

# Planning Obligations and Infrastructure

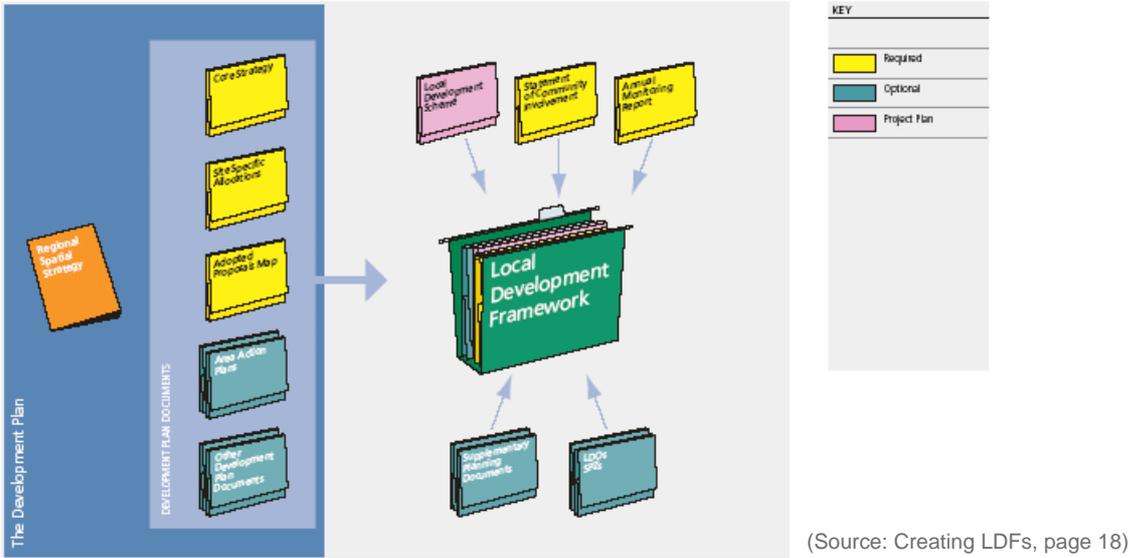
## Supplementary Planning Document

**Adopted April 2008**



### What is the Local Development Framework?

The Local Development Framework, referred to as the LDF, is a folder of documents called Local Development Documents, as shown below.



### What will the Reigate & Banstead LDF include?

The policies from the previous local plan system are saved. The current project plan, including timescales, for the LDF is set out in the Local Development Scheme. The first LDS includes a Core Strategy, the Statement of Community Involvement, an Area Action Plan for Redhill Town Centre, and a number of supplementary planning documents. The LDS itself will be reviewed and the previous plan either replaced or continued as an ongoing process. Check the Council's website for the latest information [www.reigate-banstead.gov.uk](http://www.reigate-banstead.gov.uk) under Business and Planning > Planning > Planning policies > Local Development Framework > Local Development Scheme

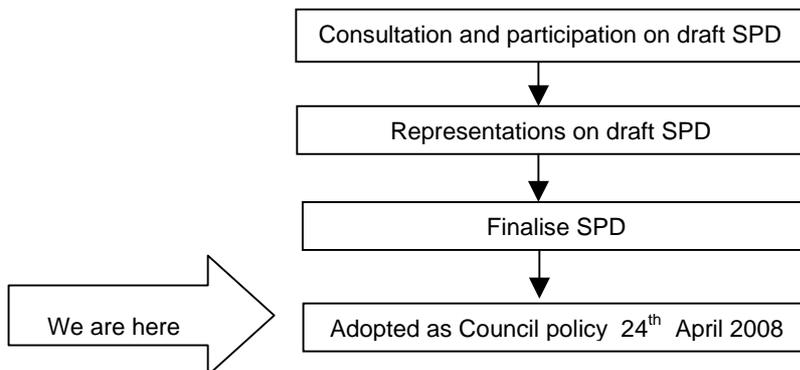
### What are Supplementary Planning Documents (SPDs)?

They are used to expand policy or provide further details to policies in Development Plan documents or saved policies. While not having development plan status, they are subject to community involvement and Sustainability Appraisal.

### What is the Planning Obligations and Infrastructure SPD?

It contains guidance on how infrastructure contributions, which are required to provide facilities and infrastructure to meet the needs of developments, will be managed.

The diagram below shows the process for preparation of this SPD.



# Planning Obligations and Infrastructure Supplementary Planning Document

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## **APPENDICES**

***APPENDIX 1*** – Formulae and Standard Infrastructure contributions

***APPENDIX 2*** - Calculating Standard Infrastructure contributions

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***APPENDIX 4*** - Map of Borough illustrating wards applicable to Planning Obligations and Infrastructure SPD

***APPENDIX 5***- Model legal agreement

## Supplementary Planning Document

### 1.0 BACKGROUND

- 1.1 This Supplementary Planning Document (SPD) expands upon planning obligation policy DN1 in the Surrey Structure Plan 2004. This document also builds upon the interim Surrey wide '*Planning Obligation and Infrastructure Code of Practice & Basis for calculating Formulae and Standard Charges*' approach which was adopted by Reigate & Banstead Borough Council on 14 June 2007 and implemented on 1 November 2007. The Executive adopted this SPD on 24<sup>th</sup> April 2008.
- 1.2 The Supplementary Planning Document was prepared in the context of national planning policy and other forms of best practice guidance. The Supplementary Planning Document should always be read within the current context of local, county, regional and national planning guidance. The Council may wish to update some or all sections of this document, to ensure it remains current and reflects the changing needs of the Borough. Any future amendments to the Supplementary Planning Document will be subject to consultation in line with the Statement of Community Involvement.
- 1.3 The most current version of all Reigate & Banstead Borough Council Supplementary Planning Documents and related information is available at [www.reigate-banstead.gov.uk](http://www.reigate-banstead.gov.uk).
- 1.4 The Supplementary Planning Document on adoption will form part of the Reigate & Banstead Local Development Framework. Whilst Supplementary Planning Documents are not mandatory documents within the Local Development Framework they are of material consideration when assessing planning applications.

