

CONSULTATION STATEMENT

DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT

Prepared under Regulation 18(4)(b)(i-ii) of The Town and Country Planning (Local Development)(England) Regulations 2004 (as amended)

1. Background

This consultation statement sets out how the Council engaged with local stakeholders prior to the adoption of the SPD. This statement also sets out how the Council complied with the Statement of Community Involvement (SCI).

This Statement has been prepared in accordance with Regulation 18 – Supplementary Planning Documents – Representations on Supplementary Planning Documents, of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended).

2. Consultation on the draft SPD

Before adopting the Developer Contributions Supplementary Planning Document, the Council undertook a six week period of consultation in accordance with Regulation 17 of the Town & Country Planning (Local Development)(England) Regulations 2004 (as amended). The draft SPD was accompanied by a SEA Regulation 9 Determination. The consultation exercise took place over a period of 6 weeks between 6th June and 18th July 2011. As part of the consultation exercise the Council: -

a) Sent a letter or e-mail notifying consultees of the publication of the draft SPD and associated documents¹ to: -

- All respondents from an early stakeholder consultation exercise
- Parish Councils
- Relevant stakeholders with an interest in the subject matter (*targeted engagement In accordance with the SCI*)
- All Statutory Consultees and relevant specific/general consultation bodies (*In accordance with the SCI*)

The full list of consultees is attached as appendix A

b) Placed an advertisement in local newspapers stating where a copy of the documents could be obtained and when and where the documents could be inspected. The advertisement appeared in the Camberley News on 9th June 2011 (*In accordance with the SCI*)

c) Issued a press release on the 15th June 2011 (*In accordance with the SCI*)

Copies of the draft SPD were made available for inspection at: -

The Council Offices, Knoll Road, Camberley
The Council's web-site at www.surreyheath.gov.uk
Lightwater Library, 83a Guildford Road, Lightwater

¹ Associated Documents includes the SPD Matters, Consultation Statement under Regulation 17(b) and a statement of when and where the SPD documents were available for inspection.

Camberley Library, Knoll Road, Camberley
Frimley Green Library, Beech Road, Frimley Green
Bagshot Library, High Street, Bagshot

Large print, Braille or foreign language versions of the draft SPD were available on request.

3. Responses made to the consultation exercise

15 responses were received to the consultation exercise. The responses made and how they have been addressed in the adopted SPD are set out in Appendix B.

4. Early stakeholder consultation on the preparation of the draft Supplementary Planning Document

Before preparation of the Draft Developer Contributions Supplementary Planning Document (SPD), the Council undertook an early engagement exercise with local authority partners in the form of internal departments at Surrey Heath Borough Council and Surrey County Council. The consultation ended on **4th March 2011**. As part of this consultation exercise, the Council:

- a) Consulted those organisations and individuals listed in Appendix C by e-mail.

As well as undertaking early engagement, the Borough Council contacted the three statutory consultees comprising Natural England, Environment Agency and English Heritage on an SEA screening assessment for a 28 day period from **4th March to 1st April 2011**.

The three statutory consultees were also requested to advise whether Appropriate Assessment under the Habitats Directive (92/43/EEC) and the Conservation (Natural Habitats & c.)(Amendment)(England & Wales) Regulations 2007 was also required.

Copies of the SEA determination are available on the Councils web-site at www.surreyheath.gov.uk

5. Responses made to the early stakeholder consultation exercise

4 responses were made to the consultation exercise from local authority partners and 3 responses were received with respect to the SEA screening report. Comments on the SEA screening assessment were included within the SEA determination which accompanied the draft SPD. The local authority partner responses and how they were addressed by the Council in preparing the draft version of the SPD are set out in Appendix D.

APPENDIX A – Consultees for the Developer Contributions SPD

Sentinel Housing Association c/o RPS Planning
Tesco Stores Limited c/o Nathaniel Lichfield and Partners
Kier Property Developments c/o Maddox & Associates
Churchill Retirement Living c/o Planning Issues Ltd
Notcutts Ltd c/o DPP LLP
McKay Securities Group c/o Indigo Planning
Albermarle Fair Oaks Ltd & Royal Bank of Scotland c/o Gerald Eve
Bachman Trust Co Ltd and ADL One Ltd c/o Graham Warren Ltd
Bell Cornwell LLP
Taylor Wimpey UK Ltd c/o Woolf Bond Planning LLP
Frimley Park Hospital NHS Trust c/o Vail Williams LLP
FC Brown c/o David Hickson Associates
Crown Golf c/o Terence O'Rourke
Chobham Rugby Club in Association with PM Asset Management c/o Barton Willmore
Charles Church (Southern) Limited c/o DPP
The Shorstan Company Ltd c/o Leigh & Glennie
Future Energy Solutions c/o Terence O'Rourke
McCarthy and Stone Ltd c/o Planning Bureau Ltd
Crest Nicholson Developments Limited c/o Barton Willmore LLP
Sainsbury's Supermarkets Ltd c/o White Young Green Planning
Fairview New Homes Ltd c/o RPS plc
Kier Property Limited c/o Gerald Eve
Wilky Fund Management c/o Berwin Leighton Paisner LLP
Costco Wholesale UK Limited c/o RPS Planning & Development
PB Oil (UK) Ltd c/o Rapleys LLP
WM Morrisons c/o Rapleys LLP
The Mall Corporation c/o Savills Commercial Ltd
Fairoaks Airport Limited c/o Savills
Coast Properties (Bagshot) Ltd c/o Rapleys LLP
National Offender Management Service (NOMS) c/o Lambert Smith Hampton
Defence Estates c/o GVA Grimley
National Grid Plc c/o Entec UK Ltd
South East Water c/o Adams Hendry Consulting Ltd
3G UK Ltd; O2 (UK) Ltd; Orange PCS Ltd; T-mobile UK Ltd; Vodaphone Ltd c/o Mono Consultants Ltd
Surrey Chamber of Commerce
The Butts, Bisley Day Centre
Diamond Ridge Neighbourhood Watch
The Theatres Trust
Friends of Surrey Heath Museum
FFT Planning
Adams Hendry
Taylor Wimpey Developments Ltd
Surrey Heath Muslim Association
Planning Committee of Showmen's Guild LHC
Bengali Welfare Association
Nepalese Buddhist Community UK
Traveller Law Reform Project
Open Spaces Society
Natural England
Runnymede Borough Council
Rushmoor Borough Council

Hart District Council
English Heritage (South East Region)
Bracknell Forest Borough Council
Hampshire County Council
Surrey County Council - Planning Implementation Team
The Royal Borough of Windsor and Maidenhead
Woking Borough Council
Environment Agency South East
Guildford Borough Council
Ash and Ash Vale Parish Council
Chobham Parish Council
Bisley Parish Council
Windlesham Parish Council
Normandy Parish Council
Pirbright Parish Council
Sunningdale Parish Council
Sunninghill & Ascot Parish Council
Winkfield Parish Council
West End Parish Council
Thames Water Property Services
NTL
Highways Agency
BT
Veolia Water Central
BAA Aerodrome Safeguarding
Sandhurst Town Council
Blackwater and Hawley Town Council
Friends of Surrey Heath Museum
Surrey Police
Verdant Group PLC
Land & New Homes
Tilbury Young
James Butcher HA Limited
Imperial Windows
BAE Systems Properties Ltd - Property & Environmental Services
Steve Brighty Associates
David Hicken Associates Ltd
Associated Property Limited
Chobham St Lawrence Morris Men
Paul Dickinson and Associates - Town Planning & Development Consultants
Gregory Gray Associates
Howard Sharp & Partners
Cushman & Wakefield / Healey & Baker
Jim Guest Design
Broadway Malyan Planning
Foy Planning Consultancy
Mansard Country Homes Ltd
Nathaniel Lichfield & Partners
Drivers Jonas
Boyer Planning
George Wimpey
Bovis Homes Ltd
Bancroft Developments
Cala Homes

Lovell
Mansard Country Homes Ltd
Taylor Woodrow
Rippon Development Services
George Wimpey Southern Ltd
Montagu Land
Terence O'Rourke - Bournemouth
Solutions in Building Ltd
EC Harris LLP
The National Trust
Kingfisher Housing Association
Thames Valley Housing Association
English Rural Housing Association
Surrey Waste Management Services
Surrey Wildlife Trust
Lightwater Business Association
Arriva
National Express
Stagecoach Hampshire Bus
Great Western Trains Company Limited
South West Trains Ltd
Southern Gas Networks
A2 Dominion
Home Builders Federation
Basingstoke Canal Authority
Hanover Housing Association
Baker Davidson Thomas
Knight Frank
Surrey Heath & Woking PCT
Surrey Heath Muslim Association
Chobham Museum & Village Hall
Barratt Mrs S
West Indian Association - Aldershot District
The Gypsy Council
Joint Nature Conservation Committee
HM Prison Service Headquarters
Berkshire Joint Strategic Planning Unit
Homes and Communities Agency
Surrey Primary Care Trust - South West Locality
National Power
Telecom Plus plc
Centrica
Scottish and Southern Energy Plc
Alliance Environment & Planning
Berkeley Group
Planning Issues
First Beeline Buses Ltd
MBH Partnership
South East Regional Play Association
Deepcut Liaison Group
Alliance One International Services Ltd
RPS Planning and Development
Camberley Town Centre CIC
Miller Homes

