RUNNYMEDE BOROUGH COUNCIL

INFRASTRUCTURE DELIVERY & PRIORITISATION SUPPLEMENTARY PLANNING DOCUMENT (SPD)

TOWN & COUNTRY PLANNING (LOCAL PLANNING)(ENGLAND) REGULATIONS 2012

REGULATION 12 STATEMENT OF CONSULTATION

September 2020

1.1 The Town & County Planning (Local Planning)(England) Regulations 2012 sets out in Regulation 12 that before a planning authority adopt a Supplementary Planning Document (SPD), they must prepare a statement (Statement of Consultation) setting out:

i) The persons the local planning authority consulted when preparing the SPD;
ii) A summary of the main issues raised by those persons; and
iii) How those issues have been addressed in the SPD.

1.2 This document is the Statement of Consultation for the Infrastructure Delivery & Prioritisation SPD and sets out the persons the Council consulted in preparing the SPD and how their comments have been addressed.

1.3 A list of all those persons consulted on the Infrastructure Delivery & Prioritisation SPD are set out in Appendix A.

1.4 The Council consulted with the three statutory bodies (Environment Agency, Historic England, Natural England) in preparing the SPD and their responses and how these were taken into account can be found in Appendix B. The Council also consulted the statutory bodies on a Strategic Environmental Assessment (SEA) & Habitats Regulations Assessment (HRA) screening and the responses received and how they were addressed can be found in the updated SEA/HRA Screening Determination for the Infrastructure Delivery & Prioritisation SPD (July 2020).

1.5 The Council held public consultation on a first iteration of a draft Infrastructure Delivery & Prioritisation SPD between Monday 24 February and Monday 6 April 2020, extended to Friday 24 April 2020 due to the Covid-19 pandemic. Details of the responses received to the consultation and how they were taken into account can be found in Appendix C.

1.6 A second iteration of the SPD was consulted on between Friday 17 July to 5pm Friday 14 August 2020. Details of the responses received and how they were taken into account can be found in Appendix D.

Appendix A – List of Persons Consulted on the draft Infrastructure Delivery & Prioritisation SPD

As well as the persons listed below a further 259 individuals on the Planning Policy consultation database were consulted.

Consultee	
Surrey County Council	Neighbourhood Planning
Elmbridge Borough Council	Boyer Planning
Woking Borough Council	Savills obo Bellway Homes
Royal Borough of Windsor and Maidenhead	Nexus obo Ashill
Spelthorne Borough Council	Colliers obo Elizabeth Finn
Historic England London and South East Region	Montagu Evans obo DEFRA
Natural England	Turley obo Taylor Wimpey
Surrey Heath Borough Council	Andrew Black Consulting obo Bittams B & C
Environment Agency	PRP
Virginia Water Neighbourhood Forum	Savills obo Regal Point
Englefield Green Neighbourhood Forum	Point Consultancy obo Re-Creo
Thorpe Neighbourhood Forum	Heaton Planning obo Tarmac
Home Builders Federation	K G Creative Consultancy obo Goldcrest
Jaspar Group	Rapleys obo Stellican
ASC Finance for Business	Coda Planning
The Runnymede on Thames	Barton Willmore LLP obo Crest & Aviva
Halogen UK	DP9 Ltd obo Elysian Residences
JR Marine	DPDS obo SMECH
Thorpe Park (Merlin Entertainments Plc)	DfE
Rainbow Day Nursery & Pre-School	Stride Treglown Ltd obo RHUL
Calatec Ltd	Boyer Planning obo A2 Dominion
Stellican Ltd	Danehurst Developments
Terence O'Rourke Ltd	Quod obo St Edwards
Adams Group Real Estate Ltd (on behalf of Tarmac)	Turley obo Taylor Wimpey
Fairhurst	Allied Telesis
Heathrow Airport	Avison Young obo National Grid
Tarmac	Glanville Consultants
Tullow Oil	TASIS The American School in England
Carter Jonas	Meath School
Emerson Group	Philip Southcote School
Youngs RPS	Meadowcroft Community Infant School
Wentworth Estate	Sir William Perkins School
Tarmac	BLARA, BENRA, RRA & RAR
Rohit Post	Runnymede Access Liaison Group
Morris May	Elmbridge & Runnymede Talking Newspaper Association
Ander Hay	Runnymede Disabled Swimmers Board,

Brooklands College	Surrey Coalition of Disabled People
Hodders	Surrey Vision Action Group
Berkeley Group	North Surrey Disability Empowerment Group
Strutt & Parker	The Ramblers
Pegasus Group	The Georgian Group
JSA Architects	Virginia Water Community Association
Grosvenor Capital	Kennedy Memorial Trust
LRG	Wentworth Residents Association
Savills	The Kings Church
Barton Willmore LLP	The Gardens Trust
Wates Developments	Franklands Drive Residents Association
Obsidian Strategic	The Twentieth Century Society
Turley	Thorpe Village Hall
WYG	Addlestone Historical Society
Blue Cedar Homes	Runnymede Art Society
Fortman Land & Planning	Woburn Hill Action Group
Vanbrugh Land	Christian Science Society Egham
Vail Williams LLP	Woodham Park Way Association
Planning Potential Limited	Thorpe Ward Residents Association
Savills UK Ltd on behalf of Thames Water Utilities Ltd	United Church of Egham
Stride Treglown Ltd	CPRE Surrey
Tesni Properties Limited	Chertsey Good Neighbours
Carter Planning Ltd	Chobham Commons Preservation Committee
Tetlow King Planning	Runnymede Council Residents' Association
The Planning Bureau Ltd	Laleham Reach Residents' Association
John Andrews Associates	St. Paul's Church
SETPLAN	Stonehill Crescent Residents Association Limited Company
Life Storey	West Addlestone Residents Association
Urban Green Developments	Turn2us
Reside Developments	Chertsey (South) Residents Association
Woolf Bond Planning	Theatres Trust
SSA Planning	Thorpe Ward Residents' Association
Shanly Homes	Egham Residents' Association
Lichfields	Woodland Trust
DPDS Consulting	Friends families and travellers
Paul Dickinson and Associates	EGVRA
DevPlan	WSPA
IQ Planning Consultants	UW Club
Aston Mead Land & Planning	Teach First
Peacock and Smith Ltd	C-Farr

Troy Planning and Design	Sports England
Montagu Evans LLP	Transport for London
Plainview Planning Ltd	Imperial College
JP Electrical Ltd	Free Schools Capital Education and Skills Funding Agency, Department for Education
Revera Limited	South East Coast Ambulance Service NHS Foundation Trust
Devine Homes	Bigbury Neighbourhood Plan Steering Group
Quod	Windlesham Parish Council
AR Planning	Wraysbury Parish Council
Sanders Laing	Ashford & St. Peter's Hospital NHS Foundation Trust
Gladman Developments Ltd	North West Surrey CCG
DP9 Ltd	Surrey & Border Partnership NHS Foundation Trust
Iain Vellacott Associates Ltd	Highways England
Kinwell Property Investments Ltd	Affinity Water
Kevin Scott Consultancy (on behalf of Virginia Water landowners [SL10])	Enterprise M3 LEP
R Clarke Planning Ltd	Civil Aviation Authority
CBRE Ltd	Homes England
Richborough Estates	Office of Road & Rail
Shrimplins	Surrey Nature Partnership
WSP Indigo	East Berkshire CCG
Rickett Architects	Mayor of London
Armstrong Rigg Planning	Paula Hennessey
Optimis Consulting	

Appendix B - Consultation Responses on Preparation of the Infrastructure Delivery & Prioritisation SPD and how these were Addressed

Persons	Summary of Main Issues	How Addressed
Environment Agency	Agree that 'Flood defence and drainage projects' are given essential infrastructure status.	Noted
	Recommend that Green Infrastructure (GI) also be given essential infrastructure status.	Noted, however infrastructure funding during the Local Plan period is likely to be limited and the Council must prioritise where to spend this limited resource. As such, infrastructure such as highways, sustainable travel, school places and flood defences are considered to be a priority over green infrastructure although some of these infrastructure types may overlap with green infrastructure such as flood defences. Therefore, no change in the prioritisation hierarchy is proposed.
	Good quality multi-functional GI provides mitigation and adaptation for climate change, biodiversity net gains, SuDS, flood storage, and access to nature for health and wellbeing benefits. Local urban GI rises property values and encourages people to linger in town centres. GI is an essential part of urban development and as such should be given essential infrastructure status. We recommend you contact Natural England and the Town and Country Planning Association for guidance on Green Infrastructure including their resource library here: https://www.tcpa.org.uk/green-infrastructure-research-database and guidance here: https://www.tcpa.org.uk/planning-for-green-and-prosperous-places	GI to remain as policy high priority for the reasons given above and as such no change to the SPD. It should be noted that the Council is in the process of preparing a separate Green/Blue Infrastructure SPD which will clarify the Council's approach further.

	Do not agree with your minimal definition of GI in Table 2-2. Multi-functional GI is capable of providing habitat for wildlife, natural play space for children, sustainable drainage systems and at times of flood, flood mitigation. By placing a limited definition of GI in this category you will direct development related greenspace away from good quality multi-functional GI towards sports fields and parks which are not able to help species move in adaptation to climate change, provide habitat, or provide the wellbeing benefits people get from being close to nature. We recommend removing the GI examples listed in Table 2-2 Policy High Priority row and replacing "Green Infrastructure" with 'Good quality, multi-functional green infrastructure'. If you have a requirement for sporting facilities and play spaces these should be given a separate line as these are generally not considered GI.	Noted. The definition of GI will be amended prior to adoption of the SPD to refer to multi-functional GI and reference to examples removed and separate line for outdoor sports and play spaces.
Historic England	No issues raised on the SPD	Noted
Natural England	No issues raised on the SPD	Noted

Appendix C – Summary of Representations to the first draft Infrastructure Delivery & Prioritisation SPD and the Council's Response

Name	Response	Comment	Amend SPD?
Carter Planning obo The Gribble Family	Evidence provided is inadequate and does not support the proposed rate for residential development and therefore CIL and Infrastructure SPD do not fully provide an appropriate basis for the collection of CIL in the Borough.	Noted, however the SPD does not provide a basis for collecting CIL as this is the role of the CIL Charging Schedule, which is the subject of a separate consultation.	No
Department for Education	DfE welcomes opportunity to contribute to the development of planning policy at the local level.	Noted.	N/A
	Under the Education Act 2011 & Academies Act 2010, all new state schools are now academies/free schools and DfE is the delivery body for many of these. However, local education authorities still retain statutory responsibility to ensure sufficient school places, including those at sixth form, and a key role in securing contributions from development to new education infrastructure.	Noted.	N/A
	DfE welcomes reference to education provision as an 'Essential' priority for infrastructure in recognition that such facilities are required to be funded and delivered in the right location at the right time.	Noted.	N/A
	DfE notes the provision of a new primary school at Longcross is intended to be secured through S106, and contributions towards secondary school provision will also be sought through S106. Both land and funding for the provision of schools will be required, and that costs should be based on the DfE scorecards – this accords with Planning Practice Guidance. S106 obligations (in relation to onsite provision) should include free transfer of land and construction costs, as well as the site conditions and timing for the land transfer.	Noted. The comment regarding S106 obligations will be a matter for discussion at the planning application stage.	N/A
	SPD proposes other education contributions will be sought through CIL. DfE recommends amending this point to make clear that S106 contributions can be	Noted, however, continuing to request contributions through S106 for education will either mean charging development twice (unless the Borough Council	No

Name	Response	Comment	Amend SPD?
	sought for education where this accords with Regulation 122 of the CIL Regulations. All new major residential development can impact on the need for school places, and therefore offsite contributions may still be required for sites that do not provide an onsite school, where there will be insufficient local school capacity to absorb the demand for school places generated by the development. DfE notes that local authorities have sometimes experienced challenges in funding schools via Section 106 planning obligations due to limitations on the pooling of developer contributions, however, the revised CIL Regulations remove this constraint. The advantage of using Section 106 relative to CIL for funding schools is that it is clear and transparent to all stakeholders what value of contribution is being allocated by which development to which schools, thereby increasing certainty that developer contributions will be used to fund the new school places that are needed. DfE supports the use of planning obligations to secure developer contributions for education wherever there is a need to mitigate the direct impacts of development, consistent with Regulation 122.	makes a decision not to transfer any CIL funds to SCC for education) or lowering the rate of CIL to account for education contributions through S106.	
	Suggest a reference to explain that developer contributions may be secured retrospectively, when it has been necessary to forward fund infrastructure projects in advance of anticipated housing growth. This helps to demonstrate that the plan is positively prepared and deliverable over its period.	Noted and can be added to the SPD.	Reference to securing contributions retrospectively added.
	In relation to the above, important to consider size of any CIL funding gap and whether sufficient CIL funds available for education to cover cost of school places. If CIL will be insufficient or unavailable in practice, it would be preferable to seek developer contributions through a planning obligation. In accordance with PPG on viability,	Noted, but would reiterate this would either mean charging development twice or lowering CIL rates to accommodate S106 costs. School construction costs and land requirements have been taken into account for on-site provision at Longcross, the only location	No

Name	Response	Comment	Amend SPD?
	school construction costs and land requirements should be taken into account in the viability assessment to ensure that any barriers to delivery are identified early, to inform the Council's planning and prioritisation of infrastructure delivery.	where on-site provision is expected in the Borough over the period of the Runnymede 2030 Local Plan.	
	In light of the site allocation at Longcross Garden Village and proposed delivery of a primary school, the Council and developers may be interested in DfE loans to forward fund schools as part of large residential developments. Please see the Developer Loans for Schools prospectus for more information. Any offer of forward funding would seek to maximise developer contributions to education infrastructure provision while supporting delivery of schools where and when they are needed.	Noted.	N/A
	Please advise DfE of any proposed changes to the emerging policies and/or evidence base arising from these comments.	Noted.	N/A
DPDS obo SMECH Management Company	SMECH objects to the allocation of LGV and considers the site selection process to be fundamentally flawed. LGV should be removed as an allocation and any works started on LGV should be postponed until A320 mitigation works have been completed, and impacts to the A320 road network have been demonstrably mitigated.	This matter was considered at the Local Plan EiP and is not relevant to the SPD consultation.	N/A
	Draft SPD identifies A320 Corridor & M25 Junction 11 improvements as 'critical infrastructure', which RBC intend to seek financial contributions through S.106 agreements or physical improvements through S.278 agreements from all Local Plan allocations contingent on these mitigation works. RBC in partnership with SCC has made a bid to secure £44.14m from the Housing Infrastructure Fund (HIF) of which 25% will be 'clawed	Noted. RBC has now received confirmation that the A320 north of Woking HIF bid has been successful, the conditions of which include a target to achieve 100% clawback from development, which will be subject to viability. In terms of LGV, whilst the proposed CIL rate is £0 per sqm, the site will be expected to make contributions to the A320 through S106.	N/A