### **The case for infrastructure contributions**

- 1.5 Traditionally very few local planning authorities in Surrey had any formal high-level policy or guidance relating to planning obligations. As a result, the cumulative effect of small windfall schemes has had a significant impact on infrastructure. Due to inconsistencies in the approach to planning obligations across Surrey, there is a significant shortfall in potential contributions to public services. The Borough of Reigate & Banstead is entering an exciting time of Regeneration and New Growth Point status. In recognition of this, the Council has adopted a tariff-based approach for infrastructure contributions. These payments are sought to address the provision of additional infrastructure needed to support new developments.
- 1.6 This SPD builds on work carried out by the Surrey wide Planning Collaboration project. The collaboration project involved working together with other Surrey districts and the County Council. It has enabled a consistent approach to be taken towards County Council infrastructure contributions across Surrey, while enabling local variation in contributions sought by district councils towards service provision in individual Boroughs. The collaboration project has enabled this interim system for the collection of financial contributions to be developed, which will enhance each Council's ability to collect and make use of planning obligation contributions. A more comprehensive SPD based on the emerging local Core Strategy policies will follow; it will build upon the information and best practice in this document.

## 2.0 INTRODUCTION

- 2.1 This draft Supplementary Planning Document (SPD) outlines the policies and procedures for planning obligations.
- 2.2 The Local Planning Authority will apply the tariffs as a consistent policy for all qualifying developments. The tariff will apply to residential developments and commercial developments with a minimum net increase of 50sqm floor space. They will not apply to
- Commercial developments with a net increase less than 50sqm floor space;
  - Domestic extensions;
  - Community infrastructure projects including health, education and other public service developments that are providing direct benefit to the local area; or
  - Large-scale development. This is because larger sites may be capable of meeting the infrastructure needs generated by a development with onsite provision and in such circumstances, it may be necessary to negotiate an alternative planning obligation package. A financial contribution towards some elements of infrastructure may not be required on the condition that the infrastructure provided onsite meets the Council's standard.
- 2.3 Other exceptions apply; some types of development will be exempt from some tariffs where residents or workers associated with the development are unlikely to use particular community infrastructure. For example, a nursing home or similar institution development will be exempt from the education tariff, which is designed to support primary and secondary education facilities. Please refer to the section 20.0 for more information about Exemptions for the tariff.
- 2.3 This SPD has not followed the South East Plan infrastructure costs or the Implementation Plan. However, Annex 4 of the Implementation Plan and any other Regional plan will feed into subsequent versions of this SPD. Overall the charges per equivalent development would be higher using the South East Plan figures.
- 2.4 The Borough wide tariff does not apply to Horley. The *Horley Infrastructure Provision Supplementary Planning Document* governs planning obligations in Horley Central, Horley West and Horley East.
- 2.5 The aim of this SPD is to ensure that adequate infrastructure is provided to support new development and to provide developers, the community, and the Council with a transparent, fair and predictable foundation for negotiating planning obligation contributions. When a Planning obligation is sought, it will be used to achieve the primary aims and **strategic objectives of local and regional plans**, and where appropriate help to deliver the strategic themes of the Reigate & Banstead Local Strategic Partnership's Community Plan and the Council's Corporate Plan.
- 2.6 Government policy statements recognise that where existing infrastructure is inadequate to address the impact of new development, it is reasonable to expect the developer to contribute towards the financing of new or improved infrastructure directly relating to the development.

2.7 This Supplementary Planning Document sets out the use of planning obligations, instances when they will be sought, the rationale and basis for charges. Planning obligation contributions will be sought towards:

- Transportation
- Education
- Libraries
- Community Facilities
- Children's and Young People's Play
- Green Spaces, Parks and Gardens
- Sports & Leisure
- Recycling
- Environmental Improvements
- Primary Health Care

### 3.0 WHAT IS A PLANNING OBLIGATION?

3.1 Planning obligations are legally binding agreements negotiated between local planning authorities and persons with an interest in land. A planning obligation can be enacted through a section 106 agreement or unilateral undertakings made by the applicant. Planning obligations are a recognised delivery mechanism for matters that are necessary to make a development both sustainable and acceptable in planning terms. Unilateral undertakings are the preferred method to secure community benefits through planning applications when using this tariff-based approach.

3.2 The planning system works on the principle that planning permissions cannot be bought or sold. Negotiations to gain benefits from development proposals must be **fair and reasonably related in scale and kind to the proposed development** and **reasonable in all other respects**. By working in this way, planning obligations can improve the quality of development proposals, which would otherwise be refused. It follows that the Council acting as a Local Planning Authority cannot approve unacceptable developments because of unrelated benefits being offered by the applicant. Equally the applicant through planning obligations cannot be expected to pay or contribute towards improving existing shortfalls in infrastructure.

3.3 Planning obligations may be development specific, stipulating essential infrastructure work, which must take place in order for the development to proceed. Alternatively they may contribute towards strategic objectives of national planning guidance and local planning policy, which are relevant to the proposal which are required to make development acceptable in planning terms.

### 4.0 LEGISLATION AND PLANNING GUIDANCE

4.1 The statutory framework for planning obligations is documented in section 106 of *Town and Country Planning Act 1990* as amended by section 12 (1) of the *Planning and Compensation Act 1991*.

- ODPM Circular 05/05 requires Planning Obligations to meet the following tests. They have to be:
- Necessary to make a proposal acceptable in planning terms;
- Relevant to planning;

- Directly related to the proposed development;
- Fairly and reasonably related in size and type to the proposed development; and
- Reasonable in all other respects.

4.2 The Circular and the related best practice guide contain important information about ensuring that planning obligation procedures encourage transparency, predictability and an efficient process.

4.3 Further national guidance is provided through Planning Policy Statements (PPS) and guidance notes. The status of some Planning Policy Guidance (PPG) will change as each is reviewed and replaced with Planning Policy Statements. The most current PPGs and PPSs can be found at the Department of Communities and Local Government website: [www.communities.gov.uk](http://www.communities.gov.uk).

### **Regional Planning Guidance**

4.4 The South East Plan will supersede the Surrey Structure Plan 2004. Until then, the Surrey Structure Plan 2004 provides the framework for Surrey local authorities to develop detailed planning obligation and site-specific policies for their Borough through Local Plans and the emerging Local Development Frameworks.

