

An abstract graphic design featuring several overlapping, dark green geometric shapes on a white background. The shapes include a large, solid green rectangle on the right side, a tall, narrow vertical strip on the left, and various other polygons and triangles that create a complex, layered composition. The overall effect is modern and minimalist.

The Surrey Count

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Foreword

The 2017 Surrey Infrastructure Study established that Surrey authorities are planning to accommodate housing growth of on average 4,357 dwellings per year over the period to 2031. It was estimated that 2017 accommodate

1. Developer contributions

2. Surrey County Council and Section 106 agreements

2.1 Pre-application

The first point of contact to discuss a specific application is normally the relevant Surrey LPA, all of which offer a range of pre application services. However, there are occasions where developers require information or guidance in respect of the likely S106 requirements for a particular development in advance of the preparation of a planning application and as a result direct contact with the relevant team or officer within the County Council takes place.

Surrey County Council, through their Transportation Development Planning Team, provides a [chargeable pre-application service](#) in relation to highways and transportation matters. All other pre-application enquiries in relation to SCC planning obligations should, in the first instance, be directed to the Council's Infrastructure Agreements & CIL Manager who will liaise with the relevant service colleagues. Email enquiries should be directed to paul.druce@surreycc.gov.uk.

The County Council's role is to advise the LPAs of the impact that the development would have on County Council infrastructure and services. At a strategic level Surrey County Council's Spatial Planning Team will also work closely with Local Planning Authorities to ensure infrastructure requirements are identified through the Local Plan process. Where S106 contributions are sought, Surrey County Council will provide the necessary evidence to demonstrate that the need identified is due to the impact of the development concerned and that the contributions sought, and the projects that the contributions will be directed to, meet the requirements of the CIL regulations.

The LPA has the ultimate responsibility in determining whether the infrastructure contributions sought are reasonable and accord with the requirements of the CIL Regulations, in addition to balancing the viability of the development against the infrastructure requirements

2.2 Viability

In line with the NPPF, LPAs must weigh up the infrastructure requirements arising from a development against viability issues when determining a planning application.

Where the County Council has submitted what the LPA consider to be a compliant request for a contribution but the issue of viability is raised and upon considering the viability appraisal the conclusion is reached that the contribution cannot be supported, the County Council may consider taking a number of actions:

Engagement with LPAs and developers to work toward securing the prioritisation of County Council planning obligations whilst recognising any financial constraints upon the development. This could be through approaches such as flexible trigger points for payment of or phased payments of contributions.

For large sites where phasing may be required, the County Council will work with LPAs to agree deferred obligations to enable the possibility of achieving necessary contributions should market conditions improve over the period of development

Possible objection to the application if nil or reduced contributions would mean that the development is considered unacceptable in planning terms. If failure to provide for contributions are considered a reason for refusal, Surrey County Council would provide all necessary evidence and supporting statements to assist at any subsequent appeal or legal process.

2.3 Legal agreements

Surrey County Council will expect that the applicant for planning permission is 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. Legal costs must be paid in full by the applicant before completion of the S106 Agreement. There will be a minimum charge of £750, with the total cost based on the hourly rate of SCC Legal officers. Further information on hourly rates is available through environmentlegal@surreycc.gov.uk.

As part of the legal process Surrey County Council will require evidence of land ownership to be provided. The developer will also be required to notify SCC in writing when development commences and when triggers for payment or provision of infrastructure are reached. Notifications must be sent to paul.druce@surreycc.gov.uk. Security provision or bonds may also be required in advance in situations where large S106 payments or in kind infrastructure are negotiated as part of the infrastructure package.

2.4 Indexation

In order that contributions are secured to reflect any future cost inflation they will be index-linked appropriately within the legal agreement. Surrey County Council expect that indexation will run from the date of the resolution to grant planning permission.

This guidance should be read alongside Local Plan policies and any accompanying Supplementary Planning documents produced by Surrey LPAs.

3. Surrey Local Planning Authorities

| LPA | CIL – residential rates | Developer contribution SPD |
|------------|--|--|
| Elmbridge | Introduced April 2013. Adopted rate £125 per sqm residential (C3) | 2020 Development Contributions SPD |

4. Highways and Transportation

Surrey's roads are some of the most congested in the country. The County Council, in its capacity as a local highway authority, is a statutory consultee on planning matters and LPAs are required to consult on planning applications that they receive which have road transport implications. SCC's Transport Development Planning (TDP) considers applications against the following national, county and local policy and other guidance:

At the national level the key transport policies and principles are set out in the National Planning Policy Framework (NPPF) and accompanying guidance. The NPPF includes policies on transport matters, as part of its overall goal of achieving 'Sustainable Development'. The NPPF states that development proposals generating significant levels of movement should be supported by Transport Assessments (TAs) or Transport Statements (TSs), as well Travel Plans (TPs), as appropriate. Transport issues should be considered from the earliest stages of development proposals and developments should cost effectively limit significant transport impacts, include safe public realm designs, be accessible and provide access for all members of society. The NPPF sets out that development proposals 'should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

At County Council policy level the Surrey Transport Plan 2011 - 2026 (LTP3) includes local policies and objectives to manage the transport impact of development as part of the wider

Although some developments may require on-site infrastructure only, off-site mitigation measures may also be required particularly in the case of large-scale, strategic developments. These can be in the form of improvements to the highway network, providing new roads, footpaths and cycleways, bus priority measures, enhanced or additional public transport services and bespoke travel plans.

