Consultation Statement

Developer Contributions SPD

February 2016
Introduction and Background

Background

1. This document explains how the Council has consulted on the Draft Developer Contributions Supplementary Planning Document (SPD). It has been prepared in accordance with the relevant provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2. Consultation on the Draft Developer Contributions SPD was undertaken between 22 January 2016 and 22 February 2016. This statement provides a summary of the consultation process and the representations received.

Purpose of the SPD

3. In accordance with paragraph 153 of the National Planning Policy Framework, the SPD is needed to provide guidance to applicants on the Council’s approach to the use of developer contributions to secure the necessary infrastructure required to support growth and in doing so, aid infrastructure delivery.

4. The SPD supports the implementation of Core Strategy Policy CS12: Infrastructure Delivery, which itself was subject to extensive consultation during its preparation. Further information about the Core Strategy is available on the Council’s website¹.

5. The SPD will, upon adoption, replace the Planning Obligations and Infrastructure SPD previously adopted in April 2008 and the Horley Infrastructure Provision SPD adopted in July 2008, which have largely been outdated by legislative changes and the impending adoption of CIL.

Preparation of the SPD

6. The draft SPD was produced by the Council’s Planning Policy team in partnership with the Council’s Development Management and Legal Services teams.

7. The draft was informed by evidence and supporting documentation prepared to support the Council’s Community Infrastructure Levy Charging Schedule. This material is available on the Council’s website².

8. In particular, a large part of the content of the draft SPD was derived from the Council’s Position Statement on the use of CIL and Section 106 agreements (RBBC03), a document which has already been subject to public consultation during the CIL Preliminary Draft and Draft Charging Schedule consultations. Comments received from stakeholders, including the County Council, during these consultations have informed its development.

¹ [http://www.reigate-banstead.gov.uk/corestrategy](http://www.reigate-banstead.gov.uk/corestrategy)
² [www.reigate-banstead.gov.uk/cil](http://www.reigate-banstead.gov.uk/cil)
9. The SPD was reported to the Council’s Executive on 7th January 2016 at which it was approved for a period of public consultation.

Consultation on the SPD

Scope of consultation

10. The purpose of the consultation on the SPD was to allow stakeholders to make representations on the Council’s proposed approach to developer contributions, in particular:
   - The mechanisms available to the Council for securing infrastructure and the different circumstances in which each might be used
   - The process which will be followed in assessing infrastructure requirements and in negotiating and completing any subsequent arrangements

Consultation methods

11. In accordance with the Regulations\(^3\), consultation on the SPD was held between 22 January 2016 and 22 February 2016, extending to just over 4 weeks.

12. All of the statutory specific consultation bodies\(^4\) were notified of the consultation and invited to make representations.

13. In addition, the Council also notified a range of general consultation bodies and other consultees. Given the nature and content of the document, this exercise was targeted at those individuals, groups and organisations which the Council considered would be most likely to be affected by the content of the SPD including:
   - Other local authorities falling within the Gatwick Diamond area
   - Infrastructure providers
   - Developers
   - Planning agents
   - Local residents and business groups

14. A list of the individuals and organisations – drawn from the Council’s Planning Policy consultation database - that were directly notified of the consultation is set out in Annex 2. These groups were invited to comment through postal or email notification.

15. In order to assist those making representations, a consultation response form was also made available. Details of how to make representations, including where to send comments, was also made available on the Council’s website and incorporated into email notifications and postal correspondence.

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\(^3\) Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012
\(^4\) Regulation 2 and Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012
16. Hard copies of the consultation document were made available to view at the Town Hall, and paper copies were provided to interested parties on request.

**Consultation responses**

17. Eleven responses were received to the consultation on the SPD. The profile of respondents is as follows:
   - Local resident: 1
   - Public body: 3
   - Infrastructure provider: 3
   - Town/Parish Council: 1
   - Business: 1
   - Agent on behalf of Developer: 1
   - Other body/organisation: 1

18. Seven of the representations received make no specific comments on the SPD and one offers only minor typographical suggestions to improve readability of the document.