4.5 This document is in general conformity with the adopted Regional Spatial Strategy (RPG9 and Alteration). The tariff-based approach is also consistent with the Implementation Plan for the South East Plan.

4.6 Surrey County Council produced the *Surrey Good Practice Guide 'Infrastructure and Amenity Requirements to Support New Development'* (2002). The document sets out infrastructure standards to help developers contribute to County services.

4.7 The requirement to provide infrastructure contributions in the Borough is set out in policies contained in the Surrey Structure Plan 2004 (Policy DN1) and the Reigate & Banstead Borough Local Plan 2005. Policy DN1 states:

*Local planning authorities will not permit development unless the infrastructure that is required to service the development is available or will be provided within a timescale determined by the local authorities.*

*In assessing infrastructure requirements local planning authorities will have regard to the cumulative impact of development.*

*The developer will be expected to provide or contribute to the infrastructure improvements related to new development including any requirements emerging out of the Local Development Frameworks (LDFs).*

4.8 The provision of additional infrastructure to support new development, whilst protecting the character of the area and the level of amenity enjoyed currently by residents, is a key objective of the Local Development Framework process and the Reigate & Banstead Borough Local Plan (2005).

## **5.0 COMMUNITY PLAN**

- 5.1 The Borough's Community Plan 2007 – 2020 sets out a long-term vision and priorities for improving the quality of life for people in the Borough.
- 5.2 The aim of the Community Plan is to improve the coordination of services that affect people's daily lives, to encourage all to take personal responsibility in improving Reigate & Banstead's social, economic and environmental well being. The Community Plan has four themes and related priorities; the themes are your *environment, neighbourhoods for the future, vibrant communities and the right services in the right places*. Planning obligations are a recognised tool to implement the goals and priorities of the Community Plan. The Community Plan also has an important relationship with the Borough's emerging Local Development Framework (LDF). The LDF will deliver the physical and spatial elements of the Community Plan.

## **6.0 CORPORATE PLAN**

- 6.1 Reigate & Banstead Borough Council is dedicated to achieving a sustainable, thriving and self-reliant community, within an attractive, accessible and well maintained Borough. The Corporate Plan will achieve this through themes and priorities that relate to caring for the local community, by creating a small number of new neighbourhoods and by regenerating those areas that need improving. Where appropriate, planning obligations will be sought to further the strategic aims of the Corporate Plan.

## **7.0 REIGATE & BANSTEAD'S STRATEGIC PLAN-LED APPROACH**

- 7.1 Planning obligations will be sought to support the implementation of the primary aim and strategic objectives of local, regional and county policies based on new development; and where appropriate further the strategic aims of the Borough's Community Plan and Reigate & Banstead Council's Corporate Plan.
- 7.2 The primary aim of the Borough Local Plan and the emerging Core Strategy is to contribute to a sustainable pattern of development within the Borough, which improves the quality of life for local people. It also protects environmental quality; promotes regeneration, smart economic growth, and sustainable forms of travel. The emerging Local Development Framework evidence base will identify future infrastructure requirements and provisions for the Borough.
- 7.3 The exact type and range of planning obligations sought will depend on the development. The exact contribution required from a development will be determined according to the individual site circumstances and development proposed, taking into consideration the impact on the local environment, local services and facilities.

## **8.0 PLANNING OBLIGATIONS – REIGATE & BANSTEAD'S APPROACH**

- 8.1 It is this Council's aim to provide early guidance on the services, facilities and the priorities of provision that will be required when land is proposed for development. However, it is not always possible to be specific about all the land that will come forward for development. The most favourable way in which this can be achieved is through phased allocations of land assisted by the emerging Local Development Framework process which will provide greater certainty through its plan led system.

- 8.2 As the Local Planning Authority, this Council will be able to determine, through consultation with relevant service providers, details of locations where provision would be adequate to meet the needs arising from a particular development.
- 8.3 It is the Council's aim to carry out negotiations and to agree planning obligations prior to a planning application being formally submitted to the Local Planning Authority. This aims to ensure that developers are informed of the likely contribution required for a proposed development at the earliest opportunity, preferably at the pre application stage. The pre application stage may involve consultation with relevant service providers who will provide accurate detail about the required infrastructure and the level of contribution needed.

## 9.0 EDUCATION

- 9.1 Surrey County Council is the authority primarily legally responsible to deliver education planning obligations and infrastructure improvements.
- 9.2 Section 14 of the *Education Act 1996* places a duty on local authorities to ensure that schools are sufficient in number, character and equipment to provide all pupils with the opportunity to appropriate education. The planning obligation education contribution is based upon the assumption that all newly built dwellings will typically yield a certain number of children, who are expected to attend maintained schools in Surrey. The impact of extra pupils as a result of a new development must be considered at the application stage of planning permission. There is legal justification and Government advice dictating the need to provide additional infrastructure in such circumstances.

### **Factors affecting pressure on education infrastructure**

- 9.3 The downward trend in births some years ago led to a decline in school population. A number of school provision reviews took place owing to surplus pupil vacancies. Birth rates in Surrey declined until around 2002, and have since recovered. The birth rate over a large area is not necessarily a predictor of the local population or birth rate.
- 9.4 There is geographic variation in the distribution of births in Surrey. Birth rate statistics are aggregated and hide local fluctuations in births. For example, Surrey Heath and Epsom and Ewell had a minimum number of births in 2001, whereas in Guildford and Spelthorne the births were higher in 2001 than 2002. Such fluctuations also exist at Ward level. Therefore, birth rate over a district/borough is not necessarily a predictor of birth rate in a local area.
- 9.5 However, even if there were a surplus of school places in a locality, there would still be pressure on school places in a wider area. There are many areas in Surrey where the number of births has increased. This is leading to an increased number of pupils subsequently attending schools, increasing pressure on schools generally.
- 9.6 Section 86 of the *School Standards and Framework Act 1998* places a duty on Local Education Authorities (LEA) to enable an expression of parental preference as to which school they wish their child to attend. Section 86 places a further duty on the LEA to comply with any preference expressed providing compliance with the preference would not prejudice the provision of efficient education or the efficient use of resources.
- 9.7 Parents/carers will invariably apply for schools with good Ofsted reports within close proximity of their home. Ofsted reports can bring a significant change in demand for

school places. Unbalanced demand between schools can be exacerbated by an influx of families yielded by movement within the housing market or new development.