Name	Response	Comment	Amend SPD?
	back' from developer contributions. This amounts to approximately £11m which needs to be raised from S.106 agreements for sites whose delivery is contingent on the highway improvements. SPD calculates a required developer contribution of £61 per sqm for the contingent sites. The Draft SPD goes on to state that CIL receipts may also be spent on A320 Corridor & M25 Junction 11 improvements as appropriate. It is of note that the Draft CIL Charging Schedule confirms that the proposed allocation at LGV South (SD10), the largest of the contingent sites in terms of floorspace, would be exempt from CIL. Since publication of the Draft SPD, the Spring Budget allocates £41.8 million from the HIF for the 'A30 North of Woking' bid, which will be used to fund improvements to the M25 and A320. On this basis, the developer contributions for sites dependent on A320 mitigation will need to be recalculated to account for the £2.34m shortfall compared to the initial HIF bid.	The HIF bid amount of £41.8m has been adjusted to reflect the delivery of Junction 8 (included in the bid) via Section 278 and as such there is no shortfall. However, A320 contributions will need to be revisited to account for HIF conditions.	SPD amended in light of HIF conditions for A320.
	Maintain our view it is essential that funding is secured and A320 improvements are implemented prior to further development coming forward at LGV or other sites contingent to these mitigation works. Table 2-2 (Infrastructure Hierarchy) of the Draft SPD confirms "Improvements to junctions and links on the A320 Corridor and M25 Junction 11" as being 'critical infrastructure' (i.e. highest priority category), which is defined in Table 2-1 (Infrastructure Priority Categories) as "Infrastructure which must happen to enable growth. Without critical infrastructure development cannot proceed and the Plan cannot be delivered". Table 2-2 goes on to define which infrastructure falls further down the prioritisation hierarchy, under categories labelled	This matter was discussed at the Local Plan EiP. Noted, however the bespoke S106 agreement for LGV will be negotiated by the Council including the approach for a proportionate contribution to the A320 & J11 improvement scheme. This is a matter for the planning application based on compliance with Policy SD10 (and other policies) of the 2030 Local Plan and not a level of detail for inclusion in the SPD. In any event, whilst the SPD explains that LGV is an exception to the infrastructure hierarchy it does not absolve LGV from making contributions towards the	N/A No

Name	Response	Comment	Amend SPD?
	'essential', 'policy high priority' and 'desirable' respectively. Paragraph 2.5 of the SPD, however, explains that LGV will be an exception to the Infrastructure Hierarchy; stating that the mix of infrastructure types and timing will be agreed as part of a 'bespoke S.106 agreement'. The SPD attempts to justify this approach, stating that "Given the strategic nature of the site and its delivery in phases, not having a separate approach could prejudice the early and comprehensive delivery of infrastructure which will be fundamental to delivering a new settlement to garden village principles". The SPD, however, severely lacks any detail as to what such bespoke S.106 agreement for LGV might include in transport terms; which is concerning given that it is the largest of the sites contingent to the critical A320 improvement works.	A320. As can be seen in Table 3-4 of the SPD, LGV is included in the calculation of A320 contributions.	
Egham Residents' Association	Regarding prioritisation of infrastructure spending: Since the current Covid-19 crisis broke, it has become commonplace to hear comments such as "nothing will ever be the same again" and "we shall have to change our ways and travel less". Isn't there a danger that in these new and radically changed circumstances, the Draft Local Plan is already looking outdated? Should highways improvements designed "to enable growth" remain the top, "critical", priority?	Noted, however in order to deliver a number of the housing allocation sites in the 2030 Local Plan improvements to the A320 are required and as such should be referred to as 'critical' infrastructure. Further, the Inspector in her report to the Council on the 2030 Local Plan comments in para 291 that it is too soon to assess the implications of Covid-19 on the delivery of major infrastructure, housing or other development.	No
Environment Agency	We welcome the inclusion of flood defences as essential infrastructure. In order to determine the location of infrastructure, including roads, you should consider the following in the very early stages: We encourage you to undertake a flood risk sequential test and allocate sites with the lowest risk of flooding. Areas of Flood Zone 3b – functional floodplain, as defined by your Strategic Flood Risk Assessment (SFRA), should not be considered for development.	Noted. Noted. The SPD deals with a hierarchy of infrastructure and how it will be delivered, not its location. Further, the purpose of the SPD is not to deal with constraints affecting infrastructure projects as this will be considered at a detailed design stage should planning permission be required. As such, any project would need to be compliant with the policies of the 2030 Local Plan including Policy EE13 on flood risk and may require an Environmental	N/A No

Name	Response	Comment	Amend SPD?
	Consideration must be given to climate change allowances. All of the options should fully consider the content of the NPPF in relation to flood risk. Any future development should not result in an increase in flood risk elsewhere. <u>Flood risk management schemes</u> Flood risk management schemes can help reduce impact of flooding on existing infrastructure. In turn this can reduce the negative impact a flood event can have on the local economy. This is an opportunity to seek development contributions to flood risk management schemes, such as the River Thames Scheme, which Runnymede Borough Council is a stakeholder in. This would help achieve the aim(s) of the emerging local plan which seeks to: Deliver vibrant places, a prosperous economy and a healthy built and natural environment for the benefit of existing residents and future generations. Ensure the delivery of the right infrastructure in the right place and at the right time to support growth. <u>Green Infrastructure</u> We support the inclusion of Green Infrastructure as a policy high priority. This could be expanded to include Blue Infrastructure and make reference to main rivers. Blue infrastructure is linked to waterbodies such as watercourses, floodplains, river corridors and wetlands.	Impact Assessment (EIA) including the scoping stage and consultation with the Environment Agency. Noted. The IDP contains a number of flood management schemes, however as these are bespoke they will require bespoke contributions and will need to be in line with the tests in CIL Regulation 122. As such, it is not possible to include a borough wide cost for negotiating contributions toward flood management schemes. In terms of the RTS, any contribution would need to meet the tests set out in CIL Regulation 122 and it is considered unlikely that a contribution would be necessary to make a development acceptable in planning terms. Any contribution would also have to be proportionate and agreed across all stakeholder authorities. Noted. Agreed that GI can be expanded to include BI, although RBC has not identified any projects to date.	No BI added to hierarchy.
Historic England	Historic England is keen to see that the provision of physical, social and other infrastructure avoids and minimises harm to the district's significant historic environment. Historic environment more than just statutory and/or designated features and includes	Noted. The SPD deals with a hierarchy of infrastructure and how it will be delivered, not its location. Further, the purpose of the SPD is not to deal with constraints affecting infrastructure projects as this will be considered at a detailed design stage should planning permission be required. As such,	N/A

Name	Response	Comment	Amend SPD?
	landscape and townscape features of local interest as well as unscheduled archaeological remains. Large infrastructure projects such as the A320 Corridor & M25 Junction 11 Improvements likely to have significant impact on wider historic environment (particularly landscapes and archaeology) and we would be keen to see that proper assessment is conducted to analyse the effects before decisions are made. Support the concept of green infrastructure and welcomes the appropriate implementation and improvement of green infrastructure features. Keen to stress the important contribution that the historic environment makes to green infrastructure, which include registered historic parks and gardens, archaeology sites, setting of listed buildings and green spaces within conservation areas. Strongly advise that the Council's own heritage/conservation advisers are closely involved throughout the preparation of the SPD, as they are often best placed to advise on local historic environment issues and priorities, sources of data and, consideration of the options relating to the historic environment.	any project would need to be compliant with the policies of the 2030 Local Plan including the policies on the historic environment. Consideration of constraints including the historic environment will form part of the detailed design work undertaken by Surrey County Council and is not a matter for the SPD. Any major infrastructure scheme such as the A320 improvements will also likely require an Environmental Impact Assessment (EIA), including the scoping stage and consultation with Historic England. The importance the historic environment makes to green infrastructure is noted. Noted.	No No N/A
Natural England	The topic which this SPD covers is unlikely to have major effects on the natural environment, but may nonetheless have some effects. We therefore do not wish to provide specific comments, but advise you to consider the following issues: <u>Green Infrastructure</u> SPD could consider making provision for Green Infrastructure (GI) within development. This should be in	Noted. The 2030 Local Plan contains policies to provide additional GI and individual allocation policies also	N/A No

Name	Response	Comment	Amend SPD?
	line with any GI strategy covering your area. The NPPF states that local planning authorities should 'take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure'. The PPG on Green Infrastructure provides more detail on this. Urban green space provides multi-functional benefits. It contributes to coherent and resilient ecological networks, allowing species to move around within, and between, towns and the countryside with even small patches of habitat benefitting movement. Urban GI is also recognised as one of the most effective tools available to us in managing environmental risks such as flooding and heat waves. Greener neighbourhoods and improved access to nature can also improve public health and quality of life and reduce environmental inequalities. There may be significant opportunities to retrofit green infrastructure in urban environments. These can be realised through: Green roof systems and roof gardens; Green walls to provide insulation or shading and cooling; New tree planting or altering the management of land (e.g. management of verges to enhance biodiversity). Could also consider issues relating to the protection of natural resources, including air quality, ground and surface water and soils within urban design plans. Further information on GI is included within The Town and Country Planning Association's "Design Guide for Sustainable Communities" and their more recent "Good Practice Guidance for Green Infrastructure and Biodiversity". <u>Biodiversity enhancement</u> SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraph 118 of the NPPF. You may wish to consider	require the provision or contribution toward GI. RBC is also preparing a Green & Blue Infrastructure SPD and as such, other guidance will be better placed to guide the provision, type and quality of GI within development than the Infrastructure SPD. The role of the SPD is to set out how RBC will prioritise infrastructure and the approach to gaining developer contributions. This includes GI as a policy high priority in the infrastructure hierarchy as well as the basis for securing GI on-site or negotiating contributions towards off-site provision. Noted, however the Green & Blue Infrastructure SPD will be better placed to address these issues. Again, the Green & Blue Infrastructure SPD will be better placed to address these issues along with the	No No

Name	Response	Comment	Amend SPD?
	providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the Exeter Residential Design Guide SPD, which advises (amongst other matters) a ratio of one nest/roost box per residential unit. <u>Landscape enhancement</u> SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider how new development might makes a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts. For example, it may be appropriate to seek that, where viable, trees should be of a species capable of growth to exceed building height and managed so to do, and where mature trees are retained on site, provision is made for succession planting so that new trees will be well established by the time mature trees die. <u>Other design considerations</u> The NPPF includes a number of design principles which could be considered, including the impacts of lighting on landscape and biodiversity (para 180). <u>Strategic Environmental Assessment/Habitats Regulations Assessment</u>	Design SPD that the Council is also currently preparing. The role of the SPD is not to guide the design of development but to set out the Council's prioritisation of infrastructure and the basis for developer contributions, although it does set out biodiversity improvements as a potential contribution in Table 2-3 as well as SANG as critical infrastructure. See comments above. See comment above	 No No

Name	Response	Comment	Amend SPD?
	SPDs require a Strategic Environmental Assessment only in exceptional circumstances as set out in the PPG. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance. Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.	RBC has published a SEA/HRA screening assessment as part of the SPD consultation. The screening assessment was sent to Natural England for comment at its draft stage with Natural England agreeing with the conclusions of the assessment that neither SEA or the Appropriate Assessment stage of HRA was required provided certain adjustments were made in relation to C2 and C4 housing. These changes were already included in the first draft SPD.	Para 3.23 of SPD already amended in terms of C2 & C4 housing.
Quod obo St Edwards	Draft SPD refers to the Runnymede Local Plan 2030 as if it were adopted. Assume this is because it is in draft and will only be adopted as policy as and when the Plan is adopted.	Correct.	N/A
	Welcome the Council's approach of developing its CIL Charging Schedule and IDP SPD in parallel with Local Plan development based on evidence from its Infrastructure Delivery Plan (IDP). This follows good practice and, in principle, allows the deliverability of sites to be properly considered;	Noted.	N/A
	Support the approach to identifying priority categories in Section 2 and the clarity provided in Table 2-3 on what will be dealt with through Planning Obligations and what will be funded via CIL contributions, after CIL is implemented. This provides a sensible categorisation. Support the suggestion that for transport investment this may be accepted in lieu of other requirements. The same principle also applies to direct SANG provision (i.e. off site contributions are not required).	Noted. The SPD sets out that SANG can be provided physically or by contributions in lieu of provision.	No
	Concerned however, that if facilities are provided on site – for example playing fields, play space or a community	The Council recognises that physical infrastructure can be provided on site through provisions in the CIL	No

Name	Response	Comment	Amend SPD?
	building, there is currently no mechanism proposed for that to be credited against CIL payments. It is possible for the Council to allow for 'Payments in Kind' (Land Payments) and 'Infrastructure Payments' to be counted towards CIL payments. This is allowed for under regulations 73, 73a, 73b and 74 of the CIL regulations. The regulations require a number of tests to be met, one of which is that the Council must adopt a policy allowing for them. It would be useful if the SPD could confirm that the Council will adopt this approach.	Regulations, either by way of a land payment or infrastructure payment. However, the Council does not consider that land payments under CIL Regulation 74 are an appropriate mechanism to secure the physical provision of infrastructure on site, rather it only provides for the provision of land and leaves the delivery of the infrastructure itself to the person(s) who have acquired the land who may or may not have the funding to physically provide the infrastructure. As such RBC is unlikely to accept CIL payments through land payments. In terms of infrastructure payments, CIL Regulations 73-73(b), are only applicable if a charging authority makes CIL payments by way of the provision of infrastructure available in its area. In this scenario the amount of CIL paid is equal to the cost of the infrastructure provided and can only be accepted if it is not necessary to make the development acceptable in planning terms. Given the impact of development on local infrastructure, the requirement in 2030 Local Plan policies for physical delivery of infrastructure is considered necessary to make development acceptable in planning terms and therefore cannot be provided by way of a CIL infrastructure payment. As such any on-site physical infrastructure provision will need to be secured through S106 agreement. Further, there is no guarantee that total CIL receipts for a site would be sufficient to cover the cost of physical infrastructure delivery and therefore the Council would have to apply S106 to enable delivery in any event. Therefore, the Council does not intend to make CIL payments through provision of infrastructure available in its area, but will continue to apply S106 for physical delivery.	

