and safety impact.
  - Understandable: by ensuring that the language used to communicate is simple and clear and that efforts are made to reach all stakeholders, for example people who are non-English speakers or disabled people.
  - Appropriate: by targeting people who are more likely to be affected and using a more tailored approach to get their feedback, complemented by a general approach to all residents, staff, businesses and partners.
  - Meaningful: by ensuring decision makers have the full consultation feedback information so that they can make informed decisions.
  - Reported: by letting consultees know what was done with their feedback.

6. The Council also has a compact (or agreement) with the voluntary sector in which there is a commitment to undertake public consultations for a minimum of 12 weeks wherever possible. This aims to ensure that there is enough time for individuals and voluntary organisations to hear about, consider and respond to consultations. It is also in line with national government guidance.
7. The Council also aims to ensure that consultations are conducted in a timely fashion, so that there is time for proposals to be influenced by the outcome of the consultation, and time for decision makers to see the full results and understand the views of consultees before taking any final decisions.

### **Approach and methodology**

8. The consultation on an integrated rehabilitation and reablement service sought views on the proposal from relevant staff (City Council and Solent NHS Trust), stakeholders and service users, carers and family members. A public consultation ran from 7th September to 27<sup>th</sup> November 2015 (12 weeks), to enable as many people to respond on the proposal as possible.
9. Deciding on the best process for gathering feedback from stakeholders when conducting a consultation requires an understanding of the audience and the users of the service. It is also important to have more than one way for stakeholders to feedback on the consultation, to enable engagement with the widest range of the population.
10. The agreed approach for this consultation was to use a combination of paper and online questionnaires supported by face:face meetings, and targeted letters/emails. This approach enables an appropriate amount of explanatory and supporting information to be included in a structured questionnaire, helping to ensure that residents are aware of the background and context to each of the proposals.
11. In detail, feedback was enabled through the following routes:
  - A questionnaire which was available online via the Council's dedicated web page, and via a link from the web pages of the following:- Southampton City Clinical Commissioning Group (SCCCG), Age UK Southampton, Solent MIND, Carers In Southampton and Healthwatch Southampton
  - The same questionnaire was also available in paper format at Brownhill House (Council rehabilitation and reablement facility), and at the offices of the above Agencies
  - The same questionnaire, with an accompanying letter, was directly posted to:
    - \* a cross- section sample of people who had used services at Brownhill House over the previous six month period;
    - \* all people who were identified as regular users of the respite care services at Brownhill House.
  - The same questionnaire was hand-delivered to all current users of Brownhill House services, and all current users of the Day Services at Brownhill House, which are provided by Social Care In Action
  - A dedicated email address that was available to receive emails as part of the consultation.

### **Promotion and communication**

12. Throughout the consultation, every effort was made to ensure that as many people as possible were aware of the proposed changes and had an opportunity to have their say. Particular effort

was made to communicate the proposals in a clear and easy to understand way. This was achieved by using an easy to read background to the proposal at the start of the questionnaire, a Frequently Asked Questions (FAQs) document, the Equality and Safety Impact Assessment and links to support and advocacy organisations. All of these were available on a dedicated Council webpage.

13. The consultation was promoted in the following ways:

- Face:face meetings with:-
  - \* individuals and groups (service users and staff) at Brownhill House
  - \* Agencies - listed at paragraph 11 above
  - \* local Health Centre staff (Adelaide and Lordshill)
  - \* Domiciliary Care provider Agencies at a Provider Forum
- E-alerts, sent to subscribers of the Council's email marketing service. These featured hyperlinks to further information about the consultation and the questionnaire itself.
- Information and media support were provided to the regional media to help them cover the consultation. This resulted in coverage including a feature on the Daily Echo website and in the Daily Echo newspaper.
- The Council's Facebook and Twitter accounts were used to signpost people to the consultation information and questionnaire on the "have your say" section of the council's website.
- Elected Members (Overview and Scrutiny Management Committee, Health and Overview Scrutiny Panel and the City's 3 Members of Parliament)
- Other stakeholder meetings e.g. Health and Wellbeing Board, Local Medical Commission.

## **Consultation respondents**

14. In total, 210 people responded to the consultation on integrated rehabilitation and reablement services, either through a paper or online questionnaire, or a general letter or comment. All the questionnaire submissions that had at least one question completed were included in the analysis, to ensure every piece of feedback was considered.

15. This section shows the demographic makeup of respondents to the main questionnaires, enabling us to see which groups were represented in terms of age, gender, ethnicity and also their interest in the proposals. It is important to note that:

- As consultations should be open for anyone to answer, they will not necessarily be representative of the whole population of Southampton. It is however important that as wide a range as possible are engaged and are given the opportunity to share their views on the proposal
- The analysis provided below does not cover all respondents, as some did not complete this section.

16. In total, from the information that was provided by respondents, it is possible to see that:

- 33% of respondents were local residents who wanted to have their say on the planned changes to rehabilitation and reablement services
- 19% were family members of a service user (either past or present)
- 14% were users of the Brownhill House day service
- 9% were former users of rehabilitation and reablement services
- 3% were current users of rehabilitation and reablement services
- 21% of respondents didn't identify with any of these groups.

17. Figure 1 shows the age breakdown of respondents. There are clear correlations between age and the number of questionnaires completed. The least represented group was 19-24 year

olds, with only 2% of the total respondents falling into this category. The most represented group was 75+ year olds, with 26% of respondents coming from this category. This is in line with normal expectations as people over 45 tend to participate in greater numbers. As an example, in Southampton City Council’s budget consultation for 2014/2015, 48% of respondents were between 50-69 years old and 7% were between the ages of 17 and 29. Within this particular questionnaire 83% of those who engaged with this consultation were over the age of 45, leaving only 17% at the age of 44 or under. This will also be amplified by the nature of this consultation being on a service which is more likely to be used by older age groups.

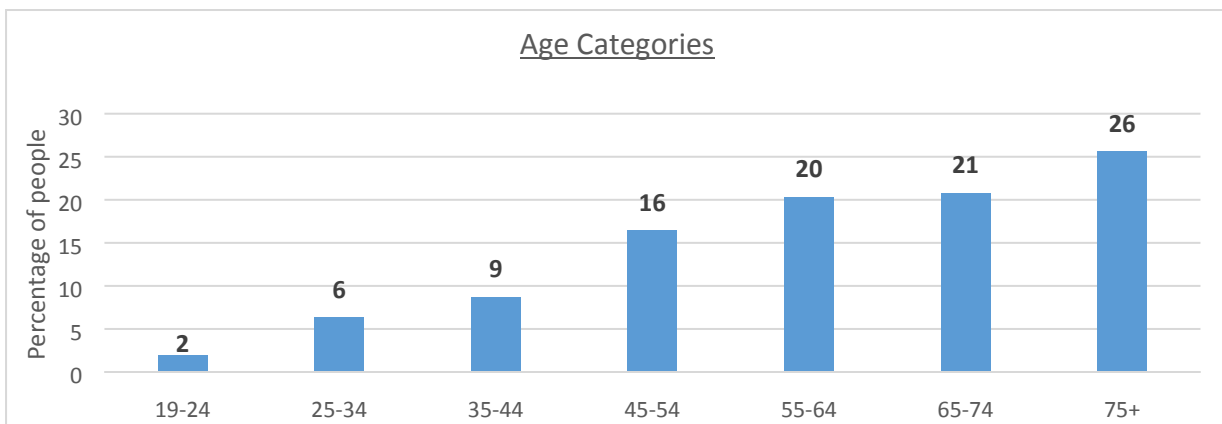


Figure 1

18. The gender breakdown of consultation respondents was 37% male and 63% female. This ratio is expected as most consultations have greater responses from women, the recent libraries consultation for example had exactly the same gender split of respondents.

19. The ethnicity breakdown of consultation respondents was 98% White, 1% Mixed/multiple ethnic groups and 1% other ethnic group. Asian/Asian British and Black/African/Caribbean/Black were not represented at all within this consultation. It is normal to receive a greater response to consultation from people from a White ethnic background, but this is unusually high. For example the recent libraries consultation had a 92% response from the White ethnic group.

20. Figure 2 shows the breakdown of the consultation respondents by whether they work for an organisation involved in the proposal. This consultation has a lower than average proportion of staff responses, for instance the 2015/16 budget consultation received 28% of responses from staff.

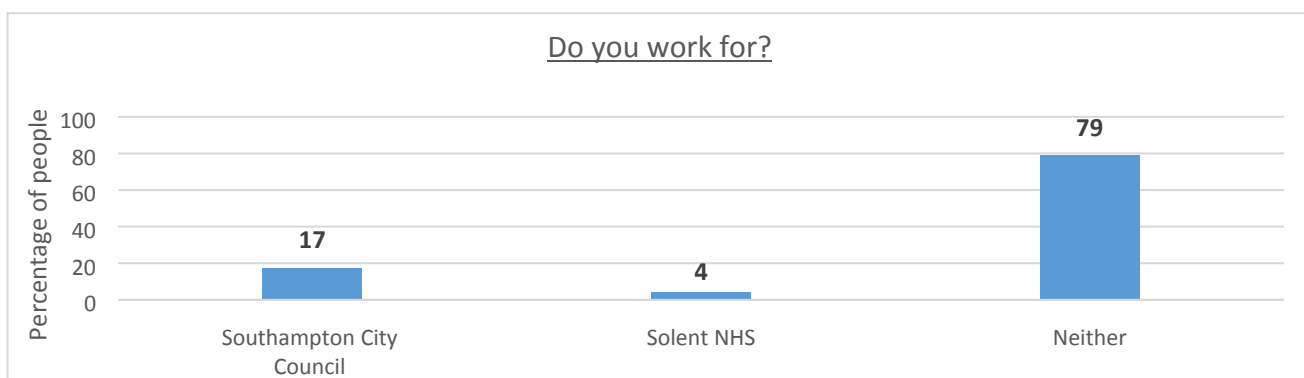


Figure 2

## Consultation results

21. Respondents were asked for their views on the newly proposed reablement strategies. Three key areas of focus were developed and, for each of these, consultees could state whether they agreed (strongly or otherwise), disagreed (strongly or otherwise) or were neutral. Below the focus areas are listed in order of agreement (detailed breakdown in Fig 3):

- Whether rehabilitation/reablement needs to be changed (71% agree, 9% neutral and 20% disagree)
- The vision outlined in the consultation (70% agree, 8% neutral and 21% disagree)
- The preferred option outlined in the consultation (34% agree, 26% neutral and 40% disagree).

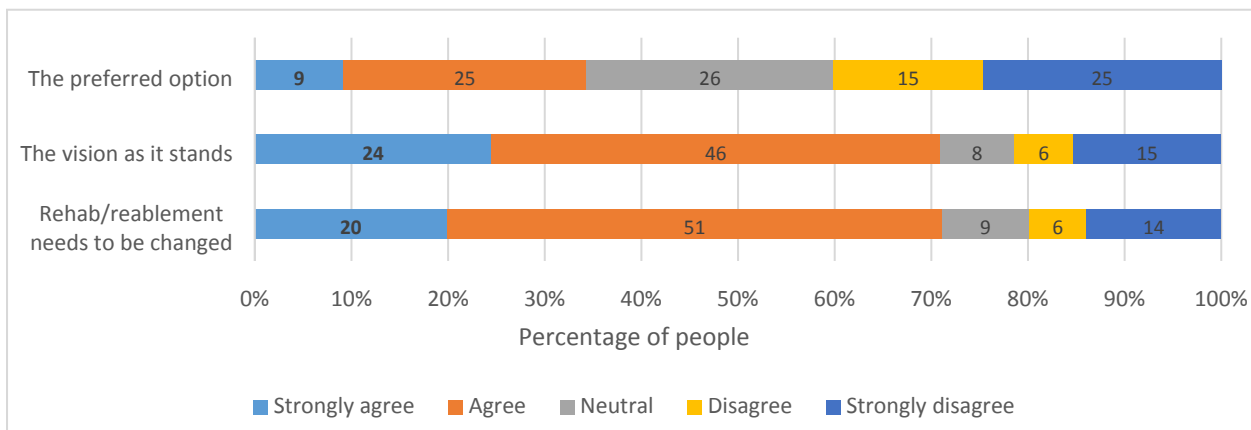


Figure 3

22. Further analysis shows that, in terms of the question on whether rehabilitation/reablement needs to be changed, current users are most likely to agree that a change is required, and staff least likely (detailed breakdown in Fig 4):

- Current users of rehabilitation and reablement/Brownhill House: 77% agree, 3% neutral and 20% disagree
- Family member of a rehabilitation and reablement service user/former user: 67% agree, 7% neutral, 26% disagree
- Local residents: 69% agree, 13% neutral and 18% disagree
- Staff: 66% agree, 18% neutral and 16% disagree.

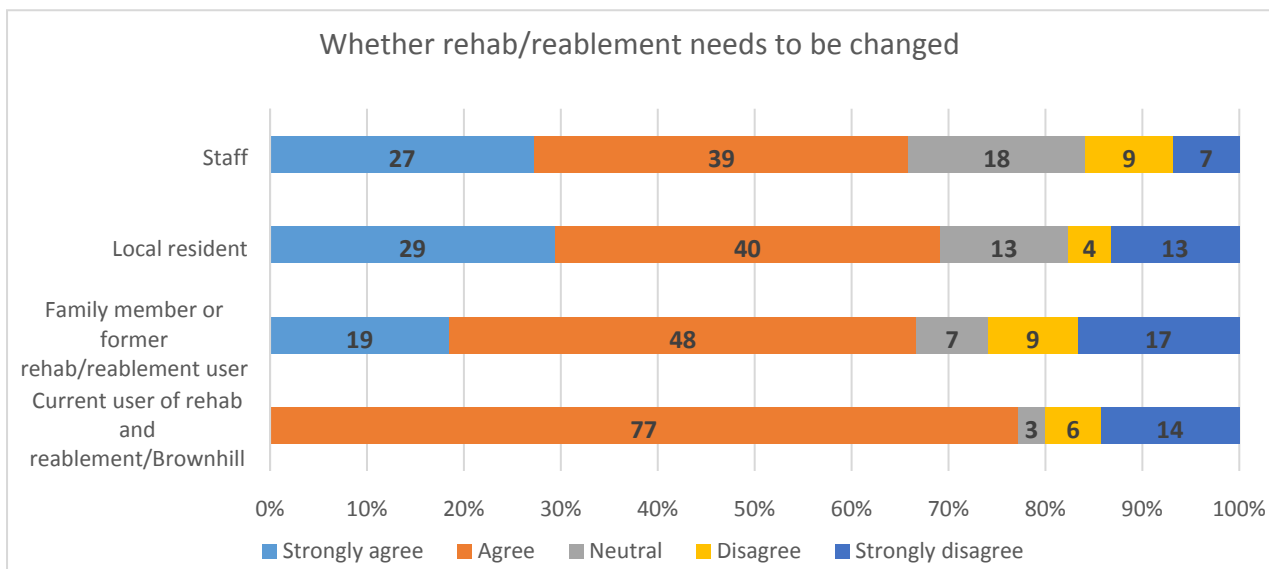


Figure 4

23. In terms of the vision as it stands, further analysis shows agreement with this as follows(detailed breakdown in Fig 5):

- Current users of rehabilitation and reablement/ Brownhill House: 81% agree, 0% neutral and 19% disagree
- Family member of a rehabilitation and reablement service user/former user: 58% agree, 9% neutral, 33% disagree
- Local residents: 77% agree, 9% neutral and 14% disagree
- Staff: 67% agree, 14% neutral and 19% disagree.

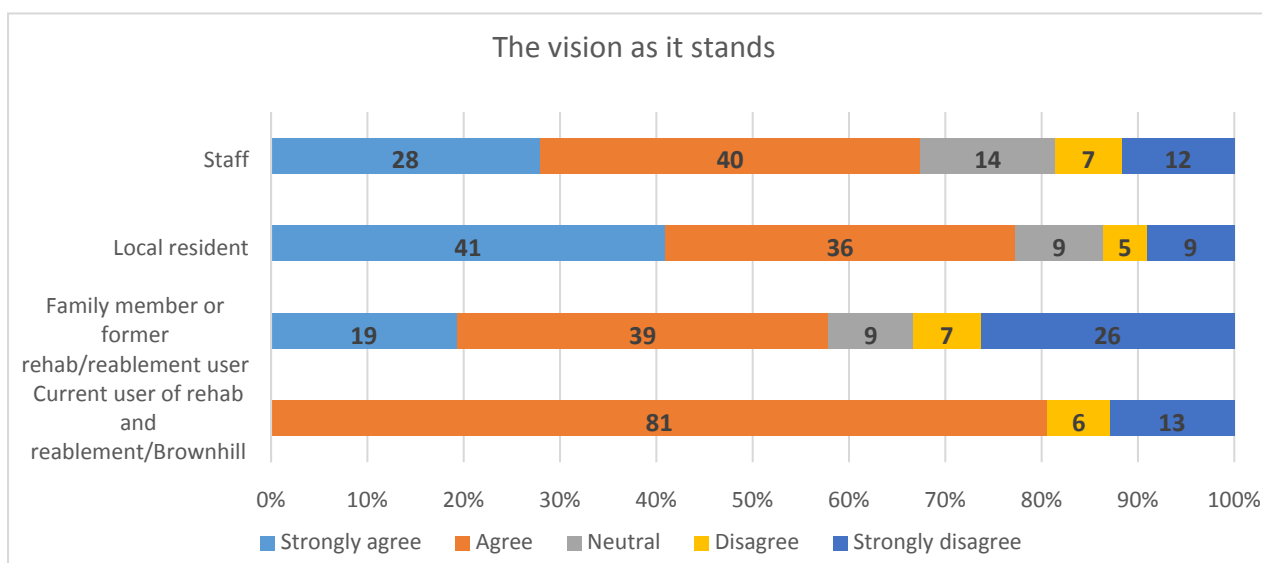


Figure 5

24. In terms of the preferred option, further analysis shows low levels of agreement (detailed breakdown in Fig 6):

- Current users of rehabilitation and reablement/Brownhill House: 6% agree, 31% neutral and 64% disagree
- Family member of a rehabilitation and reablement service user/former user: 19% agree, 24% neutral, 58% disagree
- Local residents: 56% agree, 22% neutral and 22% disagree
- Staff: 41% agree, 34% neutral and 25% disagree.

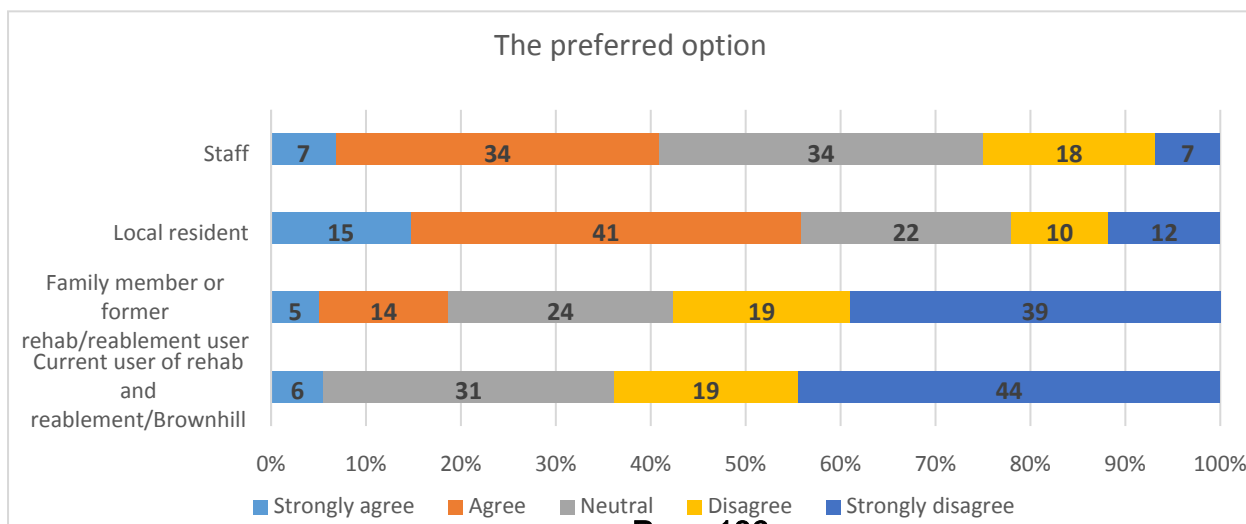


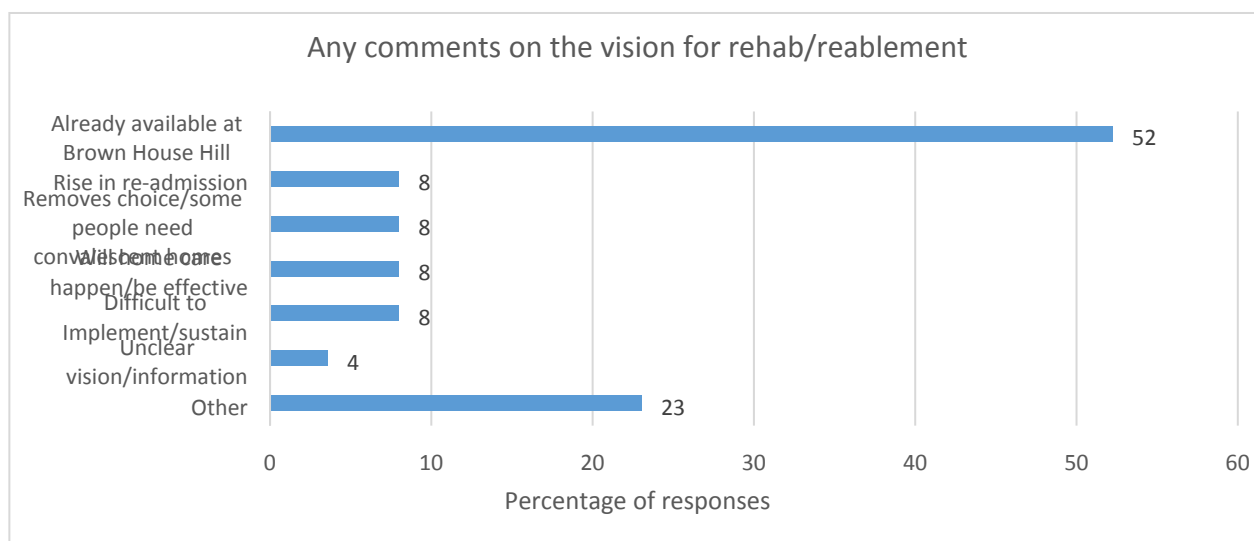
Figure 6



25. For each of the focus areas, consultees were given the opportunity to leave comments. There were a wide range of comments relating to the vision, alternative solutions and how the preferred option could affect the respondents. Alongside this a final area was given for consultees to express their opinions on whether there were any other impacts that had not been considered that the preferred option may have. All comments have been analysed and gathered into relevant groups to help better understand the views of consultees.

26. 114 comments were made about the vision that was presented, the majority of which expressed concern (full breakdown in Fig 7):

- Over 50% of those leaving a comment stated that Brownhill House already offered many of the services, meaning the proposal was perceived as redundant.
- 8% raised a concern regarding the difficulty of implementation/sustainability
- 8% raised a concern over whether homecare would occur or be effective
- 8% raised a concern about lack of choice for those who may need rehabilitation/reablement
- 8% felt that a rise in readmission may occur
- 4% raised a concern about the overall ambiguity of the vision or information presented
- The remaining comments (which made up 23% of the respondents) were grouped as 'other', as there were no clear or common themes identified.



27. 81 comments were made with suggestions for alternative solutions (full breakdown in Fig 8):

Figure 7

- The majority of those who responded stated the Brownhill House should continue to be the solution for rehab and reablement.
- 59% of people stated that Brownhill House should either be adapted (16%), kept the same (21%) or used more effectively, by moving patients from the NHS beds into Brownhill House (22%).

- Other suggestions included giving people the choice or allowing them to fund their own care (9%) or giving those in need more information or education to be better prepared when they returned home (7%).
- The remaining 22% either stated a different solution that did not fit into the other groups or suggested no other solution.

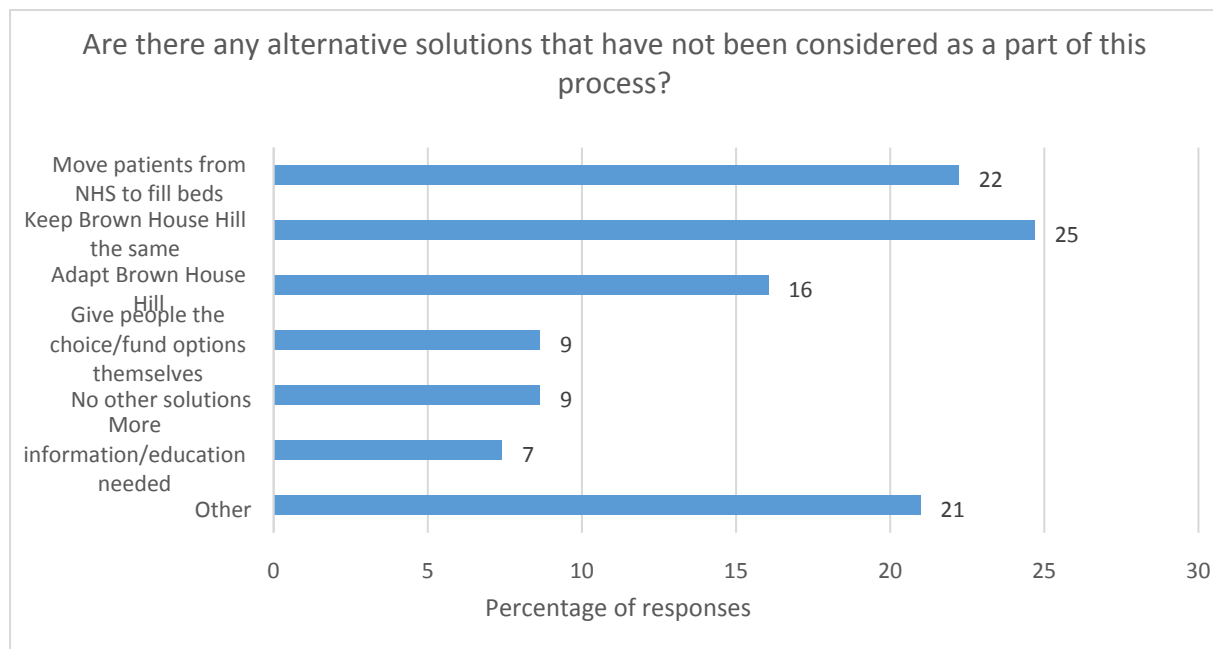


Figure 8

29. Consultation respondents were asked assess how this new proposal would affect them personally. 48% of people stated that it would affect them either “a great deal” (33%) or “to some extent” (15%). 14% of people said they “didn’t know” and finally 37% of people stated that it wouldn’t affect them greatly, choosing either “not very much” (17%) or “not at all” (20%).

30. If respondents answered in the affirmative (a great deal/to some extent) they were then asked to provide information about how it would impact them. 85 responses were recorded, as follows (full breakdown in Fig 9):

- The majority (40%) highlighted a concern about the changes to respite care or the lack of alternatives that were being offered.
- 16% stated that, although it may not have a bearing on them immediately, a change in current services and the preferred option could have a negative or unknown impact on their future.
- 13% felt the proposal would result in a feeling of isolation for individuals who had previously accessed Brownhill House
- 7% felt services would be harder to access
- 6% noted there would be detrimental changes due to job changes/losses
- The remaining 21% of the comments given were not grouped into the above categories and given the label of other.