- 9.8 There are circumstances where a school is not full to capacity, but the educational infrastructure available is not sufficient to manage additional pupils yielded by a new development. Their admission to the school would stress existing facilities and adversely prejudice the education of the children at the school. In order to accommodate these additional pupils, substantial widening of provision and infrastructure is needed.
- 9.9 Section 94 of the *School Standards and Framework Act 1998* enables pupils to be admitted to schools subsequent to a successful appeal to the Independent Appeal Panel. The Independent Appeal Panel weighs the prejudice to the school's ability to provide efficient education against the needs of the pupil. Pupils may be admitted to schools despite deficiency and capacity constraints on the schools' infrastructure.
- 9.10 There may be circumstances where low demand for school places has necessitated a school reorganisation, which may include the removal of school provision. Any new pupils yielded by new development after this point will apply pressure on the education infrastructure. The re-provisioning of school infrastructure will incur capital costs.
- 9.11 The *Disability Discrimination Act 2005* and the *Disability Discrimination Act 1995* make it unlawful for a public authority to discriminate against a disabled person in carrying out its functions. All local authorities must make reasonable adjustments to allow pupils with disabilities to access services.
- 9.12 In all these circumstances, the impact must be mitigated. The additional costs to fulfill the *Disability Discrimination* duties have not been included in the calculation of contribution requested; this has lowered the contribution level requested. The calculation has been carefully designed to ensure it is fair and reasonably related in scale to the impact of development.

### **Education tariff and contribution methodology**

- 9.13 The education tariff is based on the Department of Education and Skills (DfES) cost multiplier. The education formula uses the numbers of pupils yielded by a new development. This is obtained from a fraction called the pupil yield. Pupil yield is the average number of children yielded by new dwellings of 2 or more bedrooms.
- 9.14 The method of calculating planning obligation education contributions involves 4 factors. The factors are phase, pupil yield, DfES build cost and DfES location factor.

- **Phase**

The Phase is either primary or secondary schooling. At present no contribution is requested for post 16 or nursery aged children despite their impact on existing education infrastructure.

- **Pupil Yield**

Pupil yield is the average number of children from new dwellings of 2 or more bedrooms.

- **DfES Build Cost**

The DfES Build Cost is a figure provided by the DfES that represents the capital cost of providing a school place.

- **DfES Location Factor**

The DfES Location Factor is a scaling factor that recognises that some parts of the country are more expensive than others.

9.15 The calculation multiplies the pupil yield by using the DfES Cost Multiplier. The education formula assumes an average yield for all dwellings of 2 or more bedrooms.

9.16 The tariff uses occupancy. The tariff figures have been calculated so the same average contribution would be obtained either through the planning obligation education formula, or through the tariff. The methodology was as follows:

- The planning obligation requests for 2005-06 were analysed.
- The fraction of each number of bedrooms was calculated.
- A *yield ratio* was calculated so that the occupancy is multiplied by the yield ratio, the same average *pupil yield* for that number of dwellings is achieved.
- To simplify the formula, a contribution per occupant figure is calculated so that the same average planning obligation contribution is obtained through the tariff as would be obtained through the new education formula.
- Contribution is obtained through the tariff as would be obtained through the new education formula.

9.17 The matrix below identifies which types of development will be expected to contribute towards Education.

	<b>Education contribution</b>
Houses	√
Flats	√
Nursing homes and similar institutions	X
Commercial	X

## 10.0 TRANSPORTATION

10.1 For the purpose of planning obligations, transportation issues lie with Surrey County Council as the Highway Authority legally responsible to deliver infrastructure improvements. Planning Policy Guidance 13 provides the national policy guidance on seeking transport related benefits from developers. The guidance mentions that planning obligations may be used to achieve improvements to public transport, walking and

cycling, where such matters would be likely to influence travel patterns in relation to development, either as a single initiative or a package of measures. Planning obligations where appropriate will be based around securing improved accessibility to sites by all modes of transport with emphasis on improved access by public transport, walking and cycling.

- 10.2 The Surrey Local Transport Plan 2006/07 – 2010/11, Surrey Structure Plan 2004 and the Infrastructure and Amenity Requirements to support new development (July 2006) identify the regional policy, design and priorities for transportation as set out in South East Plan and Implementation Plan.
- 10.3 The impact of a development on the highway infrastructure can be quantified by determining the total travel generated by a particular land use. The transportation contribution of the tariff seeks to secure improved accessibility by all modes of transport, mitigating the impact of development and particularly access to the development by car. It is based on the principle that developers can reasonably be expected to mitigate against new travel demands to a level which is proportionate to that which is currently being expended by Surrey County Council on managing existing travel demands.

### **Calculation of Baseline**

- 10.4 Given the complex nature of travel demand, which include variables such as trip lengths, trip chaining, trip timings, trip frequencies and mode choice values, the level of impact placed on the transportation infrastructure can only be made by approximation. The following process has been used to derive a baseline charge, which represents an approximation of the financial burden that is placed on the transport infrastructure by an additional movement. This baseline value is adjusted within the formula on the basis of land use occupancy, to produce a site-specific level of developer contributions.
- 10.5 The baseline charge is calculated by dividing the current Surrey County Council annual expenditure on transport<sup>1</sup> by the existing Surrey related travel demand<sup>2</sup>. Within cost benefit analysis of road schemes a typical design life of 25 years is used in such calculations. This baseline calculation will be reviewed on an annual basis.
- 10.6 As an incentive towards locating development in highly accessible areas (as defined below), a differential of plus or minus 30% has been applied to the baseline cost per trip.
- 10.7 The lower unit cost per occupant/worker associated with those sites within town centres will encourage the development of sustainable sites at higher densities and reflect the emphasis on achieving the greatest degree of access by public transport, walking and cycling.
- 10.8 A Town Centres tariff would apply to the below mentioned areas, see the Borough Local Plan for the defined primary and secondary shopping areas, and the town centre business area. These boundaries will be used as a proxy measure until town centre boundaries are defined through the Local Development Framework process.
- Redhill
  - Reigate

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<sup>1</sup> Surrey Local Transport Plan Annual Delivery Report 2001 – 2006 2.1.3

<sup>2</sup> Surrey County Transport Model – Approx 2.7 million daily trips.