Persimmon Homes South East
RPS Planning
Waitrose
Accent Peerless Ltd
Vail Williams LLP
DPDS Consulting Group
Derek Horne & Associates
DJ Green & Associates
GL Hearn
Stonham Housing Association
Woodland Trust
BNP Paribas Real Estate
Redrow Homes Eastern Division
Westwaddy ADP
East Chobham Residents Association
DPP - Development Planning Partnership
Mall Management
Heine Planning Consultancy
Rail Estate
J Higham Associates
Nationcrest
National Playing Fields Association
The Showmen's Guild Of Great Britain
The Stilwell Partnership
Tetlow King Planning
Bell Cornwell Partnership
Windsor Creative Solutions
London Clancy
Annington Developments Ltd
Camberley Lawn Tennis Club
Stagecoach Hants & Surrey
Surrey Playing Fields Association
Cunnane Town Planning
Bellway Homes Ltd
UK Power Networks
West End Action Group
Airey Miller Partnership LLP
Jonathon Barlow Partnership
West End Village Design Statement Steering Group
Charles Church Southern
Paragon Community Housing Group
Lambert Smith Hampton
Firstplan
Surrey Museums Consultative Committee
DevPlan
Surrey Economic Partnership
Blackwater Valley Friends of the Earth
Frimley Designs and Surveys
Iceni Projects
BJC - Bryan Jezeph Consultancy Ltd
Shepperton Homes
Wilky Property Holdings
Rail Estate
Carter Jonas

Lin Blakely Property Management
Rund Partnership Ltd
Crest Nicholson
Meir Associates
Pavilion
MGA Town Planning & Development Consultants
Matthew Pellereau Limited
Wadham and Isherwood
Hallam Land Management Limited
Barker Parry Town Planning
BOC Group plc
King Sturge
PRP Architects
White Young Green Planning
Sport England
Michael Cox Associates
Farnborough 6th Form College
Redrow Homes
Richard Bonny Architectural Design
Edwards Elliott
Council for the Protection of Rural England
CPRE (Surrey Heath Branch)
Barratt Southern Counties
Howard Hutton & Associates
RSPB (South East Office)
Terence O'Rourke
Sigma Planning Services
Circuit Planning Representative
D & M Planning Limited
CSJ Planning
Network Rail
Friends, Families and Travellers
Alliance Environment and Planning Ltd
Tekels Park Estate Limited
Arcadia Ventures (Southern) Ltd
Arcadia Homes Ltd
Flavia Estates
Parkside Housing Group
Yorktown Business Association
Eli Lilly and Company Limited
Tekels Avenue Residents Association Limited

APPENDIX B – Table of Responses to draft SPD including Officer Comments and Actions

Consultee	Comments	Officer Response	Change to SPD?
<p>Adams Hendry Consulting Ltd on behalf of South East Water</p>	<p>South East Water provides essential infrastructure required to support growth and deliver environmental improvements. That infrastructure can incorporate new water treatment buildings, for example. These buildings are Sui Generis.</p> <p>Whilst non-residential development is exempted from some of the tariffs, it is not excluded from all. Therefore, there is potential that water infrastructure development involving buildings could be caught by some of the tariffs. The operation of the infrastructure provided by South East Water does not give rise to any impacts on the wider community in terms of additional burdens on, for example, libraries, public transport or other infrastructure. As such South East Water considers it inappropriate and unreasonable to assess any requirements for s106 contributions from its development on the basis of a standardised tariff based approach as set out in the SPD.</p> <p>The predominant aims of water infrastructure development are to support growth and to deliver environmental improvements. South East Water is funded for these improvements through a complex funding system involving Ofwat approval of its business plan proposals, and then raising funding against income for future customer's bills. South East Water does not benefit in the same way as residential or commercial developers through increased land value arising from the grant of planning permission for new infrastructure.</p> <p>South East Water therefore requests that Surrey Heath Borough Council amends the draft SPD to specifically exclude the provision of new water supply infrastructure from the type of development for which the Draft SPD standardised</p>	<p>Noted, however the provision of water infrastructure is not a use to which the tariffs in the SPD will apply, unless they fall into use classes A-D. The majority of South East Water's planned development will fall outside of these use classes and will not be liable to contributions. Should development by South East Water fall into use classes A-D then they are likely to give rise to additional impacts from workers, to which a contribution should apply.</p>	<p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	approach would be applied.		
Bisley Parish Council	<p>Bisley Parish Council would comment briefly as follows with reference to developers contributions (tariffs):</p> <p>Para 1.22 - the “please” is superfluous, it simply needs to read “note”.</p> <p>Para 5.7 - tariffs need to be reduced to reflect the changes which are taking place in the Library Service.</p> <p>Para 10.10 - the tariffs for Town Centre Management should be reduced for the Villages. A more reasonable approach would be for the tariff to be applied on a graded scale depending on how far a development is from the Town Centre. This would be in line with the tariffs proposed for highways and transportation.</p> <p>General developments - it is suggested that affordable housing should be exempt from tariffs. If infrastructure is required in connection with affordable housing then a tariff should be payable.</p>	<p>Noted, but change is unnecessary</p> <p>Surrey County Council who provide library services has confirmed that the library tariff is appropriate.</p> <p>Town Centre Management tariff only applies to Camberley Town Centre, not to the villages.</p> <p>Affordable housing has been exempt from tariffs to encourage the provision of affordable housing without impacting on viability. Further, the future direction of government policy under CIL will exempt affordable housing from CIL charges.</p>	<p>No change</p> <p>No change</p> <p>No change</p> <p>No change</p>
GVA Grimley on behalf of Defence Infrastructure Organisation	GVA is instructed by the DIO to make representations on their behalf to the Developer Contributions Supplementary Planning Document (SPD) Regulation 17 Consultation. The Developer Contributions SPD sets out a tariff scheme for contributions towards infrastructure, within and around Surrey Heath, to be sought through S106 obligations.		