Name	Response	Comment	Amend SPD?
		Instead RBC has included an estimate of the cost of physically providing infrastructure on its allocation sites in line with the allocation policies in the 2030 Local Plan in its CIL Viability Assessment and taken account of these costs in setting its proposed CIL rates. Whilst it is agreed that this may lead to developments paying for the same 'type' of infrastructure through S106 and CIL Table 2-3 of the SPD will ensure development avoids paying for the same infrastructure 'project' through both S106 and CIL. It should be noted that the government's latest version of the PPG on CIL has removed reference to the 'double dipping' of contributions and paragraph 169 allows funding from different routes to fund the same infrastructure.	
	Broadly support approach to Implementation in Section 3, including early engagement, recognition of the need for obligations to meet the tests set out in Regulation 122 of the CIL regulations, and the proportionate approach including not seeking obligations from affordable dwellings (other than SANG) set out in para 3.24. Acknowledge the need for proportionate contributions to monitoring of obligations although believe that these should be capped for larger schemes. No reason why any greater resource is required to monitor a contribution of £500,000 than £50,000. In effect larger developments will pay monitoring fees disproportionate to the effort required to monitor their obligations. We would suggest a maximum cap of £10,000 per Section 106 agreement should be set.	Noted. RBC will consider whether to place to a cap on monitoring of S106 agreements.	RBC to consider adding cap to S106 monitoring.
	In paragraph 3.25 the uncertainty over costs for Outline Planning Applications is noted. One alternative to constantly varying S106 agreements or requiring a series of unilateral undertakings would be for a reconciliation report, against fixed cost multipliers be	Noted. RBC will consider a formula approach to contributions at outline stage.	RBC to consider approach to S106 for

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	submitted at each RMA stage with appropriate payment triggers.		outline applications
	The costs set out in the Infrastructure Cost calculations are broadly reasonable subject to a) their detailed implementation being based on actual scheme impacts and being Regulation 122 compliant, b) for the 'non-critical' items that they are paid for from CIL and not additional to it; and c) that credit is allowed for on site and direct provision both against any S106 formulae and also as infrastructure payments or payments in kind towards CIL where relevant and the tests set in the regulations are met.	In relation to: - a) Noted, any S106 obligation will need to meet the test of CIL Reg 122 and based on their actual impact, hence the costs are starting points for negotiation; b) Physical delivery of non-critical items may still be required to make a development acceptable in planning terms and as such for the reasons stated earlier delivery would not be appropriate from CIL. However the intention is that for financial contributions in lieu of physical provision CIL would be used and this is set out in the SPD. c) Noted. Section 3 sets out the range of infrastructure for which RBC will seek developer contributions. If an item of infrastructure is physically delivered and to a standard required by the Local Plan then the Council would not continue to apply the formulae for that type of infrastructure. This could be clarified in the SPD. In terms of CIL, see comments made earlier.	No No New Paragraph 3.5 added for clarification
	IDP SPD cross refers to the Surrey County Council Developer Contribution Guide (2018). The requirements within that Guide appear to be broadly reasonable but it will be important that the Borough Council and County Council do not seek to extend further the obligations outside of the Local Plan process or proper Viability assessment which would have the potential to put development at risk.	It will be for SCC to lead on the negotiation of contributions for infrastructure as set out in their contribution guide. In terms of further obligations, these may be sought by either Council in so far as they are necessary to make a development acceptable in planning terms and meet the tests of CIL Regulation 122.	No
	<u>Primary Healthcare Facilities</u> St Edward notes that Primary Healthcare Facilities, funded in lieu via CIL may be an appropriate	Noted. The healthcare facilities contribution costs are not included to provide for revenue costs, but for the physical delivery of health infrastructure. In order to	No

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	contribution. However it is not necessarily the case, as suggested at Table 3-6, that the need for health facilities is related to current list sizes. In many cases physical facilities will have the capacity to house additional GPs, the constraint is Government funding which should be provided through general taxation. CIL and or S106 obligations should not be funding core public service revenue costs.	negotiate this contribution RBC will be expecting health providers to justify the request with evidence on the projects on which the contribution will be spent.	
	<u>Built Community Facilities, Children's Playspace and Outdoor Sports and Allotments</u> St Edward supports the need for such provision and, where appropriate, will provide that on site. If CIL has been introduced there is a risk that a developer would also be contributing to off site provision. In this circumstance the Council should consider in kind contributions towards CIL as suggested above.	See earlier comments regarding infrastructure payments through CIL.	No
	Concerned that the suggestion that 'Critical Infrastructure' items are an exception to a negotiated approach. This may, in some circumstances, not be consistent with the Supreme Court Judgement (Aberdeen City and Shire Strategic Development Planning Authority (Appellant) v Elsick Development Company Limited (Respondent) (Scotland) [2017] UKSC 66. In relation to transport contributions they will need to meet the Regulation 122 tests and in particular be directly related to the impact of the development. The cumulative effect of the 'Critical' items in the SPD when combined with the proposed CIL rates for Charging Zone A would not be viable for the North East Ottershaw site.	In terms of critical infrastructure for SANG, if physical provision to acceptable standards or contributions in lieu of physical provision to the Council's cost are not met, then it is likely that development would not pass HRA and as such development would need to be refused. As such the SANG cost is required to make development acceptable in planning terms and to ensure no likely significant effect to European sites of nature conservation importance. In terms of the A320 the Supreme Court judgement is noted, however RBC considers that the SPD clearly sets out that the A320 cost impacts only relate to those developments contingent on A320 improvements as evidenced by the Council's A320 Corridor Study and as such RBC consider an obligation is necessary and would meet the tests set out in CIL Reg 122. In any event, the SPD is to be amended following the HIF conditions received by government which aims to target 100% clawback of HIF funding. In terms of the viability of	SPD amended in light of HIF conditions for A320.

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		the North East Ottershaw site, RBC cannot comment as it has not tested the viability of this site in the Runnymede 2030 Local Plan as it is not an allocation and neither was any evidence of viability submitted by the proposer during the 2030 Local Plan examination.	
Sport England	In relation to outdoor sports, we note that a standards approach for identifying the amount of outdoor sports provision required to meet the needs of new development is being proposed. Sport England does not support such an approach which we consider is inconsistent with paragraph 96 of the NPPF. Such an approach is generic and not sufficiently nuanced to take account of the local context. It may be that improving or enhancing existing facilities would be a better and more appropriate response to meeting the additional demand for sports provision generated by new development rather than creating new provision. Sport England therefore advocates a robust quantitative and qualitative assessment of such provision in the form of a Playing Pitch Strategy (PPS) carried out in accordance with our guidance.	Noted, however RBC do not consider the SPD to be inconsistent with NPPF para 96. Whilst the approach in the SPD is generic the purpose of the SPD is not to set out design, quality or location of outdoor sports but ensure that development either physically provides land/facilities or makes a financial contribution in lieu of this. The quality of such projects will need to be demonstrated through the planning application process and/or the design process for facilities owned/managed by RBC for which contributions would be sought in lieu of physical provision. The point regarding enhancing existing facilities in the face of additional demand is agreed and the SPD does this through the use of financial contributions where they meet the tests set out in CIL Reg 122.	SPD amended to clarify that contributions can be used to enhance existing facilities.
	Sport England acknowledges that the council has carried out a recent PPS in accordance with our guidance. However, there is no reference to this within the SPD or clarity as to how the PPS has informed the SPD. Sport England considers that one of the purposes of the PPS is to help identify how future needs for sport arising from growth will be met and we would expect direct linkage between these two documents. The PPS represents a robust strategy and action plan for meeting the borough's needs and the findings should inform the	Noted, it is agreed that the SPD can signpost the PPS, however it is not the purpose of the SPD to identify the projects on which contributions will be spent, rather this is the role of the IDP which does contain a number of projects for outdoor sports. Whilst it is acknowledged that the IDP requires updating in light of the Council's PPS, implementation and projects arising from that strategy will need to be fed into an IDP update. This will need to be undertaken in consultation with the	SPD now signposts the PPS in para 3.59.

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	SPD. The evidence base used to sport and recreation section of the IDP is focussed on the Council's Open Space Study (2016). There is no reference to the Council's own more recent assessment of sports pitch needs which was carried out in 2018. The Playing Pitch Strategy (PPS) identified an action plan for the provision, enhancement or improvement and protection of pitches and ancillary provision and it is not clear how this has been used to support the Council's IDP. We would consider that the PPS should be used as the basis for the IDP as it represents a robust and up to date assessment of the borough's community needs for outdoor sports pitches and has been supported by key stakeholders including national governing bodies and Sport England. Furthermore, Sport England is unclear how indoor sports provision is covered within the SPD. New development will generate demand for indoor sports facilities – sports halls; swimming pools etc. But it is not clear where this element of infrastructure is captured within the SPD. Built community facilities do not specifically mention indoor sports facilities and it would be helpful if clarity can be provided on that point. Based on the above, Sport England has concerns about the proposed approach and we wish to object.	Council's open spaces team as it is their role to implement the strategy and use planning as a vehicle to enable delivery. However, even in identifying projects any obligation will need to meet the tests set out in CIL Regulation 122. Noted, however the IDP does not identify a need for additional indoor sports facilities in light of the recent completions of additional gym facilities in Addlestone and a new Leisure Centre in Egham which now provides swimming lanes. As such, without evidence of need an obligation would not meet the tests set out in CIL Reg 122. Noted.	No
Surrey County Council	Our comments relate to the Implementation and Essential Infrastructure sections. **Implementation** It is accepted that RBC will be responsible for prioritising requests for funding services from CIL. In the interests of transparency, it would be useful to have a clear indication of the mechanisms and protocol for dividing and allocating the monies from CIL between service	Noted. RBC is yet to consider governance arrangements between RBC and SCC with respect to the transfer and spend of CIL monies and is not therefore included in the SPD. Any governance	No

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	providers. In arriving at decisions on prioritising projects for CIL funding, it is anticipated that the borough council will, in accordance with the Duty to Cooperate, seek to liaise with the county council. **Para 3.11** Where a developer contribution is for infrastructure or services to be provided by Surrey County Council, any legal costs incurred by the county council will need to be met by the developer, we would suggest that the following extract from Surrey County Council's Developer Contribution Guide is referenced within the implementation section of the document: "Surrey County Council will also expect the applicant for planning permission to be responsible for the cost of producing any legal agreement, including the legal or other charges Surrey County Council will seek in negotiating and completing a S106 Agreement or Undertaking. An undertaking to pay the Council's legal costs prior to drafting the S106 agreement will be required from the applicant." Para 3.17 National Planning Guidance states: "Authorities, including county councils, should work together to ensure that resources are available to support the monitoring and reporting of planning obligations (NPG Paragraph: 036 Reference ID: 23b-036-20190901) Given that the county council is a key infrastructure provider, we consider that 1% of the sizeable 4% monitoring charge levied by the Borough Council should be paid towards meeting the county council's own monitoring costs. <u>Essential Infrastructure</u>	arrangements will need to be discussed with SCC under the DtC. Noted, the SPD can include a signpost to the SCC guidance in relation to SCC legal costs, but does not necessarily require a repetition of text. Noted. RBC can make reference to a percentage of the monitoring fee to be passed to SCC, although this may be capped in light of other representations received to the SPD.	Yes, include a signpost to SCC guidance Yes, SPD to include a percentage of monitoring fee to be passed to SCC.

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	Other Local Highway, Active & Sustainable Travel & Education.35 – 3.39 The reference to Surrey County Council's guide to Section 106 and Community Infrastructure Levy is welcomed, along with the acknowledgement that Surrey County Council is best placed to lead in the negotiations of transport and education contributions. With regard to Section 106 payments, it is considered that contributions towards county council delivered services and infrastructure, such as school expansion and highways improvement schemes, should be paid direct to the county council. Justification Paragraph 3.39 Reference should be made, in this paragraph, to the statement in the PPG (Paragraph: 008 Reference ID: 23b-008-20190315) that "requirements should include all school phases 0-19 and special educational need".	Noted, the SPD can set out that contributions towards infrastructure provided by SCC can be paid direct to SCC as this reflects the existing arrangement. Noted and can be included.	Yes, include reference to paying contributions direct to SCC for infrastructure provided by SCC. Yes, include reference to PPG
Turley obo Richborough Estates	Appreciate SPD has been produced to provide clarity to the approach to securing Section 106 and CIL monies before and after the adoption of CIL, but a number of matters need further consideration to aid all parties in understanding the approach taken in specific circumstances through the determination of planning applications. We understand the Council has recently secured HIF Funding to assist improvements required to the A320 across the Borough, which underpins delivery of a significant number of larger allocations within the emerging Local Plan. This is a positive funding contribution that will assist delivery of the level of development identified within the emerging Local Plan. We understand that the HIF bid put forward set out the Council's expectation that about 25% of the funds sought through the bid (£11m) would be returned through developer funding through schemes	Noted. Noted, however, the conditions attached to the HIF bid set out a target of 100% clawback from development for recycling toward supporting housing delivery, subject to viability.	N/A N/A

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	dependant on the A320 works coming forward, as set out in the Runnymede 2030 Local Plan.		
	Recognised that infrastructure provision (such as A320 improvements) should be funded collectively through CIL contributions, Section 106 and Section 278, as appropriate. Mindful however of the financial burden that 'double counting' CIL and other physical/ financial contributions can have on delivery and viability, as well as legal compliance. As an example, the closest point of contact of the Richborough development (Ottershaw East) with the A320 is the A320/Brox Road junction. We are aware that the IDP has identified an improvement at this location and it seems logical and appropriate that the development would provide/fund this improvement through s278/s106. We consider that any such costs incurred in doing so should result in a reduced CIL requirement on this development.	Whilst the IDP schedules include the A320/Brox Rd junction this was subsequently removed from the HIF bid. In terms of CIL, this is based on viability and as such if it is viable to charge both CIL and S106/S278 then this is appropriate. Any CIL rate applicable will have taken account of cost estimates for physical infrastructure provision on a site by site basis including Ottershaw East, however this may need to be reviewed in light of the HIF conditions.	Yes, but as a result of HIF conditions
	We note that page 11 of the SPD sets out how infrastructure will be secured once CIL is adopted. Although we understand that this SPD is seeking to provide clarity to developers, at this stage it appears to cause confusion by setting out 'before and after' CIL adoption scenarios. Suggest it would be helpful if in the first instance the initial adopted SPD focussed entirely on a 'pre-CIL' scenario. Once CIL has been adopted, the SPD should then be updated to reflect the position following the Examination.	Noted, however the SPD informs the CIL examination as to the Council's approach to S106 & CIL and avoids the need for an update following the CIL examination.	No
	Current approach to this SPD presupposes that the current CIL approach is acceptable and will be adopted on that basis. We do not consider that it is capable of being adopted in its current form. That consequently has implications on this SPD.	The SPD simply sets out the approach to S106 & CIL once CIL is adopted. This does not pre-suppose the proposed CIL charging schedule as this will be the Council's approach irrespective of CIL rates i.e. physical provision of infrastructure via S106 and off-site contributions via CIL.	No

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	No clarification within the Local Plan supporting text or policy setting out how (either Section 106 Agreement / Section 278 works physical provision, Section 106 financial contribution or CIL contributions) the infrastructure provision required to be mitigated through the proposed allocations would be addressed. The application of this approach is heavily reliant on the clarity provided with the content and justification contained within this SPD. This matter was raised in our Main Modifications Reps.	Noted	No
	Imperative that as we move out of these current uncertain times, delivery is not held back due to over-onerous requirements and developers as such need complete clarity on the inter-relationship between CIL and Section 106 within the Borough. As currently drafted, it appears that a site subject to an early application would potentially be subject to both Section 106 obligations and subsequent CIL payments. Appears from paragraph 3.26 of the SPD that "Contributions through Section 106 (or through physical improvements secured through Section 278) will apply to all Local Plan allocations whose delivery is contingent on A320 and M25 Junction 11 Improvements'. However, as explained below, this needs further clarification elsewhere in the document to make it clear to Applicants and the decision makers how to consider each application. We would therefore welcome confirmation that on this basis that CIL will not be applicable to the proposed allocations, in addition to what is being sought through individual Section 106 Agreements. In our view, further clarity is required as to specifically what is expected from the developers of the proposed allocations in terms of Section 106, and in any CIL contributions.	Any early application would be subject to S106 only, if a decision on that application was made prior to the implementation of CIL. On implementation of CIL any application would be subject to S106 where the Local Plan indicates physical provision of infrastructure is required and also CIL to deal with contributions towards off-site infrastructure, including for allocation sites. Whilst it is agreed that this may lead to developments paying for the same 'type' of infrastructure through S106 and CIL, Table 2-3 of the SPD will ensure development avoids paying for the same infrastructure 'project' through both S106 and CIL. It should be noted that the government's latest version of the PPG on CIL has removed reference to the 'double dipping' of contributions and paragraph 169 allows funding from different routes to fund the same infrastructure and therefore S106 and CIL can work in tandem. In any event, RBC has included an estimate of the cost of physically providing infrastructure on its allocation sites in line with the allocation policies in the 2030 Local Plan in its CIL Viability Assessment and taken account of these costs in setting its proposed CIL rates. As such the SPD is clear in terms of on what infrastructure will be physically delivered through S106 and when CIL will be applied. It is noted that contributions to A320	Yes, as a result of HIF conditions

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	The infrastructure priority capacities identified within Table 2.2 of the draft SPD identifies 'Improvements to junctions and links on the A320 Corridor and M25 Junction 11' as a critical priority. In terms of how the improvements will be delivered through the proposed allocations, paragraph 2.17 of the document states that 'The A320 and M25 Junction 11 mitigation works, will be delivered with the help of financial contributions from developers and/or physical provision, secured through Section 106 and Section 278 agreements. Contributions will be required from those sites identified in the Runnymede 2030 Local Plan as contingent on the A320 and M25 Junction 11 improvements. The Borough Council will also apply CIL receipts to the A320 project from sites not contingent on A320 improvements, if required.' From the above, we assume that the Council are seeking for the proposed allocations to deliver the critical infrastructure improvements associated with the A320 that relate to each individual site through either physical provision and/or financial contributions to be contained within a Section 106 Agreement. It appears that any other sites, besides the allocations will be solely subject to CIL, where A320 improvements will be funded through the associated CIL receipts. In considering Table 2.3, there are a number of matters where we wish to highlight that further consideration is required prior to adoption of the SPD to ensure that Applicants are clear on, the infrastructure contributions required at planning application stage. **On Implementation of CIL Charge** **For other infrastructure priorities or where Runnymede 2030 Local Plan policies indicate a**	improvements through S106/S278 and through the application of CIL could result in CIL monies raised from A320 contingent sites being spent on the same project (A320). However, given the HIF conditions, the section of the SPD on A320 contributions and Table 2-3 will need to be amended and in doing so will need to ensure CIL & S106/S278 are not applied to the same infrastructure project.	