The motorway and trunk road network are the responsibility of Highways England and SCC will not normally provide comment on these.

4.2 Transport Assessments and Transport Statements

The NPPF and the accompanying National Planning Practice Guidance (NPPG) set out that larger scale development proposals should be supported by Transport Assessments (TAs) and Transport Statements (TSs). The NPPG suggests that LPAs should determine the need for a TA or TS on a case by case basis considering:

- The transport policies in the Local Plan

- The scale of the proposed development

- The potential for additional trips to be created, over and above what existing or previous land uses might have produced

The [2018 Travel Plans – a good practice guide for developers](#) (TPGPG) sets out what Surrey County Council expects from development-related travel plans. The document includes development scale thresholds above which a travel plan should be produced. For C3 residential developments this threshold is 80+ dwellings. The guide provides full details of thresholds based on size and land use. The requirements apply to both new developments and extensions of existing

5. Public Rights of Way

Surrey has almost 3450 kilometres of footpaths, bridleways and byways. The County Council is responsible for the management and maintenance of this network, and for the Definitive Map that is a legal record of the position and status of Rights of Way. The council's [Right of Way Improvement Plan](#) sets out how the network could be improved to reflect changing patterns of use and the changing requirements being placed upon it.

The revised NPPF provides strong support for the public rights of way network, setting out that 'Planning policies an

To secure new or additional public rights of way it may be necessary for a landowner(s) to dedicate those rights. Under Section 25 of the Highways Act 1980 the County Council can enter into an agreement with the freeholder of the land to dedicate a footpath or bridleway within its area. The way may then become maintainable at public expense. Proposals with significant infrastructure will require consideration regarding the long-term maintenance responsibility. In such situations SCC may require a commuted sum for maintenance.

Once a route has been dedicated, it would be signposted and appear on Surrey's Definitive Map and Statement and other Ordnance Survey maps.

Developers are encouraged to speak to the Rights of Way team at the earliest opportunity to prevent any problems in delivering an application. Enquiries should be directed to rightsofway@surreycc.gov.uk

These guidelines set a “range” for optimal site areas, which the County Council will typically expect

instance need not have any involvement save for the obligations with the relevant planning agreement. The site would be offered to the successful sponsor with a 125 year lease.

6.8 National Free School Application Route

In a planning scenario a developer could engage, at the outset, with an academy sponsor who could submit a free school application directly to the Department of Education that related to the planning application, which included the provision of a new school as appropriate mitigation. The site in this instance could be transferred to the Department for Education, who would then subsequently grant the 125 year lease to the approved applicant.

Currently the DfE run 'waves' of opportunities for parties to apply to establish a Free School. Interested parties can submit documentation to be considered for approval to set up a free school. This application is considered by the RSC, who determines whether a bid is approved. The County Council is a consultee to this process and can state a view as to whether the new provision is needed or appropriate, but it is not the statutory decision maker. If approved the full costs and construction risk is held via the Education and Skills Funding Agency, although it would be likely to seek developer contributions in a similar fashion to that set out above. Again, there would be the potential for the developer to build the school in lieu of contributions, with this option having to be negotiated with the Education and Skills Funding Agency, on a case-by-case basis.

7. Early years and childcare

The Childcare Act 2006 places a duty on all local authorities in England to ensure there are sufficient childcare services for parents that want them. Surrey County Council therefore holds a statutory responsibility for securing certain elements of Early Years provision.

In recent years several additional responsibilities have been placed upon the County Council, including the responsibility for providing 15 hours of Free Early Education Entitlement (FEEE) for vulnerable 2 year olds and all 3 and 4 year olds. As of September 2017 SCC was also required to ensure up to 30 hours of childcare for children of working families. These requirements have brought challenges, both in identifying providers to create new FEEE places, as well as increased financial implications for the Council.

Early Years provision is through the private, voluntary and independent sector (PVI) as well as

When community premises are identified, the Early Years team invite PVI childcare providers to submit a tender outlining how they can work in partnership with the Council and other early years providers to develop services.

The cost of each scheme and therefore any developer contribution required will be determined on a case by case basis. As a guide, a standard cost multiplier produced by the Department for Education suggests a cost per additional early years place of £9,615.

Larger developments may alone trigger the need for a new setting and in such cases a land contribution may be required. In some cases, it may be appropriate for the developer to provide buildings in lieu of a financial contribution. In such cases Surrey County Council will need to approve the specification of the building and also any provider and the form of provision.