Consultee	Comments	Officer Response	Change to SPD?
	<p>The DIO are the landowner of the Princess Royal Barracks (PRB), Deepcut. PRB is included within the Council's emerging Core Strategy – i.e. Core Strategy and Development Management Policies Proposed Submission Document (CSDMP), July 2010 – as a Strategic Development Site for residential-led development, to deliver “some 1200” dwellings. The development of the PRB site will require developer contributions to ensure the provision of sufficient supporting infrastructure.</p> <p>The Developer Contributions SPD tariff scheme primarily seeks to take account of small scale developments. The SPD states that the Council will continue to negotiate contributions on large scale developments – i.e. the PRB site – primarily as they offer opportunities for on-site provision. However, where on-site provision is to be made the tariffs set out in the SPD will be the starting point for negotiations and where on-site contributions are not feasible the tariffs will apply (para. 1.22 / 1.23). The SPD will therefore provide the foundation for the negotiation of contributions in respect to the development of the PRB site.</p> <p>Guidance on developer contributions for the PRB site is also contained within the:</p> <ul style="list-style-type: none"> • Deepcut SPD – this is an emerging document. The Regulation 17 Consultation closed in January 2011; the final version is being prepared to be reported to the Council's Executive in September 2011. • Infrastructure Delivery Plan (IDP) – this is a ‘living document’, to be updated on an annual basis. The current version, covering the period 2006-2027, was published October 2010. 	<p>Comments are noted, however, with a large scheme such as the Princess Royal Barracks the Borough Council will be seeking to negotiate a bespoke package of infrastructure contributions, which will be set out within subsequent SPD. As such, the infrastructure requirements arising from the Deepcut SPD will be relevant to any associated application and negotiations should proceed based on that SPD. This will be made more explicit within the Developer Contributions SPD.</p>	<p>Amend SPD to clarify position with respect to PRB site.</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>These representations focus on the DIO's concern to ensure the approach to developer contributions for the PRB site is consistent with the Borough-wide approach. The representations are structured around the infrastructure types as set out in the SPD; preceding this, the representations set out general comments on the application of the tariff scheme.</p> <p>GENERAL COMMENTS</p> <p>The DIO welcomes the Developer Contributions SPD, which provides guidance on the range and level of contributions that will be sought, and therefore provides greater certainty in respect to the requirements to bring the PRB site forward.</p> <p>The DIO supports that the SPD advocates a negotiated approach to developer contributions, based on the tariffs but taking account of viability (para. 1.28). However, the DIO recommends that the SPD provides guidance on the Council's priorities for contributions where viability issues are demonstrated.</p> <p>The DIO also supports the SPD's exemption of affordable housing from contributing to all infrastructure types. However, the DIO is concerned that a consistent approach should be applied to the PRB development, with the contributions required for "some 1200" dwellings, as outlined in the emerging SPD and IDP, discounted to reflect the affordable housing provision – i.e. should the PRB site deliver 1200 dwellings, comprising 780 market dwellings and 420 affordable dwellings then contributions should only be required for the 780 market dwellings.</p>	<p>Comments are noted regarding priorities where viability is found to be an issue however, priorities will differ on a site by site basis and as such the SPD should retain flexibility in terms of which tariffs the Borough Council may prioritise.</p> <p>As stated previously the infrastructure contributions negotiated for the Princes Royal Barracks will be bespoke to that site. As the PRB site is in effect creating a settlement extension/village, all new dwellings will have to contribute towards creating a sustainable community. Again, the Council's approach to negotiating infrastructure requirements/contributions at the PRB will be made more explicit.</p>	<p>No change</p> <p>Amend SPD to clarify position with respect to the PRB site</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>The DIO is concerned with the SPD's approach in the application of the tariff scheme to residential development of existing non-residential sites – i.e. the PRB site. In such cases, the SPD states that account will not be given to the impact that the existing use has on infrastructure and services (para. 2.3). This approach does not pass the tests for the use of S106 obligations, which have been put on a statutory footing with the Community Infrastructure Levy Regulations 2010, as it will take account of the gross rather than net impact of development on infrastructure and will not therefore ensure that contributions are fairly and reasonably related in scale and kind. Whilst the impact of residential and non-residential uses may differ, this should be a factor in the consideration of the contributions required, rather than a justification to disregard the impact of the existing use.</p> <p>EDUCATION</p> <p>The Developer Contributions SPD seeks contributions to primary and secondary education. The DIO welcomes that contributions will take account of existing capacity (para. 3.15). The DIO are concerned that 1 bed dwellings are not exempt from the education contributions, given that such dwellings are unlikely to be occupied by families with children. This approach is inconsistent with the SPD's approach to children's playing space, where 1 bed dwellings are exempt from contributions on the grounds that they are unlikely to have children or teenagers requiring playing space (para. 6.17).</p> <p>The Developer Contributions SPD does not seek contributions</p>	<p>Difference between net and gross development in terms of existing non-residential uses is noted, however, it is considered that the impact between residential and non-residential development is not directly comparable. The aim of the PRB development will be to create a sustainable community in Deepcut. As such many of the present uses/activities undertaken at the PRB have no relevance on the function of the new development. As such the impact of the existing use and the proposed is not directly comparable and as stated previously a bespoke package of infrastructure/contributions will have to be negotiated. This is not considered contrary to the tests as set out in CIL Regulation 122.</p> <p>The child yield based on dwelling type is taken from data held by Surrey County Council (Local Education Authority). Not prescribing 1-bed properties for children's play space is an omission in the draft SPD and will be rectified on adoption.</p> <p>Although County do not request developer</p>	<p>No change</p> <p>Amend Section 6 to reflect child yield</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>towards early year's provision on the basis that the County Council, which provides some early years places alongside private services, does not request contributions towards this provision (para. 3.2). Both the emerging Deepcut SPD and IDP require the PRB development to provide for early years places, with the IDP indicating that this should come forward with the primary school provision at an additional cost of £200,000. The DIO therefore request that the emerging SPD and IDP are amended to ensure consistency with the Developer Contributions SPD.</p> <p>TRANSPORT</p> <p>No comments. Under the SPD (para. 4.15), the tariff scheme will not apply to the PRB development, which will be supported by a Transport Assessment / Travel Plan and a bespoke package of measures to offset impacts.</p> <p>LIBRARIES AND MUSEUMS</p> <p>No comments.</p> <p>OPEN SPACE AND OUTDOOR RECREATION</p> <p>The PRB development will provide a bespoke on-site open space and recreation solution. The SPD will be the starting point for these negotiations. In this respect, the DIO are concerned that the SPD only provides guidance on the capital costs for children's playing space rather than the full range of open space types.</p>	<p>contributions towards early year's places from small-scale developments, they would expect to see places provided for in any new primary school facility built as part of a large development scheme such as the PRB. Further, the Infrastructure Needs Assessment 2011 has identified a need for early year's places at the PRB.</p> <p>Comments on Transport are noted. Bespoke package of measures will be required for a number of different infrastructure types not just transport.</p> <p>It is not possible to request contributions towards the full range of open space typologies from small scale development given that the Borough Council does not have the requisite land to create such facilities i.e. parks & gardens, outdoor sports pitches etc. However, on a large site such as PRB, there is the opportunity to create such space as part of a bespoke</p>	<p>No change</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>INDOOR SPORTS FACILITIES</p> <p>No comments. Under the SPD (para. 7.5) this will not apply to the PRB development, which will provide a bespoke on-site open space and recreation solution, including a sports hub with indoor facilities in line with the Deepcut SPD and IDP.</p> <p>BUILT COMMUNITY FACILITIES</p> <p>The DIO welcomes that the SPD acknowledges that there is not a quantitative need for built community space in the Borough and that contributions will focus on qualitative enhancements (para. 8.3). However, the DIO is concerned that the SPD does not state that contributions will only be sought where qualitative issues have been identified. To seek contributions where there is not an identified qualitative issue would be contrary to the tests for the use of S106 obligations, in particular as the contributions would not be necessary to make the development acceptable.</p> <p>WASTE AND RECYCLING</p> <p>No comments.</p> <p>ENVIRONMENTAL IMPROVEMENTS AND TOWN CENTRE MANAGEMENT</p> <p>No comments.</p>	<p>package.</p> <p>Comments on community facilities are noted. However, paragraph 1.50 of the draft SPD specifically states that there will be specific projects to which contributions will apply. As such if a community facility requires qualitative improvements this will be highlighted in a list of projects.</p>	<p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
Highways Agency	We have reviewed the SPD and do not have comments at this time.	Noted.	N/A
MGA Town Planning & Development Consultants	<p>Since the Council's SPD is substantially based upon a framework established by the Surrey Districts working in consultation with the County Council, it is reluctantly accepted that any representations submitted by developers, land owners and their agents will likely have little or no impact upon the contents of the SPD, as finally adopted. Nonetheless, it is considered that it is appropriate to place on record concerns regarding the SPD proposals and other matters that will impact upon the viability of residential and other developments in the Borough, inevitably resulting in a significant reduction in the number of houses constructed as compared with the housing target in due course to be identified in the LDF.</p> <p>Development Viability</p> <p>It is noted in paragraphs 1.24 to 1.28 of the draft SPD that the various development costs incurred as a result of developer contributions, SPA payments for mitigation and affordable housing provision/contributions will result in not all sites within the Borough being viable of redevelopment. In light of current proposals for significant development related payments and economic and other circumstances, the number of viable sites within the Borough that will be redeveloped for residential purposes will be significantly reduced. To meet housing targets it is considered inevitable that additional "Green Field" sites will need to be identified as a part of the LDF process.</p> <p>The suggestion in paragraph 1.28 that developers may negotiate a reduction in contributions will likely prove difficult to achieve in practice. Most developers when seeking to</p>	<p>The Borough Council's evidence in the Affordable Housing Viability Study Update 2010 does not support the assertion that the number of redevelopment opportunities will be significantly reduced.</p> <p>The SPD is quite clear in paragraph 1.27 that there will be occasions when the Borough Council will need to take a flexible</p>	<p>No change</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>purchase land often in competition with other developers have to offer the landowner a specified payment that can be subject to certain caveats. However, a developer will be unwise to anticipate that the Council will make any meaningful financial or other concessions the extent of which will likely only become apparent when planning and other investigations have progressed. A developer will not initiate major planning and other work unless he has already entered into an option with the landowner to purchase a site normally at a given price. In paragraph 1.35 of the SPD it is indicated that applicants should ensure that the requirements of the SPD have been reflected in their submitted application, thus emphasising the need for significant and no doubt protracted negotiations with Council officers to be undertaken well before the submission of any application. Such negotiations will no doubt be the subject of a significant charge by the Council to any developer, currently the planning services charge being £420.00 per hour, far more than the fees of a top planning QC!</p> <p>The payment of infrastructure contributions to the Council will represent a very significant financial burden for any developer. I am aware that many authorities seek to secure the full contribution associated with any development upon the commencement of any building operations. This requirement has in the past and would in the future ensure that many developments cannot commence because the developer is unable to secure money from the bank or other lending institution to pay to the local authority. To make a development involving more than a minimal number of dwellings commercially viable it is considered essential that payment to the local planning authority should be made immediately prior to the first occupation of the dwelling house, and on an individual unit basis. In the current difficult housing market it</p>	<p>approach in terms of contributions. As such the Borough Council will take a negotiated approach to developer contributions where evidence suggests that these will affect development viability. It is usual for developers to undertake such studies to calculate a residual land value prior to negotiations with a land owner with respect to the price of the land and as such this evidence is not seen as an onerous requirement.</p> <p>Noted. However, applicants can enter into S106 agreements with the Borough Council and negotiate the timing of contributions.</p>	<p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>could perhaps take two years from the commencement of development before a house is eventually sold. During this period, if the Council require payment upon commencement of development, the developer would not only need to pay the Council's SPD and SPA mitigation contributions, but also the interest on the money secured from the bank, assuming the bank is prepared to lend the money in the first event! It is noted that the developer contributions will be index linked and updated on an annual basis.</p> <p>The Development Tariffs</p> <p>The draft SPD provides a lot of detail identifying how the various tariffs are calculated, but no information as to the total costs involved for various developments. Using the information provided in the SPD it is calculated that if each tariff needs to be satisfied the contribution for a four-bedroom house erected outside the Camberley town centre would amount to £22190.05, assuming that payments would need to be made for both primary and secondary education and all the children's play space tariffs. In addition, a further £8,040.00 including a SAMM SPA mitigation payment would be required for a four-bedroom house, a total unilateral undertakings contribution of £30230.05, excluding legal and monitoring costs associated with the preparation of the unilateral undertakings. A modest four-bedroom detached house in Camberley would perhaps sell for around £400,000, with land value representing approximately 35% of the purchase price, i.e. £140,000. The unilateral undertakings currently suggested by the Council will thus represent 21.6% of the site value, assuming contributions are required for primary and secondary education. Such contributions would need to be deducted in their entirety from</p>	<p>It is unlikely that all tariffs will be required for all developments across the Borough given that not all developments will fall in areas where projects have been identified or where a deficit of school places exists. As such, it is considered that all tariffs will not be required in the majority of developments.</p>	<p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>the development site value. A prospective purchaser will not pay more for a house just because the developer has needed to pay a substantial sum to the Council to meet the requirements of various unilateral undertakings.</p> <p>In paragraph 3.15 of the draft SPD it is indicated that the areas to which education tariffs will apply will be reviewed on an annual basis. It is vital for developers and landowners to be made aware of the introduction of these tariffs well in advance since they involve significant amounts. Five working days prior notification by the Council of the imposition of the current infrastructure charges was clearly totally unreasonable and must not be repeated!</p> <p>The infrastructure contributions required in respect of commercial developments will hardly encourage invested in new or extended commercial premises. Contributions from commercial developments in respect of the provision of libraries and indoor sport facilities are surely unreasonable.</p> <p>Affordable Housing Costs</p> <p>Pursuant to Policy CP5 of the Core Strategy and Development Management Policies submission document the Council require a proportion of housing to be affordable on sites of more than five units and require a financial contribution from sites of three and four units. Many sites in Surrey Heath that might be available for future residential development are surely inappropriate for the inclusion of any on-site affordable</p>	<p>Noted.</p> <p>Commercial developments do give rise to additional workers who can use facilities within the Borough such as libraries and indoor sports facilities. As such, it is considered that to request contributions from commercial development is reasonable.</p> <p>The viability of affordable housing, including potential contributions in lieu of off-site provision has been extensively considered as part of the Core Strategy & Development Management Policies DPD evidence base and was debated during the Examination in Public in February 2011. The evidence</p>	<p>N/A</p> <p>No change</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>housing provision. It is noted that the Council are suggesting a financial contribution may be acceptable in lieu of the provision of affordable housing on developments of five or more units, such provision to be the subject of a further SPD. The provision of affordable housing or a financial contribution in lieu of on-site provision will represent yet another significant financial burden for any prospective landowner or developer. Affordable housing will adversely impact upon the value of the non-affordable units on any site. Such costs will once again need to be reflected in a reduction in the development site value. If this onerous additional burden is to be imposed the Council's proposals should be set out in full and well in advance of there coming into effect so that such costs can be fully taken into account in the value of development land.</p> <p>The Code for Sustainable Homes</p> <p>Changes to the Building Regulations in October last year have imposed additional costs upon developers that will be increased as further amendments to the regulations emerge in line with the requirements set out in the Code for Sustainable Homes. A report commissioned by Central Government some 4/5 years ago established that meeting code level four would add around £11,000 to the cost of a typical house in comparison to a house constructed prior to the regulations changes introduced in October 2010. Meeting Code Level 6, that could likely be mandatory after 2016, will add £45,000 to the cost of an average dwelling in comparison with the pre-October 2010 situation. A part of the cost in meeting increased building regulation requirements will clearly be reflected in an increase in the price of any property paid by a purchaser. A developer cannot pass on the full cost because he would likely</p>	<p>clearly supports the targets for affordable housing as set out in policy CP5 as submitted, including a consideration of the costs of SPA mitigation, developer contributions and higher levels of building sustainability.</p> <p>The costs of meeting higher levels of building sustainability have been considered in the Borough Council's evidence base and in the tariffs set through the SPD.</p>	<p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>be unable to sell his new development in competition with existing houses built to a lower standard that would inevitably be seen by prospective purchasers as offering far better value for money. Accordingly, and yet again, land values would need to be further reduced to reflect higher construction costs.</p> <p>Conclusions</p> <p>Having regard to the various issues considered above, there can be little doubt that the imposition of developer contributions, SANGS contributions, affordable housing requirements, plus higher construction costs will have a dramatic and adverse impact upon housing land values. Unless additional Green Field sites are made available for future housing purposes there is every likelihood that the number of houses erected in Surrey Heath within the plan period up to 2027 will fall significantly below target. The aforementioned developer charges will clearly make it far more difficult for anyone to purchase a new home. The financial burdens will also act as a major disincentive for any developer to erect new houses or flats in the first event, or for them to be able to secure funding to undertake a development. If a developer can't make a profit he will not build! If the existing value of a property is greater than the development land value it will not be sold by the owner for redevelopment purposes. The imposition of these additional development costs across the country as a whole will inevitably intensify what is presently a national housing crisis into a housing disaster, with significant employment and economic consequences. There is surely a heavy onus on planning authorities to make development viable in their area. Hopefully this is shortly to be recognised by the Government in their National Planning</p>	<p>There is no evidence to suggest that Greenfield sites are more viable than brownfield sites and the Borough Council's evidence does not suggest that viability will significantly impact housing delivery.</p>	<p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>Policy Framework with Council's being warned off applying obligations and other policy burdens related to matters such as affordable housing or infrastructure contributions if they would make it hard for a developer or a landowner to generate acceptable returns.</p>		
Natural England	<p>Following a conversation with Planning Policy Manager Jenny Rickard on 18th July 2011 Natural England is aware that developer contributions towards the avoidance measures required to protect the Thames Basin Heaths Special Protection Area (TBH SPA) are considered to be separate from other developer contributions and related guidance is therefore provided elsewhere.</p> <p>However, in our view this Developer Contributions SPD should provide a brief explanation as to why the TBH SPA contributions differ and clearly signpost where further guidance on such contributions can be found. We note the reference in paragraph 1.43 which advises that applicants may make a combined unilateral undertaking covering both the SPA and the other types of contributions covered in this SPD but this does not provide any context and assumes a certain level of background knowledge from the reader. We therefore feel that a brief introductory paragraph covering the TBH SPA and related developer contributions would improve the document's clarity. Paragraph 1.43 should also clearly name the SPA it relates to in order to avoid any confusion if taken out of context.</p>	Noted. SPD to contain clearer guidance with respect to TBH SPA.	Amend SPD to give clearer guidance on Thames Basin Heaths SPA
Pegasus Planning Group Ltd on behalf of Charles Church (Southern) Limited	<p><u>Paragraph 1.9 – Basis and legitimacy of SPD</u></p> <p>The timing of the Council's preparation and proposed adoption of this SPD is questioned as it relies upon a Development Plan</p>	It is considered that a policy framework to collect contributions through a tariff based	No change