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	financial contribution in lieu of physical provision, the Borough Council will secure these contributions through the application of the CIL charge. Support that infrastructure priorities need to be delivered through CIL receipts. Careful consideration has to be given to the requirements of each proposed allocation and whether CIL is the most appropriate mechanism given the policy requirements for on-site provision/ financial contributions to be requested to support the delivery of the allocation. This matter needs clarifying in any final version of this SPD.	The allocation sites are expected to fund the physical delivery of infrastructure required by Local Plan policies through the use of S106/S278 with CIL used to fund off-site infrastructure projects where policies indicate a financial contribution is required. This approach is set out in Table 2-3 of the SPD with guidance in the table on how different types of contribution will be applied for each type of infrastructure. This will apply to all allocation sites (except for LGV), which can be clarified in para 2.15 of the SPD.	Yes, add clarification in para 2.15.
	The Council may apply CIL receipts to infrastructure projects or types which have already been part funded by Section 106 obligations, Section 278 agreements or other funding sources. Where proposed allocations either deliver physical infrastructure or financial contributions through Section 106/ associated S278 agreements as agreed with the County Council and the Borough Council, no CIL should be attributable to the allocations. However, given the comment above, other infrastructure throughout the Borough will be funded through CIL receipts and if RBC is minded to apply CIL to proposed allocations this should be at a significantly lower rate removing any associated contributions towards the A320 improvements which would be addressed through a planning application for the allocation. A similar position applies to the delivery of any local road network improvements required to support the allocations. This clarification could be provided within the infrastructure Delivery Mechanism to be explicit what will be requested and on which sites within the Local Plan.	Noted, however, the allocation policies do set out circumstances where financial contributions will be preferable to physical provision and CIL is the vehicle to pick this up with physical provision through S106. The Council's CIL Viability Assessment has taken account of the costs of providing physical infrastructure on its allocation sites in line with 2030 Local Plan policies. As such, the Council considers that it is viable to charge the CIL rates as proposed as well as request physical provision through S106. Point regarding A320 is noted and the SPD will be amended to take account of HIF conditions and need to take account of individual Transport Assessments. In terms of the local road network, reasonable estimates for physical improvements to come forward from S278 agreements have been included in the CIL Viability Assessment and are reflected in the CIL rates. CIL funding raised from allocation sites could then be applied to off-site local road network/active and/or sustainable transport improvements identified	Yes, as a result of HIF conditions and clarify link with Transport Assessments.

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		in the IDP or a Transport Assessment depending on the Council's priorities.	
	Physical provision of on-site land and/or facilities for health-related infrastructure required by Local Plan Policies SL12 & IE8 secured through Section 106; or From sites other than Local Plan allocations SL12 & IE8, financial contributions from CIL in lieu of health related infrastructure facilities; This should be re-phrased to solely relate to the physical provision of on-site land for policy SL12. The wording should be the same as that applied to Community Facilities for consistency. Our Client has continued to commit to providing the physical land provision to support a new health facility. It is not considered that health-related infrastructure should be delivered as an addition, and this should be dealt with either through a proportionate contribution within Section 106, or CIL where other developments will contribute to the delivery of the building itself. If the infrastructure contribution towards health for policy SL12 is to be secured through on-site land then appropriate consideration CIL should not be applied. Proposed wording: "*Physical provision of land for a Health Facility Building required by Local Plan Policy SL12 secured through Section 106 Agreements*"	The Main Modifications to the Local Plan set out the requirement for provision of land and a proportionate contribution and this will be reflected in the SPD.	Yes, to be consistent with 2030 Local Plan Main Mods
	Paragraph 3.25 indicates that for outline applications where housing mix is unknown, the Council will apply contributions based on a mix of dwellings which would be policy compliant with Policy SL19 of the 2030 Local Plan. It goes on to say that if at reserved matters stage the housing mix is different the Council will negotiate either an increase or decrease in contributions via a deed of variation to the original s106 or a supplementary	Noted, RBC will consider alternative ways to deal with Outline permissions.	Yes, consider alternatives at outline stage.

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	unilateral undertaking. Consider this to be an over complicated approach requiring unnecessary extra costs for the reserved matters applicants through paying not only their own additional legal fees but probably the Council's as well. A much simpler way to deal with this scenario is to use a formula-based approach in the original s106, which would then be implemented using the reserved matters housing mix.		
Turley obo Taylor Wimpey	SPD should be clear as to the forms of infrastructure that the Council expects to be funded through various sources. For example, which forms of infrastructure are expected to be funded via CIL and which infrastructure is to be provided for via S106 / S278 agreements or other forms of direct provision. Essential that the SPD itself only provides guidance and does not introduce new 'policies' which should be contained within a Local Plan.	Noted, Table 2-3 of the SPD sets out the Council's approach to the source of infrastructure funding for different infrastructure types.	N/A
	Paragraph 2.17 of the draft SPD relates to the A320 and M25 Junction 11 mitigation works and explains that these will be delivered with the help of financial contributions from developers and/or physical provision, secured through Section 106 and Section 278 agreements. The text states that contributions will be required from those sites identified in the Runnymede 2030 Local Plan as contingent on the A320 and M25 Junction 11 improvements. However the text also continues by stating that "The Borough Council will also apply CIL receipts to the A320 project from sites not contingent on A320 improvements, if required." The implication is that A320-contingent sites fund the works (directly or via contributions) and all schemes (including the A320-contingent sites) pay CIL, which the LPA may use to fund the improvements. Once CIL is paid to the LPA, it is not distinguished between sites (i.e. it gets	It is noted that contributions to A320 improvements through S106/S278 and through the application of CIL could result in CIL monies raised from A320 contingent sites being spent on the same project (A320). However, given the HIF conditions and need to recycle contributions, the section of the SPD on A320 contributions and Table 2-3 will need to be amended and in doing so will need to ensure CIL & S106/S278 are not applied to the same infrastructure project.	Yes, in relation to A320 HIF conditions

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	paid into a single 'pot'). Whilst the Council's aspiration may be that the A320 contingent sites would provide funding or provision via S106/S278, and CIL receipts from non-A320 contingent sites could also be used to help fund the project, the effect of the CIL process is that in such cases, all schemes providing CIL would then contribute towards the A320 and M25 Junction 11 mitigation works. Consequently, this approach would result in a scenario whereby sites such as Chertsey Bittams Parcel A (which is an A320 contingent site) would end up contributing to the A320 improvements twice: firstly via S106/S278; and secondly via CIL. TW do not consider that it is appropriate for such schemes to pay twice towards the same infrastructure and as such the SPD/CIL should avoid such a scenario. Table 2-3 states that 'Critical Infrastructure' will be funded by S106 contributions (or s278 works) as well as CIL. Works which are not 'Critical' would be funded from CIL. TW are concerned that this approach risks non-A320 contingent sites paying significantly less towards infrastructure. For example, Table 2-2 defines Critical infrastructure as Suitable Accessible Natural Greenspace (SANG) and the A320 / M25 works. Non critical (therefore that which is Essential, Policy High Priority and Desirable) include a variety of other improvements. If this approach were applied, a non-A320 contingent site would only pay CIL and site specific improvements and would not be required to carry out or contribute to locally important works. However, A320 contingent sites would pay twice in effect, by CIL to Critical improvements, and through the A320 contribution. This approach risks increasing pressure on CIL funding for non-A320 works that are 'essential' to the delivery of the plan, to the detriment of plugging the large funding gap in the A320 pot.	Given the HIF conditions and need to recycle contributions, the section of the SPD on A320 contributions and Table 2-3 will need to be amended and in doing so will need to ensure CIL & S106/S278 are not applied to the same infrastructure project. However, for all allocation sites (except LGV) RBC expects physical infrastructure provision required by 2030 Local Plan policies to come forward through S106/S278 and financial contributions to come forward through CIL which could be for locally important works and essential infrastructure. In terms of A320 sites paying a reduced CIL, the costs of on-site physical infrastructure provision arising from 2030 Local Plan policies has been accounted for in the CIL Viability Assessment and CIL rates tested are considered to be viable. In any event the CIL rates for A320 dependent sites have been reduced to take account of A320 costs. Site specific works are set out in the 2030 Local Plan policies or will be derived for individual site Transport Assessments/Travel Plans.	Yes, in relation to HIF conditions

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	TW consider that the SPD should allow for contributions from non-A320 contingent sites to 'Essential' infrastructure, or that the A320 Contingent Sites should pay a reduced CIL. TW also consider that Table 2-3 is unclear in respect of post CIL funding of highway mitigation and/or improvement and active and sustainable travel items – it states that site specific measures will be funded from S106 / S278 (in addition to CIL) but wider works just through CIL. It does not clarify how site-specific works will be determined. Table 2-3 is also confusing as it states (against a number of infrastructure topics), that provision may be via S106 and/or "Financial contributions from CIL in lieu of ….". This approach suggests a lack of clarity over the expected funding sources.	Noted, however the intention is for physical infrastructure delivery through S106/S278 with financial contributions through CIL. Although the SPD states physical provision through S106/S278 'and/or' financial contributions for highways/active travel and flood defence this is to ensure that contributions can be secured toward site specific requirements arising from Transport Assessments/Flood Risk Assessments through S106/S278 and more generally towards off-site projects in the IDP through CIL.	No
	TW welcome the clarification in Table 2-3 that Policy SL14 of the draft Local Plan requires the "Physical provision of land for a Community Hub Building required by Local Plan Policy SL14 secured through Section 106". However TW consider that this should be clarified to confirm that the Chertsey Bittams Parcel A scheme is not expected to deliver any more than the land for this building.	Noted. It is considered that Policy SL14 of the 2030 Local Plan is clear enough in defining that only land provision is expected from Parcel A for built community facilities. The SPD does not attempt to go beyond this.	No
	Paragraph 3.4 states: "When seeking Section 106 contributions the Borough Council will use the calculations of cost impact set out later in this SPD as the basis for negotiation. The cost impact calculations are not tariffs to be applied rigidly but are an aid to the Council as a starting point for negotiation. The exception	In terms of critical infrastructure for SANG, if physical provision to acceptable standards or contributions in lieu of physical provision to the Council's cost are not met, then it is likely that development would not pass HRA and as such development would need to be refused. As such the SANG cost is required to make	Yes, in relation to HIF conditions

Name	Response	Comment	Amend SPD?
	to this is 'critical' infrastructure". The effect of this text is to say that the costs impact will be the basis for negotiation other than where 'critical' infrastructure is concerned. TW consider that this approach is flawed and may fetter the delivery of specific sites if, for example, schemes are not viable with the full cost of the critical infrastructure. Furthermore this approach is also flawed as it does not allow for an informed assessment of whether that cost for critical infrastructure satisfies the CIL Regulation 122(2) requirements at a particular point in time, bearing in mind the latest evidence.	development acceptable in planning terms and to ensure no likely significant effect to European sites of nature conservation importance. In terms of the A320 RBC considers that the SPD clearly sets out that the A320 cost impacts only relate to those developments contingent on A320 improvements as evidenced by the Council's A320 Corridor Study and as such RBC consider an obligation is necessary and would meet the tests set out in CIL Reg 122. In any event, the SPD is to be amended following the HIF conditions received by government which aims to target 100% clawback of HIF funding.	
	We note that Table 3-4 seeks to establish a total figure for 'Net Floorspace (discounted for affordable and non-residential)' whilst paragraph 3.28 explains that a contribution of £61/sqm is to be sought towards the A320 mitigation. TW are concerned that the SPD is unclear as to how the net increase in floorspace has been calculated for each site and thus there is a lack of transparency as to how the overall contribution per dwelling is to be calculated. As an example, we note that Table 3-4 suggests a net increase in floorspace at Chertsey Bittams Parcel A of 10,384sqm and at a rate of £61/sqm that results in an overall contribution of £633,424 (or around £3,620 per dwellings). In comparison, Chertsey Bittams Parcel E is expected to result in 4,562sqm of floorspace and at a rate of £61/sqm results in an overall contribution of £278,282 (or around £2,650 per dwellings).	Net floorspace in Table 3-4 has been calculated using an estimate of existing floorspace for each site and proposed floorspace based on a policy compliant housing mix multiplied by dwelling size as set out in the RBC's viability work. The net figure also discounts the floorspace from affordable units as set out in the CIL Regulations. This is set out in RBCs CIL Technical Background Document (TBD) and the methodology can be added to the SPD for clarity.	Yes, add methodology for calculation of net floorspace in SPD.
	Paragraph 3.29 states: "On occasions developers of A320 contingent sites may wish to bring forward improvements on the A320 corridor including direct physical improvements through Section 106 and Section 278 agreements with Surrey County Council rather than	TW interpretation is correct.	No

Name	Response	Comment	Amend SPD?
	pay a financial contribution in lieu of physical provision. Where this is the case, this will need to be negotiated with and to the satisfaction of Surrey County Council as the Highways Authority.“ TW’s interpretation of this paragraph is that should any A320-contingent sites come forward using the mechanisms to allow earlier delivery (i.e. under Main Modification 12), then paragraph 3.20 of the draft SPD may allow those schemes to bring forward improvements on the A320 corridor rather than pay a financial contribution in lieu of physical provision. TW would support that approach as it would assist in ensuring that schemes do not have to provide mitigation twice (i.e. through direct provision and then contributions). Paragraph 3.32 explains the contributions expected from residential development towards the provision of SANG. TW note that there may be instances where schemes are provided by bespoke SANG solutions and do not rely on SANG capacity being made available by the LPA. In such situations, schemes should not be required to make financial contributions to other SANG solutions.	Paragraph 3.32 states ‘Council will continue to secure physical provision of or contributions in lieu of physical provision’ and as such does not require both physical provision and financial contributions.	No

