

Development Infrastructure and Contributions SPD

Consultation Responses

Number	Organisation	Section of document	Comment	Officer recommendation
1	Surrey County Council	General comment	No comment, but pleased to note the acknowledgement in paragraph 2.20 of the need for appropriate cross-boundary engagement where there are implications for service delivery in adjoining areas.	Noted – no change required.
2	Gatwick Airport	General comment	Request that any developments that come forward in the future comply with aerodrome safeguarding requirements.	Noted – no change required.
3	Natural England	General comment	No comment as consider the SPD does not pose any likely risk or opportunity in relation to its statutory purpose. However, there may be impacts on the environment upon which others may wish to comment.	Noted – no change required.
4	Southern Water	General comment	No comments to make at this stage.	Noted – no change required.
5	The British Horse Society	Paragraph 1.2 Paragraph 3.90, 3.91, 3.92, 3.93 Paragraph 3.105	Support the wording in these paragraphs as it could be helpful in securing developer contributions towards non-motorised user infrastructure and facilities. New development provides opportunities for better facilities and these should be for all vulnerable road users	Noted – proposed change. Figure 6 has been expanded to include routes for pedestrians, cyclists and equestrians to recognise that some routes may not necessarily be formal public rights of way.

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			(walkers, cyclists and equestrians) ideally by providing at least one bridleway route around the fringe of the development which links into the wider countryside network.	
6	Thames Water	Flood mitigation and water infrastructure section	<p>It is important to consider the net increase in water and wastewater demand to serve the development and also any impact that developments may have off-site, further down the network. The SPD should seek to ensure that there is adequate water and wastewater infrastructure to serve all new developments.</p> <p>Thames Water recommends that developers engage with them at the earliest opportunity to establish demands for water and wastewater infrastructure both on- and off-site.</p> <p>Proposed new text: “Where appropriate, planning permission for developments which result in the need for off-site upgrades, will be subject to conditions to ensure the occupation is aligned with the delivery of necessary infrastructure upgrades.” “The Local Planning Authority will seek to ensure that there is adequate water and wastewater</p>	<p>Disagree – proposed new text not included but additional wording has been added.</p> <p>District Plan Policy DP42: Water Infrastructure and the Water Environment sets out the position with regards to the capacity of water infrastructure. It is considered that Policy DP42 already adequately covers the points raised by Thames Water in their proposed new text, however, a new paragraph has been added to the SPD in this section to make reference to Policy DP42 and that developers are encouraged to contact the water/ wastewater company as early as possible to discuss their development proposals.</p>

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			<p>infrastructure to serve all new developments. Developers are encouraged to contact the water/waste water company as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements. Where there is a capacity constraint the Local Planning Authority will, where appropriate, apply phasing conditions to any approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of development.”</p>	
		SuDS	<p>Proposed new text to highlight the importance of surface water drainage and SuDS and the responsibilities of the developer:</p> <p><i>“It is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding.”</i></p>	<p>Disagree – proposed new text not included but additional wording has been added.</p> <p>It is considered that the existing wording in paragraphs 3.99-3.102 is sufficient as it makes reference to the West Sussex County Council Policy for the Management of Surface Water and District Plan Policy DP41: Flood Risk and Drainage, which outlines the preferred hierarchy of managing surface water drainage from a development. Additional wording has</p>

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				<p>been added to paragraph 3.103 to reflect this.</p> <p>Additional wording has been added to paragraph 3.99 to highlight that early consideration of drainage is important so that developments can be constructed around natural features and make use of natural land levels.</p>
7	Turners Hill Parish Council	General comment	The three documents were considered to be informative, easy to read and appropriate. They are supported by Turners Hill Parish Council.	Noted – no change required.
8	Theatres Trust	Paragraph 3.93 and Figure 6, page 29	The Trust recommends reference to arts and cultural facilities such as theatres within the list and the SPD more generally. The three dimensions of sustainable development set out in the NPPF include a social role within which is the need to support cultural wellbeing. A core planning principle (paragraph 17) is to improve cultural well-being for all and to deliver sufficient community and cultural services and facilities to meet local needs. Arts and cultural facilities such as theatres, and theatrical groups that operate out of other buildings such as community centres, provide opportunities for local people to participate and come together. We note at least one community theatre	<p>Agree – proposed change.</p> <p>Figure 6 has been expanded to include a reference to arts and cultural facilities including museums, theatres and galleries.</p>