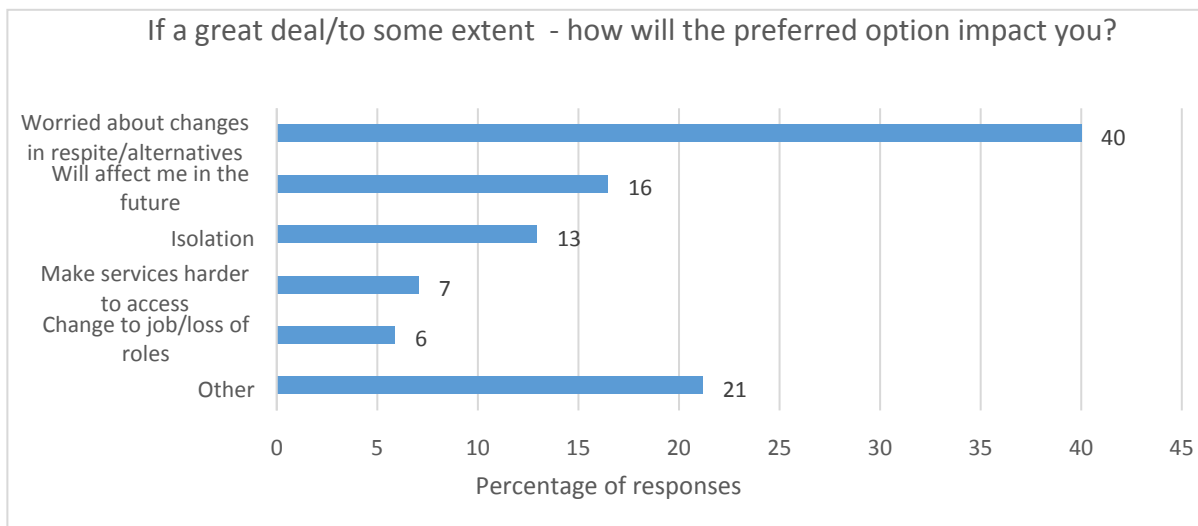


Figure 9

31. The final area where respondents could comment allowed them to outline any other impacts that were not previously considered. 89 responses were recorded and three clear areas were highlighted (full breakdown in Fig 10):

- Lack of appropriate care (28%)
- Increase in vulnerable people due to the preferred option (24%)
- Detrimental effect of closing Brownhill House (24%).
- The other comments that were able to be classified were: inability to access future provision (12%), money (both availability and sustainability – 9%), lack of choice when considering rehab/reablement provisions (7%).
- Comments that could not be put placed in any of the groups were placed within other (25%).

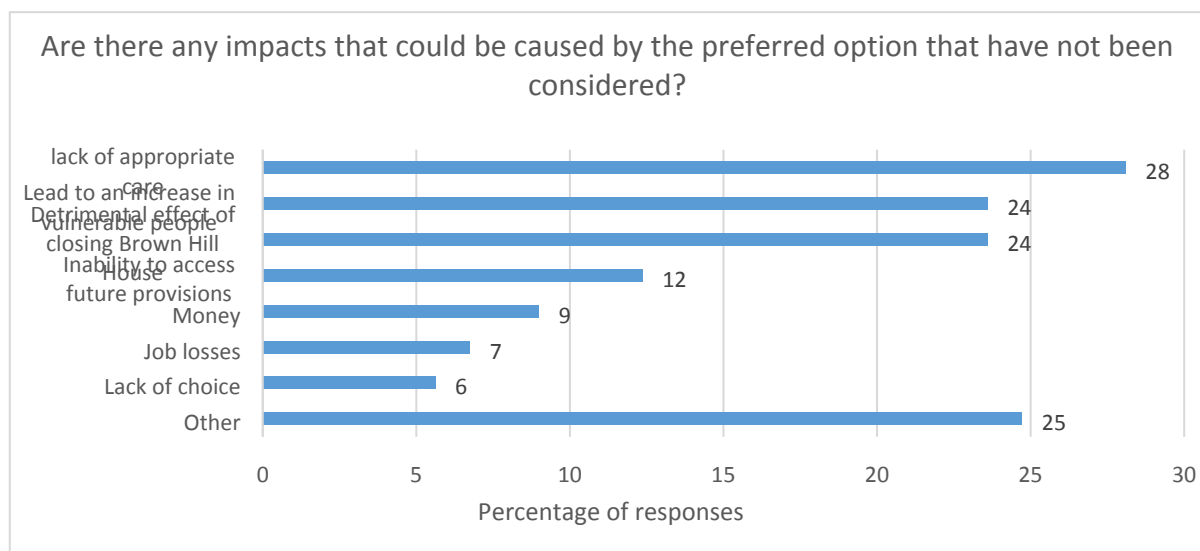


Figure 10

### Feedback on the consultation process

32. The Council is committed to make the whole consultation process as transparent as possible. As a part of this, any feedback on the consultation process itself received during the course of the consultation is gathered together here.

33. Overall, out of the 210 people who took part in the consultation, three commented on the consultation process itself, representing less than 2% of total consultation responses.

34. The comments made regarding the consultation process are shown in table 1.

This form is misleading I do not want to see rehab units closed.
You have worded this questionnaire carefully to promote what you want, not what we as the people who use this service and understand this. I had to ask the girls what it meant, good job we had been able to translate. Leave Brownhill House open use up the beds I can't believe so many were not being used its criminal what a waste of our money
You have not presented a vision for me to judge - just a series of sound bites! The only fact I have gleaned so far is that Brownhill house is underused to a criminal degree. Whoever is responsible should be ashamed!

Table 1

35. The feedback on the consultation process is mostly suggesting that the consultation is misleading and that the information is insufficient.

## Conclusion

36. Over 200 stakeholders have engaged with the consultation process and given their views on the proposals. The consultation has engaged with a range of individuals through a variety of methods to allow residents in Southampton to give their views on changes to outcomes for patients transitioning from hospital care. As figure 1 of this report has outlined, by looking at various demographic breakdowns of the respondents, while there were greater responses from older age groups there was still engagement across the board.

37. The main findings show that 70% of respondents feel that rehabilitation/rehabilitation needs to change and 71% agree with the vision outlined in the consultation document. Despite this, only 34% agree with the preferred option.

38. This consultation has ensured compliance with local and government standards. This report, the Cabinet report and appendices outline the full picture of the consultation results and will be used to inform decision makers.

39. In conclusion, this consultation allows Southampton City Council's Cabinet to understand the views of residents and stakeholders on rehabilitation and reablement services and the proposed way forward. Therefore it provides a sound base on which to make a decision.

**DRAFT Implementation Plan for Phase Two (subject to Cabinet approval of preferred option)**

Workstream	Task	Start Date	Finish Date	Lead	Status
Brownhill Respite clients - client reviews & potential re-provision plans	Undertake reviews of all clients currently using Brownhill for regular respite	1 Sept 2015	30 Nov 2015	Mark Howell/ Paul Juan	Completed – outcome reconciled with assumptions in alternative provision for Rehab/Reab proposals
	Confirm availability and specifics of future respite provision for these clients should preferred option be approved by Feb Cabinet	-	Dec 2015	As above	Completed
	Individual discussions with clients & families to firm up on future arrangements	16 Feb 2016	31 Mar 2016	As above	
	If approved, cease admissions to Brownhill House and start using new provisions	18 April 2016		As above	
	If approved, and beds vacant, cease Brownhill House service	1 June			
Brownhill “emergency” respite clients – review of data & potential re-provision plans	Finalise data review of emergency care clients – nature of emergency, number of bed days	Nov 15	30 Nov 15	Mark Howell/ Paul Juan	Completed – outcome reconciled as above
	Confirm future provision for emergency care should preferred option be approved by Feb Cabinet	-	Dec 2015	As above	Completed
	If approved, cease admissions to Brownhill for “emergency” respite care	18 April 2016	-	Mark Howell/ Paul Juan	
	If approved, and beds vacant, cease Brownhill House service	1 June			
Brownhill Rehab/Reablement clients - firm up on potential re-provision plans	Continue to audit admissions and feedback to programme board	1 Sept 2015	31 Mar 2016	Fiona Jeffrey/ Chris Hodges	In progress
	Review feedback from audit	Ongoing	31 Jan 2016	Jamie Schofield	Completed
	If approved, cease admissions to Brownhill for	18 April 2016	-	Mark Howell	

Workstream	Task	Start Date	Finish Date	Lead	Status
	rehab/reablement				
Sourcing of additional Domiciliary Care	Confirm potential pathway, call off arrangements, assessment process e.g. use of trusted assessor, support planning and goal setting, move on process	Nov 2015	31 Jan 2016	Jamie Schofield/Fiona Jeffrey/Adam Wells	Completed
	Confirm future function/focus of in house service (in anticipation of preferred option being approved by Feb Cabinet)	Nov 2015	31 Jan 2016	Jamie Schofield/Fiona Jeffrey/Tracey Flint	Completed
	Confirm funding and number of hours potentially required from Framework (to include externalisation of some CCFS activity)	-	Dec 2015	Jamie Schofield	Completed
	Seek in-principle approval from CPB/CMT (business case) – in anticipation of preferred option being approved by Feb Cabinet	Dec 2015	31 Dec 2015	Carole Binns/Adam Wells	Completed
	Discuss potential with/warm up market	mid Dec 2015	31 Jan 2016	Adam Wells/Matthew Waters	Completed
	Lot 5 Mini competition - design and carry out in anticipation of preferred option being approved by Feb Cabinet	Mid Jan 2015	Mid Mar 2016	Adam Wells/ Matthew Waters	In progress
	If approved, "Go live" with Lot 5	18 April 2016	-	As above	
Sourcing of residential care beds to support potential re-provision	Confirm funding and potential number of beds required	-	Dec 2015	Jamie Schofield	Completed
	Agree commissioning/procurement strategy - CPB/CMT approval (business case)	Dec 2015	31 Dec 2015	Jamie Schofield/Chris Pelletier	Completed
	Develop spec & sourcing plan in anticipation of preferred option being approved by Feb Cabinet	Mid Dec 2015	31 Jan 2016	Jamie Schofield/Chris Pelletier	Completed
	Confirm potential pathway, assessment process, support planning and goal setting, move on process	Nov 2015	31 Jan 2016	Jamie Schofield/Fiona Jeffrey	Completed
	Discuss potential with/warm up market	Jan 2016	Mid Feb 2016	Jamie Schofield/procurement	In progress
	Procurement (should preferred option be approved by Feb Cabinet)	17 Feb 2016		Capita	
	Contract in place	-	18 <sup>th</sup> April	Chris	

Workstream	Task	Start Date	Finish Date	Lead	Status
				Pelletier/Contracts	
Sourcing of Extra Care Housing	Confirm funding and potential number of beds required	Dec 2015	Feb 2016	Jamie Schofield	
	Put in place arrangements/agreement with Housing for reserving units for short term care	End Feb 2016	May 2016	Jean Brown/Contracts Team	
	Confirm pathway, assessment process, support planning and goal setting, move on process	End Feb 2016	May 2016	Jamie Schofield/Fiona Jeffrey/Jean Brown/social care input	
New pathways and processes for rehab / reablement	Firm up pathways within new rehab/reablement service to include access to alternative bed based options, access to additional dom care (in anticipation of preferred option being approved by Feb Cabinet)	Nov 2015	31 Jan 2016	Jamie Schofield/Fiona Jeffrey	Completed
	Firm up arrangements for potential provision of rehab/reablement into alternative bed based options - clear operational policies for establishing reablement programmes, support planning and goal setting, monitoring, move on processes (in anticipation of preferred option being approved by Feb Cabinet)	Jan 2016	Feb 2016	Jamie Schofield/Fiona Jeffrey/new R&R management	In progress
Location of SCA Day Services	Agree potential future destination(s) with SCA (in anticipation of preferred option being approved by Feb Cabinet)	-	Jan 2016	Jamie Schofield/SCA	Completed
	Variation to contract to include any financial implications	17 Feb 2016	End Feb 2016	Contracts	
	Make any alterations to new location	17 Feb 2016	31 Mar 2016	SCA/SCC	
	Day service commences use of new location	1 Apr 2016	-	SCA	
Communications/ Engagement	Develop comms and engagement strategy for implementation of Phase 2 (in anticipation of preferred option being approved by Feb Cabinet)	Jan 2016	Feb 2016	Jamie Schofield/Madeleine Cato/Comms reps from SCC & CCG	In progress
	Communicate to clients/families regularly using Brownhill timescales and future arrangements	17 Feb 2016	30 Apr 2016	Mark Howell/Paul Juan	
	Communicate to key partners e.g. health providers	17 Feb 2016	1 <sup>st</sup> June 2016	Jamie	

Workstream	Task	Start Date	Finish Date	Lead	Status
	key dates			Schofield/comms	
Formal staff consultation	Formally consult with affected staff – 45 days (if preferred option approved)	26 Feb	17 April	Fiona Jeffrey/Mark Howell	
De-mobilisation of building	Confirm plan to move client services, end equipment contracts etc (in anticipation of preferred option being approved by Feb Cabinet)	-	Feb 2016		
	If approved, start implementation of de-mobilisation plan	9 May 2016			





**Cabinet Report: 16<sup>th</sup> February 2016**

**Appendix 3**

**Southampton Integrated Commissioning Unit  
On behalf of Southampton City Council (SCC) and Southampton City Clinical  
Commissioning Group (SCCCG)**

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**Service Specification for the Provision of Rehabilitation/Reablement  
Residential Care Home Beds**

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### Appendix 1 – Quality Standards Monitoring Tool

## 1 Introduction

Southampton's Integrated Commissioning Unit (ICU) are wishing to commission a number of residential care beds offering short term high quality rehabilitation/reablement care for Southampton residents aged 55 years and over to:-

- Intervene early to avoid unnecessary hospital admission or long term residential or nursing home care.
- Support timely discharge from hospital avoiding unnecessary hospital delays and or excess bed days.
- Maximise long-term independence, choice and quality of life.
- Minimise the level of ongoing support required,
- Minimise the whole-life cost of care

The provision of rehabilitation/reablement care home beds will be to support the work of the Integrated Rehabilitation and Reablement Team.

This service specification describes the values, principles, and service standards that will apply to the provision of rehabilitation/reablement residential care home beds.

It describes what is expected of the Provider, the Commissioner and other partners in allowing for a degree of flexibility and responsiveness in how residentially based rehabilitation/reablement care is provided.

The definition of reablement as used in the De Montfort University evaluation and subsequently adopted by Care Services Efficiency Delivery study team (CSED) is:

*'Services for people with poor physical or mental health to help them accommodate their illness by learning or re-learning the skills necessary for daily living.'*

Southampton's Integrated Commissioning Unit has used the Care Services Efficiency Delivery (2011) definition to develop its own local definition:

*'To work alongside a range of professionals, to provide goal-orientated person-centred programmes of care, designed to re-able individuals to become as independent as possible'.*

Undertaking reablement in a person's own place of residence is always the preferred option however on occasions the realities of delivering this may create accommodation, staffing or financial challenges that make rehabilitation/reablement in a residential care home a more viable option. In these circumstances the Integrated Rehabilitation and Reablement Service would work with the provider to deliver the rehabilitation/reablement plan returning the individual home as soon as is possible.

### 1.1 National/local context and evidence base

- Care Act 2014
  - NHS Operating Framework
  - NHS Outcomes Framework
  - Social Care Outcomes Framework
  - Public Health Outcomes Framework
  - Southampton's Better Care Fund plan
  - CCG operating plan and 5 year strategic plan: A Healthy Southampton for All - Bringing together a Healthy and Sustainable System.
  - City Council strategy 2014-17.
  - City Strategy 2014-25.
- 
- A number of studies have been carried out that have demonstrated the benefits of a Re-abling approach, most notably the De Montfort University (Sep 2000) Leicestershire County Council, External Evaluation of the Home Care Reablement Pilot Project. These note two significant benefits; - that care hours are reduced for a majority of service users; that the reduction is maintained for at least 2 years.
  - As a City Southampton:
    - Is above the national average of older people relying on input from social care (5.3% compared to 3.8%)
    - Is above the national rate of permanent admissions of older people to residential and nursing home care
    - Has 86,000 people (32% of our population) with long-term health conditions
    - Is above the national rate for unplanned admissions into hospital for older people
    - Is above the national rate for delayed hospital discharge
  - Research evidence demonstrates that reablement improves independence, prolongs people's ability to live at home and removes or reduces the need for commissioned care hours (in comparison with standard home care). The best results show that up to 62% of reablement users no longer need a service after 6–12 weeks (compared with 5% of the control group), and that 26% had a reduced requirement for home care hours (compared with 13% of the control group) (SCIE 2011 - <http://www.scie.org.uk/publications/briefings/files/briefing36.pdf>)
  - The "Silver Book" (Quality Care for Older People with Urgent and Emergency Care Needs – 2010) identifies that more vulnerable older people will be living independently thus services need to be developed that respond rapidly to address the needs of older people in the community.

## 2 Service Objectives

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- 2.1 To provide focussed rehabilitation/reablement in a residential care home environment enabling clients/patients to return home having regained or

achieved an optimal level of independence appropriate to their individual circumstances, their prevailing state of health and their personal aspirations.

- 2.2 To achieve timely safe discharge and post-discharge support for clients/patients assessed as ready to leave hospital on completion of treatment but who continue to require a period of rehabilitation/reablement in a residential environment post discharge.
- 2.3 To provide rehabilitation/reablement in a residential care home as a “step up” from the community that avoids unnecessary hospital admission and long term residential or nursing home care.

### **3 Service Description and Delivery**

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- 3.1 Rehabilitation/reablement will be provided to the client/patient in a residential care environment.
- 3.2 The provider will work in partnership with a range of professionals including the Integrated Rehabilitation and Reablement Service, GPs, social workers and Community Nurses.
- 3.3 The provider will aim to provide reliable, high quality person-centred residential care, based on continuous improvement and known client expectations.
- 3.4 The provider home will work in partnership with the Integrated Rehabilitation and Reablement Service to develop and deliver rehabilitation/reablement plans.
- 3.5 The provider will have contingency plans which include public holidays to ensure service reliability and continuity at all times.
- 3.6 Care will be structured and all staff will adopt an enabling approach to care giving, encouraging clients to gain maximum independence.
- 3.7 Staff will be appropriately trained to create and maintain a work atmosphere/culture geared to motivating and supporting clients to gain optimal independence.
- 3.8 This approach will promote self-confidence, self-esteem and motivation to work towards maximum levels of independence. It will also take full account of the cultural diversity of individual clients and any individual cultural needs.
- 3.9 Families and carers will be actively involved, where appropriate, in the planning and delivery of targeted support to meet agreed outcomes.
- 3.10 The Provider will evidence the use of client feedback to modify service provision to promote continuous improvements.

- 3.11 The Provider will work with the Integrated Rehabilitation and Reablement Service, client, carers, and families, and other professionals to produce detailed individual outcome-focused rehabilitation/reablement plans ensuring that such plans respond and are adjusted to the changing needs and the progress made by clients.
- 3.12 The provider will work in partnership with the Integrated Rehabilitation and Reablement Service to develop the reablement plan within 48 hours of admission.
- 3.13 The provider will promote emotional well-being and social inclusion as well as physical recovery.
- 3.14 The Provider will ensure that clients and Commissioners are regularly informed of any service changes and developments.

3.22 Personal Care tasks are described in this section. This list is not exhaustive.

- Assisting the client to get up or go to bed
- Washing, bathing, hair care, shaving (not with a cut-throat razor), denture and mouth care, hand and fingernail care, foot care (but not toenail cutting or any aspect of foot care which requires a state registered chiropodist)
- Assisting the client with skin care such as moisturising very dry skin
- Dressing and undressing
- Assisting the client with transfers from or to bed / chair / toilet
- Toileting, including necessary cleaning and safe disposal of waste
- Empty or change catheter or stoma bags
- Food or drink preparation
- Eating and drinking, including associated kitchen cleaning and hygiene
- Supporting with PEG, PIG or RIG feeding where necessary, for those clients that require nutritional support.
- Supporting clients at risk of choking by using the National Patient Safety Agency guidelines and Skills for Care guidance regarding assessment and management of choking risk, including working with appropriate local professionals regarding the management of any choking risk
- Ensuring that all risk assessments and support plans are implemented and monitored where necessary and clients are supported where there are any changes in their needs to access health services for ongoing assessment/monitoring of relevant plans
- Assisting with correspondence.
- Assisting with taking medication which has been prescribed to them
- Ensuring that clients that are at risk of self-neglect are identified to the commissioner, and that support plans and risk assessments reflect active decision making as per SCC's Managing Self Neglect Guidance 2013

3.23 Other Support Services

Assisting the client to develop their independence with household tasks that support them remaining at home, such as:

- Cleaning
- Preparing meals
- Making beds and changing linen
- Washing clothes or household linens, including fouled linen, drying, necessary ironing, storage and simple mending
- Disposing of household and personal rubbish

## 4 Service Eligibility Criteria

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- 4.1 People who live within Southampton City Council boundary.
- 4.2 People 55 years and over.
- 4.3 Patients/clients who are assessed by the Integrated Rehabilitation and Reablement Team as having the ability to live in the community with an appropriate level of support following a period of rehabilitation/reablement.
- 4.4 Patients/clients with complex needs necessitating skilled handling, who will have their potential for improvement compromised without specialist rehabilitation/reablement.
- 4.5 Patients will not be eligible for a service if they have:
  - Severe Dementia
  - Palliative Care needs
  - Or where an assessment indicates that there is no possibility of Reablement.

## 5 Management of Referral Process

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- 5.1 The Integrated Rehabilitation and Reablement Service will identify the need for a residential care home based rehabilitation/reablement and will refer to the Care Placement Service to source a rehabilitation/reablement bed.
- 5.2 The Care Placement Service will source a provider within 24hrs hours of the referral being made. And supply them with a referral form.
- 5.3 The sourced provider will admit the client/patient within 24 hours of the referral being accepted.

## 6 Review of Client Service/Care Episodes

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- 6.1 Daily records will be kept and shared with the Integrated Rehabilitation and Reablement Team on a regular basis to report on the needs/progress of the patient/client and compliance with all elements of the rehabilitation/reablement support plan. Commissioners will be able to ask for weekly reports on such feedback to identify progress should this be required.
- 6.2 Regular feedback will enable the Integrated Rehabilitation and Reablement Team to alter the plan if necessary including expected timeframe for a return home.
- 6.3 A provider review will take place within two weeks from the commencement of the placement; feedback from staff could bring this review forward if necessary.
- 6.4 Participation of Provider staff will be required in all reviews in accordance with the standards noted.
- 6.5 Each patient/client will be offered a satisfaction questionnaire. It is expected that the Provider will actively modify service provision based on the views of the clients providing evidence of this on a quarterly basis.

## 7 Performance and Quality Monitoring

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The Integrated Commissioning Unit will draw on information from a wide variety of sources to identify whether providers are delivering a high quality service to patients/clients and achieving the expected outcomes for patients/clients and the service as a whole. These may include, but are not restricted to, the sources of information outlined in Table 1 below. These become the key monitoring and quality tools to measure provider performance. Where it is identified that the quality of Service does not meet the requirements of the Service Specification, and therefore to the clients, the ICU Quality Team will seek to address this positively, fairly and robustly in partnership with Service Providers.

The Safeguarding and Quality Team will use the Safeguarding in Provider Settings (SIPS) Process (October 2010). The SIPS process will be instigated for any allegation or disclosure which suggests institutional or systemic abuse/neglect in a care setting and/or where doubts exist about the providers capacity to respond adequately to the concerns raised. Institutional abuse is in itself not a form of abuse but more a context in which the abuse is occurring. It usually denotes a poor organisational culture in which poor practice has been allowed to flourish unchecked leading to repeat incidents of neglect, acts of omission and inferior care as well as



other forms of abuse. However, sometimes a single incident may be serious enough to require additional scrutiny under the SIPS process.

Where standards are not being achieved providers will be notified and will be required to develop a service improvement plan to manage any deficits identified. This plan will be agreed by the Quality Team and will become a binding plan. Failure to achieve improvements, following evaluation by the Quality Team, may result in the default process being activated as outlined in the Terms and Conditions of the Framework Agreement, until such time as the provider can evidence improvements.

Quality and Performance Information Source	Timescale	Lead/s
<b>Contract compliance meetings</b>	Quarterly meetings	ICU Provider Relationships Team with the Provider Lead
<b>Provider management information and KPI reports</b>	Quarterly information	ICU Provider Relationships Team with the Provider Lead
<b>Quality Monitoring and Standards Tool</b>	Annually	ICU Quality and Safeguarding Team with Provider Lead
<b>Client questionnaires and surveys evidencing follow up action</b>	Annually	Provider lead and shared/validated by ICU Quality and Safeguarding Team
<b>Care/case management reviews</b>	Annually	SCC/SCCCG Case/Care Management workforce
<b>Quality and Safeguarding Team, collating provider services information and responding to providers where there is a systemic quality and safeguarding issue/s</b>	Ongoing as it arises	ICU Quality and Safeguarding Team
<b>CQC inspection reports and information arising from them. The ICU Quality and Safeguarding Team will meet with CQC regularly to share intelligence.</b>	Annually (minimum)	Providers are expected to alert the ICU Quality and Safeguarding Team to CQC visits within 24 hours of the visit occurring, share reports as they are published and action plans when they are forwarded to The CQC.

## 7.1 Care Quality Commission

The CQC regulate care services.

Whatever the regulatory framework, it is expected that providers will be fully compliant with The CQC regulations and expectations at all times.

The CQC inspection reports and information arising from them is an essential component of how we monitor quality within services.

The ICU Quality and Safeguarding Team will meet with The CQC on a regular basis to share intelligence regarding the provider's compliance with standards of care and support. If required this may trigger additional reviews of the services and support to clients.

Where The CQC standards outlined within the ICU's Quality Standards and Monitoring Tool, the ICU's additional standards, are not being met, the provider will be expected to develop an action plan to bring them up to compliance standards. This must be made available to the ICU. This action plan will be used, in addition to any other requirements imposed through the Safeguarding and Quality Assurance processes, to ensure compliance and improvement.

Where there is a continuing failure to meet compliance and/or quality assurance standards, the process of default set out in the Framework Agreement will be followed.

## **7.2 Contract compliance**

The contract compliance meetings will include reflection on the previous two quarters, with a bi annual report. A standard agenda template will be used to cover key areas within the contract compliance meetings.

The Commissioner reserves the right to request written records in relation to the activity undertaken in order to satisfy themselves that care has been delivered in accordance with the agreed plans, prior to certifying invoices for payment.

## **7.3 Provider Management Information and Key Performance Indicators**

The Provider will be required to provide a range of management information and Key Performance Indicators on a quarterly basis. Dates for submission will be agreed in advance. Information required consists of:

- The number of referrals:
  - By source (commenting on trends)
  - Waiting times
  - Numbers deselected due to not being suitable for the service and the reasons why.

- The number of clients, detailing:
  - Age
  - Gender
  - Ethnicity
  - Post Code/intake location
  - New clients
  - Repeat clients, and pattern of usage
  - Number of days/duration the client received the service
  - Number of emergency hospital admissions/readmissions (in order to see if the service is being effective/preventative).
  
- Collection of client outcomes at the end of the service provision, against outcome-focused reablement plans:
  - No ongoing homecare need
  - Increased ongoing homecare need
  - Reduced ongoing homecare need
  - No change to ongoing homecare need
  - To hospital
  - To other setting
  - Use of community services
  - Did not complete the service, for non-completers:
    - refused to continue
    - died
    - returned to hospital
    - declined provision
    - Other (to be listed).
  
- The number of clients that leave the provision and accept a personal budget, e.g. it will be expected that client's leaving the service will have a broader range of options in place than simply a homecare package

These reports must be provided to the ICU when requested to enable the Council to undertake Quality monitoring and auditing of care provided (via secure email).

**Staff data to be collected:**

- Turnover
- Retention rates
- Training schedule (planned and achieved)
- Supervisions/appraisals (planned and achieved) including any performance management issues
- Disciplinary information (summary of issue and resultant action)
- Sickness and leave information

- Plans to cover high risk times where capacity issues occur (e.g. holiday periods/disruptions caused by weather). These will link to business continuity plans

#### **7.4 Quality Standards Monitoring Tool (QSMT)**

Southampton's QSMT (Appendix 1) has been developed by the Quality and Safeguarding Team based on The Health and Social Care Act 2008, CQC Regulations 2009, CQC Essential Standards, Reach Supported Living Standards and Quality Assurance Framework (Supporting People). The Quality and Safeguarding Team will work with providers undertaking a quality auditing process, based on the QSMT. The QSMT will be up dated and reviewed during the life of the Framework Agreement. Providers are expected to evidence client outcomes against the QSMT.