- Banstead

- 10.9 It should be noted that the transport contribution of the tariff will be sought in addition to any specific access improvements (that also include the costs of licence fees, deposits and bonds), deemed necessary for a particular development, and any costs associated with a travel plan for a particular development.
- 10.10 The calculation for commercial developments is simply based upon the occupancy rates as set out in *table 1* (see 19.3) and these are then multiplied by the appropriate contribution per worker dependent upon location, as set out in above.
- 10.11 The matrix below identifies which types of development will be expected to contribute towards Transportation.

	Transportation
Houses	√
Flats	√
Nursing homes/ similar institution	√
Commercial	√

## 11.0 LIBRARIES

- 11.1 Surrey County Council is the authority legally responsible to deliver infrastructure improvements for the purpose of library planning obligations.
- 11.2 Public libraries are at the heart of communities, providing free access to books, information, information technology and opportunities for learning. As a statutory service, local authorities must ensure that their libraries meet national standards and provide the quality of service people need and expect. The existing pattern of libraries will need to expand and adapt to serve the needs of the new population. Existing provision will need to be enhanced or upgraded, and new outlets (often in joint service centres with other community services) will be required.
- 11.3 Museums Libraries and Archives South East is a regional body that is co-ordinating the South East Public Library Tariff. This is already being collected by a number of authorities and the intention is that it should be rolled out nationally.
- 11.4 The MLA tariff is calculated to accommodate a suite of enhancements to the library service across Surrey. The library tariff is based on:
- A minimum standard of 30 sqm of new library space per 1000 population
  - A construction and initial equipment cost per square metre
  - No cost for land purchase is included.

- 11.6 The matrix below identifies which types of development will be expected to contribute towards Libraries.

	<b>Libraries</b>
Houses	√
Flats	√
Nursing homes/ similar institution	√
Commercial	√

## **12.0 CHILDREN’S AND YOUNG PEOPLE’S PLAY**

- 12.1 The Council recognises that play is vital to children’s development; play has a profound impact on a child’s health, education and social well-being. The provision of children's play space is recognised in Planning Policy Guidance 17 and Policy Planning Statement 3; they highlight the importance to ensure that the needs of children are taken into account. They emphasise the importance of good provision, including both play areas and informal play space.
- 12.2 Through the Local Development Framework process an audit of existing open space, sports and recreation facilities is being undertaken. This will allow the authority to identify specific needs and deficits or surpluses in provision, and tailor contributions to provide additional facilities needed to cope with additional population or workers.
- 12.3 The open space and play space provision in developments is assessed against policy Re 5 and Re 6 in the Local Plan which requires that all new residential development should make provision or contribute towards outdoor playing space provisions. If children’s and young people’s play space is not provided onsite a contribution would be required in lieu of the onsite provision. The formulae uses the average costs and average size for play spaces in the Borough, which is less than the National Playing Fields Association minimum standards.
- 12.4 In Reigate & Banstead there is currently a deficit of young people’s casual play space and children's play space throughout the Borough depending on the locality. However, there is a greater shortage of equipped children's play space across the whole Borough. Our approach has been informed by the Council’s Play Strategy 2007 and consultation gathered through the Local Community Action Plan process. The tariff is based on the annual build cost for the different types of children’s and young people’s facilities and calculated on a per person basis.
- 12.5 The National Playing Fields Association defines children’s play space as follows; an unsupervised area equipped for children of early school age (4-8 years of age) with consideration for the needs of supervised children from birth to 4 years and unaccompanied children slightly older than 8. It should be enclosed by fencing with self-closing gates, overlooked by housing, pedestrian routes or other well used public spaces and be within 5 minutes walking time from home. The area should have at least 5 types of

play activity complying with current safety standards, with seating for accompanying adults.

- 12.6 The National Playing Fields Association defines young people’s play space as follows; an unsupervised site equipped mainly for older children (8-17 years of age) with consideration for slightly younger supervised or accompanied children, older children and those with special needs. *It should offer at least 8 types of play activity, be enclosed by fencing and self-closing gates, and include a kick about area, opportunities for wheeled play (such as facilities for skateboards, roller skating or bicycles) with seating for accompanying adults or for teenagers to use as a meeting place. The site should service a substantial residential area and be within 15 minutes walking time from home. The young persons’ play space is primarily designed for teenage play. The standards are as follows:*

**Children’s play space                      0.16ha per 1000 population for equipped play**

**Young people’s space                      0.04ha per 1000 population for casual play space**

- 12.7 The matrix below identifies which types of development will be expected to contribute towards Children’s and Young People’s Play.

	<b>Children’s and Young Peoples Play</b>
Houses	√
Flats	√
Nursing homes/ similar institution	X
Commercial	X

### **13.0 GREEN SPACE, PARKS, GARDENS**

- 13.1 Reigate & Banstead is a borough with almost 70% of its area designated as Green Belt. The Borough contains nationally protected landscape areas and habitats apart from Local Nature Reserves and Sites of Nature Conservation Importance that are host to a wealth of locally significant wildlife habitats and species. The openness of the vast Green Belt is also highly valued by the borough’s residents.
- 13.2 Under Circular 05/05, it is legitimate to compensate for the loss of open space or mitigate a development’s impact. Planning obligations for green space could therefore be sought provided they meet the policy tests set out in the Circular.
- 13.3 Planning Policy Statement 3 sets out that planning obligations may be used to ensure that sufficient open space and playing fields are provided in residential developments. Planning obligations may also be sought to ensure that sufficient quality and quantity of open spaces are provided where an increase in demand may be expressed, as stated within Planning Policy Guidance 17. The open space and play space provision in developments is assessed against policy Re 5 and Re 6 in the Local Plan which requires that all new residential development should make provision or contribute towards outdoor playing space provisions. Onsite provision of Green Space, Parks or Gardens is unlikely to be

accommodated, for example, due to design and ownership issues. If green space, parks, or gardens are not provided onsite, a contribution would be required in lieu of the onsite provision.