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			within Mid Sussex – the Chequer Mead Community Arts Centre in East Grinstead – and this and other potential facilities and groups across the district could positively benefit from the receipt of contributions to ensure the cultural needs of a growing population are met and to enhance the well-being of existing and future residents.	
9	Sussex Police	Appendix 4	Corrections to the figures and text for the Police in Appendix 4.	Agree – change required. The wording has been amended in Appendix 4.
10	Historic England	General comment	No comments as the SPDs fall outside of Historic England’s expertise and remit.	Noted – no change required.
11	Redrow Homes	General comment	Support the preparation of the new Development Infrastructure and Contributions SPD.	Noted – no change required.
		General comment with reference to paragraph 2.19 and paragraph 3.76	Consider the SPD as currently written does not reflect in enough detail the relationship between the role of Section 106 and how this will operate upon adoption of CIL. The SPD needs to reinforce and reflect the change that will occur once CIL has been adopted. For example, healthcare could be funded by CIL and as such the Council could not seek additional	Agree – proposed change. Additional wording has been added in paragraph 2.19 to clarify that further information will be provided during the preparation of CIL to set out the relationship between CIL and planning obligations once CIL is adopted.

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			<p>Section 106 sums.</p> <p>Suggest the SPD is updated to clarify the relationship between CIL and Section 106 and how each of these two funding streams would operate jointly within the District.</p>	
12	CPRE	General comment	Consider the SPD should be deferred until the new NPPF and NPPG.	<p>Disagree – no change required.</p> <p>The current SPD is out-of-date and needs replacing and the date of publication of the final versions of the NPPG and NPPF is unknown, so it would not be sensible to defer the introduction of the new SPD. Should it be necessary, the SPD will be revised in due course, however, the SPD broadly aligns with the draft NPPF and NPPG.</p>
		Paragraph 3.105	<p>The paragraph takes a narrow view of the importance of treating both on-site and off-site environmental enhancements as an infrastructure need – see District Plan Policy DP38 and paragraph 173 of the draft revised NPPF with respect to net gains for biodiversity.</p> <p>Suggest the last sentence of paragraph 3.105 is expanded to read: ‘Improvements may also include contributions to create, improve and upgrade recreational routes, rights of</p>	<p>Disagree – proposed new text not included but additional wording has been added.</p> <p>The wording in paragraph 3.105 has been expanded and amended to provide more detail.</p>

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			way and public open spaces, for habitat reclamation and for habitat and/or species conservation and enhancement schemes involving areas referred to within DP38, and/or for other environmental, biodiversity and public realm enhancement purposes that will provide net gains to the local community’.	
		Paragraph 3.120	Query if there is a need to address what will happen once the East Court & Ashplats Wood SANG reaches capacity? Query if monitoring information should be referenced here.	Agree – proposed change. Additional wording has been added in paragraph 3.120 to reflect that the District Council will explore options for another strategic SANG to ensure mitigation can be provided once the East Court & Ashplats Wood SANG reaches capacity. There is ongoing monitoring of SANG capacity.
		Paragraph 3.121-122	Query if the requirements for a SANG to be provided on the development site should be included here and reference made to the maintenance arrangements and costs.	Agree – proposed change. Additional wording has been added to paragraph 3.118 to clarify that further guidance will need to be sought from the District Council if a SANG is proposed on the development site itself.
		Paragraph 3.123-3.124	Need to make reference to the Joint SAMM Strategy.	Disagree – no change required. The Joint SAMM Strategy will replace the Interim SAMM Strategy but it is

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				considered that reference to the SAMM Strategy is sufficient. No change is required.
		Paragraph 3.123-3.124	Need to ensure costs of monitoring the SANG and SAMM Strategy are met by developers.	Disagree – no change required. Paragraph 4.29 states that the District Council expects developers to contribute towards the monitoring of planning obligations.
		Paragraph 4.29	Add enforcement of planning obligations as a matter to be covered by developer funding.	Disagree – no change required. The District Council will seek to recover any court costs should a matter progress to that stage.
		General comment	Request to publish details of the infrastructure funded through developer contributions.	Disagree – no change required. Infrastructure funded through developer contributions will be monitored in accordance with the District Plan Monitoring Schedule.
13	Highways England	General comment	Highways England does not have any comments to make at this point.	Noted – no change required.
14	Sussex Wildlife Trust	Paragraph 3.105 and 3.106	We are encouraged by the inclusion of wording that supports and highlights the importance of green infrastructure in Mid Sussex. We feel this is especially important given that the individual green infrastructure	Noted – proposed change. The section of green infrastructure has been amended and expanded to provide more detail on green