#### **7.5 Client Questionnaires and Surveys**

All providers are required by The Care Quality Commission (CQC) to adhere to Quality and Management Outcome 16 (10e)

This states that a provider must regularly:

- assess and monitor the quality of the service provision; and
- Seek the views of clients (including their experiences of care and treatment).

The Commissioners expect providers to undertake themed surveys related to areas of care that are important to the clients supported, as well as other core areas that require feedback, within our own audit process we will be seeking feedback from clients, carers, experts, other stakeholders as "active participants" (Commissioning principle Four) as this is a key feature to integrate into service commissioning and development.

#### **7.6 Quality and Safeguarding Team, supporting provider services**

The team will manage the Safeguarding in Provider Services as per Safeguarding Adults Multi Agency Policy

The ICU has aligned safeguarding and quality assurance oversight for provider services in one area giving more coherence for providers/staff and allowing a smoother transition between safeguarding and ongoing quality monitoring. This will promote safe and effective care. This will address all safeguarding issues using Safeguarding Adults Multi-Agency Policy procedures and Guidance Level 4. This will have the focus on early identification, identify areas for improvement and support providers to implement these.

The commissioners expect providers to follow all appropriate best practice guidance. These will be discussed during contract compliance meetings, and a timetable/plan for their implementation will be agreed, where a partnership approach to implementation is sought.

## 7.7 Workforce requirements

The Provider shall, as a minimum, comply at all times with the following (and any subsequent amendments thereof), which is not an exhaustive list:

<b>The Care Standards Act 2000</b>	<a href="http://www.legislation.gov.uk/ukpga/2000/14/contents">http://www.legislation.gov.uk/ukpga/2000/14/contents</a>
<b>The Care Act 2014</b>	<a href="http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted">http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted</a>
<b>The Health and Social Care Act 2012</b>	<a href="http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted">http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted</a>
<b>The Mental Capacity Act 2005</b>	Assessments and Support Plans must take into account the requirements of this legislation. <a href="http://www.legislation.gov.uk/ukpga/2005/9/contents">http://www.legislation.gov.uk/ukpga/2005/9/contents</a>
<b>The requirements of the Care Quality Commission</b>	The requirements of the Care Quality Commission <a href="http://www.cqc.org.uk/public">http://www.cqc.org.uk/public</a> . The Provider must be registered with the Care Quality Commission to deliver Domiciliary Care. If for any reason CQC registration is suspended or withdrawn, the Commissioner shall remove the Provider from the provider list and, in conjunction with the Client and their Representative, decide if the Client is to continue to receive services from that Provider or be placed with an alternative Provider. The Provider shall promptly inform the Commissioner of the outcomes from a CQC inspection and provide them with a copy of any resulting report.
<b>The Food Safety Act 1990</b>	<a href="http://www.legislation.gov.uk/ukpga/1990/16/contents">http://www.legislation.gov.uk/ukpga/1990/16/contents</a>
<b>Skills for Care Adult Social Care Workforce Recruitment and Retention Strategy 2011</b>	The provider can evidence that they have in place robust recruitment and retention policies that meet the Skills for Care Adult Social Care Workforce Recruitment and Retention Strategy (2011). <a href="http://www.skillsforcare.org.uk/Document-library/Finding-and-keeping-workers/Recruitment-and-retention-strategy/Recruitmentandretentionstrategy.pdf">http://www.skillsforcare.org.uk/Document-library/Finding-and-keeping-workers/Recruitment-and-retention-strategy/Recruitmentandretentionstrategy.pdf</a>

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## Cabinet Report: 16<sup>th</sup> February 2016

## Appendix 4

### Southampton Integrated Commissioning Unit Domiciliary Care and Support Quality Standards Monitoring Tool

**Service:**

**Completed by:**

**Position:**

**Date:**

## The Quality Standards Monitoring Tool

The purpose of this tool is to provide evidence to the commissioners and the quality and safeguarding team within Southampton Integrated Commissioning Unit that you as a health and social care provider are providing services that are safe, effective, compassionate and high quality. Throughout the provision of care and support staff must have received training and be able to demonstrate their understanding and knowledge of the Care Quality Commission (CQC) Fundamental Standards Regulations, The Care Act 2015 and The Mental Capacity Act 2005

You will note that each outcome has links to CQC fundamental standards regulations. This is for guidance only and to support you when completing this tool. The responsibility for the maintenance and continuation of good quality services remains firmly with the service provider who is the named registered person/provider for the service and in accordance with the Health and Social Care Act 2008 (Regulated Activities)(Amendment) Regulations 2015, Care Quality Commission requirements and the expectations of Southampton City Council and Southampton City Clinical Commissioning Group. No responsibility shall be taken by Southampton City Council or Southampton City Clinical Commissioning Group if a service does not meet these required standards and any enforcement action that may be taken against the provider due to poor standards of service delivery.

When completing your answers please ensure you provide evidence of how you are meeting each standard. Where you are not meeting a standard please document why and what actions are in place with timescales to meet the standard. If necessary attach an action/improvement plan when returning the quality standards monitoring tool.



## Dignity in Care

The standard dictionary meaning of dignity is:

**A state, quality or manner worthy of esteem or respect; and (by extension) self- respect. Dignity in care, therefore, means the kind of care, in any setting, which supports and promotes, and does not undermine a person's self-respect regardless of any difference. Or, as one person receiving care put it briefly, 'being treated like I was somebody'**

Dignity must be at the centre of everything we do if we are to achieve high quality, person-centred care and support. Dignity focuses on the value of every person as an individual. It means respecting other's views, choices and decisions, not making assumptions about how people want to be treated and working with care and compassion.

**These principles are to be upheld by providers throughout the delivery of care services. They should shape the ethos of the providers operations.**

<b>SERVICE OUTCOME 1: ASSESSMENT , RISK AND SUPPORT PLANNING</b>
<p><b>All Service Users receive an assessment of their care and support needs and associated risks.</b></p> <p><b>All Service Users have an up-to-date care and support plan.</b></p> <p><b>All Service Users have a current risk management plan.</b></p> <p><b>Assessment and support planning procedures place Service Users’ views at the centre. Services are provided and managed by skilled staff.</b></p> <p><b>Service Users Representatives are involved as appropriate.</b></p>

<b>Standard 1.</b>	
<b>The needs of Service Users and any risks are assessed on a consistent and comprehensive basis.</b>	
<b>Care Quality Commission (CQC) Fundamental Standards regulations 9 10 11 12 13 14 17 18 19</b>	
<b>Strategic Outcomes:</b> Increased choice & control, Health & wellbeing, Making a positive contribution, Quality of life, Economic wellbeing	
<b>Quality Standards</b>	
1.1	Care Providers have needs and risk assessment policy and procedures. Comprehensive needs and risk assessments are placed in Service User files with evidence of specialist input if appropriate.

1.2	Service Users have given consent and are involved in developing their support plans and risk assessments	
1.3	Staff carrying out needs and risk assessments and negotiating support, Person Centred Plan and risk management plans are trained and competent to do so.	
1.4	Support Providers needs and risk assessment procedures are fully addressed and covered in staff induction and training programmes.	
1.5	Risk assessment procedures address: Risk to self, Risk to others (including staff and the wider community) and Risks from others (including staff and the wider community).	
1.6	All personal records are securely stored.	

**Standard 2.**

**All Service Users have individual outcomes-focused support, within a Person Centred Planning Process.  
Risk management strategies address individual needs and the risks identified by the assessment process.**

**CQC Fundamental Standards regulations 9 10 11 12 13 14 17 18**

**Strategic Outcomes:** Freedom from discrimination & harassment, Increased choice & control

**Quality Standards**

2.1	Support and risk management plans include measures to eliminate, minimise or respond to identified risks in all aspects of the Service User's life.	
2.2	Clear links can be seen between assessments of needs and associated risks, and support plans.	
2.3	PCPs (which include support plans) incorporate individual outcomes which have been negotiated with Service Users and, if appropriate, carers, relatives or other advocates.	
2.4	Staff are aware of current legislation and are encouraged to advise formal carers of their rights to an assessment of their needs.	

2.5	Staff are aware of CQC Fundamental standards and work within this.	
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2.6	Service Users are given multiple opportunities about how their Care and Support Plan is provided.	
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2.7	Where a service user has been assessed to lack capacity to give consent to care and treatment there is written evidence that a mental capacity assessment has been completed and a best interest decisions has been made on their behalf in line with legislation.	
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**Standard 3.**

**Reviewing.**

**Assessments and risk management plans/ PCP's are reviewed on a programmed, consistent and systematic basis.**

**CQC Fundamental Standards regulations 9 10 11 12 13 14 17 18**

**Strategic Outcomes:** Personal dignity & respect, Increased choice & control, Making a positive contribution, Quality of life.

**Quality Standards**

3.1	All needs and risk assessments, support plans and PCPs are reviewed regularly and are kept up to date.	
3.2	Where there is a change to the circumstances and/or the Care Needs of a Service User, their care plans and are revised at that time to take account of revised needs, risks and outcomes.	
3.3	Support and risk management plans clearly show review dates.	
3.4	Needs / risk assessments and support / risk management plans are quality monitored internally, at no longer than 4 monthly intervals.	
3.5	Review outcomes are recorded and necessary actions taken. Service Users and their representatives are given copies of relevant plans and reviews. All	

	comments, views and disagreements are recorded. These are responded to, where necessary.	
3.6	Where there is an aim to develop independent living skills for the service user there are clear achievable targets within support plans and evidence of progression.	

**SERVICE OUTCOME 2: SECURITY, HEALTH AND SAFETY**

**The security, health and wellbeing of all individual Service Users, staff are protected.**

**Standard 1.**

**The Provider has a Health and Safety Policy. This is reviewed, at least, annually, and complies with current legislation. There are comprehensive and legally valid health and safety procedures that protect staff and service users. These cover all relevant aspects of operations.**

**CQC Fundamental Standards regulations 12 13 14 15 16 17 18 20**

**Strategic Outcomes:** Health & wellbeing, Quality of life.

**Quality Standards**

1.1	Staff are trained in Health and Safety Procedures and are able to demonstrate and understand their responsibilities throughout their work activities.	
1.2	Staff are aware of and follow the Support Providers Incident Reporting Policy in line with any local arrangements.	
1.3	Where staff work alone, risk assessments specifically address the risks faced by lone workers and Service Users. The Service should have a Lone Working Policy that addresses these risks.	

1.4	Staff work practices show awareness of infection prevention and control.	
1.5	All specialist equipment, aids and adaptations used by the Service are regularly assessed and maintained in accordance with their maintenance schedule.	

**Standard 2.**

**The service has a co-ordinated approach to assessing and managing security and health and safety risks that potentially affect all Service Users, staff and the wider community.**

**CQC Fundamental Standards regulations 11 12 13 15 17**

**Strategic Outcomes:** Health & wellbeing, Quality of life.

**Quality Standards**

2.1	There are regular environmental risk assessments of each Service Users situation, environment and fire risk. In accordance with the providers own policies and procedures, and legal requirements.	
2.2	Fire safety plans and a referral to Hampshire Fire and Rescue should be completed for all people where a risk assessment identifies this is necessary.	
2.3	These assessments are recorded and actioned by the Support Provider.	

<b>Standard 3.</b>		
<b>The Provider has appropriate arrangements to enable Service Users to access help in crisis or emergency.</b>		
<b>CQC Fundamental Standards regulations 12 17 18</b>		
<b>Strategic Outcomes:</b> Health & wellbeing, Economic wellbeing		
<b>Quality Standards</b>		
3.1	Emergency call-out and out-of-hours support arrangements are given to Service Users in ways appropriate to their needs and this is documented.	
3.2	There is a written emergency call-out and out-of-hours policy and procedure in place and staff understand this.	

<b>Standard 4.</b>		
<b>The service addresses the health and welfare needs of Service Users appropriately in a pro-active and reactive manner.</b>		
<b>CQC Fundamental Standards regulations 9 10 11 12 13 14 17 18</b>		
<b>Strategic Outcomes:</b> Making a positive contribution, Health & wellbeing, Personal dignity & respect, Quality of life.		
<b>Quality Standards</b>		
4.1	All Service Users have a current Health Action Plan (HAP) within their person centred plans written in conjunction with Service Users and/or their families.	
4.2	Service users are supported and encouraged to eat a healthy balanced diet. Providers must ensure that Service User's nutritional and hydration needs are met. This is to be reflected within the individual's support plan.	
4.3	Staff identify where the person who uses services is at risk of poor nutrition, dehydration or has swallowing difficulties when they first begin to use the service and as their needs change. Action is taken to respond to these risks, including notifying the Service Purchaser.	

4.4	Where support is provided with meals and there is an identified risk of malnutrition and dehydration food and fluid intake is recorded and monitored. Concerns are passed to relevant professionals and recorded.	
4.5	Where there is an identified risk of choking Support Providers must evidence compliance with recommendations following a service user specific SALT assessment; a support plan is in place and support staff have received appropriate training.	
4.6	Health issues that arise are identified, reported to the Provider Management team and dealt with promptly. These are notified to the Service Purchaser.	
4.7	All Service Users have a front sheet in their files which details immediately required information about the Individual, including name, DOB, current, medication, allergies, health issues, key contacts etc.	
4.8	All Service Users are registered with a local GP, dentist and optician as required.	

<p><b>Standard 5.</b></p> <p><b>People who use services will have their medicines at the times they need them and in a safe way. The provider has a medication policy which complies with:</b></p> <p><b>Medicines Act 1968</b>  <b>Misuse of Drugs Act 1971</b>  <b>Safer management of Controlled Drugs regulations 2006</b>  <b>Regulation 13 of the Health and Social Care Act 2008</b>  <b>Mental Capacity Act 2005</b></p>		
<p><b>CQC Fundamental Standards regulations 9 10 11 12 13 16 17 18 19 20</b></p>		
<p><b>Strategic Outcomes: Health and wellbeing, dignity and respect and quality of life</b></p>		
<p><b>Quality Standards</b></p>		
5.1	Assistance with medication is given with the valid and informed consent of the Service User. In the absence of the Service User having capacity to	



	consent, there is evidence that a best interest procedure has been followed.	
5.2	All staff supporting service users with medication have received training and have been assessed by the trainer and are confirmed as competent by the Service Provider.	
5.3	There is evidence that staff have been issued with and understand the provider's medication policy and procedure and have access to up to date legislation and guidance.	
5.4	The provider's medication policy and procedure includes requirements relating to obtaining, storage, administering, monitoring, disposal of medications, preferences and views of service users.	
5.5	If the providers medication policy includes support with obtaining and administering homely / 'over the counter' remedies including herbal products there is a written protocol which must include: <ul style="list-style-type: none"> <li>• Getting advice from a doctor, pharmacist or registered nurse</li> <li>• Making it clear what carers can assist with for example, headache, heartburn or cough</li> <li>• Keeping records of purchase, administration and disposal</li> </ul>	
5.6	Staff have access to up to date information regarding medication, side effects, adverse reactions etc.	
5.7	Staff understand the importance of monitoring the effect of medication and are aware of action to take if service user's medical condition or wellbeing changes.	
5.8	Providers ensure that all service users who are supported with medication have an accurate detailed list of medicines within their care/support plan. This includes clear precise instructions for staff around delivery of medication; especially PRN.	
5.9	The call times for service users requiring assistance with medication are spaced appropriately to ensure safe administration of medication.	
5.10	There is a clear policy on what action to take in the event of a medication error, incident, refusal to take medication or missed call which prevents the service user having their medication. This includes notifying the commissioner and CQC	
5.11	There are systems in place that ensure a prompt response when incidents	

	detailed in 5.10 occur so the risk of them being repeated is reduced to a minimum.	
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**Standard 6.**

**End of Life Care**

**The Service provides good quality, consistent End of Life Care.**

**CQC Fundamental Standards regulations 9 10 11 12 13 14 17 18 19**

**Strategic Outcomes:** Consistent high quality care, in line with service users' preferences, dignity and quality at the end of their life.

**Quality Standards**

6.1	The service provider has an understanding of the key principles of palliative and end of life care. The provider has an End of Life policy that and follows local and national policy strategies.	
6.2	The service has processes in place to discuss, record and communicate the wishes and preferences of service users who are approaching the end of their life.	
6.3	The service has suitably trained staff who are able to deliver high quality end of life care, that meets the social, emotional, physical and spiritual needs of service users.	
6.4	The Service Provider is able to access key contacts in health, social care and the voluntary sector, to contribute to a multidisciplinary approach to end of life care.	
6.5	The Service Provider is able to access information, and to offer this and relevant support to others after the death of a service user.	

**SERVICE OUTCOME 3: SAFEGUARDING AND PROTECTION FROM ABUSE**

**Providers have a duty to protect and safeguard the welfare of vulnerable adults.  
This responsibility includes the Safety and wellbeing of staff/professionals visiting or working in the service.  
This involves working in partnership to protect vulnerable groups from abuse.  
Providers must seek to employ a human rights based approach to delivering care and support, in line with the recommendations of the Equality and Human Rights Commission.**

**Standard 1.**

**Providers have policies and procedures for safeguarding and protecting vulnerable adults and children. These policies must be no more than two years old and in accordance with current legislation.**

**CQC Fundamental Standards regulations 12 13 16 17 18 19 20**

**Strategic Outcomes:** Freedom from discrimination & harassment, Personal dignity & respect, Quality of life.

**Quality Standards**

1.1	The provider procedures, which are updated at least every 2 years, comply with the current local child and adult protection policy and procedures.	
1.2	The provider carries out recruitment checks, including professional references, POVA and DBS checks, for staff. This includes right to work in the U.K.	
1.3	Providers have a whistle blowing procedure. Staff must be aware of this. All matters raised under this procedure are dealt with fully and fairly. The right of staff to raise concerns is respected.	
1.4	Clear evidence of partnership working with relevant external agencies is demonstrated by the Provider.	

<b>Standard 2.</b>		
<p><b>Staff are aware of policies and procedures. Their practice both safeguards Service Users and promotes understanding of abuse.</b></p> <p><b>Staff are trained about Safeguarding Adults and children’s policies and processes.</b></p> <p><b>There are clearly documented procedures for supporting Service Users to deal with their finances.</b></p>		
<b>CQC Fundamental Standards regulations 10 11 12 13 14 16 17 18 19 20</b>		
<b>Strategic Outcomes:</b> Freedom from discrimination & harassment, Economic wellbeing, Personal dignity & respect.		
<b>Quality Standards</b>		
2.1	The provider and their staff should respond to all individual concerns raised, in accordance with Policies and Procedures.	
2.2	Victims of abuse, discrimination, harassment should be given appropriate support by the provider.	
2.3	Service User’s financial arrangements are managed competently by the provider. All financial transaction records are maintained securely.	
2.4	A log records all details of concerns raised, investigations and outcomes. It shows the actions taken, including reporting to appropriate authorities (including the service commissioner and contract manager).	
2.5	Safeguarding and protection from abuse policies and procedures are covered in staff induction and training programmes, and integrated into staff management practices.	
2.6	Where a service user lacks capacity and is deprived of their liberty the provider can evidence that they have acted in accordance with the MCA 2005 deprivation of liberty safeguards	
2.7	Staff are able to describe the policies and procedures, the reasons behind them and the implications for their work.	
2.8	Staff can describe and have ready access to accessible information detailing how they would report any actual or suspected abuse or neglect, and who incidents should be reported to.	

2.9	Service Users and their Representatives are informed about Safeguarding Adults and Children Procedures. This includes information about how to report concerns and who they should contact to make such reports. Providers should communicate properly and fully about actions taken or not taken.	
2.10	There is an open and honest culture within the organisation that encourages candour, openness and honesty at all levels. Training, policies and practice reflect current requirements	

**Standard 3.**

**Staff are made aware of and understand their professional boundaries and their practice reflects this.**

**CQC Fundamental Standards regulations 10 11 13 17 18 19**

**Strategic Outcomes:** Personal dignity & respect, Freedom from discrimination & harassment, Economic wellbeing.

**Quality Standards**

3.1	Providers have procedures to prevent staff from gaining or taking personal benefit when working with vulnerable people or their representatives.	
3.2	The nature and limits of relationships between staff and Service Users, and other people in the Service User's household, or connected to the Service User, are covered in staff induction and training programmes, and integrated into staff management practices.	
3.3	Staff are able to describe and have ready access to information detailing the policies concerning relationships with Service Users or those visiting Service Users.	
3.4	Staff are able to explain how their practice maintains effective boundaries.	
3.5	The provider has a Code of Conduct which makes clear the appropriate boundaries for staff.	

<b>Standard 4.</b>	
<b>Staff support and manage Service Users financial transactions appropriately.</b>	
<b>CQC Fundamental Standards regulations 9 10 11 12 13 17 18 19</b>	
<b>Strategic Outcomes:</b> Freedom from discrimination & harassment, Economic wellbeing, Personal dignity & respect.	
<b>Quality Standards</b>	
4.1	There is evidence that Service Users are supported to deal with their finances as appropriate.
4.2	There is a fully detailed log and audit trail of Service User benefits and their financial position.
4.3	All financial transactions in relation to Service Users are kept and detailed and are available to audit.
4.4	Where staff cars are used and Service Users contribute to this there is a support plan in place stipulating method of payment; invoices are signed by Management and there are clear records of purpose of journeys and payments made.
4.5	If the provider is supplying support either directly or through a third party above what has been commissioned and the service user is chargeable a support plan must be in place.

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**SERVICE OUTCOME 4: DIVERSITY AND INCLUSION**

**Diversity and Inclusion are essential components of all Service Provision. The service acts within the law and ensures Service Users and/or their representatives are well-informed about their rights and responsibilities. Providers must seek to employ a human rights based approach to delivering care and support, in line with the recommendations of the Equality and Human Rights Commission.**

**Standard 1.**

**Diversity and Inclusion are essential to and embedded within the service.**

**CQC Fundamental Standards regulations 9 10 11 12 13 14 17 18 19**

**Strategic Outcomes:** Making a positive contribution, Increased choice and control, Personal dignity & respect, Freedom from discrimination & harassment, Health & wellbeing, Quality of life.

**Quality Standards**

1.1	The Provider has policies and procedures that cover Equal Opportunities, Diversity, Anti-Discriminatory Practice, Harassment, and Community Cohesion and Social Inclusion. These policies and processes cover all aspects related to staff, service users, and their representatives.	
1.2	The policies and procedures are reviewed within a two year period and are in accordance with all current legislation.	
1.3	Equality and diversity policies and procedures are covered in staff induction and training programmes, and integrated into staff management practices.	
1.4	There is a recruitment and selection policy that aims to eliminate discrimination in recruitment processes. The provider collects and analyses data about applications and uses this to identify and respond to any issues regarding the make-up and diversity of its workforce.	
1.5	Providers should have a workforce that best represents the population structure and composition of Southampton; this includes aspects such as people from BME groups and disabled people.	

1.6	Service Users or families confirm that information and support is made available to them to meet their cultural, religious and/or lifestyle needs including sexual orientation, in an easy to read and accessible format.	
1.7	Service Providers must ensure that they provide full and equal access to services for all people with diagnoses of HIV and/or AIDS and related conditions, in line with the principles of the Equality Act	

**Standard 2.**

**Dignity Principles. Providers must recognise the essential nature of ensuring Service Users are always treated with dignity and respect. These standards are fundamental to providing a positive service.**

**CQC Fundamental standards regulations 9 10 11 12 13 17 18**

**Strategic Outcomes:** Making a positive contribution, Increased choice and control, Personal dignity & respect, Freedom from discrimination & harassment, Health & wellbeing, Quality of life.

**Quality Standards**

2.1	These principals are to be upheld by providers throughout the delivery of care services. They should shape the ethos of the providers operations.	
2.2	Value the uniqueness of the individual.	
2.3	Uphold the responsibility for individuals to shape care and support services they receive.	
2.4	Value communicating with Services Users and their representatives in ways that are meaningful for them.	
2.5	Respect how individual's dignity may be affected when delivering all aspects of their care.	
2.6	Recognise the importance of an individual's surroundings and environment when visiting their home	



2.7	The organisation has a culture that actively promote the dignity of everybody.	
2.8	Recognise the need to challenge care that may reduce the dignity of the individual.	

**SERVICE OUTCOME 5: SERVICE USER INVOLVEMENT AND EMPOWERMENT**

**There is a commitment to empowering Service Users and supporting their independence.  
Service Users are well informed so that they can communicate their needs and views and make informed choices.  
Service Users are empowered to engage in the wider community and to develop social networks.  
Service Users are enabled and encouraged to make informed decisions about the structure and operation of their own Care and Support service.**

**Standard 1.**  
**Service Users and their representatives are consulted on all significant matters which affect their lives and their views are taken into account.**

CQC Fundamental Standards regulations 10 11 12 13 16 17 18 20

**Strategic Outcomes: Making a positive contribution, Increased choice and control, Quality of life, Health and wellbeing.**

Quality Standards		
1.1	The Provider has a Statement of Rights and Responsibilities. The Provider has a Service User Guide.	
1.2	Service Users must be fully engaged in consultation about their service. Service Users who require additional support to facilitate reasonable adjustments should be made for effective communication.	

1.3	Formal and/or informal consultation takes place and proposals are modified where possible in the light of Service User feedback. This process should involve the development of Service User Forums by Providers.	
1.4	Service Users confirm that they receive feedback on changes that have or have not been made, and why.	

**Standard 2.**

**The service promotes and supports independence.**

**CQC Fundamental Standards 9 10 11 12 13 14 15 17 18 19**

**Strategic Outcomes:** Increased choice and control, Making a positive contribution, Personal dignity & respect, Economic wellbeing.

**Quality Standards**

2.1	The service has a clear, documented approach to empowering Service Users and supporting their independence.	
2.2	Assessments of Service User risks balance the duty of care and the promotion of independence.	
2.3	Empowerment and promoting independence are covered in staff induction and training programmes, and integrated into staff management practices.	
2.4	Service User Independence is promoted with appropriate skills training by the provider.	
2.5	The provider ensures the use of appropriate equipment and adaptations to meet individual needs, in conjunction with other professional services.	
2.6	Service Users and their representatives confirm that they are encouraged to take part in active decision making about their home and the services they receive.	
2.7	The individual is encouraged to control their personal finances and is given support to acquire budgeting skills.	

2.8	The support worker is trained in appropriate communication skills to meet individual's needs.	
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**Standard 3.**

**Service Users are encouraged to consider ways in which they can participate in the wider community.**

**CQC Fundamental standards regulations 9 10 11 12 13 17 18**

**Strategic Outcomes:** Increased choice and control, Freedom from discrimination & harassment, Making a positive contribution, Personal dignity & respect, Economic wellbeing, Quality of life.

**Quality Standards**

3.1	Support plans show that staff and Service Users have discussed wishes and aspirations for employment, training, education, social and leisure activities.	
3.2	The provider actively and safely encourages and promotes links with friends and families.	
3.3	Support plans reflect that Service Users have been enabled to overcome barriers to participating in the wider community.	
3.4	The provider seeks to enable the Service Users to access and stimulating activities within the local community. These activities should respond to the care and support plans for each individual and reflect changes in wishes and abilities.	
3.5	The provider has an up to date policy on payments for activities with Service Users which staff are aware of and can demonstrate knowledge of. This should be available in a range of formats for service users to access.	
3.6	The Provider should clearly state within the care and support plan what the Service User's community participation and activities consist of. These should be in line with what has been commissioned.	