19. A full list of respondents and a summary of the main issues raised in each of the representations (including a brief response from the Council), is set out in Annex 1.
## ANNEX 1  SUMMARY OR RESPONDENTS, ISSUES RAISED AND RESPONSE

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Summary of Comments/Issues Raised</th>
<th>Council Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gatwick Airport Ltd (Safeguarding)</td>
<td>No comments</td>
<td>Noted</td>
</tr>
<tr>
<td>CLH Pipeline System Ltd</td>
<td>No specific comments on SPD</td>
<td>Noted</td>
</tr>
<tr>
<td>Alfred Woolford</td>
<td>Suggests typographical/editorial changes</td>
<td>Noted Specific suggestions incorporated into document</td>
</tr>
<tr>
<td>Highways England</td>
<td>No comments</td>
<td>Noted</td>
</tr>
<tr>
<td>Historic England</td>
<td>No comments</td>
<td>Noted</td>
</tr>
<tr>
<td>Horley Town Council</td>
<td>No comments</td>
<td>Noted</td>
</tr>
<tr>
<td>Savills for Thames Water</td>
<td>Importance of adequate waste water/water supply capacity to serve developments</td>
<td>Noted</td>
</tr>
<tr>
<td></td>
<td>Reference should be made to how waste water/water supply infrastructure may be secured/supportted through the planning system (specific wording proposed)</td>
<td>Reference to waste water/water supply, and utilities generally, added to SPD</td>
</tr>
<tr>
<td>Natural England</td>
<td>No comments</td>
<td>Noted</td>
</tr>
<tr>
<td>Environment Agency</td>
<td>Support inclusion of reference to flood risk management methods, SUDs and maintenance</td>
<td>Support noted</td>
</tr>
<tr>
<td></td>
<td>Support mitigation of impacts on biodiversity assets</td>
<td>-----------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Dentons for Lands Improvement</td>
<td>Welcome commitment not to use planning obligations unless fulfil Reg 122 tests (1)</td>
<td>Support noted</td>
</tr>
<tr>
<td>Holdings</td>
<td>Clarification sought in relation to using planning obligations to mitigate adverse impacts (2)</td>
<td>Wording amended – mitigation is part of making development acceptable</td>
</tr>
<tr>
<td></td>
<td>Welcome commitment to use conditions wherever possible but suggest conditions could be used for schools/junction improvements (3)</td>
<td>Support noted – amendment made to reflect that conditions could be used but retain flexibility for Council to decide most appropriate mechanism on case-by-case basis</td>
</tr>
<tr>
<td>Incorrect wording in relation to pooling restrictions (4)</td>
<td>Wording amended to reflect regulations as suggested</td>
<td></td>
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<td>----------------------------------------------------------</td>
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<td></td>
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<tr>
<td>Welcome commitment to use CIL to address cumulative effect of development (5)</td>
<td>Support noted</td>
<td></td>
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<tr>
<td>SPD should clarify that strategic infrastructure will not be used as a reason for refusal where it is intended to be funded through CIL (6)</td>
<td>Noted. The SPD must retain flexibility for the Council to deal with applications on a site-by-site basis – even once CIL is adopted, there may be cases where lack of strategic infrastructure is a valid reason for refusal (for example unallocated sites or where sites are phased inappropriately). However, additional text added to reflect the fact that CIL spending priorities will take account of the need to align strategic infrastructure with the likely phasing/timing of development.</td>
<td></td>
</tr>
<tr>
<td>Clarification about how strategic education provision will be dealt with (6/7/8)</td>
<td>Table 12 of the SPD makes clear that, in general, CIL will be used to fund strategic education provision. The exceptions to this are set out clearly in paragraphs 2.41 and 2.42. Reference to the possibility of education infrastructure being delivered through CIL in-kind provisions has been incorporated.</td>
<td></td>
</tr>
<tr>
<td>Developers should therefore be entitled to rely on s106 assumptions when negotiating for land (9)</td>
<td>Noted</td>
<td></td>
</tr>
<tr>
<td>SPD should clarify that obligations/conditions for highway works will only be applied where specified at site allocations stage (6). SPD should be clear that DMP will set requirements/ ‘exceptions’ and subject them to viability assessment (11/12).</td>
<td>SPD needs to retain flexibility to deal with sites not allocated through the plan-making process and/or to respond to the specifics of any planning application. However, additional text added to clarify that infrastructure requirements/mitigation will be identified, where possible and subject to available information, through the plan-making/site allocation process.</td>
<td></td>
</tr>
<tr>
<td>List of highways ‘exceptions’ is helpful (13)</td>
<td>Noted</td>
<td></td>
</tr>
<tr>
<td>Surrey County Council</td>
<td>Clarification of application of traveller accommodation to urban extension (14)</td>
<td>Noted – The Council’s approach to the provision of sites for traveller accommodation will be set out within the emerging DMP.</td>
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<tr>
<td>Surrey County Council</td>
<td>References to education to include Early Years provision</td>
<td>Noted – references amended to reflect Early years provision</td>
</tr>
<tr>
<td>Surrey County Council</td>
<td>Inclusion of requirements for bus stop/bus facilities as potential site specific works (specific wording suggested)</td>
<td>Noted – suggested wording agreed and incorporated</td>
</tr>
</tbody>
</table>
ANNEX 2  LIST OF CONSULTEES