- 13.4 The planning obligation contribution has been based on land use occupancy levels. It will address the various impacts development places on green space, and reflect the importance of green space forming part of a development's character. The formula for calculating a contribution towards off-site green space provision or enhancement is based on the following standards:

Size of unit	Average Occupancy	Provision (8.32m2 per person)
1 bed	1.31	10.89
2 bed	1.76	14.6
3 bed	2.51	20.88
4 bed	2.86	23.79
5 bed	3.73	31.03

The cost per sqm of open space has been sourced from the Sports England/Milton Keynes/English Partnerships Joint pilot project (2004).

- 13.5 Where new development takes place in an area of identified deficiency, it would be required to provide green space provision. If there is no identified deficiency, a financial contribution towards green space, parks and gardens will be required, the contribution will be towards green space enhancements of existing land, a 50% reduction of the total cost of providing green space, parks or gardens will apply.
- 13.6 The matrix below identifies which types of development will be expected to contribute towards Green Space, Parks and Gardens:

	Green Spaces, Parks and Gardens
Houses	√
Flats	√
Nursing homes/ similar institution	√
Commercial	X

## 14.0 SPORTS AND LEISURE

- 14.1 Government guidance PPG17 Open Space, Sport and Recreation (2002) recognises that sport, open space and recreation contribute to people's quality of life, it is concerned with meeting the diversity of recreational needs from formal, organised sport through to the enjoyment of local open spaces and countryside. Paragraph 23 states *'local authorities should ensure that provision is made for local sports and recreational facilities (either through an increase in the number of facilities or through improvements to existing facilities)*.
- 14.2 PPG17 confirms that planning obligations can be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. It states that local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local need.
- 14.3 The Council has undergone a comprehensive leisure and sports needs assessment. The Council commissioned consultants to undertake an options appraisal and to develop a sports facilities strategy for the Borough in 2006, the appraisal informed the Council's high-level Leisure Strategy (2008).
- 14.4 The Sports and Leisure standards are:

Facility	ha per 1000 population	Provision needed per additional person (sqm)
Swimming pools	0.00098	0.0098
Sports halls	0.0042	0.042
Grass pitches	0.64	6.4
Synthetic courts	0.16	1.6

- 14.5 The matrix below identifies which types of development will be expected to contribute towards Sports and Leisure.

	Sports & Leisure
Houses	✓
Flats	✓
Nursing homes/ similar institution	✗
Commercial	✓

## 15.0 COMMUNITY FACILITIES

- 15.1 Reigate & Banstead Borough Council provide community facilities in the Borough. We recognise that to create a sustainable community the provision of community facilities cannot be limited to conventional multi purpose centres. Traditional community facilities include day centres and public halls.
- 15.2 The community facilities provision will need to expand and adapt to serve the needs of the new population. Existing provision will need to be enhanced or upgraded, and new facilities (often in joint service centres with other community services) will be required.
- 15.3 For the purpose of this tariff the Council currently owns and manages;
- Woodhatch Community Centre
  - Banstead Community Centre
- 15.4 Cost of provision would vary according to the type of facility but to enable a standard charge to be levied for a standard level of provision we have adopted the average requirement which was identified in the Roger Tym & Partners study "The Cost and Funding of Growth in South East England" commissioned by the South East Counties and published in 2005. It comprehensively assessed infrastructure requirements, to ensure that new housing has access to a level of facilities and services to enable them to be successful sustainable communities. As a result the community facilities tariff to meet the needs of new development, is based on the annual build cost per square metre for a community facility with a provision of 1 community facility of 750 square metres per 1500 dwellings.
- 15.5 The matrix below identifies which types of development will be expected to contribute towards Community Facilities:

	<b>Community Facilities</b>
Houses	✓
Flats	✓
Nursing homes/ similar institution	✓
Commercial	X

## 16.0 RECYCLING

- 16.1 The Council is committed to promoting sustainable development and encouraging the recycling of waste. It is anticipated that the amount of material to be recycled will increase in the future even without any new development resulting in additional population. To encourage recycling of waste we must ensure that all developments have a high standard of design and waste facilities. Waste collection and recycling comprise a substantial part of any district council's function. The costs of these services are generally borne by government grant and Council Tax.

- 16.2 However, each year specific one-off capital costs are borne for the additional facilities necessary to cope with recycling waste from additional population or worker. The contribution is based on the annual build cost for providing additional waste management facilities to meet the needs of new development, which is based on the current build cost divided by the number of dwellings the facility services.
- 16.3 The matrix below identifies which types of development will be expected to contribute towards Recycling:

	<b>Recycling</b>
Houses	√
Flats	√
Nursing homes/ similar institution	√
Commercial	√

## 17.0 ENVIRONMENTAL IMPROVEMENT

- 17.1 In line with the Borough's New Growth Point status, in return for additional Government funding towards infrastructure, the Council is committed to frontloading its draft South East Plan housing allocation of 7,740 (387 p.a. 2006-2026) by delivering at least 500 new homes per annum up to 2016. In order to provide for the housing in the existing built up area, it is important to enhance key existing environmental, social and economic assets through the promotion of an 'urban renaissance'. This is implemented in part through the Corporate Plan 2006/09 which identifies as a high priority the enhancement of village centres and local shopping parades throughout the Borough. It is important to invest in the village and local shopping parades to promote sustainable growth. Investment helps to address poor or deteriorating physical conditions and to assist with continuing economic and social viability. The Borough Council through its Capital Programme will fund the majority of the enhancement works; however additional development will contribute a proportionate amount towards the improvement scheme.
- 17.2 The tariff will contribute towards improving the physical conditions of footways, service roads, parking and street furniture and visual improvements. The tariff excludes all villages and local shopping parades in Horley. The tariff is based on the Council's existing village and local shopping parade improvement rolling programme.
- 17.3 The formula is based on a five-year enhancement plan (2009 - 2014). The tariff is calculated by allocating a proportion of the cost of enhancements to qualifying villages and local shopping parades, according to the proportion that a forecasted population increase would need to pay.
- 17.4 The population is forecasted to increase by 3% therefore new development pays for an additional 3% of the cost of the programme.