Appendix D – Summary of Representations to the second draft Infrastructure Delivery & Prioritisation SPD and the Council's Response

Name	Response	Comment	Amend SPD?
Environment Agency	We welcome the inclusion of Blue Infrastructure as a policy high priority. In our previous response, dated 6 April ref: WA/2012/112747/SD-01/IS1-L01, we highlighted that this is an opportunity to seek development contributions to flood risk management schemes, such as the River Thames Scheme, which Runnymede Borough Council is a stakeholder in. We note this has not been included in the amended SPD. If you are unable to include reference to the River Thames Scheme we would like to understand why and would welcome an explanation.	Noted. As set out in the Council's previous response to representations by the EA in terms of the RTS, any contribution would need to meet the tests set out in CIL Regulation 122 and it is considered unlikely that a contribution to the RTS would be necessary to make a development acceptable in planning terms, unless that scheme could not come forward without the RTS. Further: 1) The RTS is yet to go through the formal DCO process and there is no indication at the moment of when that process will conclude or its outcome. The Council does not therefore wish to place the adoption of the Infrastructure SPD on hold until this process has been completed. 2) Should the DCO be successful, the amount of funding the EA are aiming to achieve towards the RTS through developer contributions is as yet unknown. 3) If an amount was expected from developer contributions this would need to be proportionate for each authority stakeholder in the RTS and based on the cost impact of the element of the RTS planned for that area. This would need to be agreed between all authority stakeholders in the RTS and again as far as the Council are aware this has not yet been agreed. 4) Even if a proportionate cost estimate for each authority stakeholder could be reached, it is not possible to identify all the development which may benefit from the RTS in Runnymede. Therefore it is not possible to set out a proportionate cost impact on a per dwelling or per sqm basis for each	N/A No

Name	Response	Comment	Amend SPD?
		development at this moment in time and which would require testing through viability evidence. 5) The Council is seeking to implement CIL in 2021 and contributions from this source could be used to partly fund the RTS if agreed between all authority stakeholders and Members.	
Transport for London	No comments	Noted.	N/A
Sport England	Welcome the amended references within the SPD to the Council's Playing Pitch Strategy (PPS) adopted in 2018 which represents a robust assessment of the council's needs for playing pitches, both currently and in the future. Do not support a standards-based approach for identifying the contribution new development should make towards new outdoor sports provision. Such an approach is not sufficiently nuanced to take account of existing facilities ability to accommodate additional demand. For example, it may be more appropriate to improve or enhance existing facilities to create additional capacity rather than create new provision. The PPS will have identified, a number of projects within the action plan. Sport England considers that the PPS should supersede any standards as it will represent an up to date and robust strategy for meeting current and future needs for sport. There is no specific reference to indoor sports provision/facilities. How will this element of infrastructure be provided for? Does it fall under community facilities?	Noted. The point regarding enhancing existing facilities in the face of additional demand is noted and the SPD does facilitate this through the use of financial contributions where they meet the tests set out in CIL Reg 122 rather than making new provision on-site. Further, the standards set out in the SPD are based on the Council's adopted Local Plan policy for open spaces (Policy SL26) and costs are based on the infrastructure evidence provided in support of the Local Plan. This is considered to be a proportionate and transparent approach for developers when addressing open space (including outdoor sports) enhancements to existing facilities. The Council's infrastructure evidence which supported the Local Plan did not identify any existing or future deficiencies in indoor sports facilities. As such contributions have not been included in the SPD as they would not be considered necessary to make an application acceptable in planning terms and therefore fail the tests of CIL Regulation 122.	N/A No No
Natural England	Topic the SPD covers unlikely to have major effects on the natural environment, but may have some effects. Do	Noted.	N/A

Name	Response	Comment	Amend SPD?
	not wish to provide specific comments, but Council could consider the following issues: <u>Green Infrastructure</u> SPD could consider making provision for Green Infrastructure (GI) within development in line with any GI strategy covering your area. NPPF states that local planning authorities should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure. The PPG on Green Infrastructure provides more detail on this. Urban green space provides multi-functional benefits contributing to coherent and resilient ecological networks, allowing species to move around within, and between, towns and the countryside. Urban GI is also recognised as an effective tool in managing environmental risks such as flooding and heat waves. Greener neighbourhoods and improved access to nature can also improve public health and quality of life and reduce environmental inequalities. There may be significant opportunities to retrofit green infrastructure in urban environments. These can be realised through: Green roof systems and roof gardens; Green walls to provide insulation or shading and cooling; New tree planting or altering the management of land (e.g. management of verges to enhance biodiversity). Could also consider issues relating to protection of natural resources, including air quality, ground and surface water and soils within urban design plans. Further information on GI is include within The Town and Country Planning Association's "Design Guide for Sustainable Communities" and their more recent "Good Practice Guidance for Green Infrastructure and Biodiversity".	The 2030 Local Plan contains policies to provide additional GI and individual allocation policies also require the provision or contribution toward GI. RBC is also preparing a Green & Blue Infrastructure SPD and as such, other guidance will be better placed to guide the provision, type and quality of GI within development than the Infrastructure SPD. The role of the SPD is to set out how RBC will prioritise infrastructure and the approach to gaining developer contributions. This includes GI as a policy high priority in the infrastructure hierarchy as well as the basis for securing GI on-site or negotiating contributions towards off-site provision. Noted, however the Green & Blue Infrastructure SPD will be better placed to address these issues.	No No

Name	Response	Comment	Amend SPD?
	Biodiversity enhancement This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraph 118 of the National Planning Policy Framework. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the Exeter Residential Design Guide SPD, which advises (amongst other matters) a ratio of one nest/roost box per residential unit.	Again, the Green & Blue Infrastructure SPD will be better placed to address these issues along with the Design SPD that the Council is also currently preparing. The role of the SPD is not to guide the design of development but to set out the Council's prioritisation of infrastructure and the basis for developer contributions, although it does set out biodiversity improvements as a potential contribution in Table 2-3 as well as SANG as critical infrastructure.	No
	Landscape enhancement SPD may provide opportunities to enhance character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider how new development might makes a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts. For example, it may be appropriate to seek that, where viable, trees should be of a species capable of growth to exceed building height and managed so to do, and where mature trees are retained on site, provision is made for succession planting so that new trees will be well established by the time mature trees die.	See comments above.	No
	Other design considerations	See comment above	No

Name	Response	Comment	Amend SPD?
	The NPPF includes a number of design principles which could be considered, including the impacts of lighting on landscape and biodiversity (para 180). <u>Strategic Environmental Assessment/Habitats Regulations Assessment</u> A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.	RBC has published a SEA/HRA screening assessment as part of the SPD consultation. The screening assessment was sent to Natural England for comment at its draft stage with Natural England agreeing with the conclusions of the assessment that neither SEA or the Appropriate Assessment stage of HRA was required provided certain adjustments were made in relation to C2 and C4 housing. These changes were already included in the first draft SPD	Para 3.24 of SPD already amended in terms of C2 & C4 housing.
Highways England	Understood the Draft SPD sets out guidance on how the Council will prioritise infrastructure funding to support the 2030 Local Plan and operate Section 106 planning agreements and undertakings once CIL is implemented. To support the adopted Local Plan, the level of improvement required at M25 J11 to facilitate allocated developments in Runnymede was identified and agreed by all parties including Highways England, Surrey County Council and Runnymede Borough Council. Understood this work will be led by Surrey County Council and this SPD sets out how individual developments will contribute. It should be noted that for any improvements on the SRN, normal S278 processes still apply and if potential adverse impacts to the SRN from development is subsequently identified through individual transport assessments, developments will be expected to mitigate. Early engagement with Highways England is recommended for any potential SRN improvements, as well as any improvements on the local road network that could impact on the SRN that CIL/S106 will contribute to.	Noted. The successful HIF bid for the A320 north of Woking improvements includes M25 J11 and the SPD includes this in the target for 100% clawback. Also, Policy SD4 of the Runnymede 2030 Local Plan requires Transport Assessments/Statements to consider impact on the highway network. The individual policies of each 2030 Local Plan allocation also require sites to take account of impacts to the strategic network.	N/A

Name	Response	Comment	Amend SPD?
Barton Willmore obo Crest Nicholson & CGNU	<u>Section 2: Infrastructure Hierarchy & Prioritisation</u> Principle of adopting an infrastructure hierarchy is reasonable, particularly as it relates to the recognition of 'critical' and 'essential' transport infrastructure. Para 2.5 distinguishes LGV as requiring a bespoke Section 106 agreement. From a transport perspective there is nothing that differentiates LGV in respect of early delivery of strategic transport infrastructure from the other strategic developments allocated within the Runnymede Local Plan 2030. Para 2.15 suggests CIL is the key vehicle to deliver infrastructure improvements in the Borough except for critical infrastructure (including repayment of HIF grant. Understood from this that CIL would not apply to LGV, nor would CIL be used in connection with the method of repayment for the A320 North of Woking scheme from the 'dependent developments'. The proposed deletion in Table 2.3 of CIL against the A320 & M25 J11 item seems to confirm this however, this would benefit from further clarification within the SPD. Para 2.17 suggests that the conditions of the A320 North of Woking HIF award include targeting 100% recovery from developments dependent on the improvement scheme going ahead. Assumed that the 'dependent developments' are those listed below, which should continue to be referenced to avoid any ambiguities: - Hanworth Lane - Pyrcroft Road - Longcross Garden Village - Vet Labs - Ottershaw East - St Peter's Hospital Site - Chertsey Bittams (Made up of Sites A-E)	Noted. Noted. Noted and correct that CIL would not apply to LGV or be applied to repayment of the HIF grant. Considered that paragraph 2.15 and deletion in Table 2.3 is clear enough and further clarification is not required. Noted, however para 2.17 clearly signposts that further information is set out in Section 3 with dependent developments clearly set out in Table 3-4. Further reference to dependent sites is not considered necessary.	N/A N/A No No

Name	Response	Comment	Amend SPD?
	The policy for LGV set out in Table 3-4 of the draft SPD requires updating to refer to Policy SD9 of the adopted Local Plan 2030.	Noted. Policy number to be updated.	Yes, update policy number in line with adopted 2030 Local Plan.
	Noted that recovery rate of 100% far exceeds the 25% originally proposed by Surrey County Council (SCC) in its HIF submission. Draft SPD does not contain any rationale to justify this increase, only stating that the 100% target recovery rate is a "starting point for negotiations" (Para 3.35).	Para 3.30 of the SPD clearly states the 100% clawback target for HIF is a condition of Homes England. Further A320 Topic Paper RBCLP_52, para 8.2 sets out that HIF clawback could be higher than 25%.	No.
	The HIF – Business Case Questions (April 2019) outlined the existing congestion that occurs on the A320 corridor as an existing problem that requires resolution. It outlined the evidence from Annex 2 of the Surrey Future Congestion Programme (2014) which recognised the A320 in Woking, the A320 at St Peter's Way, as well as other local roads surrounding the M25 junction 11 as congestion bottlenecks. In particular, it stated on p16 that: "… by improving congestion on this critical part of the road network, the scheme will bring significant economic improvements including by supporting the productivity of strategically important businesses in this area including the headquarters of McLaren (who have yet to implement a further major expansion at their site, Astellas Pharma and Samsung as well as many others located near to the A320 Corridor North including in Woking Town Centre and beyond". The above statements are indicative of the other benefits that would accrue from the A320 and M25 Junction 11 works, which would go beyond the delivery of the identified development allocations within the Runnymede 2030 Local Plan.	Noted.	N/A

Name	Response	Comment	Amend SPD?
	Background traffic makes up the vast majority of traffic at the identified locations, both pre and post the improvements being completed, as is reported by SCC in its Strategic Highway Assessment (SHA) model. As the A320 and M25 Junction 11 improvements benefit existing users, in addition to supporting growth, adopting a recovery rate of 100% may not meet the statutory tests (as set out in para 56 of the NPPF (2019). While the improvements provide the relief necessary to support the delivery of the 'dependent developments', the obligations need to fairly and reasonably related in scale and kind to the developments. Notwithstanding this, Crest Nicholson and Aviva remain committed to complying with the principles of a proportionate repayment based on obligations which are clearly justified and other agreements being reached relating to matters of viability, as covered in Paras 3.35-3.37.	Noted, however the Council considers that 100% clawback can be targeted. In any event the SPD makes clear that clawback will be sought after policy compliant development is achieved and subject to viability.	No.
	<u>Section 3 - Approach to Section 106 Financial Contributions</u> Para 3.31 outlines how the HIF 'clawback' repayment for the A320 & M25 Junction 11 improvement would be processed through Section 106 and S278 agreement(s). In terms of the apportionment mechanism used, it should be recognised that different methodologies are possible and the SPD should set out the reasons why RBC has chosen to proceed using a calculation based on floorspace.	Noted, however use of floorspace aligns with CIL and allows for a proportionate contribution based on policy compliant development. The Council could have based contributions on net dwelling numbers or net trip rates. Dwelling numbers are considered too coarse a method of proportioning contributions and the Council does not have sufficient information on total net trip rates for each allocation site to have come to a reasonable and proportionate contribution on this basis.	No
	It is noted that RBC has sought to build some flexibility into the process as stated in Para 3.38. The preference is clearly stated first as a financial contribution to repay the HIF grant, at a rate which is to be agreed between the applicant and RBC. In this respect, it is considered	Noted, however the paragraph is simply with respect to offering flexibility to a developer either to meet HIF repayment through financial contribution or through physical delivery which would either be delivered by	No.

Name	Response	Comment	Amend SPD?
	that the 'rather than' in the above statement engages an element of preference and choice. An applicant for the developments concerned should therefore be able to satisfy their responsibilities towards the A320 North of Woking scheme by making such financial contribution and, where this is the case, there should be no further requirement to define or deliver alternative physical improvements. Should an applicant propose physical intervention in lieu of making a financial contribution towards HIF, the SPD only requires to bringing 'forward improvements on the A320 corridor'. The statement does not make it clear that such works should be entirely consistent and/or incremental with the principles of the A320 North of Woking scheme, rather than any alternative proposal which seeks only to mitigate the traffic impacts of an individual development. The risk of not clarifying this is that, while the impact of a development could be satisfied by an alternative improvement, as a stand-alone assessment, the works could be contrary or abortive when taking account of the cumulative impacts of all planned developments which are all anticipated to come forward within a short timescale. In such circumstances, SPD should require compliant proposals, either in the form of delivering one or more of the A320 works, or in the delivery of improvements which are incremental to delivery of the ultimate scheme(s). Such assessments should be based on assessment of cumulative impacts, in order to avoid a situation arising where development has satisfactorily demonstrated mitigation, only for subsequent developments to be delayed by works which could not be delivered without recourse to necessary third party land, which would otherwise require to be secured by	SCC or the developer. There is no preference stated in the SPD. Noted, however the SPD does not request physical delivery of A320 improvements where a financial contribution is negotiated. Noted, however paragraph 3.38 does state that any physical delivery will need to be negotiated with and to the satisfaction of Surrey County Council as the highways authority. Further 2030 Local Plan policy SD5 also requires development proposals which give rise to a need for infrastructure improvements will be expected to mitigate their impact either individually or cumulatively. However, for clarity the SPD can refer to the need for any physical improvements to be designed for the cumulative impact and consistent with principles of the A320 improvements. Noted, SPD to clarify that any physical delivery will need to take account of and address cumulative impacts.	No Yes. Clarify that physical delivery must be consistent with A320 scheme and address cumulative impact. Yes, see above.