Specific Consultees

- Advisory Team for Large Applications (ATLAS)
- Bletchingley Parish Council
- Buckland Parish Council
- Burstow Parish Council
- Chaldon Parish Council
- Charlwood Parish Council
- Crawley Borough Council
- Department for Transport
- East Surrey Clinical Commissioning Group
- East Sussex County Council
- Elmbridge Borough Council
- Environment Agency
- Epsom & Ewell Borough Council
- Fisher German
- Gatwick Airport Ltd
- Gatwick Diamond
- Government Pipeline & Storage System (GPSS)
- Guildford Borough Council
- Headley Parish Council
- Highways Agency
- Historic England
- Homes and Communities Agency
- Horley Town Council
- Horsham District Council
- Leigh Parish Council
- London Borough of Croydon
- London Borough of Sutton
- Mayor of London
- Metropolitan Police Authority
- Mid Sussex District Council
- Mobile Operators Association
- Mole Valley District Council
- National Grid
- Natural England
- Network Rail
- Newdigate Parish Council
- NHS South East Coast
- Nutfield Parish Council
- O2 UK Limited
- Orange
- Salfords & Sidlow Parish Council
- SGN
- Surrey County Council
- Surrey Downs Clinical Commissioning Group
- Surrey Police
- Surrey Primary Care Trust
- Sutton & East Surrey Water Plc
- Tandridge District Council
- Thames Water Utilities Ltd
- Three
- T-Mobile
- UK Power Networks
- Vodafone
- Waverley Borough Council
- West Sussex County Council
Other Consultees