<b>Standard 4.</b>		
<b>There is a written Complaints Policy and Procedure that is reviewed annually.</b>		
<b>CQC Fundamental Standards regulations 10 12 13 16 17 18 19 20</b>		
<b>Strategic Outcomes:</b> Health & wellbeing, Quality of life.		
<b>Quality Standards</b>		
4.1	The provider complaints policy and procedure is simple and clear and is available in accessible formats appropriate to the needs of the Service User and relative or formal carer.	
4.2	The provider complaints policy includes full information on how to contact the provider to raise a complaint or concerns and a timescale that will apply for the investigation and response. The provider should endeavour to have a named individual as the contact person.	
4.3	Action is taken in response to individual complaints. A log records concerns raised, outcomes to complaints and shows that appropriate action is taken. There should be reasonable response times specified in these policies and all response times should be agreed with the complainant.	
4.4	Outcomes of complaints are fed back to complainants.	
4.5	The policy and procedure is publicised in ways appropriate to the needs of the Service User group e.g. Service User information packs, guides, notice boards, etc.	
4.6	Staff receive training in dealing with and encouraging complaints.	
4.7	Staff, Service Users and third parties know how to use the procedure and are empowered to do so.	
4.8	There is evidence that Independent advocacy is sought, where available to help Service Users, carers and family members to use the complaints system.	
4.9	The Provider has evidence of changes to service provision which stemmed from complaints and this is shared with the commissioner.	

**SERVICE OUTCOME 6: DELIVERY OF SERVICE**

**People are kept safe and their health and welfare needs are met.  
Staff are competent to carry out their work and are properly trained, supervised and appraised.**

**Standard 1.  
People who use services are safe and their health and welfare needs are met by competent staff.**

**CQC Fundamental Standards 8 9 10 12 13 14 15 16 17 18 19 20**

**Strategic outcomes: Increased choice and control, making positive contribution, personal dignity & respect**

**Quality Standards**

1.1	The service manager has the necessary qualifications, time, skills and experience to manage the regulated activity.	
1.2	All staff receive comprehensive induction and training which meets the requirements of the care certificate framework and CQC fundamental standards	
1.3	Induction is undertaken by all staff when they start their job. There is evidence that they have been assessed and signed off as competent to work unsupervised.	
1.4	Staff are trained so that they are capable and competent of providing the correct level of support to meet the needs of each service user they work with.	
1.5	Where learning and development is delivered by a trainer the provider has identified and confirmed that the trainer is qualified to do so.	
1.6	Staff receive the learning and development opportunities they need to carry out their role and keep their skills up to date.	

1.7	Staff are trained, assessed and signed off as competent to support with medication. Where errors occur systems are in place to ensure support and re-training for staff members.	
1.8	Where staff make errors the provider is responsible for ensuring that staff members are fully safe and competent to carry out these duties in the future.	
1.9	Training records for all staff are kept and can be produced on request.	
1.10	When consulted service users or their representatives can confirm that staffs conduct is profession and respects their right to choice and control.	

**Standard 2.**

**Staff are supported and managed at all times and are clear about their lines of accountability.**

**CQC Fundamental Standards regulations 8 9 10 12 13 17 18 19**

**Strategic outcomes: Health and wellbeing, quality of life**

**Quality Standards**

2.1	A support structure is in place for one to one supervision, spot checks and group meetings. They are undertaken at a time and frequency agreed between the line manager or supervisor and the staff member and they are recorded.	
2.2	Supervisory support arrangements are in place, monitored and reviewed for all staff delivering care and support.	
2.3	All new staff are given shadowing opportunities in order to familiarise themselves with the service and users of the service.	
2.4	Staff have a yearly appraisal that promotes their professional development and reflects any regulatory and/or professional developments.	

<b>Standard 3.</b>		
<b>People who use services are safe and their health and welfare needs are met by sufficient numbers of appropriate staff.</b>		
<b>CQC Fundamental Standards regulations 8 9 10 12 13 14 17 18 19</b>		
<b>Strategic Outcomes: Increased choice and control, health and wellbeing, making a positive contribution , quality of life</b>		
<b>Quality Standards</b>		
3.1	There are sufficient numbers of staff employed by the provider with the right competencies, knowledge, qualifications, skills and experience to meet the needs of people who use services at all times.	
3.2	Staff responsible for coordinating care visits have knowledge of service users' needs and carers' capability and availability in order to ensure consistency and reliability of care.	
3.3	Service users have a small team of carers providing support. Details of staff allocated to each service user is clearly recorded in service user's home file.	
3.4	Service users have regular care workers who are allocated immediately or within one month of start of care package.	
3.5	The Provider can demonstrate that they have carried out a needs analysis and risk assessment as the basis for deciding on their staffing levels.	
3.6	The Provider has a business continuity plan which evidences how they will respond to unexpected changing circumstances in the service for example to cover sickness, vacancies, absences, severe weather situations and emergencies.	
3.7	The Support Provider shall ensure that sufficient travel time is allowed between visits to ensure that support workers arrive promptly at the agreed time.	

<b>Standard 4. Communication and Recording</b>		
<b>Detailed and clear communication is essential to service delivery.</b>		
<b>CQC Fundamental Standards regulations 8 9 10 12 13 14 16 17 18 19 20</b>		
<b>Strategic Outcomes: Health and wellbeing, quality of life, dignity</b>		
<b>Quality Standards</b>		
4.1	All staff are given training and guidance in how to communicate effectively with Service Users and their representatives. They can demonstrate their area of responsibility when reporting and recording and who they report too.	
4.2	There are recorded and documented processes in place which evidence effective sharing of information.	
4.3	Office communication books/logs are audited to ensure information is transferred, followed up and action taken where necessary.	
4.4	Service Users are informed by the provider of any changes to their care worker or call times, including individual changes due to unavoidable circumstances.	
4.5	Evidence of communication with Service Users and all other professionals is recorded, shared where necessary and actioned.	
4.6	The provider must inform Southampton City Council/Clinical Commissioning Group of all relevant matters that affect the care given to service users.	
4.7	Service users and or their representatives are consulted fully and properly about all aspects of their ongoing care and support.	
4.8	The delivery of care and support should only be as commissioned. Any deviants should be reported to SCC/CCG as soon as possible which includes under or over delivery of hours.	
4.9	There are robust monitoring/auditing process in place to validate that the hours commissioned are provided and evidence of this is made	



	available if requested by staff from the integrated commissioning unit	
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**SERVICE OUTCOME 7: ASSESSING AND MONITORING THE QUALITY OF SERVICE PROVISION**

**The provider has effective systems for gathering, recording and evaluating accurate information about the quality and safety of the care, treatment and support the service provides and its outcomes.**

**Standard 1.**  
**The organisation regularly seek the views of service users and their representatives about the quality and effectiveness of the service they receive.**

**CQC Fundamental Standards regulations 8 9 10 13 16 17 18 19 20a**

**Strategic outcomes: Health and wellbeing, increased choice and control**

<b>Quality Standards</b>		
1.1	An anonymous Service User survey is completed annually by the provider. It is analysed and used to identify areas where improvements are needed and an action plan is completed and shared with the quality and safeguarding team. It should include a question about whether the service user would recommend the service provider to their friends and family.	
1.2	Service User reviews are completed 6 monthly or sooner where risks are identified.	
1.3	Following individual reviews there is evidence that action has been taken to improve and make changes where necessary.	
1.4	Service users, formal carers and family have access to and are aware of how to make a complaint to the provider and to the purchaser.	

1.5	As from the 1 <sup>st</sup> April there is a requirement that the providers latest CQC rating is displayed at their premises and on their website	
1.6	The provider will inform the quality and safeguarding team within 24 hours of a CQC inspection.	

**Standard 2.**

**Audits are completed on a regular basis from both branch level and organisation level.**

**CQC Fundamental Standards regulations 8 12 13 14 16 17 18 19**

**Strategic outcomes: Health and wellbeing, quality of life,**

**Quality Standards**

2.1	Record of care logs, medication records, financial transactions, food and fluid charts are returned to branch at least monthly, audited and evaluated. Audit results will be made available to SCC/CCG if requested.	
2.2	Where the provider has undertaken an investigation there is accountability and a clear audit trail to protect people who use the service from inappropriate unsafe care or support.	
2.3	Systems are in place to continuously identify, analyse and review risks, adverse events, incidents, errors and near misses; wherever possible involving service users in risk management to promote their skills.	

**SERVICE OUTCOME 8: Housing provision. Maintenance, management, roles and responsibilities.**

<b>Standard 1.</b>		
<b>Ensuring that the supported accommodation of Service Users is provided to a high standard and that action is taken to deal with all maintenance issues.</b>		
<b>CQC Fundamental Standards regulations 10 12 13 15 17 18</b>		
<b>Strategic Outcomes: Health, wellbeing, quality of life</b>		
<b>Quality Standards</b>		
1.1	There is a clear schedule that sets out the responsibilities for maintenance and repairs of supported accommodation. This clearly shows which organisations are responsible for the various aspects of buildings, maintenance, physical environment etc. The responsibilities of housing providers, care providers and service user are clear to all.	
1.2	These schedules clearly specify responsibilities for repairs and maintenance, and include a timescale for actioning of all maintenance and repair matters.	
1.3	Key worker sessions take place and are recorded with clear themes around maintaining tenancies that reinforce the service users understanding and responsibilities. This may require alternate communication formats e.g easy read.	
1.4	Housing is maintained as a minimum to comply with the Housing Health and Safety Rating System (introduced under the Housing Act 2004).	
1.5	There are effective liaising and communication arrangements between the Service User, housing providers and care and support providers, including a regular meeting scheduled at a minimum of six monthly.	
1.6	Action is taken promptly and effectively when housing and environment issues are identified.	
1.7	There is evidence that the service purchaser and housing provider have	

	been notified within 24 hours of all significant housing and environmental matters.	
1.8	The provider informs the commissioner immediately of any issues that may affect the Service Users ability to maintain their tenancy. This could include changes in behaviour, management of finances or capacity.	
1.9	Evidence of Service User involvement in the management of their tenancy through risk assessments of their environment.	

The **public sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with section 17 of the Crime and Disorder Act and will enable the council to better understand the potential impact of the budget proposals and BHH

<p><b>Name or Brief Description of Proposal</b></p>	<p>A proposal to offer rehabilitation and reablement services to people in an integrated and more flexible way; moving resources to prioritise support at home or in the local community.</p>
<p><b>Brief Service Profile (including number of customers)</b></p>	<p>This proposal is a key element in the Southampton Better Care Plan ambition to achieve an integrated health and social care crisis response, rehabilitation, reablement and hospital discharge service.</p> <p>We want to provide a “seamless” service to help people:-</p> <ul style="list-style-type: none"> <li>• Avoid unplanned or unnecessary admissions to hospital;</li> <li>• Only stay in hospital for as long as they medically need to;</li> <li>• Recover more quickly following treatment (support services for recovery are called rehabilitation services); and</li> <li>• Learn/ relearn daily living skills to better manage any on-going illness or condition (support services for living with long-term illness/condition are called reablement services).</li> </ul> <p>We need to make better use of our resources (staff and money) to help us to do this.</p> <p>National research has indicated that people are more likely to regain good health if they receive care within their own home or close to their communities, so we want to prioritise this. The first stage of the proposal has been approved by Cabinet and is being implemented i.e. staff teams from the Council and Solent NHS Trust covering the functions of crisis response, rehabilitation, reablement (and at a later date hospital discharge) are forming an Integrated Service with a single management structure.</p>

	<p>The second stage involves a significant shift of investment towards a more domiciliary / community based model of care which will require fewer specific rehabilitation and reablement beds to be provided. This more flexible way of providing rehabilitation and reablement would include for example specialist Domiciliary Care support and supported accommodation in Extra Care Housing. The additional domiciliary care capacity required would be primarily sourced from the council's new Domiciliary Care Framework which was implemented in April 2015.</p>
<p><b>Summary of Impact and Issues</b></p>	<p>The implementation of the second stage of the proposal will include:-</p> <ul style="list-style-type: none"> <li>• The closure of bed-based provision at the City Council facility, Brownhill House, and a redirection of these resources into domiciliary care and more community focussed options of flexible bed based provision e.g. Extra Care Housing. Potential of 41 Full Time equivalent Council posts at risk.</li> <li>• Commissioning of an increasing proportion of domiciliary care from the council's new Domiciliary Care Framework where the unit costs of care are significantly lower; and over time reduce the proportion of care sourced from the Council's in house services as vacancies occur through natural staff turnover. This will release additional resources which could be re-invested into more rehabilitation and reablement activity to meet increasing need and deliver wider system change across Health and Adult Social Care.</li> </ul> <p>Other services at Brownhill House would also be affected by the implementation of the proposal :-</p> <ul style="list-style-type: none"> <li>• Council staff support 12 respite/ "emergency" respite beds. Suitable alternative provision has been identified and costed in respect of respite / "emergency respite" so that people can continue to access these services as required, with a tailored use of bed-based resources other than at Brownhill House.</li> <li>• Social Care in Action (SCA) provides Day Services for older people with high physical dependency needs. A total of 51 people currently use the Day Services across the week (Monday – Friday) and are taken to the Services in specialist transport provided by SCA. The Day Services would continue but would need to re-locate to another suitable building. The Council has been working with SCA and identified at least two suitable potential alternative venues.</li> </ul> <p>If the second stage of this proposal is implemented, and the services are no longer offered at Brownhill House, it is likely that the building will also close.</p>
<p><b>Potential Positive Impacts</b></p>	<p>People would be able to experience a more seamless rehabilitation and reablement service from a single integrated health and social care staff team, providing care and support in</p>

	<p>a joined up way. The services would be built around the whole person, and put the person at the heart of decisions about their own care. It would be a system working with people, to help them regain good health and stay independent for as long as possible, based on the principle that people are best supported to regain / maintain their independence within their own home or usual place of residence, as opposed to a hospital environment.</p> <p>More people could avoid unplanned admission to hospital, be discharged effectively and have targeted support to recover and maximise their independence in their home or local community, because resources would be used more flexibly and responsively.</p>
<b>Responsible Service Manager</b>	Donna Chapman, Associate Director Integrated Commissioning Unit
<b>Date</b>	January 27th 2016

<b>Approved by Senior Manager</b>	Stephanie Ramsey, Director of Quality and Integration Integrated Commissioning Unit
<b>Signature</b>	
<b>Date</b>	January 27 <sup>th</sup> 2016

### Potential Impact

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<p><b>Age</b></p> <p>All clients who stay at Brownhill House (BH) for any period are over 65 years of age</p>	<p>No rehabilitation / reablement care provided at BH – need alternatives.</p> <p>More socially isolated if care provided at home rather than BH?</p>	<p>Care provided in own home (Domiciliary Care Framework Contract), in supported accommodation (e.g. Extra Care Housing), or local residential care/nursing home for short period. Other options e.g. for Direct Payments, and telehealth/care, may also maximise choice and flexibility.</p> <p>Making/retaining social connections is a key part of client's rehab/reablement plan. Links between the Integrated Service, GP Cluster teams and development of community solutions are being strengthened to ensure that people are enabled to connect with their wider community.</p>

	No respite service provided at BH – need alternatives.	Care/support provided in own home (Domiciliary Care Framework Contract), in supported accommodation (e.g. Extra Care Housing), or local residential care/nursing home for short period. Other options e.g. for Direct Payments, and telehealth/care, may also maximise choice and flexibility.
All Day Services clients are over 55 years of age	Day Services at a new venue:- : unfamiliar building; : not able to attend with same group? : change to transport method/ time?	The Council will facilitate a re-location and work closely with SCA to support them to quickly familiarise clients with new venue.  Whole Service is moving therefore people able to retain friendship groups.  Specialist transport provided by SCA in Contract. Contract states – no transport to venue in excess of 50 minutes duration as now.
Impacts for BH staff over 55 years of age	: Alternative workplace; : Up to 41 full time equivalent posts potentially at risk of redundancy; : Disproportionate impact to re-train/find other employment opportunities?	Council redeployment and redundancy policies will be applied.  University Hospital Services and Solent NHS Trust are also supporting and considering identifying ring-fenced employment opportunities within services to mitigate risk of redundancies.
Impacts for Day Services staff over 55 years of age	Alternate workplace – increased travel time and/or costs?	The Council will work closely with SCA to facilitate a re-location to an alternative suitable venue and within the same locality if possible.
<b>Disability</b>  Impact for BH clients	89% of clients' primary recorded need is for physical support  (People who have been assessed as lacking mental capacity are outside of the BH admission criteria.)	Care/support provided in own home (Domiciliary Care Framework Contract), in supported accommodation (e.g. Extra Care Housing), or local residential care/nursing home for short period. Other options e.g. for Direct Payments, and telehealth/care, may also maximise choice and flexibility.
Impact for Day	100% of clients' recorded need	The Council will work closely



Services clients	as “high physical dependency”	with SCA to facilitate a re-location to an alternative suitable venue – accessible, parking etc. within the same locality if possible.
Impact for BH staff	Alternative workplace	<p>Council required to make “reasonable adjustments”. Council redeployment and redundancy policies will be applied.</p> <p>University Hospital Services and Solent NHS Trust also supporting and considering identifying ring-fenced employment opportunities within services to mitigate risk of redundancies.</p>
Impact for SCA staff	Alternative workplace	The Council will work closely with SCA to facilitate a re-location to an alternative suitable venue – accessible, parking etc. within the same locality if possible.
<b>Gender Reassignment</b>	None identified	
<b>Marriage and Civil Partnership</b>	None identified	
<b>Pregnancy and Maternity</b>	Staff:	<p>Council employment, redeployment and redundancy policies will be applied.</p> <p>SCA staffing policies will apply.</p>
<b>Race</b>	Culturally appropriate services from additional providers.	All service Providers on Domiciliary Care Framework, and who accept care placements from the City Council are required to meet legislation in respect of equalities issues. Contract monitoring has been strengthened.
<b>Religion or Belief</b>	Culturally appropriate services from additional providers.	All service Providers on Domiciliary Care Framework, and who accept care placements from the City Council are required to meet legislation in respect of equalities issues. Contract monitoring has been

	Alternative venue is inappropriate for some e.g. church venue.	strengthened  The Council will work closely with SCA to facilitate a re-location to an alternative suitable venue taking into account cultural /religious choice.
<b>Sex</b>	None identified	
<b>Sexual Orientation</b>	None identified	
<b>Community Safety</b>	May be increased potential for vandalism if BH building closes and remains empty for a long period.	De-mobilisation Plan to include prompt removal of valuable equipment and addition of any security measures necessary.
<b>Poverty</b>	Staff: potential for increased travel costs?	Council employment, redeployment and redundancy policies will be applied.  SCA staffing policies will apply.
<b>Other Significant Impacts</b>	Impact on carers wellbeing of client receiving home-based support  Ability of part-time staff to access re-training opportunities  Job re-deployment options for number of staff who are Non-drivers  Job re-deployment options for number of staff who are employed as Night Workers	Additional staff hours costed for short-term intensive therapy support at home to client. Information, advice, support services and access to Carers Assessments available from commissioned service.  Council employment, redeployment and redundancy policies will be applied.  University Hospital Services and Solent NHS Trust are also supporting and considering identifying ring-fenced employment opportunities within services to mitigate risk of redundancies.

# Agenda Item 10

<b>DECISION-MAKER:</b>	<b>Cabinet</b>
<b>SUBJECT:</b>	<b>Admission Arrangements for Community and Voluntary Controlled Schools for School Year 2017/18</b>
<b>DATE OF DECISION:</b>	<b>16 February 2016</b>
<b>REPORT OF:</b>	<b>Cabinet Member for Education and Children's Social Care</b>

### CONTACT DETAILS

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### STATEMENT OF CONFIDENTIALITY

None

### BRIEF SUMMARY

The Council is required by statute and regulations to approve its admissions policies for the school year starting September 2017 (including Published Admissions Numbers – PANs) by 28 February 2016.

### RECOMMENDATIONS:

	<b>(i)</b>	To approve the Admissions Policies and the Published Admissions Numbers (PANs) for Community and Voluntary Controlled schools and the schemes for coordinating Primary and Secondary admissions for the school year 2017/18 as set out in appendices 1 to 5.
	<b>(ii)</b>	To authorise the Service Director, Children and Families Services to take any action necessary to give effect to the admissions policies and to make any changes necessary to the admissions policies where required to give effect to any Acts, Regulations or revised Schools Admissions or School Admissions Appeals Codes or binding Schools Adjudicator, Court or Ombudsman decisions whenever they arise.

### REASONS FOR REPORT RECOMMENDATIONS

1.	The Local Authority has a statutory duty to determine the admission criteria annually and to ensure that all rising 5s have an allocated education place
2.	The proposed policy is at Appendix 1. There are no changes from the 2016/17 arrangements
3.	Implementation of the policy is dependent on the following schemes:- <ul style="list-style-type: none"> <li>• Admissions Policy for Infant, Junior, Primary, Secondary and Sixth Form pupils to Community and Voluntary Controlled Schools, see appendix 1</li> <li>• Published Admission Numbers (PANs) for Community and Voluntary Controlled Schools, see appendix 2</li> <li>• The coordinated scheme for entry to Infant/Primary Schools see appendix 3</li> </ul>

	<ul style="list-style-type: none"> <li>• The coordinated scheme for entry to Junior Schools see appendix 4</li> <li>• The coordinated scheme for entry to secondary schools see appendix 5</li> </ul>
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
4.	The only alternative option considered was to not determine local admission arrangements. This has been rejected because it would result in the imposition of admission arrangements upon local schools by the Secretary of State for Education
<b>DETAIL (Including consultation carried out)</b>	
5.	It is a statutory requirement that School Admission Authorities determine the Admission Policy each year to approve the allocation of School places to Southampton pupils and to pupils applying for a place in a Southampton School from outside the City. The City Council is the Admission Authority for all Community and Voluntary Controlled Schools in the City and is therefore responsible for determining the admission arrangements for these Schools. Regulations require all Admission Authorities i.e. the Local Authority, governing bodies of Voluntary Aided and Foundation Schools and Academy Trusts to determine their admission arrangements for the school year 2017-18 by 28 February 2016 and to notify the fact to other Admission Authorities within 14 days of this date.
6.	<p>The principles of Southampton's Admission Policies are well established. They seek to fulfil the requirement to be "fair, clear and objective" (School Admissions Code 2014). The proposed policies seek to make this process as transparent as possible. In particular they enable the Local Authority, Schools, and parents:</p> <ol style="list-style-type: none"> <li>To protect the rights of vulnerable children.</li> <li>To meet significant medical or psychological needs of individual children.</li> <li>To develop, strengthen and support immediate family ties.</li> <li>To develop and strengthen links between designated feeder and receiver schools, and</li> </ol> <p>To have access to reasonable, clear, objective, procedurally fair criteria that avoid ambiguity in the interpretation of the policy</p>
7.	An Admission Authority must consult on any changes it proposes to make to its admission arrangements. However if no alteration is proposed then there is no need to consult but the Admission Authority must still determine its arrangements in line with the timetable set out in the Regulations. The minor amendment in the 2016/17 arrangements did not require consultation as it is required to make the Council's arrangements comply with the School Admissions Code.
8.	It is a statutory requirement that School Admission Authorities determine their admission arrangements each year to approve the allocation of places to Southampton pupils and to pupils applying for places in Southampton Schools from outside the City even if no changes have been made from the previous year's arrangements.
9.	Apart from required changes of dates there are no changes to the coordinated schemes for Infant, Junior or Secondary transfers

<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
<b>10.</b>	There are no additional revenue costs to the General Fund arising directly from the approval of the admission policies for the school year 2017/18
<b><u>Property/Other</u></b>	
<b>11.</b>	N/A
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
<b>12.</b>	Admission Authorities are legally required to determine their admission arrangements (including PANs, under the School Standards and Framework Act 1998 as amended by the Education Act 2002 and the Education and Inspections Act 2006 and the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 as amended by The School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England)(Amendment) Regulations 2014.
<b>13.</b>	In accordance with the above, the deadline for determining admission arrangements is 28 February 2016. Following determination on 16 February 2016, the Local Authority has 14 days to notify all Schools in writing of its decision. School's governing bodies then have 6 weeks to object to their respective PANs (but no other aspect of the admission policy)
<b><u>Other Legal Implications:</u></b>	
<b>14.</b>	The Education Acts, Regulations made pursuant to them and the School Admissions Code (December 2014) require Local Authorities to formulate coordinated schemes for dealing with applications to Infant, Primary, Junior and Secondary Schools at the relevant age of transfer. Such schemes also include admission to Schools where the Local Authority is not the Admission Authority i.e. Voluntary Aided, Foundation, Free Schools and Academies. The schemes must ensure that every parent is notified of one and only one offer of a school place on the same day. A National Offer date of 1 March, or first working day thereafter, has been set for Secondary admissions and a National Offer date of 16 April, or first working day thereafter, for Primary sector admissions. The regulations also set National closing dates for applications of 31 October in the offer year for Secondary applications and 15 January in the offer year for Primary applications.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
<b>15.</b>	The recommended admission arrangements proposed in the report are consistent with the Children and Young People's Plan

<b>KEY DECISION?</b>	<b>Yes</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	<b>ALL</b>
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Admission Policy for Infant, Junior, Primary and Secondary pupils to community and voluntary controlled schools 2017/18
2.	Proposed Published Admissions Numbers for all Community and Voluntary Controlled Schools
3.	Coordinated scheme for year R entry to Infant/Primary Schools 2017/18
4.	Coordinated scheme for year 3 entry to Junior Schools 2017/18
5.	Coordinated scheme for year 7 entry to Secondary Schools 2017/18
<b>Documents In Members' Rooms</b>	
1.	None.
<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>No</b>
<b>Privacy Impact Assessment</b>	
<b>Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.</b>	<b>No</b>
<b>Other Background Documents</b>	
Other Background documents available for inspection at: Civic Centre, Southampton.	
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	School Admissions Code  <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf</a>

### Southampton City Council

#### **Admission Policy for Community and Voluntary Controlled Infant/Primary Schools for 2017/18**

Southampton City Council is the admission authority for all Community and Voluntary Controlled infant and primary schools in the city. Voluntary Aided and Trust and Foundation school are their own admission authorities and set their own admission arrangements. As required in the School Admissions Code the authority will consider all on-time preferences at the same time for September 2017 admissions.

Parents may express up to three (3) preferences, listing them in the order in which they would accept them. All preferences will be considered and where more than one school could be offered, the parents will be offered a place for their child at the higher ranked of the schools that could be offered.

#### **Children with Education, Health and Care Plans (EHCP) that name the school**

Children with Education, Health and Care Plans (EHCP) that name a school must be admitted to that school under the Education Act 1996 and with regard to the SEN Code of Practice. These children will be admitted to the named school, even if it is full, and are therefore outside the normal admission arrangements. As required by the Code these children will count as part of the Published Admission Number (PAN) for the school.

#### **Oversubscription criteria**

Applications submitted by 15 January 2017 will be dealt with first. If the number of applications submitted by 15 January 2017 is greater than the Published Admission Number (PAN) for a school, admissions to the school will be decided according to the following priorities:

1. Children in public care (looked after children) and previously looked after children as defined in paragraph 1.7 of the School Admissions Code 2014
2. Children subject to a child protection plan or deemed to be vulnerable by the Senior Officer with responsibility for safeguarding in Southampton City Council.
3. Children who have a brother or sister already on the roll of the school who will continue to attend that school for the following year. (This includes children living as siblings in the same family unit.) In the case of applications for places at infant schools a sibling at the linked junior school will count as a sibling at the infant school.

A sibling is defined as a brother or sister including half, step, or foster or adoptive brother or sister, living within the same family unit at the same address.

4. Children who live within the school's designated catchment area and whose parents have satisfied the Local Authority that their child has a significant medical or psychological condition which means they must attend the preferred school

rather than any other. Applications must be supported by appropriate written evidence from a doctor or psychologist.

5. Children who live within the school's designated catchment area.

A "designated catchment area" for a school is the area set out in the definitive catchment area map for each school. This map is held by Southampton City Council, Civic Centre, Rise, Southampton SO14 7LY. A schedule of addresses, to be read in conjunction with the map, is also kept by the Council.

Parents wishing to know if their address is in a particular catchment area can contact the Admissions Team, or log on to the council website [www.southampton.gov.uk](http://www.southampton.gov.uk), click on "my Southampton", follow the links, and enter their post code.

If the school is oversubscribed from within these criteria, priorities (ii) to (iii), as set out at 6 below, will be used to determine which children will be offered places.