Name	Response	Comment	Amend SPD?
	SCC/RBC through land owner agreement(s) or Compulsory Purchase Order (CPO). Where the value of the works exceed the proportionate share of the contributions which would be required, in accordance with para 56 of the NPPF (2019), an appropriate 'credit' or alternative form of discount should be included, to ensure proportionality is maintained, against the requirement of individual dependent development to financially contribute to the HIF clawback and/or offset against other s106 obligations. Through Local Plan examination process, Crest Nicholson/Aviva agreed a Statement of Common Ground (SoCG) with RBC which set out how matters of phasing could be explored to support early delivery. This would allow SCC to continue in determining the appropriate timescales for the implementation of the A320 North of Woking scheme, including such alternative means of prioritising or delivering the required works to enable the early delivery of housing at LGV in advance of the A320 North of Woking scheme's full completion. We continue to support this approach and are progressing this through the more detailed work being undertaken to support the future outline planning application for Longcross South. Finally, in respect of Education, we note that paragraph 3.44 of the draft SPD includes the following: "It should be noted that developer contributions may be secured retrospectively, where it has been necessary for Surrey County Council to forward fund education infrastructure projects in advance of anticipated housing growth." This statement should be clarified and supported by evidence which directly links any infrastructure projects which may be delivered in advance of the development to the impact generated by	Noted, however NPPF para 56 makes no mention of an 'appropriate credit' or discount. Nevertheless, SPD to be amended to make clear that if the cost of physical provision is greater than a financial contribution (based on the cost impact in the SPD), then a reduction in other contributions will be considered on a case by case basis to maintain proportionality. Noted. Noted, para 3.44 was added at the request of DfE and is intended to allow SCC to seek education contributions from development where SCC has already forward funded school expansion to take account of the impacts of that development prior to its delivery and is not intended to mitigate existing infrastructure deficits. This will be clarified in the SPD.	Yes N/A Yes, clarify that education contributions can be retrospective where SCC has had to forward fund school

Name	Response	Comment	Amend SPD?
	that development. In other words, SCC should not seek to secure contributions from developments in order to mitigate existing infrastructure deficits. Finally, RBC officers will be aware of the Government's Planning White Paper, 'Planning for the Future' which was published on 6th August 2020. Amongst the reforms proposed is the replacement of CIL with a new infrastructure levy. RBC will need to consider the implications of the proposals contained in the White Paper and associated consultation documents and that this should be reflected in the final version of the SPD.	Noted, however the Planning White Paper is at consultation stage only and the Council considers that there continues to be merit in the Infrastructure SPD until such time as planning reforms for CIL and S106 obligations are introduced, whenever that may be.	expansion in light of anticipated growth and not existing deficits. No.
Surrey County Council	<u>Surrey County Council as the accountable body</u> Grant Determination Agreement for the A320 HIF scheme is an award of grant funding from MHCLG to the county council with conditions attached. Clause 5 of the agreement states recovery and recycling strategy for HIF funding should target 100% HIF recovery and recycling on a site by site basis, and reflect the need for Surrey County Council to secure an appropriate return from all landowners and developers benefitting from HIF funded infrastructure. The draft SPD at paragraph 3.30 needs to refer to the county council as the accountable body for the purposes of recovering and recycling the HIF funding. <u>Clawback of HIF funding</u> Grant Determination Agreement between SCC and MHCLG under clause 6 requires "active developer engagement clearly setting out the recovery intention and recycling of HIF funding." We recognise that paragraph 3.36 states that "the level of clawback will be	Noted, para 3.30 to clarify that SCC is the accountable body for the purposes of HIF recovery & recycling. Noted, clarification can be added to state that RBC will work with SCC to actively engage with developers.	Yes. Yes.

Name	Response	Comment	Amend SPD?
	negotiated on a site by site basis", but we would also like to see the SPD state that RBC will work with the county council to actively engage with developers in order to recover HIF funding so that we can progress further new development and align development with strategic priorities. The Grant Determination Agreement states that "any costs saved or recovered are retained by the local authority and to be used for further housing delivery". We have advised you that the county council does not intend to ring fence recovered HIF funding solely to be spent in Runnymede. Instead, any recovered HIF funding will be required to support the delivery of additional housing throughout the county. Furthermore, funding recovered may, where appropriate, be used to support any cost over runs in the delivery of the HIF scheme. <u>Section 106 monitoring charge</u> Paragraph 3.18 includes an amendment that the county council put forward in our response to the previous Draft SPD relating to a county council monitoring charge. We request that this paragraph is amended so that it is clear that the monitoring charge is one fifth of 5% and not 1% of 5%. We suggest the following wording: 'In this respect, a monitoring charge of 5% of the total value of the Section 106 agreement or undertaking, capped at a maximum of £10,000 will be charged and added to each Section 106 agreement or undertaking with one fifth (or £2,000 if capped) of ~~this~~ the total monitoring charge being passed to the County Council to meet their monitoring costs.'	Noted. See response above. Noted, however the Borough Council now intends to clarify that contributions to monitoring will be on a case by case basis and related to the planning obligation sought.	Yes Yes, but to clarify contributions will be on a case by case basis and in relation to the obligation sought.
Turley obo Richborough Estates	<u>LOCAL PLAN EXAMINATION PROCESS AND THE HIF BID</u>		

Name	Response	Comment	Amend SPD?
	Focus appears to be revising both the CIL and SPD documents to facilitate the 100% claw back of the HIF funding, rather than 25% as previously proposed. Understand that it is now a requirement of the contract. This has previously not been stated as the case, and has implications for our client's site. Indeed, given it is concerning that this position has only come to light after the consideration of the Local Plan by the Inspector, and the adoption of the Plan, particularly given the forensic examination undertaken by the Inspector on this matter. This is a significant and material change that risks undermining the delivery of the Local Plan. Consequently, the draft IDP SPD now seeks to recoup 100% of HIF monies from the allocation sites contingent on A320 improvements specified in the HIF award. In contrast, the previous version of the SPD sought to clawback 25% of the HIF. This matter refers to paragraphs 2.17, 3.30, 3.31, 3.32 of the SPD. In this context, para 5.38 of the Local Plan states that: "The delivery of a number of allocations around the A320 is contingent on the delivery of infrastructure improvements in this area of the Borough. This is clearly stated in the timing information provided for the relevant sites. These allocations could be delivered earlier in the plan period than stated should the transport assessments submitted as part of the planning applications for these sites demonstrate that the impact on the A320 would be acceptable, having particular regard to the timing of the A320 improvements works being delivered and the objective of securing the timely delivery of housing within the borough." The Examination Document (RBC_LP_52 A320 Update Paper) previously introduced the Council's intention to seek to recoup up to 25% of the HIF monies. At paragraph 5.3 the document states that "The HIF	Noted. The Council's HIF bid made an assumption of 25% clawback of HIF through developer contributions and the draft SPD reflected this as this was the information available at the time. However, since publication of the draft SPD in February, MHCLG issued its decision on the A320 HIF bid with a condition that the Council target to clawback 100% of HIF funding. It should be noted the condition for 100% clawback is a target and will need to be considered on a case by case basis subject to viability. This is made clear in the SPD. Noted, see above.	N/A

Name	Response	Comment	Amend SPD?
	submission estimates the cost of the A320 improvement works to be approximately £44m, including the costs of providing the required mitigation at M25 Junction 11. The bid also suggests a level of clawback could be achieved from developments which the Local Plan identifies as being dependent upon the A320 improvement works being completed, to help fund the cost of the works. The level of clawback suggested in the bid is 25%, or £11m." At para 7.3, the document confirms that the HIF bid suggests how a 25% clawback requirement could be met from those Local Plan site allocations which are identified as being closely dependent on the completion of the A320 corridor improvement works. Para 7.11 then states that "In all scenarios sufficient CIL would be raised to ensure the 25% (£11m) clawback suggested in the HIF Bid" This is reaffirmed at paragraph 8.2 which states that: "The HIF bid suggests the Council might seek to clawback 25%, or £11m of the costs of the A320 improvement works in due course. Any successful HIF funding allocation could also be conditioned to require a higher level of clawback from development and this level of potential clawback is being tested by the Government's Bid Assessment Team." We note that the HIF bid (RBC_LP_44) does not specify the 25% claw back, and indeed redacts the expected site specific S106 contributions. It appears that position has now changed, but the process is not transparent and the full HIF arrangements should be published, un-redacted. <u>100% HIF CLAWBACK AND VIABILITY</u>	MHCLG agreed to the condition requiring a target 100% clawback to be mentioned in the SPD.	N/A N/A

Name	Response	Comment	Amend SPD?
	As we have set out above, the approach to HIF funding was considered by the Local Plan Inspector, but on the basis of 25% clawback. We consider that this matter is necessarily intertwined with other matters such as CIL and subject to the overall robustness of those Viability Assessments. Paragraph 3.35 of the revised draft SPD states: "The 2030 Local Plan was supported by viability assessments of its policies and requirements as well as bespoke viability which considered the A320 contingent sites and ability to repay HIF. As such, the Council's starting point for negotiations is that A320 contingent sites can achieve 100% clawback based on the cost impact set out above."	Noted, however as stated above the HIF conditions required by MHCLG were not available at the time of drafting the SPD. Further, the Council's A320 Viability work (RBCLP_51) shows surpluses from A320 sites in excess of 25% with potential for 100% clawback. This evidence was presented to the Local Plan examination.	
	Paragraph 3.36 of the revised SPD explains that "Where developers of sites do not consider that 100% clawback is viable having achieved policy compliant development first, planning applications for sites contingent on A320 improvements will be expected to be accompanied by viability assessment(s) of the proposed development."	Noted.	N/A
	In our view, that approaches matters from the wrong angle. Para 173 of the NPPF 2012 (against which this Local Plan was examined) states that "the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened." Whilst the Council state in the draft IDP SPD that the recouping of HIF monies from allocation sites will be subject to viability, paragraph 3.37 of the SPD now places the onus on the applicant (at the point of submission of a planning application) to demonstrate that they cannot repay the full 100% pro-rata contribution (to be secured via S106 Agreement) in a negotiated process. This is inappropriate and inconsistent with PPG Viability ('PPGV').	Noted, however as set out in the SPD, the Council expects development contingent on the A320 to secure policy compliant development first i.e. secure CIL, any physical delivery of infrastructure required by allocation policies through S106 and affordable housing before it considers the scope to target 100% HIF clawback. As such, it is considered reasonable for a developer to demonstrate that after achieving a policy compliant development (which has been assumed in all of the Council's viability assessments) whether there is any viability left in the development to enable clawback of HIF funding (as is demonstrated in the Council's A320 viability assessment RBCLP_51). It should also be noted that HIF funding is in the form of a grant from the public	No

Name	Response	Comment	Amend SPD?
		purse to forward fund A320 improvements, without which the developments contingent on those improvements would not be able to come forward in a timely manner.	
	PPGV is clear from the outset (para. 001) that Local Plans should set out the contributions expected from development and viability assessment should take into account all policy costs including the cost implications of CIL rates/liability and planning obligations (under S106). PPGV follows this at para. 002 by confirming that assessment should ensure that policies are realistic and achievable such that the total cumulative cost of all relevant policies will not undermine deliverability of the plan. From this, PPGV is clear that policy requirements (including CIL, as above) should be set such that there is no need for further viability assessment at the decision making stage. The Council's approach in respect of both CIL setting and the draft IDP SPD are in clear conflict with PPGV in this regard. For example, in the case of the Ottershaw East site allocation, the net impact of the modifications to the CIL DCS SoM, and the recouping of A320 HIF moneys proposed in the draft IDP SPD, is an increase in costs of circa £2m. In addition, whilst we note that whilst the Local Plan identifies sites where their phasing is contingent upon the A320 improvements, we have not been able to identify any references in the draft SPD to how and whether contributions might be sought from other sites where it transpires that part of the works are required to make those schemes acceptable. The CIL charging schedule specifically excludes 'critical infrastructure' which comprises the A320 improvements, and so as currently presented, no funding for the strategic infrastructure needed to deliver the Local Plan will come forward from non A320-dependent sites. Sites that are not classed by the Council as A320-dependent (based	Whilst the paragraph referred to in the PPG note on viability is noted, the PPG also states in paragraph 007 'Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.' As such the PPG note on viability does not exclude viability assessment at the decision taking stage and the SPD clarifies when this may be relevant. Further, as identified by the representor above, the Council's HIF bid suggested a clawback of 25%, but recognised that this could be conditioned to be higher as was being tested by the governments bid assessment team. In relation to contributions from other sites other than those identified in the SPD and Local Plan, these are not contingent on the A320 improvement works as identified in the Council's A320 Corridor Study and therefore are not expected to make a contribution i.e. A320 improvements are not necessary to make those sites acceptable in planning terms.	No

Name	Response	Comment	Amend SPD?
	on the Council's assessment), will still impact on the network over which these improvements are to be brought forward. <u>APPROACH TO SECTION 106 FINANCIAL CONTRIBUTIONS BEFORE AND AFTER CIL</u> It is recognised that infrastructure provision (such as the A320 improvements) should be funded collectively through CIL contributions, Section 106 and Section 278, as appropriate. We are however mindful of the financial burden that 'double counting' CIL and other physical/ financial contributions can have on delivery and viability, as well as legal compliance. This is discussed further within our Client's response to the CIL consultation. The approach proposed (in this SPD and CIL) will significantly burden A320-dependent sites unfairly. If additional HIF recovery is required (above 25%), this should be achieved through allocation of CIL monies, and through exploring alternative and additional funding sources. Furthermore, the SPD sets out at 3.32 that the Council has calculated the level of contributions required from allocation sites based on what is needed to achieve 100% of HIF funding clawback. The cost estimates that informed the HIF bid were very broad and high level and not based on developed improvement designs, rather high-level concept options. As currently drafted, it appears that a site subject to an early application would potentially be subject to both Section 106 obligations and subsequent CIL payments, even though the A320 / Brox Road junction has now been removed from the HIF fund.	Noted, however the SPD aims to avoid developments contingent on the A320 from contributing to the A320 improvements through CIL and S106/S278 by excluding the use of CIL funds for A320 improvements. For other types of infrastructure the SPD makes clear what is to be delivered through S106 and through CIL. Noted, however application of CIL to the A320 will inevitably lead to sites contributing via S106 to also contribute by CIL which the SPD seeks to avoid. Further, proportional contributions are only requested from sites contingent on the A320 which is not considered to be an unfair burden given that these sites would not come forward in a timely manner without the HIF forward fund. Noted, however the SPD makes clear that A320 improvements will not be secured through CIL but by S106/S278. Therefore any CIL raised from A320 contingent sites will not be spent on A320 improvements.	N/A No. No