Consultee	Comments	Officer Response	Change to SPD?
	<p>Document Policy basis which has not yet been established. Indeed, paragraph 1.9 highlights this uncertainty, proposing that the SPD will be implemented on the basis of the proposed Core Strategy Policy CP12 and DM16 if they are found to be sound, and on the basis of adopted Local Plan Policy G3 if they are not.</p> <p>However, how there is a significant material difference between these two positions, with the Local Plan Policy providing a much more narrow scope of what contributions can be sought compared with the proposed Core Strategy Policies, which seek to provide a development plan basis for a tariff approach.</p> <p>Patently, the determination of the Inspector in relation to the soundness of these Core Strategy policies is material to what can be included within this SPD. Without the benefit of the Inspector's comments in relation to the Core Strategy Policies the validity of this public consultation exercise is diminished.</p> <p>It is also unclear at this stage why the Council has not yet progressed a Community Infrastructure Levy charging schedule in line with the 2010 Community Infrastructure Levy Regulations, particularly because the system it is proposing makes use of a tariff. Indeed, irrespective of the objections in relation to specific typologies set out below, pooled payments will not be able to be exacted outside of the CIL framework from April 2014.</p> <p>With neither the draft Core Strategy policies, nor the current tariff system having been subject to independent examination</p>	<p>system is already in place to enable adoption of an SPD based on either national (circular 05/05), regional (SEP policy CC7) or local policy (Local Plan Policy G3). Policy G3 of the Local Plan does not exclude tariff based schemes and meets the tests as set out in the CIL Regulations 2010.</p> <p>Further, the Core Strategy makes clear that in the short term contributions will be in the form of S106 obligations and in the longer term through a CIL charging schedule. As such, it is not considered that there is a conflict in 'hanging' the SPD off Policy G3 of the Local Plan until such time as the policy is replaced by policies in the Core Strategy.</p> <p>The Borough Council plan to start work on a CIL charging schedule in the Autumn of 2011, with implementation of the schedule in Autumn 2013.</p> <p>Nothing in the CIL Regulations replaces current government guidance on the use of</p>	<p>No change</p> <p>N/A</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>it is considered that this draft SPD has limited legitimacy in planning terms. Indeed, it is clear from the Community Infrastructure Levy Regulations which set out the procedures for adoption of CIL Charging Schedules, that it is now the Government's intention that tariff systems should be subject to independent examination. The transport tariff system proposed appears to be a CIL Charge in all but name as it proposes tariffs based on aggregating the district's infrastructure needs across all new development.</p> <p>PPS12 makes clear at paragraph 6.1 that Supplementary Planning Documents may be prepared to provide greater detail on the policies in its DPDs, but that they should not be prepared with the aim of avoiding the need for examination of policy which should be examined.</p> <p><u>Development Viability</u> The proposals in this SPD will, in practise, represent an increase in the developer contributions payable from individual developments. In this context the Government's guidance on setting CIL Charging levels (March 2010) is relevant. The guidance makes clear that in setting a tariff level there is a balance to be struck between securing additional investment for infrastructure to support development and the potential economic effect of imposing the tariff across the area. It is for local planning authorities to ensure that the tariff does not put the overall development strategy at risk, and justify using evidence such as the SHLAA.</p>	<p>planning obligations as set out in Circular 05/05.</p> <p>Policy G3 of the Local Plan (as saved) has been the subject of examination. Policy CP12 of the Core Strategy was subject to examination in February 2011. Whilst the Inspector holding the Surrey Heath EiP raised concerns regarding overall housing numbers and as a result the EiP is currently suspended until Autumn 2011, the Inspector did not raise issues with Policy CP12.</p> <p>With respect to the CIL charge setting guidance, this relates to a CIL charging schedule not this SPD. As such guidance on the use of tariff based SPD are held in government Circular 05/05.</p>	<p>No change</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>In this respect Surrey Heath does not have a large supply of alternative sites to deliver its overall development requirement, as set out in the South East Plan. As such it is vitally important that the tariff is not set at a level which may put the economic viability of sites at risk, or risk a delay in the delivery of sites as this is likely to put at risk the overall development strategy of the Core Strategy.</p> <p>Whilst the flexibility provided by the negotiated approach set out in paragraph 128 is welcomed, the preference is clearly for a level of contributions that do not threaten the economic viability of developments in the first place.</p> <p><u>New Homes Bonus</u> It is surprising that, given that the draft SPD is seeking to fund infrastructure to support development, no mention is made within the document of the proceeds from the Government's New Homes Bonus scheme. With a total of £3,706,471 to be received by the Borough over six years on the basis of the net additions in year 1 alone, this represents a significant contribution to infrastructure in the Borough and should be factored into the calculations of any tariff.</p> <p>Notwithstanding the above comments in relation to the overall approach, the following comments are made in respect of the document itself.</p> <p><u>Paragraphs 1.49-1.51 – How Collected Contributions will be Spent</u> The scope of how collected monies will be spent is too broad and allows the Borough and County Council to spend monies</p>	<p>The Borough Council has considered evidence on viability in the Affordable Housing Financial Viability Study Update 2010. Further, the SPD clearly states that a negotiated approach will be taken to securing contributions.</p> <p>The New Homes Bonus Grant allocated to Surrey Heath in 2011/12 was £69,338. Furthermore the grant is only in place for 6 years and cannot be guaranteed to last beyond this timeframe. As such the figure of around £3.5m is inaccurate.</p> <p>SPD clearly states in paragraph 1.50 that a list of projects will be placed on the</p>	<p>N/A</p> <p>No change</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>on projects with no direct link to the impact of the proposed development. Where there are no projects proposed with a direct impact to the proposed development, monies should be returned to the developer after a period of five years.</p> <p>With reference to paragraph 1.51 it is considered that the word 'maintenance' should be replaced with 'improving or upgrading'. Planning obligations should not be sought on the basis of ongoing maintenance costs as this is a revenue cost, effectively making good existing deficiencies rather than a capital cost of increasing overall capacity.</p> <p><u>Paragraph 2.10</u> The approach advocated by paragraph 2.10 is unreasonably inflexible. There is no reason, for example, why a planning obligation attached to an outline planning permission cannot contain a schedule setting out various tariff levels with a requirement whereby the final disaggregation of uses is submitted on first occupation. The approach of paragraph 2.10 is inequitable and could result in larger employment schemes not having the flexibility to accommodate a manufacturing user if one should be attracted to a particular employment development.</p> <p><u>4. Transport</u> The key 'in principle' objection to the transport tariff is that it does not represent pooled contributions to <i>identified</i> schemes, but rather an approximate estimate of costs based on historic trends dating back to the period 2001-2006. This is in no way compliant with the statutory tests of the CIL Regulations for</p>	<p>Council's web-site so that it is clear where monies will be spent. Furthermore, contributions towards those projects must meet the three tests as set out in CIL Regulation 122.</p> <p>Noted, however if an item of infrastructure i.e. open space is transferred to the Council it is reasonable to expect a developer to fund maintenance of that space for a limited period of time. Maintenance contributions are not expected to make good existing deficiencies. This will be clarified in the SPD</p> <p>Noted, however the approach set out is considered to be reasonable and appropriate.</p> <p>Transport tariff has been set in consultation with Surrey County Council (the Highways Authority). The Borough Council will be requesting a list of highway projects from the County Council in and around the</p>	<p>Clarify that maintenance contributions are not for making good deficiencies.</p> <p>No change</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>planning obligations which require that a planning obligation must be both necessary to make the development acceptable in planning terms and directly related to the impact of the proposed development. Indeed, such a tariff approach can only be delivered in a legally compliant way through a CIL Charging Schedule.</p> <p>A further technical problem with the calculation of the Transportation Tariff in Table 4-1 is that it incorporates both the capital and revenue expenditure in relation to transport, when clearly revenue expenditure is contributed to from the contributions of the occupants of new development on an ongoing basis by way of Council Tax, Business Rates and Road Tax payments.</p> <p>Furthermore, no account is taken of the potential receipts from new residential development on account of the predicted receipts from the New Homes Bonus.</p> <p><u>6. Open Space and Recreation</u> Differentiating between the set up and maintenance costs of each type of equipped playspace is welcomed however it is suggested that in situations where on-site provision is made of a facility which is likely to be used by the rest of community (particularly NEAP and MUGA), the maintenance period is reduced to 10 years in lieu of the benefits that would be derived from the wider community. This is an approach taken by other authorities (see Hinckley and Bosworth Borough Council).</p> <p><u>8. Built Community Facilities</u> Paragraph 8.2 reports that the assessment of social and community infrastructure found that there is a surplus of built</p>	<p>Borough in order to justify collection of the transport tariff. Any contributions requested will have to meet the tests of CIL Regulation 122.</p> <p>Tariff has been set in consultation with Surrey County Council, the Highways Authority for the Local Road Network (LRN) in Surrey Heath.</p> <p>Allocation from the new homes bonus in 2011/12 is only £69,388.</p> <p>Noted, however equipped playspaces provided on site and transferred to the Borough Council will incur maintenance costs which the Borough Council will have to bear, possibly in perpetuity. As such a 20 year period for maintenance is considered reasonable.</p> <p>Noted. It is likely that only qualitative improvements will be required, based on</p>	<p>No change</p> <p>N/A</p> <p>No change</p> <p>Amend SPD</p>