- Alcocks Lane South Association
- All Plans
- Alliance Environment & Planning Ltd
- Alliance Planning
- Alma Area Residents' Association
- Alma Road Residents' Association
- AMEC
- Angle Property (Redhill) Ltd
- Arriva Surrey & West Sussex
- Ashill Developments
- BAA
- Banner Homes Southern Ltd
- Banstead Village Residents' Association
- Banstead Wood Residents' Association
- Barratt Homes
- Barratt Southern Counties
- Barton Willmore
- Batts Hill Community Association
- BCF Residents Association
- Beacon Way (Residents') Ltd
- Beaufort Road Residents' Association and Neighbourhood Watch
- Beech Drive and Bears Den Frontages Association
- Beech Road and Underhill Park Road Frontagers' Association (BUFA)
- Bell Cornwall
- Bellway Homes
- Belmont and South Cheam Residents' Association
- Berkeley Group
- Berkeley Homes (Southern) Ltd
- Betchworth Parish Council
- Blanford Road Residents' Association
- Blue Sky Planning Consultancy Ltd
- Bovis Homes Ltd
- Boyer Planning
- Brian Madge Ltd
- Brokes Road Residents' Association
- Brownlow Shrewsbury and Ranelagh Roads Residents' Association
- Building Design & Surveying Consultancy
- Building Plan Design
- Burgh Heath Residents' Association
- Cala Homes (South) Ltd
- Castle Drive Residents' Association
- Chameleon Design & Development
- Charisma Spatial Planning
- Chestnut Planning Ltd
- Chipstead Residents' Association
- Church Hill Residents' Association
- Colin Dixie Architect
- Colin Smith Planning
- Conifer Close Management
- Countryside Properties
- Court Hill Residents' Association
- Court Lodge Residents' Association
- Courtley Consultants Ltd
- D S Design
- Dalton Warner David LLP
- Darren Williams Architecture & Design Ltd
- DC Planning Ltd
- Derek Horne & Associates Ltd
- Design & Project Planning Services Ltd
- Devine Homes
- Devon Crescent Residents' Association
- DHA Planning
- DLA Town Planning
- DMH Stallard
- Dominic Lawson Bespoke Planning
- Doods Park Road Residents' Association
- Doods Road (inc. Wilmots Close) Residents' Association
- Doran Gardens Residents' Association
- DPDS Consulting Group
• DTZ
• Earlswood East Ward Residents' Committee
• East Redhill Residents' Association
• East Surrey Rural Transport Partnership
• Emerson Homes
• Emmerton Developments Ltd
• Federation of Small Business
• Fenton Road Residents Association
• Fieldwood Products Ltd
• First Great Western
• Firstplan Ltd
• Fisher German
• Fulcrum Design Ltd
• Fusion Online Limited
• Galaxy Ltd
• Gallagher Estates
• Gatwick Airport Ltd
• Gatwick Airport Ltd (Safeguarding)
• GKA
• GL Hearn
• Gladman Developments
• Gleeson Developments Ltd
• Goddard Planning Consultancy
• Government Pipelines & Storage System (GPSS)
• Grainger Planning Associates Ltd
• Guinness Trust
• Hallam Land Management Ltd
• Hammond Phillips
• Hardwicke and Worcester Road Residents' Association
• Harris Lamb
• Heathcote Medical Centre
• Heine Planning Consultancy
• Historic England
• Hollybrook Homes
• Holmesdale Road Residents' Association
• Holmethorpe Estate Association
• Home Builders Federation
• Homes and Communities Agency
• Hookwood Residents' Association
• Hooley Residents' Association
• Horley Chamber of Commerce
• Horley Town Council
• Howard Sharp & Partners LLP
• HSBC (Hermes Property Unit Trust)
• Hughes McMichael
• Iceni Projects Ltd
• Indigo Planning
• Inland PLC
• Inspireolve Ltd
• Jones Lang LaSalle
• Judith Norris Limited
• JW Design Services
• Kevin Scott Consultancy Ltd
• Kingswood Residents Association
• Kinnersley Manor Residents' Association
• Ladbrooke Road Residents’ Association
• Land & Partners Ltd
• Lands Improvement Holdings Plc
• Leigh Residents' Association
• Leith Planning
• Lennon Planning Limited
• Limes Avenue Action Group Residents' Association
• Linden Homes
• Linkfield Street Residents Association
• Little Gatton Residents Association
• London & Quadrant Housing Trust
• London Road North Merstham Residents' Association
• Lonesome Lane Residents' Group
• Lovelands Residents' Association
• Lower Kingswood Residents' Association
• Maddox & Associates
• Maddox & Associates
• Martin Grant Homes
• Martin Robesone Planning Practice
• Maxam Property (Hillsbrow) Ltd
• McCarthy and Stone
• Merrywood Park Residents' Association
• Merstham Residents' Association
• Metrobus
• Miller Strategic Land Ltd
• Millway Residents' Association
• Monks Walk Residents' Association
• Montagu Land Ltd
• Nathaniel Lichfield & Partners
• National Farmers Union
• National Grid
• Netherne on the Hill Residents’ Association
• NHS East Surrey Clinical Commissioning Group
• NHS South of England
• NHS Surrey
• NHS Surrey Downs Clinical Commissioning Group
• Nork Community Association
• Nork Residents’ Association
• Norwood Hill Residents' Association
• NTR Planning
• Nursery Road Residents' Association
• Nuthatch Gardens Residents’ Association
• Oakwood Tree Consultants Ltd
• Orange
• Outwood Lane Residents' Association (OLRA)
• Oxted & Limpsfield Residents’ Group
• Park 25 Residents' Association
• Park Gate Road Residents' Association
• Park Lane (Reigate) Residents' Association
• Park Road Residents' Association
• Paul Sharpe Associates LLP
• PC Dalton Planning
• Peacock and Smith Ltd
• Peer Group Plc
• Persimmon Homes
• Phillips Planning Services Ltd
• Pitwood Green Residents’ Association
• Planning Perspective
• Planning Potential Ltd
• PlanningView
• Planspeople
• Planware Ltd