6. Children who live outside the school's designated catchment area, in the following order:

- (i) Children whose parents have satisfied the Local Authority that their child has a significant medical or psychological condition which means they must attend the preferred school rather than any other. Applications must be supported by appropriate written evidence from a doctor or psychologist.
- (ii) Children whose parents are applying for their child to attend a Church of England voluntary controlled school on denominational grounds. Evidence of regular church attendance at services held by the Church of England or a local ecumenical partnership (as defined in the school's prospectus) must be certified by the vicar or someone else of authority in the church. "Regular" is defined as "attending worship services at a Church of England church or local ecumenical partnership at least twice a month for the previous two years before the deadline for admissions set by Southampton City Council."
- (iii) Children who live closest to the school based on the shortest practicable walking distance using public roads and footpaths. Distances are measured from home to school for all children. Distances from home to school are measured as shortest walking distances. These are calculated using a computerised mapping system that uses data supplied by Ordnance Survey. Distances are measured from the point designated in the system as the home address to the point designated in the system as the mid point of the nearest open gate to the school, using public roads and footpaths.



Should a school be oversubscribed from within any of the criteria 6(i) to 6(ii) above, then distance as defined in 6(iii) will be used to prioritise applications within these categories. Should there be two or more identical distances requiring prioritisation, this will be done by casting lots. Lots will be drawn by the Principal Officer Education and Early Years, Children and Families Services, Southampton City Council.

### **Late applications**

The closing date for applications is 15 January 2017. Applications received after that date will be late applications and will be dealt with after all on time applicants have been offered a school place. If a school has places available after admitting all on-time applications, late applications will be considered in accordance with the priorities set out above.

### **Unplaced children**

Any child who remains unplaced after their application has been processed, because either they could not be offered a place at any school requested or their parents did not complete an application, will be offered a place at their catchment school if there is one and if places are still available. If there are no places available at their catchment school, they will be allocated a place at the nearest school to their home address with places available that is prepared to offer a place. Distance to their home address will be measured by public roads and footpaths.

### **Waiting lists**

If a place cannot be offered at a higher ranked community or voluntary controlled school, unsuccessful applicants will automatically be placed on the waiting list for the school. If places become available, children on the waiting list will automatically be offered them according to the priorities set out above and any previous offer of a school place will be withdrawn.

The length of time on the waiting list cannot be taken into account. Unsuccessful late applications will be treated in the same way as unsuccessful on-time applications and placed on the waiting list according to the priorities set out above.

Waiting lists will be maintained by the Admissions Manager at Southampton City Council for all community and voluntary controlled schools. Waiting lists will be maintained until the end of the autumn term 2017.

### **Entry into Reception Class**

The offer made to parents for reception class on the initial offer date is of a full time place from the start of term after 1 September 2017. Schools normally stagger entry into school from that date and arrange for some initial part time attendance to ensure a smooth transition from pre-school into school or from home to school.

Parents can request part time education for their child in the reception year until the child is of statutory school age if it is in the child's best interests.

Parents have the right to defer their child's entry into reception class to any point up the

time the child is of statutory school age (the term starting after their child's 5<sup>th</sup> birthday) Parents of children born between 1 September and 31 March CANNOT however defer entry until the start of year 1 i.e. the reception class place cannot be held open over the summer holidays. The child must start school at some point in the reception year. If a parent does not enrol their child at the offered school at some point in the reception year they must make an in year application for a year 1 place.

However, the parents of a **summer born child**, that is a child born between 1 April and 31 August, may choose not to send that child to school until the September following their fifth birthday. They may **request** that they are admitted out of their normal age group – to reception rather than year 1. All requests will be considered on their merits.

## **Southampton City Council**

### **Admission Policy for Community and Voluntary Controlled Junior Schools for 2017/18**

Southampton City Council is the admission authority for all Community and Voluntary Controlled junior schools in the city. As required in the School Admissions Code the authority will consider all preferences at the same time for September 2017 admissions.

Parents may express up to three (3) preferences for junior schools only, listing them in the order in which they would accept them. All preferences will be considered and where more than one school place could be offered, the parents will be offered a place for their child at the higher ranked of the schools that could be offered.

#### **Children with Education, Health and Care Plans (EHCP) that name the school**

Children with Education, Health, and Care Plans (EHCP) that name a school must be admitted to that school under the Education Act 1996 and with regard to the SEN Code of Practice. These children will be admitted to the named school even if it is full and are therefore outside the normal admission arrangements. As required by the Code these children will count as part of the Published Admission Number (PAN) for the school.

#### **Oversubscription criteria**

Applications submitted by 16 January 2017 will be dealt with first. If the number of applications received by 16 January 2017 is greater than the admission limit, admissions will be decided according to the following priorities:

1. Children in public care (looked after children) and previously looked after children as defined in paragraph 1.7 of the School Admissions Code 2014
2. Children subject to a child protection plan or deemed to be vulnerable by the Senior Officer with responsibility for safeguarding in Southampton City Council.
3. Children attending the linked infant school at the time of application. This criterion applies only at the time of transfer from year 2 to year 3 and until the end of the first term of junior school. After that time previous attendance at the linked infant school gives no priority to an application for a place at the linked junior school
3. Children who have a brother or sister already on the roll of the school who will continue to attend that school for the following year. (This includes children living as siblings in the same family unit.) In the case of applications for places at junior schools a sibling at the linked infant school will count as a sibling at the junior school.

A sibling is defined as a brother or sister including half, step, or foster or adoptive brother or sister, living within the same family unit at the same address.

4. Children who live within the school's designated catchment area and whose parents have satisfied the Local Authority that their child has a significant medical

or psychological condition which means they must attend the preferred school rather than any other. Applications must be supported by appropriate written evidence from a doctor or psychologist

6. Children who live within the school's designated catchment area.

A "designated catchment area" for a school is the area set out in the definitive catchment area map for each school. This map is held by Southampton City Council, Civic Centre, Southampton SO14 7LY. A schedule of addresses, to be read in conjunction with the map, is also kept by the Council.

Parents wishing to know if their address is in a particular catchment area can contact the Admissions Team, or log on to the council website [www.southampton.gov.uk](http://www.southampton.gov.uk), click on "my Southampton", follow the links, and enter their post code.

If the school is oversubscribed from within these criteria, priorities (ii) to (iii), as set out at 7 below, will be used to determine which children will be offered places.

7. Children who live outside the school's designated catchment area, in the following order:

- (i) Children whose parents have satisfied the Local Authority that their child has a significant medical or psychological condition which means they must attend the preferred school rather than any other. Applications must be supported by appropriate written evidence from a doctor or psychologist.
- (ii) Children whose parents are applying for their child to attend a Church of England voluntary controlled school on denominational grounds. Evidence of regular church attendance at services held by the Church of England or a local ecumenical partnership, (as defined in the school's prospectus), must be certified by the vicar or someone else of authority in the church. "Regular" is defined as "attending worship services at a Church of England church or local ecumenical partnership at least twice a month for the previous two years before the deadline for admissions set by Southampton City Council."
- (iii) Children who live closest to the school based on the shortest practicable walking distance using public roads and footpaths. Distances are measured from home to school for in-catchment children and from either home to school or home to the designated catchment area boundary for out-catchment children, as agreed with each school and laid out in the school's prospectus. Distances from home to school are measured as shortest walking distances. These are calculated using a computerised mapping system that uses data supplied by Ordnance Survey. Distances are measured from the point designated in the system as the home

address to the point designated in the system as the mid point of the nearest open gate to the school, using public roads and footpaths.

Should a school be oversubscribed from within any of the criteria 7(i) to 7(ii) above, then distance as defined in 7(iii) will be used to prioritise applications within these categories. Should there be two or more identical distances requiring prioritisation, this will be done by casting lots. Lots will be drawn by the Principal Officer Education and Early Years, Children and Families Services, Southampton City Council.

### **Late applications**

The closing date for applications is 15 January 2017. Applications received after that date will be late applications and will be dealt with after all on time applicants have been offered a school place. If a school has places available after admitting all on-time applications, late applications will be considered in accordance with the priorities set out above.

### **Unplaced children**

Any children who remain unplaced after their application has been processed, because either they could not be offered a place at any school requested or their parents did not complete an application, will be offered a place at their linked junior school, if places are still available. If there are no places available at their linked junior school, they will be allocated a place at the nearest junior school to their home address with places available that is prepared to offer a place. Distance to their home address will be measured by public roads and footpaths.

### **Waiting lists**

If a place cannot be offered at a higher ranked community or voluntary controlled school, children will automatically be placed on the waiting list for the school. If places become available, children on the waiting list will automatically be offered them according to the priorities set out above and any previous offer of a school place will be withdrawn.

The length of time on the waiting list cannot be taken into account. Unsuccessful late applications will be treated in the same way as unsuccessful on time applications and placed on the waiting list according to the priorities set out above.

Waiting lists will be maintained by the Admissions Manager at Southampton City Council for all community and voluntary controlled schools. Waiting lists will be held until the end of the autumn term 2017.

## **Southampton City Council**

### **Admission Policy for Community Secondary Schools for September 2017/18**

Southampton City Council is the admission authority for all community secondary schools in the city. As required in the School Admissions Code, the authority will consider all preferences at the same time for September 2017 admissions.

Parents may express up to three preferences, listing them in the order in which they would accept them. All preferences will be considered and where more than one school could be offered, the parents will be offered a place for their child at the higher ranked of the schools that could be offered.

#### **Children with Education, Health and Care Plans (EHCP) that name the school**

Children with Education, Health and Care Plans (EHCP) that name a school must be admitted to that school under the Education Act 1996 and with regard to the SEN Code of Practice. These children will be admitted to the named school, even if it is full and are therefore outside the normal admission arrangements. As required by the Code these children will count as part of the Published Admission Number (PAN) for the school.

#### **Oversubscription criteria**

Applications submitted by 31 October 2016 will be dealt with first. If the number of applications submitted by 31 October 2016 for a school is greater than the Published Admission Number for the school, admissions will be decided according to the following priorities:

1. Children in public care (looked after children) and previously looked after children as defined in paragraph 1.7 of the School Admissions Code 2014
2. Children subject to a child protection plan or deemed to be vulnerable by the Senior Officer with responsibility for safeguarding in Southampton City Council.
3. Children who have a brother or sister already on the roll of the school who will continue to attend that school during the following year. (This includes children who live as siblings in the same family unit.)

A sibling is defined as a brother or sister including half, step, or foster or adoptive brother or sister, living within the same family unit at the same address

4. Children who live within the school's designated catchment area and whose parents have satisfied the Local Authority that their child has a significant medical or psychological condition which means they must attend the preferred school rather than any other. Applications must be supported by appropriate written evidence from a doctor or psychologist
5. Children who live within the school's designated catchment area.

A “designated catchment area” for a school is the area set out in the definitive catchment area map for each school. This map is held by Southampton City Council, Civic Centre, Southampton SO14 7LT. A schedule of addresses, to be read in conjunction with the map, is also kept by the Council.

Parents wishing to know if their address is in a particular catchment area can contact the Admissions Team, or log on to the council website [www.southampton.gov.uk](http://www.southampton.gov.uk), click on “my Southampton”, follow the links, and enter their post code.

If the school is oversubscribed from within the criteria above, priorities (ii) to (iii), as set out at 6 below, will be used to determine which children will be offered places.

6. Children who live outside the school's designated catchment area, in the following order:

- (i) Children whose parents have named a particular school because the child has a significant medical or psychological condition which means they must attend the preferred school rather than any other. Applications must be supported by appropriate written evidence from a doctor or psychologist.
- (ii) Children attending a designated catchment junior or primary school.
- (iii) Children who live closest to the school based on the shortest practicable walking distance using public roads and footpaths. Distances are measured from home to school for in-catchment children and from either home to school or home to the designated catchment area boundary for out-catchment children, as agreed with each school and laid out in the school's prospectus. Distances from home to school are measured as shortest walking distances. These are calculated using a computerised mapping system that uses data supplied by Ordnance Survey. Distances are measured from the point designated in the system as the home address to the point designated in the system as the mid point of the nearest open gate to the school, using public roads and footpaths.

Should a school be oversubscribed from within any of the criteria 6(i) to 6(ii) above, then distance, as given in 6(iii), will be used to prioritise applications within these categories. Should there be two identical distances requiring prioritisation, this will be done by casting lots. Lots will be drawn by the Principal Officer Education and Early Years, Children and Families Services, Southampton City Council.

### **Late applications**

The closing date for applications is 31 October 2016. Applications received after that date will be late applications and will be dealt with after all on time applicants have been offered a school place. If a school has places available after admitting all on-time applications, late applications will be considered in accordance with the priorities set out above.

## **Unplaced children**

Any child who remains unplaced after their application has been processed, because either they could not be offered a place at any school requested or their parents did not make an application, will be offered a place at their catchment school if there is one and if places are still available. If there are no places available at their catchment school, they will be allocated a place at the nearest school with places available to their home address that is prepared to offer a place. Distance to their home address will be measured by public roads and footpaths.

## **Waiting lists**

If a place cannot be offered at a higher ranked community school, unsuccessful applicants for the school will automatically be placed on the waiting list for the school. If places become available, children on the waiting list will automatically be offered them according to the priorities set out above and any previous offer of a school place will be withdrawn.

The length of time on the waiting list cannot be taken into account. Unsuccessful late applications will be treated in the same way as unsuccessful on-time applications and placed on the waiting list according to the priorities set out above.

Waiting lists will be maintained by the Admissions Manager at Southampton City Council for all community schools. Waiting lists will be held until the end of the autumn term 2017.



## **Bitterne Park School (Secondary Places)**

**The admission criteria for Bitterne Park School are the same as for other LA community schools except for the addition of an extra criterion selecting up to 30 children for the school on the basis of their aptitude for the performing arts ( a specialism of the school).**

The admission criteria for the school are therefore as follows:

1. Children in public care (looked after children) and previously looked after children as defined in paragraph 1.7 of the School Admissions Code 2014.
2. Children subject to a child protection plan or deemed to be vulnerable by the Senior Officer with responsibility for safeguarding in Southampton City Council
3. Children who have a brother or sister already on the roll of the school who will continue to attend that school during the following year. (This includes children who live as siblings in the same family unit.) Siblings who it is hoped will be in the sixth form when the younger child would be due to start will not be regarded as siblings in this category.

A sibling is defined as a brother or sister including half, step, or foster or adoptive brother or sister, living within the same family unit at the same address

4. Children, up to a maximum of 30, who score highest in the aptitude test set by Southampton City Council to measure their aptitude for the performing arts. In the event of a tie in the aptitude scoring the child/children closest to the school will be given priority.
5. Children who live within the school's designated catchment area and whose parents have satisfied the Local Authority that their child has a significant medical or psychological condition which means they must attend the preferred school rather than any other. Applications must be supported by appropriate written evidence from a doctor or psychologist
6. Children who live within the school's designated catchment area.

A "designated catchment area" for a school is the area set out in the definitive catchment area map for each school. This map is held by Southampton City Council, Civic Centre, Southampton SO14 7LY. A schedule of addresses, to be read in conjunction with the map, is also kept by the Council.

Parents wishing to know if their address is in a particular catchment area can contact the Admissions Team, or log on to the council website [www.southampton.gov.uk](http://www.southampton.gov.uk), click on "my Southampton", follow the links, and enter their post code.

If the school is oversubscribed from within the criteria above, priorities (ii) to (iii), as set out at 7 below, will be used to determine which children will be offered places.

7. Children who live outside the school's designated catchment area, in the following order:
  - (i) Children whose parents have named a particular school because the child has a significant medical or psychological condition which means they must attend the preferred school rather than any other. Applications must be supported by appropriate written evidence from a doctor or psychologist.
  - (ii) Children attending a designated catchment junior or primary school.
  - (iii) Children who live closest to the school based on the shortest practicable walking distance using public roads and footpaths. Distances are measured from home to school for in-catchment children and from either home to school or home to the designated catchment area boundary for out-catchment children, as agreed with each school and laid out in the school's prospectus. Distances from home to school are measured as shortest walking distances. These are calculated using a computerised mapping system that uses data supplied by Ordnance Survey. Distances are measured from the point designated in the system as the home address to the point designated in the system as the mid point of the nearest open gate to the school, using public roads and footpaths.

Should a school be oversubscribed from within any of the criteria 7(i) to 7(ii) above, then distance, as given in 7(iii), will be used to prioritise applications within these categories. Should there be two identical distances requiring prioritisation, this will be done by casting lots. Lots will be drawn by the Principal Officer Education and Early Years, Children and Families Services, Southampton City Council.

### **Late applications**

The closing date for applications is 15 January 2017. Applications received after that date will be late applications and will be dealt with after all on time applicants have been offered a school place. If a school has places available after admitting all on-time applications, late applications will be considered in accordance with the priorities set out above.

### **Unplaced children**

Any child who remains unplaced after their application has been processed, because either they could not be offered a place at any school requested or their parents did not make an application, will be offered a place at their catchment school if there is one and if places are still available. If there are no places available at their catchment school, they will be allocated a place at the nearest school with places available to their home address that is prepared to offer a place. Distance to their home address will be measured by public roads and footpaths.

## **Waiting lists**

If a place cannot be offered at a higher ranked community school, unsuccessful applicants for the school will automatically be placed on the waiting list for the school. If places become available, children on the waiting list will automatically be offered them according to the priorities set out above and any previous offer of a school place will be withdrawn.

The length of time on the waiting list cannot be taken into account. Unsuccessful late applications will be treated in the same way as unsuccessful on-time applications and placed on the waiting list according to the priorities set out above.

Waiting lists will be maintained by the Admissions Manager at Southampton City Council for all community schools. Waiting lists will be held until the end of the autumn term 2017.

### **Bitterne Park School (Sixth Form Places)**

Bitterne Park Sixth Form application deadline is Monday 12th June 2017. Applications received after this date will be processed as 'late applications' (see below).

The Sixth Form has a maximum pupil number of 90 in Year 12 (180 Total in Years 12 and 13).

The majority of these places will be filled by existing Bitterne Park School students however, external applicants are welcome to apply to fill up to the remainder of 90 places. If the sixth form is over subscribed they will be considered in line with the SCC admissions policy that is detailed below.

The application form is made up of two parts:

Part 1 – Place application, this is to obtain a place within the sixth form at Bitterne Park School. Currently the procedure is run by Southampton City Council Admissions team (address below)

Part 2 – Course application, this is to secure a place on the requested courses, please note that some course may not run if sufficient applicants are not received. These are to be returned to the school office.

To apply complete both parts of the application, which are available to download from [www.bitterneparkschool.org.uk](http://www.bitterneparkschool.org.uk) or within the pack obtained from the school office.

Return part 1 as soon as possible to the Admission Team at Southampton City Council (address below) and by at the latest 12th June 2017.

Part 1: Place Application  
Admission Team (OGS)  
Southampton City Council  
Civic Centre

Southampton SO14 7LY

If you submit the place application form to the school, this will be forwarded to the Admissions Team.

Return Part 2, the course selection form to be returned to the school (address below)

Part 2: Course Application  
Sixth Form recruitment  
Main School Office  
Bitterne Park School  
Copsewood Road  
Southampton

When completing part 2 of the application please ensure on your course choice that you indicate if it is level 2 or level 3 that you are applying for. If you are unsure whether you are a Level 2 or 3 students you are welcome to apply for both programmes, and then discuss this at the application guidance meeting.

Once your application has been received a letter will be sent confirming receipt and you will be invited in to the Sixth Form for an Application Guidance Meeting, which will review your course options and provide you with support and assistance with your application. This is not mandatory and will not form part of the Admissions process it is purely there to support and inform your decisions. You will not be required to bring anything to this meeting.

There will be a post-17 induction programme for students who have a place in the Sixth Form in which you will have an opportunity to attend taster lessons in your chosen subjects as well as take part in team building and leadership activities. It is expected that all students who are transferring to Bitterne Park Sixth Form will attend.

### **Southampton City Council Admissions Policy**

All places offered by Southampton City Council are conditional upon the applicant meeting the Academic Entry Requirements set out below.

Places will be offered on the following basis:

#### **Children with Education, Health and Care Plans (EHCP) that name the school**

Children with Education, Health and Care Plans (EHCP) that name a school must be admitted to that school under the Education Act 1996 and with regard to the SEN Code of Practice. These children will be admitted to the named school, even if it is full and are therefore outside the normal admission arrangements. As required by the Code these children will count as part of the Published Admission Number (PAN) for the school.

#### **Oversubscription criteria**

Applications submitted by 12<sup>th</sup> June 2017 will be dealt with first. If the number of applications submitted by 12<sup>th</sup> June 2017 for the sixth form exceed the Admission Number of 90, admissions will be decided according to the following priorities:

1. Children in public care (looked after children) and previously looked after children as defined in paragraph 1.7 of the School Admissions Code
2. Children who live within the school's designated catchment area.

A “designated catchment area” for a school is the area set out in the definitive catchment area map for each school. This map is held by Southampton City Council, Civic Centre, Southampton SO14 7LY. A schedule of addresses, to be read in conjunction with the map, is also kept by the Council.

Parents wishing to know if their address is in a particular catchment area can contact the Admissions Team, or log on to the council website [www.southampton.gov.uk](http://www.southampton.gov.uk), click on “my Southampton”, follow the links, and enter their post code.

If the school is oversubscribed from within the designated catchment area, the procedure set out at 3, below, will be used to determine which children will be offered places.

3. Children who live closest to the school based on the shortest practicable walking distance using public roads and footpaths. Distances are measured from home to school for in-catchment children and from either home to school or home to the designated catchment area boundary for out-catchment children, as agreed with each school and laid out in the school’s prospectus. Distances from home to school are measured as shortest walking distances. These are calculated using a computerised mapping system that uses data supplied by Ordnance Survey. Distances are measured from the point designated in the system as the home address to the point designated in the system as the mid point of the nearest open gate to the school, using public roads and footpaths.

Should there be two identical distances requiring prioritisation, this will be done by casting lots. Lots will be drawn by the Principal Officer Education and Early Years, Children and Families Services, Southampton City Council.

### **Late applications**

If a school has places available after admitting all on-time applications, late applications will be considered in accordance with the priorities set out above.

### **Waiting lists**

Unsuccessful applicants for the school will automatically be placed on the waiting list for the school. If places become available, children on the waiting list will automatically be offered them according to the priorities set out above.

The length of time on the waiting list cannot be taken into account. Unsuccessful late applications will be treated in the same way as unsuccessful on-time applications and placed on the waiting list according to the priorities set out above.

Waiting lists will be maintained by the Admissions Manager at Southampton City Council for all community schools. Waiting lists will be held until the end of the autumn term 2017.

## **Sixth Form Courses and Entry Requirements**

Level 3 Courses:

This is a two year programme of study that is at a higher level than the work undertaken in Year 11.

Level 3 courses prepare students for entry to university. Bitterne Park Sixth Form offers a wide range of both academic A Levels and the full range of applied BTEC courses.

Each AS/A2 Level and BTEC has 5 hours of taught study each week. For success a similar amount of private study is expected out of hours.

The desired entry requirement for a Level 3 programme of study is 5A\* to C grades at GCSE or equivalent in 4 or more subjects including English and Maths.

Some Level 3 subjects have specific entry requirements (such as a B grade at the Higher Tier of entry).

These are outlined in the subject information and must be met. It is at the discretion of the School whether a student who has a D grade in either English or Mathematics at GCSE (not both) is able to progress to Level 3

Level 2 Courses:

This is a one year programme of study for students who wish to progress to the Level 3 programme of study at the Bitterne Park School Sixth Form and have not yet quite gained the 5A\* - C grades at GCSE or equivalent needed for this.

This programme of study enables students to retake English and Mathematics and take a number of new and exciting subjects.

The desired entry requirements for Level 2 Courses in Year 12 is 5 D grades at GCSE or equivalent in 4 or more subjects.

A minimum of an E grade in English and/or Mathematics is also desired.

Foundation Learning:

This is a one year programme of study for students who wish to progress to the Level 2 programme of study at the Bitterne Park School Sixth Form, or seek employment, and have not yet quite gained the desired entry requirements for level 2 courses.

## Results day

Once you receive your GCSE results we can confirm your course and subject choices and finalise your enrolment to The Sixth Form. Support for students who have not made entry requirements will be available on the results publication day in August. All Bitterne Park Year 11 students are expected to be present that day, where possible.

We will do all we can to support you if you wish to change your options but after the timetable is written this will only be possible if a class is not full and the subjects you wish to study are not timetabled at the same time.

You will then receive a letter confirming your place in the Sixth Form, which is conditional on the entry requirements.

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### **PROPOSED ADMISSION NUMBERS (PANs) FOR COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS 2017/18**

**Proposed Published Admissions Numbers (PANs) for Community and Voluntary Controlled Schools for Year R intake for Academic Year 2017/18.**

#### **School Name**

Bassett Green Primary School	90
Bevois Town Primary School	60
Bitterne C of E Primary School	60
Bitterne Manor Primary School	30
Bitterne Park Primary School	90
Fairisle Infant And Nursery School	90
Mansbridge Primary School	30
Mansel Park Primary School	60
Mason Moor Primary School	45
Maytree Nursery And Infants School	90
Moorlands Primary School	60
Newlands Primary School	60
Oakwood Primary School	60
Redbridge Primary School	30
Shirley Warren Primary And Nursery School	60
Sholing Infant School	90
Sinclair Primary & Nursery	30
St Denys Primary School	30
St Mark's C of E Primary School	90
St Mary's C of E (VC) Primary School	90
St Monica Primary School	120
Swaythling Primary School	30
Thornhill Primary School	60
Valentine Infant School	120
Woolston Infant School	60

**Proposed Published Admissions Numbers (PANs) for Community and Voluntary Controlled Schools for Year 3 intake for Academic Year 2017/18**

**School Name**

Fairisle Junior School	90
Mount Pleasant Junior School	90
Sholing Junior School	90
Townhill Junior School	102

**Proposed Published Admissions Numbers (PANs) for Community and Voluntary Controlled Schools for Year 7 intake for Academic Year 2017/18**

**School Name**

Bitterne Park School	300
Cantell Maths and Computing College	230
Redbridge Community School	210
The Sholing Technology College	210
Woodlands Community College	180

#### **SOUTHAMPTON CITY COUNCIL THE CO-ORDINATED SCHEME FOR YEAR R ENTRY TO INFANT/PRIMARY SCHOOLS**

**SCHOOL YEAR 2017/18**

#### **1. INTRODUCTION**

This scheme details proposals for the co-ordinated admission arrangements for infant and primary schools in Southampton. The proposed scheme is in accordance with the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008 and the School Admissions Code (2014).

#### **2. BACKGROUND**

The School Standards and Framework Act 1998, as amended by the Education Act 2002, the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008 and The School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) (Amendment) Regulations 2014 set a duty on Local Authorities (LAs) to formulate a scheme covering every maintained school in their area, to co-ordinate the admissions process for primary intakes.

The LA must then consult all other admission authorities in the area who it proposes should adopt the scheme.

#### **3. THE SCHEME**

The purpose of the co-ordinated admission scheme is to establish mechanisms for ensuring that every parent of a child living in the LA area who has applied for a school place in the 'normal admissions round' receives an offer of one, and only one, school place on the same day. Schemes should also address how late applications will be handled. Co-ordinated schemes are an administrative process to make school admissions easier, more transparent and less stressful for parents.

The Southampton City Council co-ordinated scheme for infant/primary schools aims to encompass all the schools including academies in its area. The School Admissions Code requires that *all schools* in the LA's area operate the 'equal preference' allocation criterion. Parents must apply for places in different LAs via their Home LA, using the application form for that LA, so there is a requirement for LAs to exchange data.

The co-ordinated scheme has been broken down into the following headings:

- Data capture
- Application process
- Closing date
- Processing of applications
- Late applications
- Decision letters

#### **4. DATA CAPTURE**

In June 2016 “rising 4” data will be downloaded, by the Admissions Team, from the Early Years modules of the ONE database and a list of rising 4 children will be obtained from Southampton City Primary Care Trust (SCPCT).