Name	Response	Comment	Amend SPD?
	We note in the "Regulation 12 Statement of Correspondence" document that the Council have stated that the A320/Brox Rd junction was subsequently removed from the HIF bid. This consequently has potentially placed a further infrastructure burden on our client's allocation, and we would be grateful if correspondence on this matter can be provided to us given this junction was where there was an identified impact from our site.	The HIF bid clearly identified that the Ottershaw East site impacted on a number of junctions and links along the A320 Corridor including J11 (M25), link 3 and 4 and Junctions 10 and 8. For this reason the site was included in the HIF bid and Policy SL12 requires a proportionate financial contribution to deliver relevant mitigation to the A320. The Brox Road junction was not included in the bid.	No
	If that is now not considered to be the case, then our client's site should be removed from any CIL requirements relating to the A320 works and any related HIF clawback, as the infrastructure we assume would solely be secured through Section 106 only. It appears that the site is now as such not regarded as being contingent on the A320 HIF works. Indeed, given this junction is the reason why the site is identified as an A320 contingent site, there appears to be some conflict between this SPD and the now adopted Local Plan policy relating to our clients site.	SPD makes clear, there are no CIL requirements for the A320 or HIF clawback.	No
	<u>OTHER COMMENTS ON AMENDMENTS TO THE SPD</u> Table 2-3: Section 106 & Application of CIL p31 of the "Regulation 12 Statement of Correspondence" document, in responding to our request for confirmation that CIL will not be applicable to the proposed allocations in addition to what is being sought through individual Section 106 Agreements, states that "given the HIF conditions, the section of the SPD on A320 contributions and Table 2-3 will need to be amended and in doing so will need to ensure CIL & S106/S278 are not applied to the same infrastructure project." We do not however note any changes proposed to that table that would result in that clarification being provided.	The section on A320 & M25 Junction 11 improvements in Table 2-3 now deletes reference to financial contributions from CIL. As such this makes clear that CIL will not be used to fund A320 improvements.	No

Name	Response	Comment	Amend SPD?
	Table 3-4: Estimated Net Floorspace from Local Plan Allocations Subject to A320 and M25 Junction 11 mitigation Table 3.4 provides an estimation of floorspace to be provided on a number of allocated sites. We note that the precise level of floorspace to be provided at the allocations will depend upon the final proposals and masterplanning process. The figures in Table 3.4 should not be used as a definitive expression of floorspace for any purpose, including the calculation of any financial contributions sought from those developments.	Noted. The cost impact for the A320 improvements is based on estimated floorspace but is not a fixed total cost, rather it will be applied to the final floorspace of development whether more or less than that estimated and subject to viability. The point of the estimate is to establish a proportionate contribution from each A320 contingent site.	No
	<u>Essential/High/Disenable Priority Infrastructure</u> The SPD sets out how contributions from development towards various forms of essential, high and desirable priority infrastructure (such as primary healthcare facilities, community facilities, children's playspace and outdoor sports and allotments is to be calculated. In general these contributions are to be calculated by reference to the number of dwellings or occupiers. We consider that this approach does not properly respond to the three requirements of CIL Regulation 122(2) as it adopts a generic approach to contributions, rather than seeking measures which are necessary to make a specific development acceptable.	Noted, however the standards and costs on which the contributions are based are set out in the 2030 Local Plan and its evidence on infrastructure needs. The SPD is also clear that cost impacts are a starting point for negotiation not a fixed cost and therefore the Council will ensure that any financial contribution or physical delivery meets the requirements of CIL Regulation 122.	No
	Paragraph 3.18 – monitoring fees We are pleased to note a proposed cap on monitoring fees. We would however draw the Council's attention to the case of Oxfordshire County Council v Secretary of State for Communities and Local Government and Other [2015] EWHC (Admin) in which the obligation requiring developers to pay for a monitoring fee was challenged in the High Court.	Noted.	N/A

Name	Response	Comment	Amend SPD?
	The High Court held that the administrative and monitoring costs incurred by a local planning authority in ensuring that planning obligations were observed were not capable of being planning obligation in their own right and that it is part of normal, everyday functions of a local planning authority to administer, monitor and enforce planning obligations in s106 agreements. It was held that the payment of a monitoring and administration fee listed as a planning obligation in a s106 agreement could not be recovered and that the planning obligation failed the test in Regulation 122 of CIL. Rather than a proposed set percentage rate, it is necessary for any monitoring fee, if it is to be applied at all, to be proportionate and reflect the action level of monitoring required. Given the reliance on CIL and potentially only limited localised Section 106 requirements with set trigger points, it is difficult to envisage any justification for substantive figures to be applied and the Council must act reasonably given the specific circumstances.	The High Court case from 2015 is noted. Whilst paragraph 036 of the PPG note on planning obligations published in 2019 states that authorities can charge a monitoring fee through section 106 planning obligations and that fees could be fixed or a percentage of the total value, the Council consider such contributions on a case by case basis and in relation to the particular obligation sought. This will be reflected in the SPD.	Yes. Amend para 3.18.
	Paragraphs 3.25, 3.26, 3.41 and 3.42 – Thames Basin Heaths Special Protection Area These paragraphs should be amended to reflect that some sites, such as our clients, will be providing bespoke onsite SANG and therefore such contributions are not required. It is noted that SAMM payments will however be required.	Table 2-3 sets out that provision of SANG can be made physically or through financial contributions and this is reiterated in para 3.41. As such, the SPD is clear that physical provision of SANG is acceptable.	No
	Paragraph 3.44 – Education infrastructure The additional text suggests that contributions could be sought retrospectively by the County Council. It is difficult to see how such an approach could comply with CIL 122 requirements. Committed expenditure cannot be retrospectively paid for by a developer at a future point in time, and this additional text should be deleted.	Noted, para 3.44 was added at the request of DfE and is intended to allow SCC to seek education contributions from development where SCC has already forward funded school expansion to take account of the impacts of that development prior to its delivery. In this respect Para 008 of the PPG note on planning obligations states ‘When local authorities	Yes, clarify retrospective education contributions in light of forward funding.

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		forward-fund school places in advance of developer contributions being received, those contributions remain necessary as mitigation for the development.' It is in this respect that the additional text is made, however this will be further clarified in the SPD.	
	Paragraph 3.46 – Controlled Parking Zones It is unclear what is required here. It would be necessary to show a linkage between any new development and its requirement to fund a proportionate contribution towards any new CPZ. If there are existing impacts that necessitate the creation of these, as appears to be the case, then it is inappropriate for future developments to fund works to rectify existing issues.	Noted, however this will be expanded on in the Council's Parking SPD currently under preparation.	No.
	Paragraph 3.81 – Allotments We are pleased to note the recognition that a contribution will not be required for our client's site (SL12) unless an allotment cannot be feasibly delivered on site.	Noted.	N/A
	SUMMARY It is imperative that as we move out of these current uncertain times, delivery is not held back due to over-onerous requirements and developers as such need complete clarity on the inter-relationship between CIL and Section 106 within the Borough.	Noted.	
Turley obo Taylor Wimpey	Taylor Wimpey are promoting land at Chertsey Bittams Parcel A allocated in the recently adopted Local Plan for a minimum of 175 dwellings. Policy SD2 of the Local Plan phases this site for delivery between 2023-2026 subject to delivery of necessary mitigation on the A320. Policy SL14 (g) requires that the proposals for this site: "Include measures to mitigate the impact of development on the local road network and take account of impacts on the strategic road network as identified through a	Noted.	N/A

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	site-specific Travel Plan and Transport Assessment. Given the expected impact of development at the site on the A320, proportionate financial contributions to deliver relevant mitigation will be required". Paragraph 5.38 of the Local Plan states: "The delivery of a number of allocations around the A320 is contingent on the delivery of infrastructure improvements in this area of the Borough. This is clearly stated in the timing information provided for the relevant sites. These allocations could be delivered earlier in the plan period than stated should the transport assessments submitted as part of the planning applications for these sites demonstrate that the impact on the A320 would be acceptable, having particular regard to the timing of the A320 improvements works being delivered and the objective of securing the timely delivery of housing within the borough." REPRESENTATIONS ON THE SPD A320 HIF 'Clawback' The SPD now confirms the Council's intentions to seek to recoup 100% of HIF monies from the allocation sites contingent on A320 improvements specified in the HIF award. In contrast, the previous version of the SPD sought to clawback 25% of the HIF. This matter refers to paragraphs 2.17, 3.30, 3.31, 3.32. The extent of HIF clawback was a matter considered in material submitted during the Local Plan Examination and we note the following • The Examination Document RBC_LP_52 A320 Update Paper introduced the clawback requirement of 25% and included the following references: – 5.3 - The HIF submission estimates the cost of the A320 improvement works to be approximately £44m, including the costs of providing the required mitigation at M25 Junction 11. The bid also suggests a level of clawback could be achieved from developments which	Noted. The Council's HIF bid made an assumption of 25% clawback of HIF through developer contributions and the draft SPD reflected this as this was the information available at the time. However, since publication of the draft SPD in February, MHCLG issued its decision on the A320 HIF bid with a condition that the Council target to clawback 100% of HIF funding. It should be noted the condition for 100% clawback is a target and will need to be considered on a case by case basis subject to viability. This is made clear in the SPD. Noted, see above.	No

Name	Response	Comment	Amend SPD?
	the Local Plan identifies as being dependent upon the A320 improvement works being completed, to help fund the cost of the works. The level of clawback suggested in the bid is 25%, or £11m. 7.3 The HIF bid suggests how a 25% clawback requirement could be met from those Local Plan site allocations which are identified as being closely dependent on the completion of the A320 corridor improvement works. – 7.11 The Council will confirm its approach to S106 obligations and the potential for differential or nil rates through the course of CIL preparation. The table below sets out the estimated level of net residential development to come forward for the remainder of the Local Plan period and the amount of CIL that could potentially be raised depending on the rate set. Rates shown have been informed by the lowest and highest rates already set within Surrey as an indicator of the range of where a Runnymede CIL could be set. In all scenarios sufficient CIL would be raised to ensure the 25% (£11m) clawback suggested in the HIF Bid. – 8.2 The HIF bid suggests the Council might seek to clawback 25%, or £11m of the costs of the A320 improvement works in due course. Any successful HIF funding allocation could also be conditioned to require a higher level of clawback from development and this level of potential clawback is being tested by the Government's Bid Assessment Team. The Inspector's Final Report on the Local Plan also considers the extent of clawback and states: The Inspector's Final Report on the Local Plan also considers the extent of clawback and states: • 281. Significant progress has been made towards delivery of the A320 scheme. The Council and Surrey County Council have worked together as a priority to		

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	coordinate delivery of the full scheme of improvement works required along the A320 corridor, with an estimated cost of £44M. A funding bid for the scheme (A320 North of Woking scheme) was submitted to the Housing Infrastructure Fund in April 2019, with a programme for completion of the works in March 2024. It was predicated on a clawback of 25% of the total cost from the A320- dependent sites, therefore £11M. The bid was approved in March this year. It is clear that the Local Plan was prepared and examined on the assumption that 25% of the HIF would be clawed back. Only since the Local Plan has been found sound has the Council indicated that 100% of the HIF should be clawed back. This is a significant and material change that risks undermining the delivery of the Local Plan. Paragraph 3.35 of the draft SPD states: "The 2030 Local Plan was supported by viability assessments of its policies and requirements as well as bespoke viability which considered the A320 contingent sites and ability to repay HIF9. As such, the Council's starting point for negotiations is that A320 contingent sites can achieve 100% clawback based on the cost impact set out above." Taylor Wimpey consider that this matter is intertwined with other matters such as CIL and subject to the overall robustness of those Viability Assessments. As Taylor Wimpey's representations on the CIL Statement of Modifications set out, significant concerns are raised over the robustness of the Council's viability assessments. Paragraph 3.36 of the revised SPD explains that "Where developers of sites do not consider that 100% clawback is viable having achieved policy compliant development first, planning applications for	Noted, however as stated above the HIF conditions required by MHCLG were not available at the time of drafting the SPD. Further, the Council's A320 Viability work (RBCLP_51) shows surpluses from A320 sites in excess of 25% with potential for 100% clawback. This evidence was presented to the Local Plan examination. Noted, however as set out in the SPD, the Council expects development contingent on the A320 to secure policy compliant development first i.e. secure CIL, any physical delivery of infrastructure required by allocation policies through S106 and affordable housing before it considers the scope to target 100% HIF clawback. As such, it is considered reasonable for a developer to demonstrate that after achieving a policy compliant development (which has been assumed in all of the Council's viability assessments) whether there is any viability left in the development to enable clawback of HIF funding (as is demonstrated in the Council's A320 viability assessment RBCLP_51). It should also be noted that HIF funding is in the form of a grant from the public purse to forward fund A320 improvements, without which the developments contingent on those improvements would not be able to come forward in a timely manner.	No No

Name	Response	Comment	Amend SPD?
	sites contingent on A320 improvements will be expected to be accompanied by viability assessment(s) of the proposed development.". In our view, that approaches matters from the wrong angle. Paragraph 173 of the NPPF 2012 (against which this Local Plan was examined) states that "the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened." As we have set out above, that matter was considered by the Local Plan Inspector, but on the basis of 25% clawback. In addition we note that the Local Plan identifies sites where their phasing is contingent upon the A320 improvements. However we have not been able to identify any references in the draft SPD to how and whether contributions might be sought from other sites where it transpires that part of the works are required to make those schemes acceptable. In Taylor Wimpey's' view, sites that are not classified as A320-dependent (based on the Council's assessment), will still impact on the network over which these improvements are to be brought forward including (but not limited to) particularly at the M25 Junction 11. The approach proposed (in this SPD and CIL) will significantly burden A320-dependent sites unfairly. If additional HIF recovery is required (above 25%), this should be achieved through allocation of CIL monies, and through exploring alternative and additional funding sources. The works are required solely as a result of planned Local Plan growth, but in many cases to address existing network issues that arise without the LP developments. The CIL charging schedule specifically excludes 'critical infrastructure' which comprises the A320 improvements, and so as currently presented, no funding for the strategic infrastructure needed to deliver the Local Plan will come forward from non A320-dependent sites. This is a	In relation to contributions from other sites other than those identified in the SPD and Local Plan, these are not contingent on the A320 improvement works as identified in the Council's A320 Corridor Study and therefore are not expected to make a contribution i.e. A320 improvements are not necessary to make those sites acceptable in planning terms. Further, application of CIL to the A320 will inevitably lead to sites contributing via S106 to also contribute by CIL which the SPD seeks to avoid. Further, proportional contributions are only requested from sites contingent on the A320 which is not considered to be an unfair burden given that these sites would not come forward in a timely manner without the HIF forward fund.	No