• Portland & Purbeck Seniors Residents' Association
• PPML Consulting
• Preston Hawe Residents' Association
• Priory Drive and Park Lane East Residents’ Association
• Property Investment Holdings Ltd
• Quality Line (Epsom Buses)
• Raglan Road Residents' Association
• RDB Drawing Services
• Redehelde Residents' Association
• Redhill Little Common Residents' Association
• Reside Developments
• Ringley Park Road Residents' Association
• Robinson Escott Planning
• Rockshaw Road Residents’ Association
• Royal Earlswood Park (Barratts New Build Only) Residents' Association
• RPS
• Salfords and Sidlow Parish Council
• Savills
• Scott Brownrigg
• Shanly Homes
• Shopkeepers Association
• Sixmile Developments
• Somers Road Conservation Area & Residents’ Association
• South East Coast Ambulance Service
• South Eastern Trains
• Southern Planning
• Spitfire Properties Ltd
• SSA Planning Ltd
• St James Group Ltd
• St. Albans Road Residents’ Association
• Strutt & Parker
• Stuarts Tenants and Residents Association
• Surrey Federation of Small Business
• Surrey PCT
• Sutton and East Surrey Water
• Sutton and South Cheam Residents’ Association
• Tadworth & Walton Residents' Association
• Tattenhams Residents' Association
• Taylor Wimpey
• Taylor Wimpey (West London Ltd)
• Taylor Wimpey South East
• Taylor Wimpey UK Ltd
• Tenant Farmers Association
• Terence O'Rourke
• Tetlow King Planning
• Thakeham Homes
• Thames Water Ltd
• Thameslink
• The Chase Residents Association
• The Close Residents' Association
• The Coal Authority
• The McLaren Clark Group
• The Michael Blacker Partnership
• The Planning Bureau Ltd
• The Reigate Society
• The Residents' Association of Cromwell Estate
• Turley Associates
• Urban & Rural Planning Solutions (URPS)
• Vernon and Co
• Village Developments Strategic Land Limited
• Vincent Homes Ltd
• Walton-on-the-Hill Village Forum
• Warren Drive Frontagers
• Watercolour Residents' Association
• Wates Developments
• Wharf Land Investments Ltd
• White & Sons
• Whitebushes Community Association
• Wilton Road Residents' Association
• Woodhatch Community Association
• Woodland Way and The Warren Frontage Owners Association
• Woodmansterne Green Belt and Residents' Association
• Woold Bond Planning
• Wray Common Conservation Area Residents' Association
• WS Planning
• WYG Planning