#### **5. THE APPLICATION PROCESS**

- A letter giving advice to parents for children in the transfer group, about online applications and use of forms, will be sent to parents in late August/early September 2016. The composite prospectus will be available on line at the Southampton City Council website from no later than 12 September 2016.
- Online application commences 12 September 2016.
- Parents of children living outside the city but wishing to apply for a place at a Southampton LA area school must apply via their Home LA.
- Parents who live in the city who wish to apply for a place at a school in another LA area (e.g. Hampshire) must apply through the Southampton Admissions processes

#### **6. CLOSING DATE**

The closing date for applications will be 15 January 2017. This date is set in the regulations. Online applications will come direct to the Admissions Team..

#### **7. PROCESSING OF ON-TIME APPLICATIONS**

Own Admission Authority School applications –the data on any application form that mentions an own admission authority school regardless of the ranking of the school on the form will be sent to the own admission authority school no later than 5 p.m 24 February 2017

Community/VC School applications – paper applications will be input onto the One database in order that initial allocations can be made on an equal preference basis.

By 5 p.m. Friday 17 March 2017, own admission authority schools will advise the Admissions Team of the rank order against their criteria of all the applications referred to them.

In the event that more than one place can be offered, e.g. at a VA school and a Community/VC school or at two Community/VC schools, the place that will be offered will be the one that is highest preference in the application.

For example, if the Community/VC school is 1<sup>st</sup> preference and the VA school is 2<sup>nd</sup> preference but both schools can offer a place, the place will be offered at the Community/VC school. However, if the VA school is the higher preference then the place will be offered at this school. In the case of two Community/VC places being available for offer, the offer will be made for the higher preference school. The Admissions Team will advise the VA schools of any children who are offered places at higher preference schools.

## **8. LATE APPLICATIONS**

Any application submitted after the closing date will be treated as a late application. These will not be processed until after the on-time applications.

## **9. UNPLACED CHILDREN**

Any child who remains unplaced after their application has been processed, either because they failed to get into any school requested or did not complete a form, will be offered a place at their catchment school, if places are still available. If there are no places available at their catchment school, they will be offered a place at the nearest school with places available to their home address. Distance to the home address will be measured in accordance with the published arrangements for each school

## **10. OUTCOME OF APPLICATIONS**

All parents/carers resident in Southampton will be notified of the outcome of their application on 17 April 2017. This date is set in regulations. Southampton LA will make the offer of places at those schools (Community/VC) where it is the admission authority and will also offer on behalf of the governing bodies of those schools where it is not the admission authority. Email notifications only will be sent to those parents who applied online unless a written notification has been requested. Applicants who are not offered their first preference school will receive a formal letter from the Admissions Team giving the reasons for refusal and guidance on how to appeal

Parents who receive an email notification will be able to accept their offer of a school place online. Those parents who receive a decision letter will also receive a reply slip that they must complete to accept the place offered to them. The Admissions Team will notify own admission authority schools of any places they have offered that have been refused so that offers can be made to other parents, if necessary. Parents will be offered the right of appeal against a refusal of a place as laid down in the School Standards and Framework Act 1998, as amended by the Education Act 2002, and supporting regulations.

## **11. DATA TO SCHOOLS**

Data will be provided to schools regularly from 8 May 2017 through to July 2017. The Admissions Team will work closely with schools to ensure that they have as much data as possible on potential numbers of reception class starters as soon as is possible. From 17 April 2017, schools will receive student data in the form of lists showing who has been allocated places at their schools either on line or otherwise electronically.

## **12. SUMMARY**

This proposed scheme encompasses all the elements of the co-ordinated admissions scheme outlined in the law. A timetable showing how the process would work for the September 2017 intake is attached at the annexe.

## CO-ORDINATED INFANT/PRIMARY SCHOOLS ADMISSIONS SCHEME

## TIMETABLE FOR 2017/18

DATE	ACTIVITY
June 2016	Admission Team obtains details of “rising 4” children. Transfer group of all eligible children set up in the ONE database
Mid – August to early September 2016	Letters outlining application procedure sent to all parents in the transfer group; letters advise parents to make online applications, or to use paper forms where they cannot.
8 September 2016	Online application window opens.
15 January 2017	Closing date for online applications and paper forms.
21 February 2017	Admissions Team sends details of all on time applications to other LAs if necessary
24 February 2017	Admissions Team sends details of all relevant applications to own admission authority schools in Southampton
17 March 2017	Own admission authority schools return ranked applications details to the Admissions Team
17 April 2017	Parents advised by email and/or letter from the Admissions Team of the outcome of their application.

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#### **SOUTHAMPTON CITY COUNCIL THE CO-ORDINATED SCHEMES FOR ENTRY TO JUNIOR SCHOOLS**

**SCHOOL YEAR 2017/18**

#### **1. INTRODUCTION**

This scheme details proposals for the co-ordinated admission arrangements for junior schools in Southampton. The proposed scheme is in accordance with the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008 as amended by The School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) (Amendment) Regulations 2014 and the School Admissions Code (2014).

#### **2. BACKGROUND**

The School Standards and Framework Act 1998, as amended by the Education Act 2002, the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008 as amended by The School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) (Amendment) Regulations 2014 set a duty on Local Authorities (LAs) to formulate a scheme covering every maintained school in their area, to co-ordinate the admissions process for primary intakes.

The LA must then consult all other admission authorities in the area who it proposes should adopt the scheme.

#### **3. THE SCHEME**

The purpose of the co-ordinated admission scheme is to establish mechanisms for ensuring that every parent of a child living in the LA area who has applied for a school place in the 'normal admissions round' receives an offer of one, and only one, school place on the same day. Schemes should also address how late applications will be handled. Co-ordinated schemes are an administrative process to make school admissions easier, more transparent and less stressful for parents.

Parents must now apply for places in different LAs via their home local authority. This means that parents resident in Southampton applying

for junior schools in, say, Hampshire must apply through the Southampton City Council Admissions Team.

The co-ordinated scheme has been broken down into the following headings:

- Data capture
- Application process
- Closing date
- Processing of applications
- Late applications
- Decision letters

#### **4. DATA CAPTURE**

In June 2016 Year 1 pupils' data will be downloaded, by the Admissions Team, from the school databases and the Year 3 transfer group created. The LA will download details of SCC resident children attending infant schools in Hampshire from HCC.

#### **5. APPLICATION PROCESS**

- Details of the process for junior transfer will be issued direct by post to the parents of Year 2 pupils early in September 2016.
- Registration for online admission application commences 12 September 2016.
- Parents of children living outside the city but wishing to apply for a place at a Southampton junior school must apply through their Home LA
- Parents who live in the city who wish to apply for a place at a school in another LA area (e.g. Hampshire) must apply for those schools via the Southampton application system

#### **6. CLOSING DATE**

The closing date for applications will be 15 January 2017. This date is set in regulations. Online applications will come direct to the Admissions Team.

#### **7. PROCESSING OF ON-TIME APPLICATIONS**

The Admissions Team will process first all those applications submitted by the closing date.

Own Admission Authority School applications –the data on any application form that mentions an own admission authority school regardless of the ranking of the school on the form will be sent to the own admission authority school no later than 5 p.m 24 February 2017  
Community/VC School applications – paper applications will be input onto the One database in order that initial allocations can be made on an equal preference basis.

By 5 p.m. Friday 17 March 2016, own admission authority schools will advise the Admissions Team of the rank order against their criteria of all the applications referred to them.

In the event that more than one place can be offered, e.g. at a VA school and a Community/VC school or at two Community/VC schools, the place that will be offered will be the one that is highest preference in the application.

For example, if the Community/VC school is 1<sup>st</sup> preference and the VA school is 2<sup>nd</sup> preference but both schools can offer a place, the place will be offered at the Community/VC school. However, if the VA school is the higher preference then the place will be offered at this school. In the case of two Community/VC places being available for offer, the offer will be made for the higher preference school. The Admissions Team will advise the VA schools of any children who are offered places at higher preference schools.

## **8. LATE APPLICATIONS**

Any application received after the closing date will be treated as a late application. These will not be processed until after the on-time applications. They will be processed in the same way as the on-time applications as detailed in paragraph 7 above.

## **9. UNPLACED CHILDREN**

Any child who remains unplaced after their application has been processed, either because they failed to get into any school requested or did not make an application, will be offered a place at their linked junior school, if places are still available. If there are no places available at their linked junior school, they will be offered a place at the junior school with places available nearest to their home address that is prepared to offer a place. Distance from a preferred school to the home address will be measured by using a computerised GIS system that uses data supplied by Ordnance Survey using either shortest walking distance or direct distance as specified in the schools admission arrangements. Addresses are identified and positioned using the LLPG database or the Post Office Address database

## **10. OUTCOME OF APPLICATIONS**

The outcome of applications will notified to parents on 17 April 2017. Email notifications will be sent to those parents who applied online unless the applicants has requested a written letter. Parents who did not receive an offer of their first preference school will be notified in a formal letter accompanied by a reply slip that parents must complete to accept any place offered to them. Parents will be offered the right of appeal against a refusal of a place as laid down in the School Standards and Framework Act 1998, as amended by the Education Act 2002, and supporting regulations.

## **11. DATA TO SCHOOLS**

Data will be provided to schools on a regular basis from 17 April 2017 through to July 2017. Although the Admissions Team will already know the names of 1<sup>st</sup> preference applicants it cannot be assumed that these are the children who will be offered places after the oversubscription criteria have been applied. It is possible that an applicant who has named the school as 1<sup>st</sup> preference may have lower priority under the oversubscription criteria than children who have expressed a 2<sup>nd</sup> or 3<sup>rd</sup> preference for a school. The Admissions Team will work closely with schools to ensure that they have as much data on potential numbers of year 3 starters as soon as possible. On 17 April 2016, schools will receive student data electronically showing who has been allocated places at their schools. From June 2017 onwards, junior schools will receive transfer files from the infant schools their children are coming from.

## **12. APPLICATIONS TO PRIMARY SCHOOLS**

Applications for places in year 3 at a primary school for September 2017 will not be included in this process. Parents who want such a place must make a normal in year transfer at the appropriate time. This is normally in June/July.

## **13. SUMMARY**

This proposed scheme encompasses all the elements of the co-ordinated admissions scheme outlined in the regulations. A timetable showing how the process would work for the September 2016 intake is attached at the annexe.

## CO-ORDINATED JUNIOR SCHOOLS ADMISSIONS SCHEME

## TIMETABLE 2017/18

DATE	ACTIVITY
June 2016	Admissions Team downloads details of Year 1 pupils in city infant schools and receives data From HCC of Southampton children in HCC infant schools
Early September 2016	Letters outlining application procedure sent to all parents in the transfer group.
12 September 2016	Online application window opens.
15 January 2017	Closing date for applications
24 February 2017	Admissions Team sends details of all relevant applications to own admission authority schools in Southampton
17 March 2017	Own admission authority schools return ranked applications details to the Admissions Team
17 April 2017	Parents advised by email and/or letter from the Admissions Team of the outcome of their application

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**SOUTHAMPTON CITY COUNCIL**  
**THE CO-ORDINATED SCHEME FOR PRIMARY TO SECONDARY TRANSFER**

**SCHOOL YEAR 2017/18**

## **1. INTRODUCTION**

This scheme details proposals for the co-ordinated admission arrangements for secondary schools in Southampton. The proposed scheme is in accordance with the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008 as amended by The School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) (Amendment) Regulations 2014 and the School Admissions Code 2014.

## **2. BACKGROUND**

The School Standards and Framework Act 1998, as amended by the Education Act 2002, and the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008 as amended by The School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) (Amendment) Regulations 2014 set a duty on Local Authorities (LAs) to formulate a scheme covering every maintained school in their area, to co-ordinate the admissions process for secondary intakes.

The LA must then consult all other admission authorities in the area who it proposes should adopt the scheme.

## **3. THE SCHEME**

The purpose of the co-ordinated admission scheme is to establish mechanisms for ensuring that every parent of a child living in the LA area who has applied for a school place in the 'normal admissions round' receives an offer of one, and only one, school place on the same day. Schemes should also address how late applications will be handled. Co-ordinated schemes are an administrative process to make school admissions easier, more transparent and less stressful for parents.

For September 2017, the co-ordinated scheme will comprise the following elements: -

- Data capture
- Application process
- Closing date
- Processing of applications
- Late applications
- Decision letters

## **4. DATA CAPTURE**

In June 2016, year 5 data will be downloaded from the school databases and filtered. Details of children living in Hampshire County Council's (HCC's) area will

be passed to HCC's Admissions Team. Likewise, HCC will provide the Southampton Admissions Team with the details of those children who live in Southampton City Council's (SCC's) relevant area but attend a HCC primary/junior school.

## **5. THE APPLICATION PROCESS**

- Details of the application process will be issued to direct to parents/carers in early September 2016.
- Online application commences 12 September 2016.
- Details of the application process will also be sent to children resident in the city but attending a HCC primary or junior school in early September 2016.
- Children resident in the city who wish to apply for a school in Hampshire must apply using Southampton online application/paper form.
- Children resident in Hampshire but who wish to apply for a Southampton school must apply using Hampshire processes
- The Southampton "form" will enable parents to express a preference for a school outside the Southampton/Hampshire area.
- Applicants to St Anne's or St George should complete the necessary Supplementary Information Form (SIF) for that school and send them direct to the school
- Applicants for Bitterne Park School wanting their child to be assessed for aptitude for the performing arts must indicate this in their application

## **6. CLOSING DATE**

The closing date for applications will be 31 October 2016. This date is set in the regulations. Online applications will come direct to the Admissions Team.

## **7. PROCESSING OF APPLICATIONS**

Own admission authority applications: –Any application that shows a preference for any own admission authority school, regardless of the ranking of the school on the form, will be processed as a priority and the relevant data from the application forms will be sent to the schools no later than Friday 25 November 2016.

Other LA school applications: - Data will be sent to the relevant LA's Admissions Team for processing by 25 November at the latest.

Southampton school applications: – applications will be input onto the ONE database in order that initial allocations can be made.

By Friday 13 January 2017, own admission authority schools advise the Admissions Team of the ranking against their criteria of all the applications referred to them.

In the event that more than one place can be offered, e.g. at St George and a Southampton Community school or two Southampton Community schools, the place that will be offered will be the one that is highest preference on the application form. The Admissions Team will exchange information as required with other LAs to enable a single highest possible offer to be made

## **8. LATE PREFERENCES**



Any application received after the closing date will be treated as a late application. These will not be processed until after the on-time applications. They will be processed in the same way as the on-time applications as detailed in paragraph 7 above, in close consultation with other admissions authorities.

## **9. UNPLACED CHILDREN**

Any child who remains unplaced after their application has been processed, either because they have not been eligible to be offered a place at any of the schools requested or because they did not complete a form, will be offered a place at their catchment school, if places are still available. If there are no places available at their catchment school, they will be offered a place at the nearest school to their home address with places available. Distance from a preferred school to the home address will be measured the shortest walking distance using public roads and footpaths or straight line distance as required by the admission arrangements for the school. Distance will be measured by the SCC Admissions Team using a GIS system

## **10. OUTCOME OF APPLICATIONS**

Parents of children living in the Southampton City Council relevant area will be notified of the outcome of their application by the Admissions Team on 1 March 2017. Southampton LA will make the offer of places at those schools (Community/VC) where it is the admission authority and will make the offer on behalf of the governing bodies of schools where it is not the admission authority and on behalf of other LAs when the school is outside the city. Email notifications will be sent to those parents who applied online unless the applicant requested a written decision. Parents who receive their notification on line will be able to accept the offer they receive online

Parents who do not receive their first preference offer will be sent a formal letter by post; letters will be accompanied by a reply slip that parents will need to complete to accept any place offered to them. The Admissions Team will notify other admission authorities and LAs of any places they have offered on their behalf that have been refused so that other offers can be made if necessary. Parents will be offered the right of appeal against a refusal of a place as laid down in the School Standards and Framework Act 1998, as amended by the Education Act 2002, and supporting regulations.

## **11. DATA TO SCHOOLS**

Data will be provided to schools regularly from November 2016 through to July 2017. Although the Admissions Team will already know the names of 1<sup>st</sup> preference applicants it cannot be assumed that these are the children who will be offered places after the oversubscription criteria have been applied. It is possible that an applicant who has named the school as 1<sup>st</sup> preference may have lower priority under the oversubscription criteria than children who have expressed a 2<sup>nd</sup> or 3<sup>rd</sup> preference for a school. The Admissions Team will work closely with schools to ensure that they have as much data on potential numbers of year 7 starters as soon as possible. From 1 March 2017, schools will receive student data electronically showing who has been allocated places at their schools. From March

2017, secondary schools will receive transfer files from the primary/junior schools their children are coming from.

## **12. SUMMARY**

This proposed scheme encompasses all the elements of the co-ordinated admissions scheme outlined in the law. A timetable showing how the process would work for the September 2017 intake is attached at the annexe.

## CO-ORDINATED SECONDARY SCHOOLS ADMISSIONS SCHEME

## TIMETABLE 2017/18

DATE	ACTIVITY
June 2016	Admissions Team obtains details of Year 5 pupils in city primary/junior schools and advises other LAs of any children who currently attend a SCC school but live in the other LA's area. Other LAs do the same for their children.
Early September 2016	Application details sent to parents living in the city area.
12 September 2016	Online application window opens.
31 October 2016	Closing date for applications; online window closes.
25 November 2016	Admissions Team sends relevant details of all applications for own admission authority schools/other LAs to these admission authorities.
13 January 2017	Own admission authority schools /other LAs advise Admissions Team of outcome of ranking applications.
January 2017	Admissions Team to add VA schools/other LA results to processing of Community applications to determine offers.
1 March 2017	SCC parents advised by email, and some by letter, from the Admissions Team of the result of their application.

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<b>DECISION-MAKER:</b>	<b>CABINET</b>		
<b>SUBJECT:</b>	IN-HOUSE TREE SURGERY TEAM		
<b>DATE OF DECISION:</b>	16 FEBRUARY 2016		
<b>REPORT OF:</b>	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Nick Yeats</b>	<b>Tel: 023 8083 2857</b>
	<b>E-mail:</b>	<b>nick.yeats@southampton.gov.uk</b>	
<b>Director</b>	<b>Name:</b>	<b>Mark Heath</b>	<b>Tel: 023 8083 2371</b>
	<b>E-mail:</b>	<b>mark.heath@southampton.gov.uk</b>	

<b>STATEMENT OF CONFIDENTIALITY</b>	
N/A	
<b>BRIEF SUMMARY</b>	
<p>Southampton City tree surgery works are currently being provided through an emergency interim agreement with three external tree surgery companies, following the effective dissolution of the current contract due to its inability to deliver health and safety works within a reasonable timeframe (the contract officially ends in August 2016). This has come about through an under-priced contract which has left the contractor unable to provide enough teams to undertake the amount of work needed in the City. Outsourced the cost of the contract only allows provision for one six person team and a Contract Manager.</p>	
<p>The interim agreement does need to be formalised (potentially through the adoption of the Hampshire Tree Works Framework) or a decision made to bring the delivery in-house. An in-house team offers an opportunity to deliver better value-for-money for our own tree surgery works, a team of size which can deliver health and safety works at a reasonable time scale and some capacity to offer limited income generation by delivering services to partners and other organisations that are currently outside the contract scope – e.g. Academies, NHS, Universities etc.</p>	
<b>RECOMMENDATIONS:</b>	
(i)	To terminate the current contract under clause 7.1 of the contract.
(ii)	To authorise the creation of a tree surgery team in line with the structure appended as Appendix 1 to be funded as detailed in Appendix 3.
(iii)	To proceed with the procurement of all vehicles, equipment and relevant sundries relating to a Tree Surgery Team.
(iv)	To note the requirements under TUPE and proceed with any necessary HR procedures to employ any workers qualifying for it.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	

1.	To ensure the existing Tree Surgery contract is terminated in line with the clause set out in the contract, before setting up an in-house team.
2.	To ensure that HR, Procurement and Transport procedures are followed to employ staff and equip them to do the work.
3.	To ensure that the TUPE regulations are adhered to and acted upon appropriately.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
	See full business case appended as Appendix 2.
<b>DETAIL (Including consultation carried out)</b>	
4.	The Tree Surgery service for SCC went out to private contract in 1996 as part of the then compulsory competitive tendering regime. The Direct Service Organisation (In-house Team) originally won the tender for the contract but following a ruling by the Secretary of State that the process was deemed unfair, the SCC in-house team were not permitted to submit any further bids. The contract was won by Jeremy Barrell Tree Care (now called Pete Best Tree Care) who have since then won the contract at each new tender for the past 17 years.
5.	They (Pete Best Tree Care) are currently in a three plus two plus two year contract and are in the first year of the first extension period, i.e. they have completed the three year contract and are in the second year of the first two year extension. This first extension is due to finish in August 2016.
6.	It has become apparent that the contract is undervalued from a commercial point of view with not enough funding to provide enough staff to carry out the high volumes of work. This has particularly come to the fore in high wind events, where increased workloads have meant large backlogs of routine health and safety works.
7.	The current contract is worth circa £195,000 per year from Open Spaces, within the Trees and Natural Environment Budget, and circa £115,000 per year made up from budgets held outside the Tree Team, such as Education, Bereavement Services and Housing. These budgets fund the contract to provide two three person teams and a working Contracts Manager. Stump grinding services are also provided on the schedule of rates and a fee for administration (circa £1000+ per month). Extra capacity is provided from the company's own private working team at times of extreme weather events; however, this has not proved to be sufficient in recent years.
8.	In August 2015, it came to light that the backlog had reached a level that it was not tenable to continue with the current contractor as a single provider. In addition to this it became clear that works invoiced for had not been completed within their timeframes and this was adding to the backlog of works.
9.	Emergency measures have been put into place to ensure that urgent emergency tree works and ongoing health and safety tree works are continuing to be undertaken. This has been achieved by changing the provider of the emergency tree works (also known as call-out works) and inviting three contractors from the Hampshire Tree Surgery Framework to provide cover for health and safety works. Pete Best Tree Care is continuing

	to undertake all pre-paid backlog works and any outstanding orders which have not yet been invoiced for. (NB an outstanding order is one which has been started but not completed, all orders not started have been cancelled and will be re-ordered through the new contractors). The existing contract has not therefore been terminated as there was no immediate need to do so. Once all the pre-paid backlog is complete the situation will be reviewed and a decision made whether to either terminate or allow the contract to end at its next renewal date in August 2016. If we are to bring the tree surgery service in-house then we will need to terminate the current contract. All outstanding works will be complete before we do this.
10.	A business case was then undertaken to explore the viability of bringing tree surgery services in-house. The recommendation from the business case was to provide the tree surgery service for SCC in-house using a team of 10 qualified tree surgeons.

## RESOURCE IMPLICATIONS

### Capital/Revenue

11.	Revenue - The currently suspended contract was worth circa £310,000 p.a. made up from both Open Spaces and budgets such as Education, Bereavement Services, Housing and others. This provided a six person team and Contract Manager to undertake works exclusively in Southampton. The current interim arrangements to cover this contract, on average, would be equivalent to providing a six person team for the cost of £424,200 per annum <sup>1</sup> (40% greater costs than the currently suspended contract). The in-house service option, with a larger capacity (nine person team plus Team Leader), is estimated to cost £315,000 p.a. at 2015/16 prices (or the equivalent to £225,240 for a six person team and Team Leader - 40% less than the current situation). There will be changes to the budgets for Open Spaces, Education, Bereavement Services, Housing and others, as detailed in Appendix 3, in that contract payments will be replaced by internal recharges.
12.	The draft estimated cost of the in-house team may be reduced by using existing vehicles (anticipated £4,000 reduction in cost), competitive procurement of machinery and equipment (anticipated £3,000 reduction in cost), other income (anticipated £5,000 sales income). Therefore it is estimated that the tree surgery team will be delivered within the approved budget. There will also be flexibility to generate additional income.
13.	The proposed new arrangements will entail a team of 10 FTE Council posts at an estimated cost of £257,000 within a gross revenue budget of £315,000 p.a. The General Fund revenue net budget is estimated to be £195,000 p.a., the same as the budget for the current arrangements. There is therefore a requirement for the new in-house service to generate charges to non-General Fund budgeted areas of £120,000 p.a. The HRA is estimated to fund £41,000 p.a. whilst charges to schools are estimated to be £30,000 p.a. This leaves an income requirement of £49,000 from other clients (services without specific approved budgets e.g. Bereavement, Property Services, Capital etc.). This may have some financial risk. Equally, the in-house team may have the

<sup>1</sup> Contract Management is not separately paid for and is absorbed as part of this cost, none of the contractors are currently providing exclusive Contract Managers.

	opportunity to pursue chargeable external work. The alternative to an in-house team would be provision of the service by contract, which may be at a higher cost.
14.	It is expected that the in-house team could start generating income by year two. When projected over a year, the Council may be able to deliver more work for the city or potentially for sale than was delivered under the suspended contract.
<b><u>Property/Other</u></b>	
15.	The Tree Surgery Team will be based at Red Lodge Depot along with the Parks Team. There is currently space which was occupied by the tree surgery contractor. Storage bays have been developed for storage of wood and chip which will then be used for biofuel. A market for this is currently being explored with the Energy Team and is showing positive results. There is also capacity for disposal of woodchip within allotment sites and as a mulch on parks and housing shrub beds.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
16.	The services outlined in this report may be provided in accordance with s.1 Localism Act 2011 and will be subject to compliance with all prevailing national legislation including the Health and Safety at Work Act 1974 (as amended) and associated Regulations and Guidance. Tree maintenance will be carried out in accordance with the Council's approved maintenance policies (as amended from time to time) and all goods and services associated with the delivery of the service provided through existing Council stock or procured in accordance with the Council's approved Contract Procedure Rules as set out in the Constitution. The Council has the power to appoint staff to undertake its functions in accordance with the Local Government Act 1972.
<b><u>Other Legal Implications:</u></b>	
17.	The Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended) (TUPE) would potentially act so as to transfer to the Council the employment contracts of any employees of the current tree services contractors sufficiently assigned to the Council's services. Basic information has been received from the current contractor with regards to the posts that would qualify for TUPE. Six posts have been identified with similar positions/duties as set out above. They are broadly in line with the costings received from the analysis carried out on the in-house team with an overall cost of circa £140,660 for the six staff. Officers will be working closely with Pete Best Tree Care to ensure that all staff who qualify for TUPE are made fully aware of their rights under the Regulations.
18.	Tree works are currently being spread across three contractors ensuring that they are only working for SCC sporadically. In addition to this, the Council has made sure that none of the contractors have provided dedicated teams for Southampton work. It is therefore considered highly unlikely that staff from other contractors, other than Pete Best Tree Care, will qualify for TUPE.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
19.	The project meets the Council's transformation themes in the following ways:

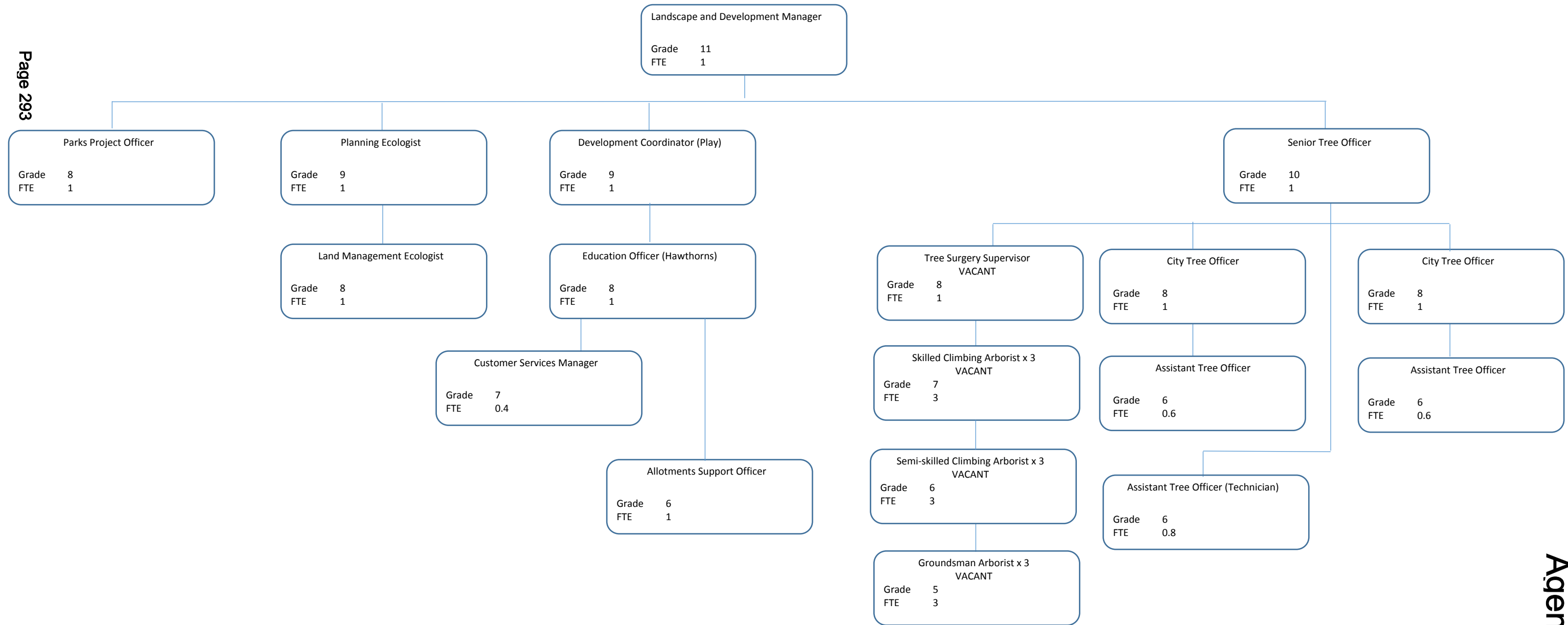


Theme	How it meets the Theme
The Right Things	<ul style="list-style-type: none"> <li>• A structure which ensures empowerment with accountability</li> <li>• Good training and CPD with potential for apprenticeships</li> <li>• Improved contact direct with Tree Surgery Team reducing missed works and errors</li> <li>• Improved customer relations</li> </ul>
The Right Way	<ul style="list-style-type: none"> <li>• Reduced contract management and administration</li> <li>• Reduced checking of jobs on invoices for completed works</li> <li>• Improved communications direct with Tree Surgery Team</li> <li>• Streamlined ordering system – delivered through IT not paper</li> <li>• Existing depot infrastructure in place</li> </ul>
The Right Value	<ul style="list-style-type: none"> <li>• Potential for income generation through working with other large organisations and local authorities to deliver their tree surgery needs</li> <li>• Additional income generated will help defray general fund overhead costs of entire parks service</li> <li>• More service delivered within the same budget envelope</li> <li>• Potential to increase capacity as demand for the service grows</li> </ul>
The Right Provider	<ul style="list-style-type: none"> <li>• More capacity with same expenditure</li> <li>• Existing commercial experience within parks service Trading Arm</li> <li>• Maximise available budgets for tree surgery works</li> <li>• No expenditure lost to profit</li> <li>• Reduced delays in the event of extreme weather</li> </ul>

<b>KEY DECISION?</b>	No
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	Tree Surgery Team Structure Chart
2.	Tree Surgery Team Business Case V2.2
3.	In House Tree Surgery Team Finance
4.	Equality Impact Assessment
5.	Privacy Impact Assessment
<b>Documents In Members' Rooms</b>	
1.	None
<b>Equality Impact Assessment</b>	
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	Yes
<b>Privacy Impact Assessment</b>	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	Yes
<b>Other Background Documents</b>	
<b>Equality Impact Assessment and Other Background documents available for</b>	

<b>inspection at:</b>		
	Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None	

Proposed Landscape and Development Team Structure with Tree Surgery Team Added



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## PROJECT BUSINESS CASE

**Project Number:**

**Project Title: In House Tree Surgery Team**

Release  
(Draft/Final)

Version Number      V2.2

Date                      9<sup>th</sup> July 2015

Project Manager      Nick Yeats

Project Sponsor      Mitch Sanders

Portfolio              Environment and  
Transport  
Directorate            Place

Division                City Services

The appropriate approval must be obtained before for the Business Case is registered on SharePoint. Please refer to the Gateway Approval process for Gold, Silver & Bronze projects

Project Type            G/S/B  
Approved by

# 1. OUTLINE PROJECT PROPOSAL

## 1.1. Background

The Tree Surgery service for SCC went out to private contract in 1996 as part of the then Compulsory Competitive Tendering Act. The DSO originally won the tender for the contract but following a ruling by the secretary of state that the process was deemed unfair, the SCC DSO were not permitted to submit any further bids. The contract was won by Jeremy Barrell Tree Care (now called Pete Best Tree Care) who have since then won the contract at each new tender for the past 17+ years.

They currently are in a three plus two plus two year contract and are in the first year of the first extension period, i.e. they have completed the 3 year contract and are one year into the first two year extension. This first extension is due to finish in August 2016

It has become apparent that the contract is undervalued, from a commercial point of view, with not enough funding to provide enough staff to carry out the high volumes of work. This has particularly come to the fore in high wind events, where increased workloads have meant large back logs of routine health and safety works.

The Current contract is worth £193,000 per year from general fund, within the Trees and Natural Environment Budget, and circa £110,000 per year made up from budgets held outside the Tree Team, such as Education, Bereavement Services and Housing. This budget currently funds the private contract to provide two 3 person teams and a working contracts manager, stump grinding services are also provided on the schedule of rates and a fee for administration (circa £1000+ per month). Extra capacity is provided from the companies own private working team at times of extreme weather events, however, this has not proved to be sufficient in recent years.

In August 2015 it came to light that the back log had reached a level that it was not tenable to continue with the current contractor as a single provider. In addition to this it became clear that works invoiced for had not been completed within their timeframes and this was adding to the back log of works.

Emergency measures have been put into place to ensure that urgent emergency tree works and ongoing health and safety tree works are continuing to be undertaken. This has been achieved by changing the provider of the emergency tree works (also known as call-out works) and inviting three contractors from the Hampshire Tree Surgery Framework to provide cover for health and safety works. Pete Best Tree Services is continuing to undertake all pre-paid backlog works and any outstanding orders which have not yet been invoiced for. (NB an outstanding order is one which has been started but not completed, all orders not started have been cancelled and will be re-ordered through the new contractors). The existing contract has not therefore been terminated as there was no immediate need to do so. Once all the pre-paid backlog is complete the situation will be reviewed and a decision made

whether to either terminate or allow the contract to end at its next renewal date in August 2016

## 1.2. Outline Project Proposal

To explore the viability of bringing the Tree Surgery service back in house to enable greater flexibility, increased ability to carry out existing workloads, improved capacity to deal with extreme weather events and to provide a basis to expand tree surgery works to other organisations and Local Authorities to provide an income stream to SCC. Also to reduce issues arising from contractor errors.

The project meets the Council's transformation themes in the following ways:

Theme	How it meets the Theme
The Right Things	<ul style="list-style-type: none"> <li>• A structure which ensures empowerment with accountability</li> <li>• Good training and CPD with potential for apprenticeships</li> <li>• Improved contact direct with Tree Surgery Team reducing missed works and errors</li> <li>• Improved customer relations</li> </ul>
The Right Way	<ul style="list-style-type: none"> <li>• Reduced contract management and administration</li> <li>• Reduced checking of jobs on invoices for completed works</li> <li>• Improved communications direct with Tree Surgery Team</li> <li>• Streamlined ordering system – delivered through IT not paper</li> <li>• Existing depot infrastructure in place</li> </ul>
The Right Value	<ul style="list-style-type: none"> <li>• Potential for income generation through working with other large organisations and Local Authorities to deliver their tree surgery needs</li> <li>• More service delivered within the same budget envelope</li> <li>• Potential to increase capacity as demand for the service grows</li> </ul>
The Right Provider	<ul style="list-style-type: none"> <li>• More capacity with same expenditure</li> <li>• Maximise available budgets for tree surgery works</li> <li>• No expenditure lost to profit</li> <li>• Reduced delays in the event of extreme weather</li> </ul>

Project Start Date: November 2015

Project End Date: August 2016

## 2. OPTIONS APPRAISAL

### 2.1. Options Investigated

Option Description	Benefits	Costs	Risks
Do nothing - continue to use 3 or 4 contractors to fulfil the health and safety and emergency works	<ul style="list-style-type: none"> <li>No set up costs for bringing the service in house.</li> <li>Flexible way of working.</li> <li>Good quality tree surgeons - Arboricultural Association approved</li> <li>Defendable system for Council's statutory duty of care.</li> </ul>	In early comparisons with the "contract price" the schedule of rates (SOR) provided by the new contractors is significantly higher. There is a minimum of 30% increase of prices expected over the current SOR's within the 2011-18 contract. There is also ongoing contract management costs of Officers to check invoices, work quality, managing mistakes and errors on the part of the contractor and signing off jobs.	<ul style="list-style-type: none"> <li>Increased prices will reduce the amount of works the Council is able to undertake, this could leave the Council in a position where it does not have enough budget to fund health and safety tree works.</li> <li>As current budget only covers health and safety works any reduction in the amount of works it can cover could put people and property at risk</li> </ul>
Officially terminate the current contract with a sole Tree Surgery Contractor and use the Hampshire Tree Surgery Framework agreement.	<ul style="list-style-type: none"> <li>More flexibility in adverse weather events</li> <li>Shorter lead times for routine works</li> <li>Under no obligation to order works through the framework</li> <li>No joining cost</li> </ul>	Initial analysis indicates that cost under the Hampshire contract are likely to be significantly higher and therefore less work will be achieved for the same budget.	<ul style="list-style-type: none"> <li>Less work undertaken for budget available (see above)</li> <li>Quality of works is more variable</li> <li>Less value added works</li> <li>Lose a contractor who has a lot of knowledge about the City and its tree stock.</li> <li>Unable to join framework until November 2016, leaving issue of how we cover works until then.</li> </ul>
Provide the service through an in house tree surgery team with 7 members of qualified tree surgery staff.	<ul style="list-style-type: none"> <li>Potential early saving for Council</li> <li>Less ongoing transport and staff costs</li> </ul>	There will be an initial set up fee, however, this will reduce in following years. Early pricing indications for staff costs and machinery/running costs can be indicate an annual cost of circa £250,000. However, there would be no spare capacity to meet any increase in current health and safety work requirements and no capacity to generate additional income for the Council	<ul style="list-style-type: none"> <li>No spare capacity to generate income</li> <li>No spare capacity in times of extreme weather events, to clear houses, cars and highways.</li> <li>No spare capacity to clear up after extreme weather events</li> <li>Minimal capacity to undertake Health and Safety works in a timely manner</li> <li>No capacity to undertake desirable but non-urgent works.</li> </ul>



Option Description	Benefits	Costs	Risks
Provide the service through an in house tree surgery team with 10 members of qualified tree surgery staff.	See SWOT analysis below	There will be an initial set up fee, however, this will reduce in following years. Early pricing indications for staff costs and machinery/running costs indicate an annual cost of circa £320,000, however this gives an increase of nearly 50% in the capacity of the tree surgery team. This gives greater capacity to ensure all health and safety works are completed as well as providing flexibility to undertake the service for other organisations to generate an income.	See SWOT analysis below.

## 2.2. Recommended Option

The recommended option is to provide the tree surgery service for SCC in house using a team of 10 qualified tree surgeons.

The following SWOT analysis was undertaken by the Tree Team and provides a breakdown of the key benefits and threats/risks for the project.

It is considered that the benefits (strengths) and opportunities of bringing the service in house would outweigh the potential threats and weaknesses.

<b>Strengths</b>	<b>Weaknesses</b>
<ul style="list-style-type: none"> <li>• There will be a greater capacity to undertake planned H&amp;S works</li> <li>• There will be lower running costs <ul style="list-style-type: none"> <li>○ Reduced paperwork – potential reduced contract management costs</li> <li>○ No additional costs for unforeseen works</li> </ul> </li> <li>• SCC would have a better control over works <ul style="list-style-type: none"> <li>○ Better/more direct communication with staff, enabling a more efficient service</li> <li>○ SCC prioritised works would stay a priority</li> <li>○ In house training</li> <li>○ Set qualifications of the Tree Surgery Team</li> <li>○ Work from local depots where appropriate</li> </ul> </li> <li>▪ In house training and ongoing CPD with good career opportunities</li> <li>• Better communication from a well-informed team will improve service to the public, including: <ul style="list-style-type: none"> <li>○ Better public perception</li> <li>○ Better customer relations</li> <li>○ Being more accountable/ visible to the public as a SCC service not a private contractor – corporate complaints and compliments system already in place</li> <li>○ Reducing number of unknown jobs not completed</li> <li>○ More responsive, flexible team able to book work more easily</li> </ul> </li> <li>• Set up costs for a yard are minimised as they already exist at Red Lodge and Mayfield as well as some of the other outlying areas.</li> <li>• The existing Tree Officer Team already has good experience &amp; knowledge of the industry and other associated sectors including: <ul style="list-style-type: none"> <li>○ Transferable contract management skills</li> <li>○ Existing network of contacts</li> <li>○ Good knowledge of the SCC area for trees and customer</li> </ul> </li> <li>• In house Transport team, providing competitive procurement and maintenance rates for machinery.</li> <li>• IT systems already in place to manage works and enquiries</li> </ul>	<ul style="list-style-type: none"> <li>• There will be set up costs including: <ul style="list-style-type: none"> <li>○ Yard set up</li> <li>○ Machinery</li> <li>○ PPE and climbing equipment</li> <li>○ Staff recruitment</li> </ul> </li> <li>• There will be running costs</li> <li>• SCC protracted or complicated recruitment process, authorising signatures</li> <li>• New staff will mean increased administration of those staff, including: <ul style="list-style-type: none"> <li>○ Finance</li> <li>○ Invoicing</li> <li>○ Keeping diaries, appointments etc.</li> <li>○ Absence management</li> <li>○ HR functions</li> </ul> </li> <li>• Weak corporate communications and marketing expertise to provide a commercial edge to the proposal, who and how will the service be advertised and who and how will more work be generated? It will need more than word of mouth.</li> <li>• Part of a wider Schools SLA for Grounds Maintenance, complicates delivery, communications and administration</li> <li>• Perceived or actual conflicts of interest</li> <li>• A reduced size team on set up would give less flexibility, would not manage the amount of outstanding work and would have no capacity for income generation.</li> </ul>

Opportunities	Threats
<ul style="list-style-type: none"> <li>• If it can be implemented quickly (Aug 2016) it will start to generate income and work with existing contract end dates</li> <li>• Potential for external trading and income generation through work for: <ul style="list-style-type: none"> <li>○ Academies/Trusts</li> <li>○ Other LAs</li> <li>○ Private estates/Housing Associations</li> <li>○ NHS</li> <li>○ Universities</li> </ul> </li> <li>• Better quality in house climbing inspections – improving ability to assess dangerous trees.</li> <li>• Greater scope for new apprenticeships and training</li> <li>• Potential to undertake more and reduce delivery times for non H&amp;S works</li> <li>• Set our own fuel types to make service more environmentally friendly</li> <li>• To enter into specific SLA's with Schools, coming out of the general Grounds Maintenance SLA.</li> <li>• Recycling waste responsibly and generate income from wood products – potential for a franchise to recycle wood products</li> <li>• To deal more efficiently with extreme weather events through joint working with the Parks Team <ul style="list-style-type: none"> <li>○ Deal with emergencies quicker</li> <li>○ Deal with the clear up afterwards quicker</li> </ul> </li> <li>• To reduce administrative tasks such as invoice processing and checking giving Tree Officers more ability to meet targets with statutory decisions and public enquiries.</li> </ul>	<ul style="list-style-type: none"> <li>• Not enough resource is made available through Business Support to administer new staff leading to increased costs for running.</li> <li>• Disruptions to the service through: <ul style="list-style-type: none"> <li>○ Sickness</li> <li>○ Holidays</li> <li>○ Disciplinary</li> </ul> </li> <li>• Industry skills gap <ul style="list-style-type: none"> <li>○ Shortage of good climbers/arborists</li> </ul> </li> <li>• Unforeseen increase in running costs, including <ul style="list-style-type: none"> <li>○ Insurance costs</li> </ul> </li> <li>• Unforeseen increased transport costs <ul style="list-style-type: none"> <li>○ Increased fuel prices</li> <li>○ Increased vehicle taxation</li> </ul> </li> <li>• There is not enough capacity built into the system to take on new work, reducing ability to generate income.</li> <li>• Theft of vehicles, machinery or equipment</li> <li>• Prohibitive cost of insuring high risk industry.</li> <li>• Complex legal issues – i.e. council working on private property within conservation area</li> <li>• Potential conflict of interest TPO applications vs Pressure to undertake works commercially</li> <li>• Waste disposal <ul style="list-style-type: none"> <li>○ Costs</li> <li>○ Regulations</li> </ul> </li> <li>• Use of Council equipment for home working.</li> <li>• Lack of marketing expertise within Tree Team</li> <li>• Implementation time – can't go beyond end of current contract or could leave city with no tree surgeons.</li> </ul>

At a more detailed level the proposal is for a ten person tree surgery team. There would be three teams of three people, each team would consist of a Skilled Climbing Arborist (anticipated grade 7), a Semi Skilled Climbing Arborist (anticipated grade 6) and a Groundsman Trainee Climber (anticipated grade 5). The three teams would be managed by a Tree Surgery Supervisor (anticipated grade 8), who would also be responsible for organising work, pricing/estimating jobs, meeting customers, doing climbing inspections, filling in for sickness/holidays. It is envisaged that the team will be set up on a trading arm basis and therefore have the ability to undertake works that will generate money. There would also be an ability to increase the team size beyond the 9 core staff to accommodate peak workloads, reducing it back to 9 again afterwards. There will also be an opportunity for working with Parks teams during extreme weather events to make sure emergencies are dealt with quickly and safely.

Infrastructure already set up within the Council, such as the Parks Depots, storage facilities, Transport Team/workshop facilities and fleet management, as well as contacts with Highways partners, other LA's, NHS, Trust run academy schools etc. means that there is a high level of confidence in making this work. There are threats associated with this project but these are not considered any greater than the current running of the Parks and Street Cleansing Service.

### **3. PROJECT OBJECTIVES AND MEASURES**

#### **3.1. Quantity – how much will we do?**

This project aims to deliver a tree surgery service for SCC which not only carries out all the current planned health and safety works, but has capacity to undertake less urgent works and flexibility to undertake “private” contracts to generate income whilst offering the best possible standard of tree surgery to the SCC tree stock.

The key goals will be to provide a service which is:

- Customer focused – providing good customer care and high quality work
- Health and Safety focused - providing a timely response to planned H&S works, reducing risk to the residents and visitors of the city.
- Income generating – providing a flexible tree surgery service to other organisations
- Environmentally Friendly – reducing carbon foot prints wherever possible, using biodegradable oils and embracing new clean technology as it develops (such as electric saws)

#### **3.2. Service / Business Benefits**

This will be a city wide service which provide tree surgery works for both internal and external customers. Although the current contractors do provide a good level of service, this has deteriorated over the most recent contract period, most likely due to the low value of the contract meaning that the contractor does not have enough resource to provide the level of service needed.

Therefore bringing the service in house would have the following benefits as there would be a greater resource:

City wide customers (such as, Councillors, Council tenants, residents, visitors, Housing, Highways, Education, Parks etc.) would benefit from increased levels of service which would provide:

- A safer outcome as a higher percentage of planned health and safety works are completed in a timely manner.
- A more responsive service with greater communication, keeping people up to date with their enquiries and expected times for tree surgery to be completed

- A system of booked work, giving people a time and date for works to start on site
- Continued high quality of tree surgery works, following arboricultural industry best practice and guidance with a goal of becoming Arboricultural Association approved contractor.
- An ability for customers to deal with SCC direct rather than through a contractor, providing a higher level of confidence in the service

The Tree Team who would help to manage the new service would also see benefits that would include:

- A service that is flexible to the changing priorities of a city tree stock, knowing where and when works will be undertaken
- Reduced workloads through contract management such as; less need to check jobs are complete, no processing of invoices, less time spent chasing up work, less time spent producing financial reports, less time spent meeting external contractors etc.
- Improved climbing inspection data as climbers would be qualified to provide detail inspections, improving decision making with regards to tree safety.

At a more strategic level the Council will also benefit from the new service as it will provide:

- An improved service for similar or potentially reduced cost, with more work complete for the same price
- An ability for the Council to generate income
- Improved risk management as there will be reduced risk of work overrunning and greater control over work prioritisation and auditing
- A boost to the local economy through 10 new jobs (net gain of 4 jobs overall as the tree surgery contract will end)

### 3.3. Estimated Cashable benefits

Summary of related costs:

Item	Annual Price
Cost of Staff (based on structure at appendix 1 of this report)	£257271
Cost of Machinery, including vehicles, chippers and chainsaws, (estimate provided by Transport Team)	£53,000
Cost of PPE and climbing equipment etc. (estimate from Winchester garden machinery)	£8,000
Cost of set up plus IT kit (Yard plus 3x phones and tablets) (estimate based on existing costs, likely to be capital expenditure)	£3500
<b>Total</b>	<b>£321,771.00</b>
Current Contract Price (including average recharge budgets over past 5 years)	<b>£310,000</b>

The table above shows that we would be able to provide a 10 person tree surgery team for slightly more than the current 7 person team. Although there is a £11,771 gap from the current budget to the anticipated costs of the in-house team, this will be made up through a mixture of using existing vehicles (anticipated £4,000 reduction in estimated cost), competitive procurement of machinery and equipment (anticipated £3,000 reduction in estimated cost), other recharge mark up (anticipated £5,000 income). Therefore it is expected that the tree surgery team will be delivered for the £310,000 already accounted for within the budget. There will also be flexibility to generate additional income. It is anticipated that within 24 months the tree unit would be generating income to cover any additional costs.

There is an opportunity to set the Tree Surgery Team up as a trading arm, it would then be able to bid for further work. The wood produced from the works would remain the property of SCC (currently it becomes the property of the contractor once removed from the tree) which may in future become a potential income source (e.g. logs, woodchip boilers, soil improver, play chip).

### POTENTIAL ADDITIONAL COSTS

There are a number of potential areas where there may be additional costs to the service. These can be estimated as follows:

- Damage to vehicles and machinery – often between 5% and 15% of vehicle budget – average £4,800 per year
- Fuel costs – based on the average across the Parks service is £1250 per vehicle per year – therefore allow £5,000 for the whole team.
- Minor damage to third party property, such as fence panels, allow £500 per year

### POTENTIAL ANNUAL INCOME

Total headline cost for 10-person team = £321,771.00

Assumed productive hours =

(3 teams) x (226 days/year) x (6.5 productive hours per day) = 4,407 hours per year

Add one half of supervisor's time = (113 days) x (6.5 hours) = 734.5 hours

Total hours = 5141.5

Hourly team cost = (total cost £321,771.00) ÷ (available productive hours 5,141.5 hours) = £62.58/hr cost rounded to £62.60

Assuming 2 teams will undertake the Council tree surgery requirements one team will have the flexibility to undertake income generating works:

The additional capacity that a three team scenario offers us has potential earning of:

£62.60/hr for 6.0 hours per day (assuming client communications/access will take half an hour per day more than SCC sites) = £375/day - in line with market cost

x 226 days/yr (amount available to one team) = £84,885 per year gross.

This will take additional administration (pricing, quoting/invoicing, communication & marketing/customer service) so allowing £20k per year for this gives a fair guess of £64,885 potential income stream annually when at full capacity.

It also offers increased flexibility to provide our own emergency cover and spate condition post storm events.

Analysis of costs based on the Hampshire Framework have been undertaken for three separate work orders. This shows that at a charge out rate of £62.60 per hour for a three man team, over the three orders the Council would be able to carry out the works for between £4,223 and £9,198 cheaper than if they used the Hampshire Framework. The total cost of all three orders for the Council to complete would be £19,781.

When projected over a total year, assuming that the three orders are typical of the types of work ordered, then the Council would be able to do between £65k and £140ks worth of more work than if one of the contractors from the Hampshire Framework were doing it.

Potential contracts for future works include:

- Hampshire tree surgery framework
- Education: Universities, independent schools, sixth form colleges and Trusts, St Mary's College, Gregg's School, King Edwards, St Georges, Edwin Jones Trust, The JET Trust, The Hamwic Trust, Oasis, Admiral, Southampton University campuses and halls of residents
- Health: General Hospital and other NHS sites, BUPA sites, Elderly and specialist care homes & hospices, private hospitals and care sites, such as BUPA
- Working in partnership with Balfour Beatty Living Places to provide removal of obstructions to the Highway
- Housing, Housing Associations, Trusts & Co-operatives including Radian, Raglan, Hyde and several others; resident's associations, property management agents.
- Other potential customers: Ordnance Survey, ABP, Capita.
- Other LA's

There is a potential demand for this service and as part of this business case Officers have contacted other neighbouring Council's to gather further information:

- Eastleigh BC are considering splitting their service for a small in house team for minor works and then using the Hampshire Framework for larger work parcels and specialist works. They have shown interest in working with SCC on this project.
- Have spoken to Hampshire County Council who have given an early positive indication of working together in future,
- We have had detailed correspondence from Kettering Borough Council who are currently running an in house team: when CCT was first bought in the team was set up as a contracting company and was eventually

brought back in house. They are not a unitary authority so highways work is covered by the county which would be different for SCC. They cover their own call outs, but as this does not include highways, this is relatively rare until a storm hits. Overall they have much shorter response times (three weeks or so at most compared to ours running at around 5 months), better quality of work and sell services to schools etc. They also contract out occasional works for things like garden clearance for housing while properties are void.

- There is an existing Hampshire Tree Surgery Framework, our early enquiries have shown that there is no reason why we cannot either use this or be a supplier to it. This puts us in a good position to supplement our own capacity or sell our excess capacity, making our set up very flexible, particularly when dealing with urgent and emergency works and specialist service. We have contacted Rushmoor BC who manage the framework agreement and lodged initial interest in the framework when it is renewed in September 2016.

The tree surgery unit would not undertake works to private individual's gardens. This work is likely to be lower paid, much more difficult to manage, more labour intensive, more difficult to access, be a direct challenge to small businesses in the city, have a much higher risk of challenge to the Council, harder to debt collect, more likely to be a conflict of interest with regards to tree protection.

### **3.4. TUPE**

The contract is currently subject to the Transfer of Undertakings (Protection of Employment) Regulations 2006. Basic information has been received from the current contractor with regards to the posts that would qualify for TUPE. 6 posts have been identified with similar positions/duties as set out above. They are broadly in line with the costings received from the analysis carried out on the in house team with an overall cost of circa £140,660 for the 6 staff.

### **3.5. Quality – how well did we do it?**

#### **Baseline performance level (at project start date):**

The current contract has a number of key performance indicators (KPI's) which are monitored to ensure quality. At the time of writing

- Planned red works are not on track and have been low for a number of months if we continued with the current contract it has been projected that percentage levels would be around 50% of the red works would be completed in time, the KPI is for over 90% to be completed within time.
- Emergency works are being completed within time.
- Invoices – inaccuracies in invoices have been ongoing, but are beginning to improve
- Usually the emergency call out response is very good. Have had more than one incident where no-one can get hold of anyone at PBTC so officer has had to attend instead, with a tricky situation if emergency response is required. Most recently Shoreburs Greenway call out on



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Friday 7<sup>th</sup> August. Staff report a 'blind spot' between 4pm when team finishes and 5pm when out of hours kicks in.

There is currently a back log of works. This appears to have resulted from many years of small back logs (over the 17 or so years that Pete Best have held the contract) being exacerbated by the major storm events over the winter of 2013/14 and now culminating in numerous days' worth of outstanding works.

- Early investigation shows a conservative backlog of circa £15,000 of pre-paid works – PBTC are currently working through this and will have it completed before any contract termination is considered
- There is in the region of £22,500 currently committed with at least the same again pending release to the contractor. Estimate one third of these works (c. £7,500) are overdue their estimated completion dates. In number, slightly more than half (26 out of 42) jobs are past their delivery date. A small number of these are for reasons beyond the contractor's control such as access or cleansing issues. These works are starting to be released to other contractors.