Consultee	Comments	Officer Response	Change to SPD?
	community space across the Borough. In this context it is obviously key that any request for contributions is only made in respect of developments in settlements where there is an acknowledged deficit. This needs to be made clear within the text.	additional forecast demand. SPD to be amended to reflect this and contributions only in areas where there is an acknowledged deficit.	
Pegasus Planning Group Ltd on behalf of Persimmon Homes South East	<p><u>Paragraph 1.9 – Basis and legitimacy of SPD</u></p> <p>The timing of the Council's preparation and proposed adoption of this SPD is questioned as it relies upon a Development Plan Document Policy basis which has not yet been established. Indeed, paragraph 1.9 highlights this uncertainty, proposing that the SPD will be implemented on the basis of the proposed Core Strategy Policy CP12 and DM16 if they are found to be sound, and on the basis of adopted Local Plan Policy G3 if they are not.</p> <p>However, how there is a significant material difference between these two positions, with the Local Plan Policy providing a much more narrow scope of what contributions can be sought compared with the proposed Core Strategy Policies, which seek to provide a development plan basis for a tariff approach.</p> <p>Patently, the determination of the Inspector in relation to the soundness of these Core Strategy policies is material to what can be included within this SPD. Without the benefit of the Inspector's comments in relation to the Core Strategy Policies the validity of this public consultation exercise is diminished.</p>	<p>It is considered that a policy framework to collect contributions through a tariff based system is already in place to enable adoption of an SPD based on either national (circular 05/05), regional (SEP policy CC7) or local policy (Local Plan Policy G3). Policy G3 of the Local Plan does not exclude tariff based schemes and meets the tests as set out in the CIL Regulations 2010.</p> <p>Further, the Core Strategy makes clear that in the short term contributions will be in the form of S106 obligations and in the longer term through a CIL charging schedule. As such, it is not considered that there is a conflict in 'hanging' the SPD off Policy G3 of the Local Plan until such time as the policy is replaced by policies in the Core Strategy.</p>	<p>No change</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>It is also unclear at this stage why the Council has not yet progressed a Community Infrastructure Levy charging schedule in line with the 2010 Community Infrastructure Levy Regulations, particularly because the system it is proposing makes use of a tariff. Indeed, irrespective of the objections in relation to specific typologies set out below, pooled payments will not be able to be exacted outside of the CIL framework from April 2014.</p>	<p>The Borough Council plan to start work on a CIL charging schedule in the Autumn of 2011, with implementation of the schedule in Autumn 2013.</p>	<p>No change</p>
	<p>With neither the draft Core Strategy policies, nor the current tariff system having been subject to independent examination it is considered that this draft SPD has limited legitimacy in planning terms. Indeed, it is clear from the Community Infrastructure Levy Regulations which set out the procedures for adoption of CIL Charging Schedules, that it is now the Government's intention that tariff systems should be subject to independent examination. The transport tariff system proposed appears to be a CIL Charge in all but name as it proposes tariffs based on aggregating the district's infrastructure needs across all new development.</p>	<p>Nothing in the CIL Regulations replaces current government guidance on the use of planning obligations as set out in Circular 05/05.</p>	<p>No change</p>
	<p>PPS12 makes clear at paragraph 6.1 that Supplementary Planning Documents may be prepared to provide greater detail on the policies in its DPDs, but that they should not be prepared with the aim of avoiding the need for examination of policy which should be examined.</p>	<p>Policy G3 of the Local Plan (as saved) has been the subject of examination. Policy CP12 of the Core Strategy was subject to examination in February 2011. Whilst the Inspector holding the Surrey Heath EiP raised concerns regarding overall housing numbers and as a result the EiP is currently suspended until Autumn 2011, the Inspector did not raise issues with Policy CP12.</p>	<p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p><u>Development Viability</u> The proposals in this SPD will, in practise, represent an increase in the developer contributions payable from individual developments. In this context the Government's guidance on setting CIL Charging levels (March 2010) is relevant. The guidance makes clear that in setting a tariff level there is a balance to be struck between securing additional investment for infrastructure to support development and the potential economic effect of imposing the tariff across the area. It is for local planning authorities to ensure that the tariff does not put the overall development strategy at risk, and justify using evidence such as the SHLAA.</p> <p>In this respect Surrey Heath does not have a large supply of alternative sites to deliver its overall development requirement, as set out in the South East Plan. As such it is vitally important that the tariff is not set at a level which may put the economic viability of sites at risk, or risk a delay in the delivery of sites as this is likely to put at risk the overall development strategy of the Core Strategy.</p> <p>Whilst the flexibility provided by the negotiated approach set out in paragraph 128 is welcomed, the preference is clearly for a level of contributions that do not threaten the economic viability of developments in the first place.</p> <p><u>New Homes Bonus</u> It is surprising that, given that the draft SPD is seeking to fund infrastructure to support development, no mention is made within the document of the proceeds from the Government's New Homes Bonus scheme. With a total of £3,706,471 to be received by the Borough over six years on the basis of the net additions in year 1 alone, this represents a significant</p>	<p>With respect to the CIL charge setting guidance, this relates to a CIL charging schedule not this SPD. As such guidance on the use of tariff based SPD are held in government Circular 05/05.</p> <p>The Borough Council has considered evidence on viability in the Affordable Housing Financial Viability Study Update 2010. Further, the SPD clearly states that a negotiated approach will be taken to securing contributions.</p> <p>The New Homes Bonus Grant allocated to Surrey Heath in 2011/12 was £69,338. Furthermore the grant is only in place for 6 years and cannot be guaranteed to last beyond this timeframe. As such the figure of around £3.5m is inaccurate.</p>	<p>No change</p> <p>No change</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>contribution to infrastructure in the Borough and should be factored into the calculations of any tariff.</p> <p>Notwithstanding the above comments in relation to the overall approach, the following comments are made in respect of the document itself.</p> <p><u>Paragraphs 1.49-1.51 – How Collected Contributions will be Spent</u></p> <p>The scope of how collected monies will be spent is too broad and allows the Borough and County Council to spend monies on projects with no direct link to the impact of the proposed development. Where there are no projects proposed with a direct impact to the proposed development, monies should be returned to the developer after a period of five years.</p> <p>With reference to paragraph 1.51 it is considered that the word 'maintenance' should be replaced with 'improving or upgrading'. Planning obligations should not be sought on the basis of ongoing maintenance costs as this is a revenue cost, effectively making good existing deficiencies rather than a capital cost of increasing overall capacity.</p> <p><u>Paragraph 2.10</u></p> <p>The approach advocated by paragraph 2.10 is unreasonably inflexible. There is no reason, for example, why a planning obligation attached to an outline planning permission cannot contain a schedule setting out various tariff levels with a requirement whereby the final disaggregation of uses is submitted on first occupation. The approach of paragraph 2.10 is inequitable and could result in larger employment schemes not having the flexibility to accommodate a</p>	<p>SPD clearly states in paragraph 1.50 that a list of projects will be placed on the Council's web-site so that it is clear where monies will be spent. Furthermore, contributions towards those projects must meet the three tests as set out in CIL Regulation 122.</p> <p>Noted, however if an item of infrastructure i.e. open space is transferred to the Council it is reasonable to expect a developer to fund maintenance of that space for a limited period of time.</p> <p>Noted, however the approach set out is considered to be reasonable and appropriate.</p>	<p>No change</p> <p>Clarify that maintenance contributions are not for making good deficiencies.</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>manufacturing user if one should be attracted to a particular employment development.</p> <p><u>4. Transport</u> The key 'in principle' objection to the transport tariff is that it does not represent pooled contributions to <i>identified</i> schemes, but rather an approximate estimate of costs based on historic trends dating back to the period 2001-2006. This is in no way compliant with the statutory tests of the CIL Regulations for planning obligations which require that a planning obligation must be both necessary to make the development acceptable in planning terms and directly related to the impact of the proposed development. Indeed, such a tariff approach can only be delivered in a legally compliant way through a CIL Charging Schedule.</p> <p>A further technical problem with the calculation of the Transportation Tariff in Table 4-1 is that it incorporates both the capital and revenue expenditure in relation to transport, when clearly revenue expenditure is contributed to from the contributions of the occupants of new development on an ongoing basis by way of Council Tax, Business Rates and Road Tax payments.</p> <p>Furthermore, no account is taken of the potential receipts from new residential development on account of the predicted receipts from the New Homes Bonus.</p> <p><u>6. Open Space and Recreation</u> Differentiating between the set up and maintenance costs of each type of equipped playspace is welcomed however it is suggested that in situations where on-site provision is made of a facility which is likely to be used by the rest of community</p>	<p>Transport tariff has been set in consultation with Surrey County Council (the Highways Authority). The Borough Council will be requesting a list of highway projects from the County Council in and around the Borough in order to justify collection of the transport tariff. Any contributions requested will have to meet the tests of CIL Regulation 122.</p> <p>Tariff has been set in consultation with Surrey County Council, the Highways Authority for the Local Road Network (LRN) in Surrey Heath.</p> <p>Allocation from the new homes bonus in 2011/12 is only £69,388.</p> <p>Noted, however equipped playspaces provided on site and transferred to the Borough Council will incur maintenance costs which the Borough Council will have</p>	<p>No change</p> <p>No change</p> <p>N/A</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>(particularly NEAP and MUGA), the maintenance period is reduced to 10 years in lieu of the benefits that would be derived from the wider community. This is an approach taken by other authorities (see Hinckley and Bosworth Borough Council).</p> <p><u>8. Built Community Facilities</u> Paragraph 8.2 reports that the assessment of social and community infrastructure found that there is a surplus of built community space across the Borough. In this context it is obviously key that any request for contributions is only made in respect of developments in settlements where there is an acknowledged deficit. This needs to be made clear within the text.</p>	<p>to bear, possibly in perpetuity. As such a 20 year period for maintenance is considered reasonable.</p> <p>Noted. It is likely that only qualitative improvements will be required, based on additional forecast demand. SPD to be amended to reflect this and contributions only in areas where there is an acknowledged deficit.</p>	Amend SPD
Planning Bureau Ltd on behalf of McCarthy and Stone Ltd	<p>I am pleased to see that the draft takes into account the Government's publication of the Community Infrastructure Levy Regulations 2010, which has recently changed the law in respect to planning obligations. Indeed, paragraph 122(2) states;</p> <p>A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—</p> <p>The SPD outlines from the outset that any planning obligations have to be 'necessary' to make the consent lawful. The Planning Inspectorate is alive to this point and have been asking both parties involved in forthcoming appeals (which include obligations) as to whether they are necessary.</p> <p>It is assumed that retirement housing in the form of sheltered housing or assisted living extra care would be classed as "Accommodation for the Elderly" and as such, is exempt from elements of the tariff where there is limited or no direct</p>	<p>Depending on the level of care provided sheltered accommodation would either be considered as C2 or C3 housing. However, for the purposes of the SPD it is considered</p>	Amend SPD