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	missed opportunity, unfairly burdens A320-dependent sites, and in Taylor Wimpey's view is not in the spirit of CIL, which is not intended to fund site specific measures, but infrastructure required in the Borough generally – the A320 works would fall into this later category. This approach also precludes other sites which may come forward (speculatively) outside of the Local Plan and impact on the A320 corridor from directly making a fair contribution, and in effect disincentivises the exploration of alternative funding sources to help fund wider community infrastructure. Targeting 100% HIF funding removes these opportunities. Whilst this SPD does not relate to the setting of CIL rates, the two are critically intertwined and the ability and opportunities to deliver critical infrastructure across the Borough needs to be considered holistically. Furthermore, the SPD sets out at 3.32 that the Council has calculated the level of contributions required from allocation sites based on what is needed to achieve 100% of HIF funding clawback. The cost estimates that informed the HIF bid were very broad and high level and not based on developed improvement designs, rather high-level concept options. At the Examination RBC and SCC confirmed that even the principles of some of the schemes would be revisited as part of the design process. The final improvement schemes are therefore subject to potentially significant change in design and cost terms. There is no consideration to what the impact on the contribution expectations from allocation sites would be if the eventual scheme costs rise or fall and how this would be addressed. Taylor Wimpey consider that there are significant opportunities to value engineer the works identified through the design process, particularly if the incentive to do so is not weakened by a 'commitment'	Noted, however the SPD makes clear that A320 improvements will not be secured through CIL but by S106/S278. The costings in the bid, although based on feasibility designs, were detailed and were scrutinised at length by the HIF assessors who did not disagree with the figures presented.	No No

Name	Response	Comment	Amend SPD?
	from A320 dependent sites to fund the value of the HIF award. Table 3-4: Estimated Net Floorspace from Local Plan Allocations Subject to A320 and M25 Junction 11 mitigation Table 3.4 provides an estimation of floorspace to be provided on a number of allocated sites. Taylor Wimpey note that the precise level of floorspace to be provided at the allocations will depend upon the final proposals and masterplanning process. The figures in table 3.4 should not be used as a definitive expression of floorspace for any purpose, including the calculation of any financial contributions sought from those developments. Essential/High/Disireable Priority Infrastructure The SPD sets out how contributions from development towards various forms of essential, high and desirable priority infrastructure (such as primary healthcare facilities, community facilities, children's playspace and outdoor sports and allotments) is to be calculated. In general, these contributions are to be calculated by reference to the number of dwellings or occupiers. Taylor Wimpey consider that this approach does not properly respond to the three requirements of CIL Regulation 122(2) as it adopts a generic approach to contributions, rather than seeking measures which are necessary to make a specific development acceptable. SUMMARY Taylor Wimpey maintain significant concerns regarding the Infrastructure Delivery and Prioritisation SPD. These primarily arise as a consequence of the significant increase in HIF which the Council seeks to clawback from the A320 dependent sites, including the Chertsey Bittams Parcel A site. As can be seen from Taylor Wimpey's representations on the CIL draft Charging	Noted. The cost impact for the A320 improvements is based on estimated floorspace but is not a fixed total cost, rather it will be applied to the final floorspace of development whether more or less than that estimated and subject to viability. The point of the estimate is to establish a proportionate contribution from each A320 contingent site. Noted, however the standards and costs on which the contributions are based are set out in the 2030 Local Plan and its evidence on infrastructure needs. The SPD is also clear that cost impacts are a starting point for negotiation not a fixed cost and therefore the Council will ensure that any financial contribution or physical delivery meets the requirements of CIL Regulation 122.	No No

Name	Response	Comment	Amend SPD?
	Schedule Statement of Modifications Consultation, the increased HIF clawback is of significance to the viability of the proposed CIL rates. Whilst the Council state in the draft SPD that the recouping of HIF monies from allocation sites will be subject to viability, this now places the onus on the applicant (at the point of submission of a planning application) to demonstrate that they cannot repay the full 100% pro-rata contribution (to be secured via S106 Agreement) in a negotiated process. This is inappropriate and inconsistent with both the NPPF (2012, 2019) and PPG Viability ('PPGV'). Overall, Taylor Wimpey consider that the revised approach to HIF clawback is a significant change and this matter should be assessed in detail (alongside CIL) before the SPD is adopted.	Whilst the PPG note on viability is noted, the PPG also states in paragraph 007 'Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.' As such the PPG note on viability does not exclude viability assessment at the decision taking stage and the SPD clarifies when this may be relevant.	No
Nexus Planning obo Chertsey Parklands LLP	Nexus Planning raise concern that the Council has chosen to consult for the minimum length of time and over the summer holiday period. This runs the clear risk that interested parties have inadequate time to respond.	The Council has run two public consultations, the first in between Monday 24 February and Monday 6 April 2020, extended to Friday 24 April 2020 due to the Covid-19 pandemic and the second between Friday 17 July to Friday 14 August 2020. A number of other consultees where able to reply during July and August without prejudicing their interests, so adopting the minimum 4 week period for consultation as set out in the Local Planning Regulations is believed to have been shown to be an adequate period of time for interested parties to make representations. Indeed, as shown by the Council accepting these representations substantially out of time, the Council would not arbitrarily refuse to consider late representations where there was no prejudice to the other consultees.	N/A

Name	Response	Comment	Amend SPD?
	Summary points		
	Upgrades to the St Peter's Hospital roundabout are not funded by HIF.	This is noted in the SPD.	No
	Those upgrades would be funded separately (by developer contributions from St Peter's Hospital and Parklands) and delivered early as set out in the draft SPD.	The works to the St Peter's Hospital roundabout are being taken forward by St Peter's Hospital via a Section 278 Agreement. This was agreed prior to Local Plan adoption and prior to the close of the Local Plan examination process. Further, there is nothing in the adopted 2030 Local Plan which suggests that the St Peter's Roundabout junction would only be funded by St Peter's Hospital and Parklands.	N/A
	The impact of the Parklands scheme should in any event be 'traded off' against the previous office use as set out in the A320 Update Paper (September 2019).	Given the demolition of the vacant office, the subsequent development of the care home in 2017 and the splitting of the site so that the development site no longer includes the former office parcel of land, the argument put forward in the TA that the trip rate from the previous office should be taken into account when considering the impact on the local road network is not considered to be justified on the facts before the Council as it would unjustly enable the applicant to benefit from the trip rate of the previous office when that is no longer part of the site subject to the application.	No
	The proposal has a reduced impact on the highway network when compared with the previous office use (a point accepted by Highways England in their consultation response dated 21 November 2017) and does not rely upon HIF money, any requirement for the	The CHA's advice of 2018 raised concerns regarding the accuracy of the applicant's transport assessment and the conclusions drawn. In its advice of June 2019, the CHA determined that the development was likely to generate an impact and therefore a contribution was both justified and requested in order	No

Name	Response	Comment	Amend SPD?
	Parklands scheme to repay the HIF grant is therefore flawed.	to seek the necessary level of mitigation to the point of the local highway network most significantly impacted - the St Peter's access roundabout. This was not however an acknowledgement of the content and conclusions of the TA. The CHAs advice in June 2019 was provided prior to the adoption of the Runnymede Local Plan and sought to treat each development on the A320 as an individual entity and to seek contributions on the basis of the closest impacted site. However, the CHA recognised that there would be a wider impact, justifying a "fixed fee" for all development on the A320 as the most equitable way of securing the required mitigation necessary to the A320 links and junctions works, as indicated by the policy wording for A320 dependent sites in the Local Plan (which includes Bittams D – Policy SL17), which require a 'proportionate financial contribution to deliver relevant mitigation'. The mechanism for clawing back this proportionate financial contribution is now set out in the Infrastructure Delivery and Prioritisation SPD. The requirement in the SPD to target 100% clawback of HIF (subject to viability) is a condition of the HIF funding agreement with Homes England. For reasons set out in answer to the last point above, the facts do not support the applicant assertion that there is a reduced impact on the highway network.	
	Any reference to Parklands (Chertsey Bittams Parcel D) as an A320 contingent site subject to clawback of HIF money in the draft SPD should be deleted.	Criterion (f) of Policy SL17: Housing Allocation at Parcel D, Chertsey Bittams, Chertsey, of the adopted Runnymede 2030 Local Plan) states that: 'Given the expected impact of the development at the site on the A320, proportionate financial contributions to deliver relevant mitigation will be required'. Policy SD2: Site Allocations also states that the site is	No

Name	Response	Comment	Amend SPD?
		'subject to delivery of necessary mitigation on the A320' The Inspector who examined the Runnymede 2030 Local Plan considered that the policy wording as modified in main modifications MM37 and MM19 was appropriate and did not consider that any further modifications to the policy wording in either case was required.	
	Detailed points		
	The HIF bid suggests a level of clawback from developments which the Local Plan identifies as being dependent upon the A320 improvement works as 25% (£11m). Following adoption of the Local Plan, the 'Draft Infrastructure Delivery and Prioritisation SPD (July 2020) now confirms that the Council is obligated via the agreement with Homes England to target 100% clawback.	This is factually correct; no changes are either proposed or required to the SPD.	N/A
	The SPD proposes a simplistic formula in order to achieve that. Chertsey Parklands LLP do not consider this revised approach to be fair, reasonable or proportionate.	The SPD sets out clearly why the Council is of the view that the proposed formula provides an equitable solution to fairly fund the necessary A320 improvement works. This representation fails to set out why a clear formula let alone the formula adopted with the SPD is neither fair, reasonable or proportionate. The approach in the SPD is considered fair, reasonable and proportionate as it provides an equitable approach to be applied to all the A320 dependent sites.	No

Name	Response	Comment	Amend SPD?
	Para 3.3. of the A320 Update Paper makes it clear that the HIF would fund A320 improvement works as well as the required mitigation at M25 Junction 11. However, the Draft Infrastructure, Delivery and Prioritisation SPD now states that 'the improvements required to the St Peter's Hospital roundabout no longer form part of the successful bid'.	Planning permission for housing at St Peter's Hospital was granted in 2019 on very special circumstances grounds. As the improvements works to junction 8 are being brought forward by St Peter's Hospital via a Section 278 Agreement the costs of these works were removed from the HIF bid. The planning permission for St Peter's Hospital was granted prior to the adoption and close of the examination of the 2030 Local Plan. It is therefore both reasonable and proportionate that the Council removed the costs for the improvements required to deliver the St Peter's Hospital roundabout from its HIF bid.	No
	An initial highways contribution of £506,000 was requested by Surrey County Council in their consultation response dated 19 June 2019. That figure assumed a total cost of £1.7m for the A320 upgrades in this area, divided by a total of 672 dwellings (Parklands plus St Peter's Hospital) giving a figure of £2,530 per dwelling. Both schemes had early planning applications and there was a level of certainty that the relevant contributions could be secured. The cost of these improvements was excluded from HIF. On the basis that the St Peter's Hospital roundabout works are excluded from HIF and Highways England did not object to the proposal, the scheme does not rely upon, nor benefit from the HIF award and any requirement to repay HIF funding is fundamentally flawed. Using the SPD formula, the revised highway contribution now sought for the Parklands development is £2,967,990. An increase of nearly £2.5M	As stated above, the response provided by the CHA in June 2019 considered that the Parklands development was likely to generate an impact. The CHAs updated advice in June 2019 was provided prior to the adoption of the Runnymede Local Plan and sought to treat each development on the A320 as an individual entity and to seek contributions on the basis of the closest impacted site. This advice predated the adoption of the Local Plan, the publication of the draft SPD and the HIF condition requiring a target of 100% clawback. The CHA recognised that there would be a wider impact, justifying a "fixed fee" for all development on the A320 as the most equitable way of securing the required mitigation necessary to the A320 links and junctions works, however the detail of this approach (set out now in the SPD) was not available at the time the advice in 2019 was provided. The application at St Peter's Hospital was permitted in February 2019 due to a very special circumstances case (the provision of funding to deliver	No

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		enhancements to the hospital accommodation). The Parklands planning application was not ready for consideration prior to the adoption of the 2030 Local Plan. In terms of the potential increase in contributions for A320 of nearly £2.5m at Parklands to cover 100% clawback of HIF funding, the SPD makes clear this is based on the viability of development. As such, if an applicant does not consider their site to be viable for 100% clawback they can submit viability evidence to demonstrate this. Therefore, the increase of nearly £2.5m would be a maximum but dependent on viability and the SPD does not fetter the right of the applicant (or the Council in consultation with the CHA) to negotiate the level of clawback on the basis of viability.	
	Previous consultation response from Surrey County Council made it clear that the cost of improvements to the St. Peter's Hospital roundabout was to be shared between the St. Peter's Hospital development and the Parklands scheme at a rate of £2,530 per dwelling, equivalent to the £1.7M required.	The previous consultation response from the CHA was prior to the adoption of the 2030 Local Plan and has been subsequently updated and the 2030 Local Plan as adopted does not identify the funding of the junction at the St Peter's Hospital roundabout would be the totality of the necessary highway contributions required to mitigate the impact of the Parklands Scheme. The CHA has been reviewed and determined that a contribution to the A320 improvement works as set out in the SPD is justified, reasonable and proportionate.	No
	There will be a shortfall in funding improvements to the St Peter's Hospital roundabout that will not be covered by HIF.	As previously stated the St Peter's Hospital roundabout works are being undertaken by the Hospital via a Section 278 Agreement and as such there is no shortfall as St Peter's Hospital will cover the full costs.	No

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	Apparent that the previously agreed financial contribution would satisfactorily mitigate the impact of the proposed development on the A320, separately and distinct from HIF funding. Just as the St. Peter's Hospital scheme has been, the Parklands development should be excluded from the requirement to claw back this funding.	The critical time is when an application is considered and at this point in time, the 2030 Local Plan has been adopted which requires the Parklands site to contribute towards the A320 scheme and the HIF bid agreement requires the Council to target 100% clawback which is now reflected in the revised SPD. As such, no reasons have been provided to articulate why the Parkland site should be excluded from the effects of this SPD and in the absence of such representations, it is not considered that the Parklands site should be excluded from the requirement for clawback of HIF. As noted, above, the applicant is at liberty to make representations regarding viability but that does not impact on the validity of the SPD.	No
	The TA prepared by Mayer Brown in October 2017 which accompanied the planning application makes it clear that the combined impact of the proposed residential development and committed care home development is less than the previous office use of the site.	The CHA's advice of 2018 raised concerns regarding the accuracy of the applicant's transport assessment and the conclusions drawn. The CHA response in 2018 stated that in order to accept the trip rate comparison assumptions further justification would be required. As noted above, given the demolition of the vacant office, the subsequent development of the care home in 2017 and the splitting of the site so that the development site no longer includes the former office parcel of land, the argument put forward in the TA that the trip rate from the previous office should be taken into account when considering the impact on the local road network is not considered justified on the facts before the Council as it would unjustly enable the applicant to benefit from the trip rate of the previous office when that is no longer part of the site subject to the application.	No

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	Whilst the final version of the Local Plan and site allocation policy SL17 reference to the need for contributions to the A320, it is also noted that through the Main Modification to that policy, the wording was revised to make it clear that ‘’proportionate’’ contributions would be required. The proposed formula in the SPD requires the same financial contribution per square metre for all the A320 contingent developments. The approach fails to differentiate between previously developed sites (such as Parklands) with an existing impact on the highway network and greenfield sites and makes no allowance for the proposed mix of units (such as Parklands with predominantly 1 & 2 bed flats) and the resultant impact on the highway network.	With regard to existing impact please see the comments above. The approach taken in the SPD to the clawback of HIF is considered the most equitable approach, to which the CHA along with other consultees have made no objection. Further, the cost of A320 set out in the SPD is based on a net sqm basis. As such, whilst the cost per sqm would not be variable, the total cost of a contribution (subject to viability) would be dependent on the final net sqm of a development. As such it follows that a development with less floorspace i.e. a scheme of flatted development as opposed to larger dwellings would contribute less. The proposed formula is therefore considered to be justified on the facts, reasonable and proportionate.	No No