Customer satisfaction – We do not currently have a formal system of canvassing customer comments on satisfaction, however we do record compliments and complaints when they are made

The following are recent observations made about the contract:

- We have had 2 instances in the last month where residents have contacted SCC tree team to complain about works: both these were justified, one on failing to turn up when arranged, though later complaints of quality of work were dismissed.
- The other complaint was over a failure to respond to repeated requests for fence reinstatement which was also justified.
- One internal complaint over attitude of PBTC staff when challenged over inadequate Traffic Management. Which proved to be justified.
- Most complaints are from residents who are chasing overdue works – mostly lack of capacity has caused these.
- As a customer, the SCC tree team has a few issues with the service, mostly relating to length of time to get quotes from PBTC, outstanding works, managing complaints arising from contractor error or lack of communication, lack of visible scheduling so never know when work is likely to be done. Quality of actual tree surgery work is usually good or high.
- Largest single threat is overdue works that have been signed off by the contractor that have not been completed that we are not aware of – several of these come to light each month at the present time.
- We do have a number of incidents where works are not completed fully even after a second visit (e.g. recently job 7937 Shooters Hill Close) resulting in very frustrated customers.

**Performance target/s (at project end date):**

The measures will be used to assess project Quality at project closure.

## 4. PROJECT KEY DRIVER

The two key drivers for this project are time and cost. The current contract could be renewed in August 2016, however we are currently in emergency measures as back logs and inaccurate job invoicing has made it untenable. The Council therefore needs to make a decision now with regards to whether we are bringing the team in house or pursuing the Hampshire Framework.

The cost of either of these options needs to be within the current budget envelope as there is no further finance available. The Hampshire Framework is likely to provide a flexible option for providing tree surgery works, but is likely to have cost implications and end up with less ability to undertake all the works currently required. If bringing the tree surgery team in house can be realised then there is an opportunity to generate income. Quality is important and there are great opportunities to improve this through the project, however, this is considered slightly less of a driver than time and cost. Therefore the weightings are as follows:

The weightings will be used to assess project success at Gateway 5

Criteria	Weighted score
<b>TIME- needs to be in place by August 2016.</b>	40
<b>COST Needs to be kept within current budget envelope of £310k</b>	40
<b>QUALITY needs to maintain or improve the quality of the existing service</b>	20

### 4.1. Risk Quantification and Sensitivity Analysis

Please either complete the table below or attach a Risk Register/Log listing all the key risks associated with the proposed project and how those risks will be managed or mitigated, and by whom.

Description of Risk (Why is it a risk, what would happen if the risk occurred?)	Assessment of Risk		Risk Owner	Actions to Control or Mitigate Risks
	Likelihood (Probability)	Impact		
Can't recruit staff as there is a skills gap in industry	Low to medium	Medium	NY	<ul style="list-style-type: none"> <li>Contract in day rate climbers</li> <li>Set up apprenticeship</li> </ul>

Description of Risk (Why is it a risk, what would happen if the risk occurred?)	Assessment of Risk		Risk Owner	Actions to Control or Mitigate Risks
	Likelihood (Probability)	Impact		
				<ul style="list-style-type: none"> <li>• Training</li> <li>• Build links with colleges</li> </ul>
Council decision making process too slow	Medium	Medium	NY	<ul style="list-style-type: none"> <li>• Use Hampshire Framework</li> <li>• Use current contractors</li> </ul>
Recruitment process too slow	Medium	Medium	NY	<ul style="list-style-type: none"> <li>• Use Hampshire Framework</li> <li>• Use current contractors</li> </ul>
TUPE	High	Medium	NY	<ul style="list-style-type: none"> <li>• Ensure that costs for staff are comparable and that there is a budget to cover any staff coming across</li> </ul>
Weak marketing and communications skills	High	High	Communications	<ul style="list-style-type: none"> <li>• Ensure sufficient resource is made available to properly market the service to customers</li> </ul>
Supply of machinery	Low	High	NY	<ul style="list-style-type: none"> <li>• Early ordering when we know requirements</li> <li>• Use Hampshire Framework</li> <li>• Use current contractors</li> </ul>
Meeting all Health and safety requirements for Tree Surgery (e.g. Traffic Management certification)	Low	High	NY	<ul style="list-style-type: none"> <li>• Liaise closely with corporate H&amp;S to ensure the service complies with all H&amp;S issues</li> <li>• Liaise with partners to ensure regulations are complied with (e.g. transport management)</li> </ul>
Capacity for Officers to deliver the project	Medium to high	Medium to high	NY	<ul style="list-style-type: none"> <li>• Prioritise work to ensure the project takes a higher</li> </ul>

Description of Risk (Why is it a risk, what would happen if the risk occurred?)	Assessment of Risk		Risk Owner	Actions to Control or Mitigate Risks
	Likelihood (Probability)	Impact		
				priority within work loads.

## 5. APPENDICES

### 5.1. Project Costs

#### 5.1.1 Capital costs

There are no foreseeable one-off capital costs for the project, this does not include the costs for the team itself, just the costs for the project to get us to the point where the team is ready to set up. Therefore no costs for machinery or equipment for the actual tree surgery team have been included in this cost analysis (see section 3.3 for an estimate of set up costs etc.).

#### 5.1.2 Revenue costs

There are no ongoing revenue costs for any assets (eg: hardware and software), maintenance charges, support etc for this project.

#### 5.1.3 Project Resources

The total number of days required for the project by Council staff, Capita, other partners or contractors. This section is particularly important to complete when no budget is allocated to the project.

Days	Year 1	Year 2	Year 3	Subsequent years total	Total
<b>Resource Days</b>					
SCC staff – see example below:					
▪ Legal	5	1	0	0	<b>6</b>
▪ IT Client	1	0	0	0	<b>1</b>
▪ Senior Tree Officer	20	15	10	5	<b>50</b>
▪ Landscape Development Manager	20	5	5	5	<b>35</b>
▪ Insurance/Risk Manager	4	2	2	1	<b>9</b>
▪ Transformation Manager	10	0	0	0	<b>10</b>
▪ Marketing and Communications	10	5	5	5	<b>25</b>
Capita, other partners or contractors - procurement	5	5	5	5	<b>20</b>
<b>Total Resources Days</b>	<b>75</b>	<b>33</b>	<b>27</b>	<b>21</b>	<b>156</b>



## 5.2. Initial Impact Assessment



### Equality and Safety Impact Assessment

The **public sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. The Council's Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with section 17 of the Crime and Disorder Act and will enable the council to better understand the potential impact of the budget proposals and consider mitigating action.

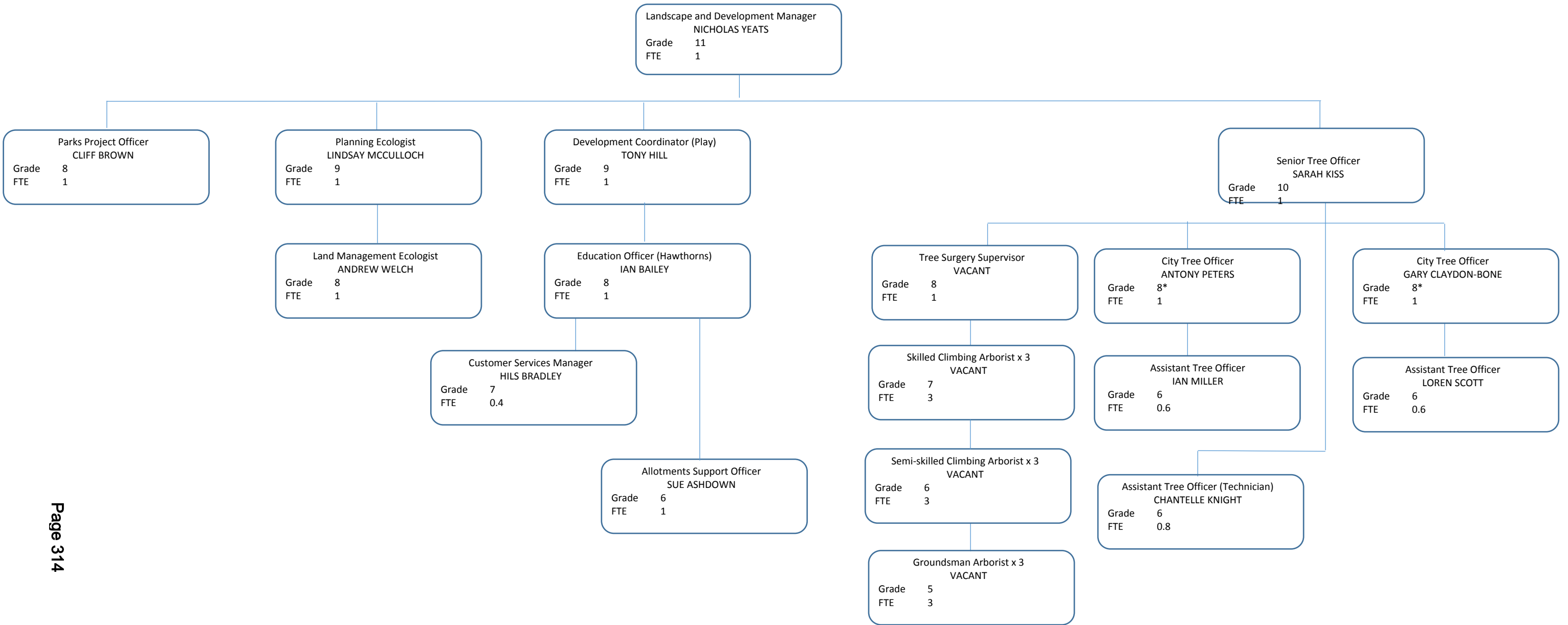
<b>Name or Brief Description of Proposal</b>	To undertake tree surgery works using in house teams rather than private contractors
<b>Brief Service Profile (including number of customers)</b>	Undertake health and safety and other tree surgery works to the Council and other organisations tree stock (Council tree stock circa 55,000 trees and 250 Ha of woodland) To benefit residents of and visitors to Southampton, (circa 250,000 residents, millions of visitors) ensuring trees are kept in as safe condition as possible.
<b>Summary of Impact and Issues</b>	
<b>Potential Positive Impacts</b>	
<b>Responsible Service Manager</b>	Nick Yeats
<b>Date</b>	20 <sup>th</sup> July 2015
<b>Approved by Senior Manager</b>	Mitch Sanders
<b>Signature</b>	

<b>Date</b>	
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### Potential Impact

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Age</b>	Safer environment to live in	None
<b>Disability</b>	Safer environment to live in	None
<b>Gender Reassignment</b>	None	None
<b>Marriage and Civil Partnership</b>	None	None
<b>Pregnancy and Maternity</b>	None	None
<b>Race</b>	None	None
<b>Religion or Belief</b>	None	None
<b>Sex</b>	None	None
<b>Sexual Orientation</b>	None	None
<b>Community Safety</b>	Safer environment to live in	None
<b>Poverty</b>	Provide a better service to the areas of deprivation through work with Housing	None
<b>Other Significant Impacts</b>	Better environment with safer trees.	None

5.3. Proposed Landscape and Development Team Structure with Tree Surgery Team included







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**Funding and Budgets for the Proposed In-house Tree Surgery Team**

**Appendix 3**

	Existing	Existing	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed
Service	Contract Payments	Estimate	Employees Costs	Other Employees Costs	Vehicles	Equipment	Contract Payments	Fuel	Income/Charges	Sales (wood products)	Estimate	Proposed Internal Recharges
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Open Spaces	195	195	257	0	53	5	0	5	-120	-5	195	0
Bereavement Services	0	0	0	0	0	0	0	0	0	0	0	0
Childrens Services	30	30	0	0	0	0	0	0	0	0	0	0
General Fund	225	225	257	0	53	5	0	5	-120	-5	195	0
Schools	0	0	0	0	0	0	0	0	30	0	30	0
Housing	41	41	0	0	0	0	0	0	41	0	41	0
Other*	44	44	0	0	0	0	0	0	49	0	49	0
Non-General Fund	85	85	0	0	0	0	0	0	120	0	120	0
<b>Combined</b>	<b>310</b>	<b>310</b>	<b>257</b>	<b>0</b>	<b>53</b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>-5</b>	<b>315</b>	<b>0</b>
<b>Saving on the General Fund budget cost</b>											<b>-30</b>	

**Note:**

Based on 2015/16 estimates

There will be one-off set-up costs of £3,500

\* The estimate for Other contract payments of £44,000 is not currently specifically identified within existing budgets

*(due to change in charging Schools directly)*

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The **public sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with section 17 of the Crime and Disorder Act and will enable the council to better understand the potential impact of the budget proposals and consider mitigating action.

<p><b>Name or Brief Description of Proposal</b></p>	<p>Recruit an in house Tree Surgery Team and stop using external contractors to provide tree surgery services for SCC, including TUPE of existing contractor employees</p>
<p><b>Brief Service Profile (including number of customers)</b></p>	<p>The Tree unit is part of the Parks and Street Cleansing Service, it currently consists of 6 Tree Officers responsible for all matters relating to trees in Southampton. One of the duties is to issue works to external contractors, who undertake all of SCC tree surgery works. The proposal is to directly employ teams of tree surgeons to deliver these currently contracted out services. This project/ESIA concerns the steps of bringing the team in house particularly recruitment and TUPE.</p>
<p><b>Summary of Impact and Issues</b></p>	<p>.</p>
<p><b>Potential Positive Impacts</b></p>	<p>Creation of 10 jobs within the city. Increase of capacity for delivery of tree surgery hours. Increase in responsiveness of service to residents requirements. Ability to carry out preventative surgery works as well reactive &amp; emergency works. Ability to be more understanding of requirements of other services and</p>

	departments' needs. Ability to plan timings of works to reduce any nuisance or inconvenience to residents partners.
<b>Responsible Service Manager</b>	Nick Yeats
<b>Date</b>	<u>27/01/16</u>

<b>Approved by Senior Manager</b>	Mitch Sanders
<b>Signature</b>	
<b>Date</b>	

### Potential Impact

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Age</b>	None – anyone capable of carrying out works is eligible.	
<b>Disability</b>	There are constraints with this service in terms that staff must be physically capable of carrying out the tasks required safely, and this includes high levels of mobility and reasonable levels of strength.	As long as the person is capable and safe there is no other barrier.
<b>Gender Reassignment</b>	No impact anticipated.	No impact anticipated.
<b>Marriage and Civil Partnership</b>	No impact anticipated	No impact anticipated.
<b>Pregnancy and Maternity</b>	No impact anticipated beyond temporary job adaptations to accommodate physical ability to carry out tasks while pregnant – e.g. climbing might be tricky with a bump.	Temporary job adaptations while any issues are noted.
<b>Race</b>	No impact anticipated	No impact anticipated.

<b>Religion or Belief</b>	No impact anticipated	No impact anticipated.
<b>Sex</b>	No impact anticipated	No impact anticipated.
<b>Sexual Orientation</b>	No impact anticipated	No impact anticipated.
<b>Community Safety</b>	We should be able to work more closely with the needs of different service users and programme works or methods that minimise any anticipated impact: for example to carry out works using quieter saws or ensure team is briefed fully on sensitive locations, avoid religious festival periods or when public events are taking place.	Should be positive
<b>Poverty</b>	Creates 10 jobs in the city and offers a very cost-effective alternative tree surgery supplier that we can consider reduced rates for appropriate service users, clients. We will also have an increased capacity for donating wood sections for play areas and housing design schemes, woodchip for allotment holders for example.	Should be positive
<b>Other Significant Impacts</b>	Our ability to work closely with other service providers and partners across the city should mean we can improve the service in terms of responsiveness, sensitivity and communication. For example if we are working in a cemetery we will take care not to impact services by booking with Bereavement Services, and the teams will be instructed to work as carefully and sensitively as necessary - something a commercial organisation may find harder to do. The teams will be given clear training on	

	respect for their city and its residents and visitors to reduce the number of complaints received.	
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## What is a Privacy Impact Assessment?

A Privacy Impact Assessment (“PIA”) is a process that assists organisations in identifying and minimising the privacy risks of new projects or policies.

Projects of all sizes could impact on personal data.

The PIA will help to ensure that potential problems are identified at an early stage, when addressing them will often be simpler and less costly.

Conducting a PIA should benefit the Council by producing better policies and systems, and improving the relationship with individuals.

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## Why should I carry out a PIA?

Carrying out an effective PIA should benefit the people affected by a project and also the organisation carrying out the project.

Whilst not a legal requirement, it is often the most effective way to demonstrate to the Information Commissioner’s Officer how personal data processing complies with the [Data Protection Act 1998](#).

A project which has been subject to a PIA should be less privacy intrusive and therefore less likely to affect individuals in a negative way.

A PIA should improve transparency and make it easier for individuals to understand how and why their information is being used.

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## When should I carry out a PIA?

The core principles of PIA can be applied to any project that involves the use of personal data, or to any other activity that could have an impact on the privacy of individuals.

Answering the screening questions in **Section 1** of this document should help you identify the need for a PIA at an early stage of your project, which can then be built into your project management or other business process.

## Who should carry out a PIA?

Responsibility for conducting a PIA should be placed at senior manager level. A PIA has strategic significance and direct responsibility for the PIA must, therefore, be assumed by a senior manager.

The senior manager should ensure effective management of the privacy impacts arising from the project, and avoid expensive re-work and retro-fitting of features by discovering issues early.

A senior manager can delegate responsibilities for conducting a PIA to three alternatives:

- a) An appointment within the overall project team;
- b) Someone who is outside the project; or
- c) An external consultant.

Each of these alternatives has its own advantages and disadvantages, and careful consideration should be given on each project as to who would be best-placed for carrying out the PIA.

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## How do I carry out a PIA?

Working through each section of this document will guide you through the PIA process.

The requirement for a PIA will be identified by answering the questions in **Section 1**. If a requirement has been identified, you should complete all the remaining sections in order.

The Privacy Impact Assessment Statement in **Section 7** should be completed in all cases, and a copy of this document should be sent to the Senior Legal Assistant (Information) to record and review.

The Senior Legal Assistant (Information) will then issue a report, confirming whether the proposed measures to address the privacy risks identified are adequate, and make recommendations for additional measures needed.

These measures will be reviewed once in place to ensure that they are effective.

Advice can be found at the beginning of each section, but if further information or assistance is required, please contact the Senior Legal Assistant (Information) on 023 8083 2676 or at [foi.requests@southampton.gov.uk](mailto:foi.requests@southampton.gov.uk).

# Section 1 - Screening Statements

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The following statements will help you decide whether a PIA is necessary for your project.

Please tick all that apply.

The project will involve the collection of new information about individuals.

The project will compel individuals to provide information about themselves.

Information about individuals will be disclosed to organisations or people who have not previously had routine access to the information.

You are using information about individuals for a purpose it is not currently used for, or in a way it is not currently used.

The project involves you using new technology which might be perceived as being privacy intrusive. For example, the use of biometrics or facial recognition.

The project will result in you making decisions or taking action against individuals in ways which can have a significant impact on them.

The information about individuals is of a kind particularly likely to raise privacy concerns or expectations. For example, health records, criminal records, or other information that people would consider to be particularly private.

The project will require you to contact individuals in ways which they may find intrusive.

The project involves making changes to the way personal information is obtained, recorded, transmitted, deleted, or held.

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If any of these statements apply to your project, it is an indication that a PIA would be a useful exercise, and you should complete the rest of the assessment, including the Privacy Impact Assessment Statement in **Section 7**.

If none of these statements apply, it is not necessary to carry out a PIA for your project, but you will still need to complete the Privacy Impact Assessment Statement in **Section 7**.

## Section 2 - Identifying the Need for a PIA

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With the screening statements in mind, briefly explain what the project aims to achieve, what the benefits will be to the organisation, to individuals, and to other parties.

You may find it helpful to link to other relevant documents related to the project, for example a project proposal.

## Section 3 - Describe the Information Flows

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The collection, use, and deletion of personal data should be described here, and it may also be useful to refer to a flow diagram or another way of explaining data flows.

You should also say how many individuals are likely to be affected by the project.

# Section 4 - Identify the Privacy Risks

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Answering the questions below will help you identify the key privacy risks, and the associated compliance and corporate risks.

The questions cover the 8 Principles of the [Data Protection Act 1998](#), and whilst all may not be relevant to your project, they may prompt you to consider areas of risk which aren't initially apparent.

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## Principle 1

**Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:**

- a) at least one of the conditions in Schedule 2 is met, and**
  - b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.**
- 

Have you identified the purpose of the project?

What information will be collected and/or shared?

With whom will the information be shared?

How will individuals be told about the use of their personal data?

Who should be consulted about the processing of personal information, internally and externally?

How will you carry out the consultation?

## Conditions for processing

---

For all data (tick all that apply):

The individual who the personal data is about has consented to the processing.

The processing is necessary in relation to a contract which the individual has entered into, or because the individual has asked for something to be done so they can enter into a contract.

The processing is necessary because of a legal obligation that applies to you (except an obligation imposed by a contract).

The processing is necessary to protect the individual's "vital interests".

The processing is necessary for administering justice, or for exercising statutory, governmental, or other public functions.

The processing is necessary for the purposes of the Council's legitimate interests.

---

If your project involves the processing of [sensitive data](#)\* (tick all that apply):

The data subject has given his explicit consent to the processing of the personal data.

The individual who the sensitive personal data is about has given explicit consent to the processing.

The processing is necessary so that you can comply with employment law.

The processing is necessary to protect the vital interests of the individual (in a case where the individual's consent cannot be given or reasonably obtained), or another person (in a case where the individual's consent has been unreasonably withheld).

The processing is carried out by a not-for-profit organisation and does not involve disclosing personal data to a third party, unless the individual consents. Extra limitations apply to this condition.

The individual has deliberately made the information public.

The processing is necessary in relation to legal proceedings (for obtaining legal advice, or otherwise for establishing, exercising or defending legal rights).

The processing is necessary for administering justice, or for exercising statutory or governmental functions.

The processing is necessary for medical purposes, and is undertaken by a health professional or by someone who is subject to an equivalent duty of confidentiality.

The processing is necessary for monitoring equality of opportunity, and is carried out with appropriate safeguards for the rights of individuals.

---

\* Under the Data Protection Act 1998, sensitive personal data is defined as personal data consisting of information as to:

- (a) the racial or ethnic origin of the data subject,
- (b) his political opinions,
- (c) his religious beliefs or other beliefs of a similar nature,
- (d) whether he is a member of a trade union,
- (e) his physical or mental health or condition,
- (f) his sexual life,
- (g) the commission or alleged commission by him of any offence, or
- (h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

If you are relying on consent to process personal data, how will this be collected and what will you do if it is withheld or withdrawn?

Do you need to create or amend privacy notices (which inform the data subject at the point of collection how their information will be used)?

Will your actions interfere with the right to privacy under [Article 8 of the European Convention on Human Rights](#) (right to respect for private and family life)?

Will any information from the project be published on the Internet or in other media?

Will a third party contractor be involved in the data processing process?

Have you identified the social need and aims of the project?

Are your actions a proportionate response to the social need, and why?



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## Principle 2

**Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.**

---

Does your project plan cover all of the purposes for processing personal data?

Have potential new purposes been identified as the scope of the project expands?

---

## Principle 3

**Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.**

---

Is the information you are using of good enough quality for the purposes it is used for?

Which personal data could you not use, without compromising the needs of the project?

How will you ensure that only data that is adequate, relevant, and not excessive in relation to the purpose is processed?

---

## Principle 4

**Personal data shall be accurate and, where necessary, kept up to date.**

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If you are procuring new software does it allow you to amend data when necessary?

How will you ensure that personal data obtained from individuals or other organisations is accurate?

---

## **Principle 5**

**Personal data processed for any purpose or purposes shall not be kept for longer than necessary for that purpose or those purposes.**

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What retention periods are suitable for the personal data you will be processing?

Are you procuring software which will allow you to delete information in line with your retention periods?

What processes will be put in place for the destruction of the data?

---

## **Principle 6**

**Personal data shall be processed in accordance with the rights of data subjects under this Act.**

---

Will the systems you are putting in place allow you to respond to subject access requests more easily?

If the project involves marketing, have you got a procedure for individuals to opt out of their information being used for that purpose?

---

## Principle 7

**Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.**

---

Where, and in what format, will the personal data be kept?

Will an IT system or application be used to process the personal data?

Do any new systems provide protection against the security risks you have identified?

What training and instructions are necessary to ensure that staff know how to operate the system securely?

Will staff ever work away from the office (e.g. on laptops, tablets, or smart phones)?

How will access to the personal data be controlled?

---

## Principle 8

**Personal data shall not be transferred to a country or territory outside the European Economic Area (EEA) unless that country or territory ensures and adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.**

---

Will the project require you to transfer data outside of the EEA?

If you will be making transfers, how will you ensure that the data is adequately protected?

If a contractor is being used to process the personal information, where are they (and their data stores) based?

# Section 5 - Summary of Identified Risks

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Completing the questions in Section 4 will hopefully have identified areas in your project where personal data is at risk.

Use this section to summarise those risks.

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Privacy Issue

Risk to Individual

Risk to the Council

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Privacy Issue

Risk to Individual

Risk to the Council

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Privacy Issue

Risk to Individual

Risk to the Council

Privacy Issue

Risk to Individual

Risk to the Council

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Privacy Issue

Risk to Individual

Risk to the Council

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Privacy Issue

Risk to Individual

Risk to the Council

Privacy Issue

## Section 6 - Identify Privacy Solutions

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For each of the risks identified in Section 6, describe the actions you could take to reduce them, and any future steps which would be necessary (e.g. the production of new guidance or future security testing for systems).

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Risk

Solution

Result

Risk Eliminated

Risk Reduced

Risk Accepted

Is impact of solution on individuals justified, compliant, and proportionate?

Yes

No

---

Risk

Solution

Result

Risk Eliminated

Risk Reduced

Risk Accepted

Is impact of solution on individuals justified, compliant, and proportionate?

Yes

No

Risk

Solution

Result

Risk Eliminated

Risk Reduced

Risk Accepted

Is impact of solution on individuals justified, compliant, and proportionate?

Yes

No

---

Risk

Solution

Result

Risk Eliminated

Risk Reduced

Risk Accepted

Is impact of solution on individuals justified, compliant, and proportionate?

Yes

No



Risk

Solution

Result

Risk Eliminated

Risk Reduced

Risk Accepted

Is impact of solution on individuals justified, compliant, and proportionate?

Yes

No

---

Risk

Solution

Result

Risk Eliminated

Risk Reduced

Risk Accepted

Is impact of solution on individuals justified, compliant, and proportionate?

Yes

No

# Section 7 - Privacy Impact Assessment Statement

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This statement must be completed for all projects, regardless of whether a PIA was deemed to be necessary on completion of the screening questions in Section 1.

---

Name:

Position:

Project Summary:

Estimated date of project completion:

---

Please choose one of the following options:

None of the screening statements in Section 1 of this document apply to the above project, and I have determined that it is not necessary to conduct a Privacy Impact Assessment.

Some of the screening statements in Section 1 of this document apply to the above project, and a need to carry out a Privacy Impact Assessment was identified. The assessment has been carried out, and the outcomes will be integrated into the project plan to be developed and implemented.

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Date:

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Once completed, please send a copy of this document to the Senior Legal Assistant (Information):

Email: [foi.requests@southampton.gov.uk](mailto:foi.requests@southampton.gov.uk)

Internal post: Corporate Legal, Civic Centre, Municipal, Ground Floor West

## Document Information

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**Title:** Privacy Impact Assessment

**Author:** Chris Thornton, Senior Legal Assistant (Information)

**Version:** v2.1

**Owner:** Information Governance Board on behalf of the Council's Management Team

**Agreed by:** Richard Ivory, Head of Legal and Democratic Services

**Effective from:** 17th July 2015

**Review Date:** 17th July 2016

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### Revision History:

06/12/13 - Version 1.0 - Reviser: Vikas Gupta - Document Created

10/03/15 - Version 2.0 - Reviser: Chris Thornton - Updated to PDF form format

17/07/15 - Version 2.1 - Reviser: Chris Thornton - Added information re report in introduction

14/01/16 - Version 2.2 - Reviser: Chris Thornton - Added screening question

27/01/16 - Version 2.3 - Reviser: Chris Thornton - Added project completion date to S7

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