Consultee	Comments	Officer Response	Change to SPD?
	<p>relevance or mitigation to be addressed. This perhaps needs to be clarified further in the SPD.</p> <p>It is however recognised that the charges have been viability tested and I do note at paragraph 1.27 that “not all sites within the Borough will be viable and there may be occasions when a flexible approach will be required not just in terms of the level of affordable housing sought, but also the level of contributions requested.</p> <p>Time Period for Council to hold onto Contributions - 5 years</p> <p>If the SPD is to progress, the Council should be duty and legally bound to return contributions that remain unused within 5 years of their collection, otherwise it implies that certain works may not be essential and necessary for the granting of a particular planning permission. If a scheme requires a particular contribution this should be readily justified and a scheme or location put forward as to how and why such contributions would be used.</p> <p>Payment Requirements</p> <p>The requirement for the payment of the relevant contributions should be realistically set to reflect the phase of development rather than at the point of implementation. This should be on a phased basis triggered by set stages in occupation of the development. Retirement housing for example typically has a build period of some 13-14 months and has to be fully completed, fitted out and fully landscaped before first occupation can take place. The selling out of a retirement</p>	<p>as accommodation for the elderly and as such not all tariffs apply. This will be clarified in the tables at the end of each section.</p> <p>The Borough Council cannot return monies which have been collected under a unilateral undertaking, as the Borough Council would not be a party to the agreement. However, if a bilateral S106 is entered into than monies can be returned after a reasonable period.</p> <p>Phased periods of payment to coincide with phased periods of development can be entered into in a S106 agreement.</p>	<p>No change</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>housing scheme will also take considerably longer than a normal housing scheme. As such the viability of progressing with a development can be compromised and sites abandoned if the total level of contributions and CIL is not robustly tested in extensive viability appraisals.</p> <p>Viability Assessments</p> <p>The SPD quite rightly makes reference to development viability and the need to consider the impact of such developer contributions and affordable housing SPDs on the actual deliverability of a scheme.</p> <p>Obligations</p> <p>The obligations sought will not necessarily affect planning or the physical occupation of houses. Significant weight should be attached to the up-to-date written Ministerial Statement: Planning for Growth from the Minister of State for Decentralisation (Mr. Greg Clark 23rd March 2011). This is supported by the Chief Planner at the Department for Communities and Local Government in his letter dated 31st March 2011.</p> <p>When deciding to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.</p> <p>In line with Mr. Clark's statement:</p> <ul style="list-style-type: none"> The Developer Contributions should support enterprise and facilitate housing, economic and other forms of sustainable development by ensuring that they do not impose unnecessary burdens on development. This includes the need to ensure that off site infrastructure 	<p>Noted, however viability of tariffs has been considered and the SPD clearly states that contributions must pass the three tests as set out in CIL Regulation 122.</p> <p>It is for the developer to demonstrate to the Borough Council that a given scheme would be rendered unviable by the imposition of developer contributions or affordable housing.</p>	<p>No change</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>and affordable housing is directly related and necessary to enable the development to proceed and which comply with the relevant CIL and Circular advice. Retirement Housing for example fosters economic growth with greater expenditure locally, direct construction jobs and release of larger under-occupied properties in the local housing market. The development of retirement housing allows a very efficient use of the site with a sustainable form of construction and layout. Weight should be attached to such benefits when considering s106/ CIL contributions.</p> <ul style="list-style-type: none"> • LPAs should consider carefully s106 and CIL requirements that could render development unviable and therefore should apply such requirements in a flexible way dependent upon the site characteristics. <p>Conclusion</p> <p>The specific construction, selling, development costs and characteristics of residents of Retirement Housing / Extra Care Developments should be taken into account and the viability properly assessed dependent upon the type of scheme and site in question.</p> <p>It is duly requested that the Council takes these points into consideration.</p>	<p>The Borough Council has undertaken an assessment of viability as part of the Core Strategy & Development Management Policies DPD evidence base. Whilst this is a strategic level assessment, it is for applicants to demonstrate the site specific issues which would render their proposals unviable.</p>	<p>N/A</p>
<p>Gregory Gray Associates on behalf of Sentinel Housing Association</p>	<p>The following representations are submitted on behalf of Sentinel Housing Association by Gregory Gray Associates. As a registered social landlord they provide affordable housing within the borough.</p>		