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			<p>policy was removed by the Inspector during the District Plan Examination.</p> <p>Having reviewed these paragraphs we do not feel that they are clearly written and would benefit from being slightly rewritten, in particular the second sentence of paragraph 3.105.</p> <p>If the council wish to contact the Sussex Wildlife Trust to consider how the wording could be revised to strengthen the paragraphs relating to green infrastructure we would be happy to discuss this.</p>	infrastructure and biodiversity.
15	West Sussex County Council	Figure 1, paragraph 3, paragraph 2.10 and paragraph 3.49	<p>Considering the recent national consultation on developer contributions, Figure 1 should be amended to ensure if changes are made to the pooling restrictions, this document does not become 'out of date'. It is suggested 'the pooling restrictions will remain in force until such time as they are removed from government policy' is added after paragraph 3 in the text or remove the paragraph and replace it will 'contributions will be requested in line with government pooling restrictions, if these apply'.</p>	<p>Noted – proposed change.</p> <p>Figure 1 cannot be amended as this is the District Plan policy on securing infrastructure (DP20). However, wording has been amended in paragraph 2.10 and 3.49 to reflect that legislation and government policy may change in the future.</p>
		Paragraph 2.22	Suggested that the source of the statistic is provided.	<p>Noted – proposed change.</p> <p>The statistic that refers to 33% of new affordable housing units being</p>

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				occupied by 'concealed' households who already live in the District is already included in the current 2006 SPD and it is understood that it is still relevant. However, the wording has been amended in paragraph 2.2.
		Paragraph 2.22	The section also states that the discount is applicable to all affordable housing units. It would be useful to specify that it is not applicable to 'Help to Buy' or other incentive schemes, shared ownership, intermediate homes which will be treated as full market housing for the purposes of calculating contributions.	Disagree – no change required. The District Council feels that all affordable housing units including shared ownership and shared equity should benefit from the discount, whilst other 'incentive' schemes such as 'Help to Buy' should not.
		Paragraph 3.66	Request that reference is made to the fact that the costs include fitting out the new school; it should be a 'turnkey solution' that is provided.	Agree – proposed change. The wording has been expanded to refer to the fact that the costs include the fitting out the new school.
		Paragraph 3.68	Request that 'financial' is added before 'contributions are required' on the first line.	Agree – proposed change. The wording has been amended.
		Paragraph 3.69	Amend to reflect the WSCC 'Explaining Contributions Calculator' document ' <i>WSCC provide a calculator to ascertain financial contributions for school infrastructure broken up into four categories, primary, secondary, middle and sixth form. Depending</i>	Agree – proposed change. The wording has been amended.

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			<p><i>on the existing local infrastructure, only some or none of these categories of education will be required. The calculator is used for smaller developments up to and including 500 units where contributions are sought for the improvement and expansion of existing schools. Strategic developments of more than 500 homes are subject to bespoke negotiation where contributions are sought for the improvement and expansion of existing schools. Strategic developments with pupil numbers greater than the local schools have capacity to take or expand to, are subject to bespoke requirements, which might include securing land or buildings for education facilities'.</i></p>	
		Paragraph 3.73	<p>Amend to reflect the WSCC 'Explaining Contributions Calculator' document '<i>Contributions will be sought where necessary towards youth provision and other facilities such as residential care. Though required for large strategic developments of 500 dwellings, each development will be considered on a case-by-case basis.</i>'</p>	<p>Agree – proposed change. The wording has been amended.</p>
		Paragraph 4.26	Make clear that it is the BCIS All-in	Agree – proposed change.

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			TPI that are applied. Wording is suggested to read ' <i>...and in the case of the County Council, indexation by reference to the Building Cost Information Service <u>All-In Tender Price Index</u> will usually apply.</i> '	The wording has been amended.
		Paragraph 4.32	Request that the second sentence is removed: ' <i>The County Council has indicated that it will start to charge a monitoring fee for S106 agreements.</i> '	Agree – proposed change. The sentence has been amended and the wording has been checked with West Sussex County Council.
		Appendix 2 paragraph A2.18	The occupancy rates are from the 2011 Census and provision should be made to enable the occupancy rates to be adjusted when the 2021 Census data is available.	Agree – proposed change. The footnote has been amended to enable the occupancy figures to be adjusted if necessary when data from the next Census is available.
		General comment	It is noted there is no appendix for Education and Highways.	Noted – no change required. Education is included at paragraphs 3.64-3.73 and Highways is included at paragraphs 3.33-3.51. Links are included to the West Sussex County Council website.