17.5 The matrix below identifies which types of development will be expected to contribute towards Environmental Improvements:

	<b>Environmental Improvement</b>
Houses	√
Flats	√
Nursing homes/ similar institution	√
Commercial	X

## **18.0 PRIMARY HEALTH CARE**

18.1 Local healthcare services within the Borough are the responsibility of the Surrey Primary Care Trust (SPCT). SPCT is responsible for:

- Improving local health and well being
- Providing high quality and efficient services either through direct provision or commissioning these through external providers within the resources available.

18.2 SPCT work closely with GP's, dentists, opticians and pharmacists and provide many community services themselves - e.g. district and school nursing, health visiting, therapy services and the running of our community hospitals - under the umbrella of Surrey Community Health Services.

18.3 In support of the SPCT, this tariff seeks a financial contribution towards a key element in the delivery of primary healthcare - the network of GP surgeries in the Borough.

18.4 The formula for this tariff is based on the optimum number of patients that should be registered with a GP in the Borough. This is determined by national best practices and government guidance. The tariff would be required to fund a new build premises or an extension to an existing facility or any other capacity enhancement costs of physical premises to meet the needs of new residents.

18.5 The RBBC Local Healthcare tariff is based on the construction costs of a new surgery of 800m<sup>2</sup>. The estimated construction cost for a surgery of this size, is based on the current build cost as specified by the Department of Health. An appropriately designed surgery of this size will house a 5 GP practice and will adequately serve an appropriate sized patient list per GP.

18.6 The matrix below identifies which types of development will be expected to contribute towards Primary Health Care:

	Primary Health Care
Houses	√
Flats	√
Nursing homes/ similar institution	√
Commercial	X

## 19.0 LAND USE OCCUPANCY LEVELS

19.1 Below sets out the land use occupancy levels for the Borough wide tariff, the point at which a particular development will trigger the need to make an infrastructure contribution as a result of a development.

19.2 The calculation of the charge is based on the needs generated as a result of a development; *table 1* sets out the land use occupancy levels to be used in quantifying the need for infrastructure associated with new residential and commercial development. To **determine a net change in demand for infrastructure, the existing demand associated with the site's lawful use will be calculated by using the average occupancy levels in table 1.** All occupancy figures will be reviewed and where necessary amended to reflect the most current relevant data available.

### 19.3 Table 1 - Average land use occupancy levels

Housing Unit	Occupancy
1 bed	1.31
2 bed	1.76
3 bed	2.51
4 bed	2.86
5 + bed	3.73

Land Use	Sqm per worker
Retailing	34.4
Financial/Professional services	15
Restaurant or Pub	31.6
Offices	16.4
Research & Development	67
Light Industrial	37.5
Manufacturing	33.1
Storage & Distribution	46.2
Private Leisure	25.4

- 19.4 This method of calculation is likely to produce contribution levels that fall below the full infrastructure cost to support the increased demand. If a development has a net reduction in occupancy or worker, the Council will not be expected to repay the applicant.
- 19.5 When assessing the number of bedrooms for the purposes of calculating the contribution, additional habitable rooms capable of realistic conversion to bedrooms will be included. **Habitable rooms capable of future conversion into a bedroom will include any room of a dwelling with more than one storey, at first floor level and above with an external window (excluding bathrooms), with a floor area greater than 6.5 sqm.**
- 19.6 The Borough wide tariff will be sought for all appropriate *full planning applications* and for appropriate *outline planning applications*. Where insufficient information is available to calculate the tariff at the *outline application* stage, the most accurately estimated amount, based on the predicted likely occupancy, would be sought. Should this estimated amount fail to reflect the actual necessary tariff, when reviewed at the *reserved matters application stage*, a *deed of variation* will be sought from the applicant to accompany that application to correct this.

## 20.0 EXEMPTIONS

- 20.1 The tariff will not apply to house extensions that do not result in an additional residential unit, or commercial extension with a minimum net increase below 50sqm. Average land use occupancy levels are identified in **table 1 at 19.3**.
- 20.2 Reigate & Banstead Borough Council encourages the provision of affordable housing. The infrastructure tariff will not apply to:
1. Affordable housing being developed on sites already owned by a Registered Social Landlord (RSL); or
  2. Affordable housing where the whole site will be developed for affordable housing; or
  3. Sites being developed by an RSL with a mixture of affordable and market housing; where the sale of the market housing will be used to subsidise the development of affordable housing on the same site.

Provided in all cases that the proposed affordable housing meets local housing need in terms of access to it, tenure split, dwelling sizes, and affordability. Where a site meets one of the above criteria a planning agreement will be required to ensure that the site is developed wholly or partially for affordable housing, and that any capital receipts from the sale of market housing, if the development is to be exempt, is reinvested to provide affordable housing in the Borough.

- 20.3 Affordable housing, or sites, not meeting one of the above criteria will be subject to the standard charges.
- 20.4 For larger developments the level of contribution will be negotiated on a site-by-site basis. The tariff method can be applied to these developments, however the applicant should be mindful that the tariff does not include all infrastructure or service requirements that may

be needed. Larger sites may be capable of meeting the infrastructure needs generated by a development with onsite provision and in such circumstances, it may be necessary to negotiate an alternative planning obligation package. A financial contribution towards some elements of infrastructure may not be required on the condition that the infrastructure provided onsite meets the Council's standards.

- 20.5 If a development does not meet any of the current categories for development the LPA will determine on a case-by-case basis whether any exemptions should apply. Nursing homes will be processed to constitute a number of 1-bedroom units.

## **21.0 WHAT TYPES OF PLANNING OBLIGATIONS WILL BE SOUGHT?**

- 21.1 This document sets out the types of planning obligations, and the thresholds for the size and type of developments from which such obligations will be sought. The planning obligations are sought under different topic areas. They are set out in this SPD and are not exhaustive, and the Local Planning authority may wish to negotiate other obligations where they are necessary and relevant to a development.

- 21.2 ODPM Circular 05/05 permits planning obligations to be used in the following ways to ensure that proposed developments are acceptable in planning terms:

### **To prescribe the nature of a development**

Planning obligations will be used to secure the implementation of infrastructure supported by planning policy to make acceptable a development proposal that would otherwise be unacceptable in planning terms.