Consultee	Comments	Officer Response	Change to SPD?
	<p>The Supplementary Planning Document (SPD) provides tariff thresholds and information on levels of contribution for eight areas in relation to small scale development.</p> <p>The eight areas are:</p> <ul style="list-style-type: none"> a. Education b. Transport c. Libraries & museums d. Open space and outdoor recreation e. Indoor sports facilities f. Built community space g. Waste & recycling h. Environmental improvements & town centre management <p>It is noted that affordable housing developments are exempt from the charges in the above eight areas in relation to small scale development. This exemption has come out of the collaboration project between the eleven local authorities in Surrey and Surrey County Council. It was designed to ensure that affordable housing could continue to come forward and delivery was not unduly affected given that it normally forms part of the overall s106 obligation package.</p> <p>Sentinel Housing Associates supports the exemption of affordable housing from the above eight tariff areas in relation to small scale development.</p>	Noted	N/A
Sport England	Overall, Sport England is encouraged that within the document outdoor sports facilities and indoor sports facilities have been identified as two separate infrastructure types on which contributions will be sought. Within these, we are also		

Consultee	Comments	Officer Response	Change to SPD?
	<p>encouraged that the document is underpinned by a robust and credible evidence base in the form of the Open Space and Recreation Study 2007.</p> <p>Sport England also notes that the Draft SPD refers and expands upon proposed policy DM16 in the Council's Core Strategy and Development Management Policies DPD. Policy DM16 sets out that new residential development will be expected to provide or contribute towards sports facilities. This approach is supported by Sport England.</p> <p>However, to ensure that developer contributions are not challenged at the planning application stage, Sport England would advise the Council to update its evidence base more regularly.</p>	Noted	N/A
Surrey County Council – Environment & Infrastructure	<p>We welcome this document and would like you to consider the following officer comments in producing the final version.</p> <p>Policy Context</p> <p>We suggest that the last sentence of paragraph 1.33 should be amended to read, "These will be reviewed from time to time and updated as necessary."</p> <p>Education</p> <p>Early Years Provision</p> <p>It would be helpful for Paragraph 3.2 to explain that Surrey County Council has a duty to secure sufficient childcare for working parents and to secure a free minimum amount of early learning and care for all 3 and 4 year olds whose parents want</p>	<p>Noted.</p> <p>Noted.</p>	Amend SPD to reflect SCC position on Early Years