### **To secure a contribution from a developer to compensate for the loss and damage created by development**

Planning obligations will be used where appropriate to offset through substitution, replacement or regeneration, the loss of or damage to a feature or resources present or nearby to development.

### **To mitigate a development's impact on the locality**

Planning obligations will be used where a proposed development would, if implemented, create a need for a particular facility that is relevant to planning but cannot be required through the use of planning conditions.

## **22.0 FORMULAE & STANDARD CHARGES**

- 22.1 The Government through ODPM Circular 05/05 encourages the use of standard charges and formulae to calculate contributions.

- 22.2 The Council has embraced the formulae and standard charges approach as this helps to speed up the planning obligation process and ensure a consistent approach for applicants. The application of standard charges is built on the foundation of a fair, predictable and transparent planning obligation process because it helps applicants to know in advance the likely size and type of contribution required. In cases where planning obligations do not meet the criteria of the tariff based approach (large and complex developments) standard charges may act as a starting point for negotiations.

- 22.3 The Surrey wide Planning Obligations tariff primarily sought to address the collective impact of small-scale developments on existing local infrastructure. In cases where developments have some impact but not sufficient to justify the need for a discrete piece of infrastructure, contributions will be sought from applicants towards future provision where, the combined impact on a number of developments creates a need for infrastructure.
- 22.4 In order to allow for infrastructure to be secured in a fair and equitable way, contributions will be collected based on a formulae and standard charge and then pooled until a sufficient amount is collected to provide infrastructure.
- 22.5 ODPM Circular 05/05 supports this approach, and clearly advises that spare capacity in existing infrastructure provision should not be credited to earlier developers. The Local Planning Authority will take into account any relevant circumstances in each case to ensure that any negotiation for planning obligation complies with Circular 05/05.

\* A standard charges sheet template is annexed to this document (Appendix 2), and should be completed and submitted with applications to the Local Planning Authority.

### **Maintenance**

- 22.6 Circular 05/05 provides limited scope for Local Planning Authorities and Service Providers to seek maintenance payments. Maintenance payments may be legitimately sought only where payments are for facilities, which are predominately for users of the associated development. However, where payments are required for wider public use, the maintenance and other recurrent costs with the applicant's contribution should be borne by the body or authority with whom the asset is to be vested. Initial support (pump priming) for new facilities can be sought to reflect a time lag between the provision of the new facility and its inclusion in public sector funding streams; or its ability to recover its own costs in cases of a privately run bus service. Where pump priming maintenance costs are requested they will be time limited, and have a clear audit trail.

### **23.0 PROCESS OF NEGOTIATION AND SECURING PLANNING OBLIGATIONS**

- 23.1 The formal planning obligation process must be determined within the Government set target for determining a planning application (currently 8 weeks for minor and other applications, 13 weeks for major applications). The applicant will be informed of the target date for completion in the acknowledgment letter received upon submission of application. If the obligation to support the application cannot be successfully completed within the time frame, the Local Planning Authority may refuse the application on this reason alone or as an additional reason for refusal on an already unacceptable scheme.
- 23.2 It is important that applicants enter into discussions with the Local Planning Authority at the pre application stage. The nature of tariff based planning obligation process is one of simplicity, transparency, predictability and speed, as such the likely required contribution for a particular development will be made known at the pre application stage. These early discussions help to ensure that the formal application process can be carried out in a certain and streamlined way. Applicants will be expected to have familiarised themselves with the planning policy and related *model agreement* and *standard charges sheet*, annexed to this document and available on line at [www.reigate-banstead.gov.uk](http://www.reigate-banstead.gov.uk).
- 23.3 A model unilateral agreement should be used and amended accordingly before formally being submitted. Applicants should raise any questions about the clauses or terms in the model agreement at the pre application stage.

- 23.4 All submitted applications will be recorded on a monitoring database with the aspiration for this to be viewable on line at [www.reigate-banstead.gov.uk](http://www.reigate-banstead.gov.uk). Planning Obligations will be treated with confidentiality during negotiations in accordance with the Freedom of Information Act. Requests for the release of Planning Obligations whilst at negotiation stage will be referred to the Council's legal team for advice. All approved planning obligations will be registered as local land charges.
- 23.5 Once development is commenced it is important that the planning obligations are implemented or enforced in a transparent way. The applicant will be expected to inform the Local Planning Authority of key milestones in delivery such as when development is about to commence. Notification will trigger the necessary steps to be undertaken to comply with the terms of the agreement.
- 23.6 Variation and discharge of undertakings will only be considered formally, whether by a deed of agreement or an application following the necessary publicity. If specific obligations are time limited and cannot be met within the prescribed period then arrangements will be made for any unspent financial contributions to be returned to the applicant. This would not apply to contributions derived from the tariff-based approach.
- 23.7 Annual reports will be produced informing the community of the various benefits resulting from planning obligations. The reports will demonstrate how contributions have improved infrastructure to meet increased demand for essential public services in the locality.

## **24.0 PLANNING OBLIGATION MONITORING**

- 24.1 It is a requirement that the negotiation and expenditure of any contributions received as a result of development be monitored and recorded in a public and accountable way. An analysis of contributions received for each beneficiary and a list of infrastructure or service enhancements will be recorded in a planning obligation monitoring database. It is the Council's aspiration to make the monitoring database viewable online in the future.
- 24.2 Planning obligations may be tied to specific schemes where they are necessary to make a development acceptable in planning terms. In cases where planning obligations are sought for a number of smaller developments and pooled towards the provision of a scheme, wherever possible the developer will be informed of the projects their contributions are likely to fund.

### **Index linking**

- 24.3 Contributions sought from developers will be index linked in the legal agreement, in order to maintain the value in money in delivering future provisions. The Retail Price Index is the most commonly used index of inflation; however alternative indices may be applied where appropriate. They will be index linked between the date of the legal agreement and the date that the first payment is made.

### **Fees**

- 24.4 Both residential and commercial developments will attract a five percent administration fee to the total tariff charge. Four percent of the fee will remain with Reigate & Banstead Council and one percent will be paid to Surrey County Council. The fee will fund the operation, administration and monitoring of the planning obligation process. The developer is also expected to pay on submission of their planning application the reasonable legal costs, which are non refundable.