Consultee	Comments	Officer Response	Change to SPD?
	<p>it. However, local authorities are not expected to provide childcare directly but are expected to work with local private, voluntary and independent sector providers to meet local need. In Surrey over 2/3 of provision is through the private, voluntary or independent sector and it is county council policy that these sectors will deliver the majority of any new provision required. However, there may be instances where nursery provision for 3-4 year olds could possibly be incorporated into schemes for new infant or junior schools required within the county. Therefore, the county council does not request contributions towards early year's provision, but any enhancement or upgrading of built community facilities so that it is appropriate for a preschool group to rent and for the local children's centre to deliver outreach services through it if necessary would assist service development.</p> <p>Primary Education</p> <p>The draft Education Organisation Plan for 2010-2019 has now been superseded by 'School Organisation in Surrey - 2011-2020'.</p> <p>There are 1,017 reception places per year in 2010, increasing to 1,037 reception places in 2011; and 953 junior places per year in 2010. The total primary school capacity across Surrey Heath is 7,086 places in 2010. The current forecasts do not include children yielded from the proposed Deepcut development. Numbers of pupils entering primary schools in the Borough are already below the Audit Commission 5% threshold, having been so for 3 years. Numbers of pupils requiring reception places in primary schools in the borough are projected to increase steadily until demand exceeds the number of places available in 2014, and to continue to</p>	<p>Noted, SPD to be updated with latest 'School Organisation in Surrey' Plan.</p> <p>It is noted that additional demand for primary education is not evenly spread across the Borough. However, the Borough Council will only ask for contributions in those areas of the Borough where forecast deficits have been identified. This is to maintain a direct link between the development and the infrastructure required. The need to revise projections to take into account development at Deepcut is noted, however, the Borough Council has</p>	<p>Amend SPD</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>Barracks at Deepcut are factored in, there will be an increase in projected secondary numbers, but the effect will depend on when the building commences and the rate of build. Housing estimates will be taken from SHBC's published trajectory</p> <p>Transport</p> <p>Paragraph 4.4 is out of date and refers to the second Local Transport Plan. The text should be replaced with equivalent information about the third Local Transport Plan (Surrey Transport Plan), which can be taken from the 'Executive Summary' of the plan which is available at: http://www.surreycc.gov.uk/sccwebsite/sccwspublications.nsf/591f7dda55aad72a80256c670041a50d/7433425d882df17f8025785a00471b32/\$FILE/01%20STP%20Executive%20summary.pdf</p> <p>We suggest you delete paragraph 4.5, which is from the second Local Transport Plan and not included in the same form in the third LTP. If necessary, an alternative form of words can be gleaned from pages 1 and 2 of the 'Implementation & Finance' section of LTP3 which is available at: http://www.surreycc.gov.uk/sccwebsite/sccwspublications.nsf/591f7dda55aad72a80256c670041a50d/10d22b5bc6101d0d8025785a0054b335/\$FILE/06%20STP%20Implementation%20and%20Finance.pdf</p> <p>We suggest that paragraphs 4.11 – 4.13 can be merged as follows:</p> <p>4.11 Table 4.1 sets out the transport tariff calculation. In order to encourage development within sustainable</p>	<p>Noted, paragraph 4.4 to be updated.</p> <p>Noted, paragraph 4.5 to either deleted or updated.</p> <p>Merger of paragraphs 4.11-4.13 considered unnecessary.</p>	<p>Amend SPD</p> <p>Amend SPD</p> <p>No change</p>

Consultee	Comments	Officer Response	Change to SPD?
	<p>locations with high levels of accessibility to modes of transport other than the private car.....added for all other areas. Therefore, the transport tariff outside of Camberley Town Centre.....</p>		
<p>The Royal Borough of Windsor and Maidenhead</p>	<p>The Royal Borough notes that the SPD will allow developer contributions to be collected from small developments for the first time. This should ensure that the impact of these developments is properly mitigated and thereby reduce pressure on services, including those located in RBWM. For this reason the SPD is welcomed.</p> <p>It is noted that the SPD makes no provision for the collection of contributions towards Thames Basin Heath SPA mitigation. The subject is referenced in the SPD but it is understood that it will be covered in more detail in a forthcoming separate document. It is suggested that a reference could usefully be added to the SPD to make clear to developers that further contributions in the form of SPA mitigation may be payable on top of those required by the SPD itself.</p>	<p>Noted</p> <p>Noted</p>	<p>N/A</p> <p>Amend SPD to clarify position with TBH SPA</p>
<p>The Theatres Trust</p>	<p>The Theatres Trust is The National Advisory Public Body for Theatres. The Theatres Trust Act 1976 states that '<i>The Theatres Trust exists to promote the better protection of theatres.</i> It currently delivers statutory planning advice on theatre buildings and theatre use through the Town & Country Planning (General Development Procedure) (England) Order 2010 (DMPO), Articles 16 & 17, Schedule 5, para.(w) that requires the Trust to be consulted by local authorities on planning applications which include '<i>development involving any land on which there is a theatre.</i>'</p> <p>Cultural Facilities</p>		

Consultee	Comments	Officer Response	Change to SPD?
	<p>There is no PPS or PPG to cover cultural facilities that are not sports related but such facilities should be included in a document for developer contributions. Core Strategy Policy DM14 is titled Community and Cultural Facilities and we suggest, for clarity and consistency, that section 8 is re-titled Built Community and Cultural Facilities to reflect Policy DM14. Policy DM14 states that community and cultural facilities will be improved and enhanced but the draft Developer Contributions document does not mention cultural facilities and there would therefore be no guidance for this. We suggest, for accuracy, that Tables 2-1 on page 12 and 2-3 on page 13 include sui generis. Although this is not a Use Class, it is a 'use' that requires consideration otherwise your theatre, launderettes, taxi businesses, petrol stations etc will be excluded from tariff thresholds and worker ratios.</p>	<p>Noted. The Borough Council does not have any identified cultural facility projects to which contributions would apply. However, this does not exclude future projects coming forward and as such cultural facilities will be added to section 8.</p> <p>Comment regarding sui generis uses is noted, however, given that each sui generis use is by definition a 'use in it's own right' there are no standard floorspace to worker ratio's and as such it is difficult to quantify the level of contribution required.</p>	<p>Amend SPD</p> <p>No change</p>
Windlesham Parish Council	<p>Windlesham Parish Council has been disappointed that there has hitherto been no mechanism for collecting small contributions for small-scale developments within Surrey Heath despite the cumulative effect of such development having a degree of impact upon existing infrastructure. We are pleased to see that this document seeks to address this omission and proposes a tariff scheme for a range of classes of development.</p> <p>Though not wishing to comment upon the extent of the scheme, the planning applications categories, nor the proposed tariff scales, we do support the principal on introducing the scheme as part of the Surrey Heath Local Development Framework 2010-2027.</p>	Noted.	N/A

APPENDIX C – Those organisations and individuals consulted at early stakeholder stage

Surrey Heath Borough Council	Development Management
Surrey Heath Borough Council	Arts & Leisure
Surrey Heath Borough Council	Waste & Recycling
Surrey Heath Borough Council	Drainage
Surrey County Council	Environment & Infrastructure
Surrey County Council	Highways
Surrey County Council	Education
Surrey County Council	Libraries
Natural England	Ms H Twizell (Planning Advisor)
Environment Agency	Miss K Gosling (Planning Officer)
English Heritage	Mr S Williams (Regional Planner)

APPENDIX D – Responses to the early stakeholder consultation exercise on the preparation of the Draft SPD and Officer Comments

Early Stakeholder Comments			
Name	Organisation	Summary Comments	Officer Comments
Mr L Thornton	SHBC Arts & Leisure	SHBC do not own or manage any all weather surfaces. Agree with costings on maintenance costs for MUGA.	Noted
Ms K Harrison	SCC Environment & Infrastructure	Date for indexation should be given.	Noted
		Education chapter should refer to updating of Education Organisation Plans. Audit commission recommend 5% spare capacity for places. Figures should be based on education analysis.	Noted
		Highways tariff should remain with existing methodology of number of bedrooms/gross floor area.	Noted
		MLA formula should be retained for library services, although base build costs will be revisited under CIL.	Noted
		Wording should be included which allows for the updating of financial elements to take account of inflation. SPD could make it clear when such updates will be made available and published. Such updates will be factual in nature and will not change the general policy thrust.	Noted
Mr M Burton	SCC Education	Pupil Yield per dwelling is more reliable than using occupancy. Data regarding pupil yield is subject to update and this should be referred to in the SPD. This will be factual in nature and won't alter general thrust of the document.	Noted
Mr M Green	SCC Highways	Generally happy with the Transport Element of the draft SPD.	Noted