8. Library provision

Local authorities have a statutory duty under the Public Libraries and Museums Act 1964 'to provide a comprehensive and efficient library service for all persons' in the area that want to make use of it (section 7).

Within Surrey provision to meet this statutory duty ranges from Library Direct Services to flagship libraries in larger urban centres. The county has a network of 52 libraries, which are increasingly providing access to a wide range of services. There is ongoing work and consultation around proposals for transforming libraries and cultural services in Surrey.

Surrey libraries currently has three groups of libraries:

| Band of library | Description | Number |
|--------------------------------------|---|--------|
| Group A | Main town libraries | 10 |
| Group B | Town libraries | 18 |
| Group C | Community libraries | 14 |
| Community Partnered Libraries (CPLs) | Run by volunteers with support from the Community-led Services team | 10 |
| Total | | 52 |

These groups all offer a core set of services including book borrowing, free WI-FI, access to IT and a range of activities but with more variety and depth and supplementary services in the larger libraries.

8.1 Assessing need

Current levels of provision are linked to existing population levels and demographics of the catchment. Due to the population density of Surrey and the district and borough split, the catchment areas for libraries vary in different locations. In the north west of the county, there are many medium sized branches that cover overlapping areas with large mobile populations. In the south and west where it is more rural, the catchment areas span a wider area but not necessarily a larger population spread. Where possible the Library Service does use the national standard of 30m² net of public library space per 1000 population, particularly when assessing new locations and premises.

Housing growth within the county has an impact on the existing provision and developer contributions may be sought where there is expected to be significant growth. Where the existing library's capacity would be exceeded, a contribution will be required.

8.2 What are S106 contributions required for?

The specific requirements will be determined on a case by case basis depending on the scale of housing proposed and the existing provision locally. Developer contributions may be required towards the provision of:

- Site or a building to enable relocation and expansion
- Modification, upgrading or extension of existing accommodation
- Co-location with other services
- Library fit out and additional stock
- Upgrading infrastructure related facilities such as IT

The Library service will look at the existing provision of library services within an area and will assess whether the new development impacts on an existing branch or requires service provision in a new location and what this level should be.

Work is carried out in partnership with SCC Property to calculate if an increase in provision can be supported on a long-term basis, particularly in staffing and property costs. Alternatively, size and service provision are analysed to see what improvements can be made to support an increase in use.

9. Sustainable Drainage Systems

Sustainable drainage systems (SuDS) are a natural approach to managing drainage on development sites, which work by slowing and holding back run off from the site. The NPPF (paragraph 165) requires that major development, which includes sites of 10 or more dwellings, should incorporate SuDS unless there is clear evidence that this would be inappropriate. It sets out that the systems used should:

12. Adult Social Care

The NPPF requires Local Planning Authorities (LPAs) to plan for a mix of housing in order to meet the needs of different groups including, but not limited to older people and people with disabilities. LPAs assess the types, sizes and tenures of homes needed to meet the needs of the local community through their Strategic Housing Market Assessments (SHMAs). This evidence translates to Local Plan policies for specialist accommodation and allocations for specific provision.

Surrey's population is set to see a notable increase in the proportion of the population aged 65+. The County Council has specific duties to protect and support older people and those with disabilities and aims to work with the Surrey districts and boroughs through the planning process to achieve a varied housing stock to meet local needs.

The County Council promotes the need for flexible housing to support the changing needs of residents throughout their life and works with districts and borough to secure provision. Surrey County Council wishes to support residents who have or may develop care and support needs to be supported in their homes for as long as possible, reducing the need for residential care. Increasingly the County Council has moved towards community and home-based services for the delivery of adult social care, with a desire that housing be "future proofed" to ensure it is adaptable.

These principles are reflected in a move away from residential care homes towards supported living, i.e. housing with varying levels of care, support or supervision available on site. There is a growing popularity in particular for extra care housing. This is similar to sheltered housing but with higher levels of personal care available, which can be arranged according to individual needs. Within Surrey there are not enough extra care facilities to meet demand and work is currently taking place to develop the number needed in the longer term.

It is the preference of the County Council for LPAs and developers to address adult social care needs through the design of development in the following ways:

- Provision of specialist forms of accommodation to meet the needs of specific groups within the community based on local housing needs. This is often for the more vulnerable members of society, including the elderly or those with physical or mental health issues.

- Through the provision of social housing models of extra care and adapted accommodation with care support for people with disabilities

- Requiring a proportion of affordable and market housing to be built to 'accessible and adaptable standards' as set out in Building Regulations Standards M4(2) and 'Wheelchair User Dwelling Standards' as set out in the standard M4(3)

- The integration of assistive technology within homes and the community

- Accessible communities and sustainable community infrastructure

Such aspirations are reflected in district and borough's Local Plan policies and site allocations.

The County Council expect to be consulted by LPAs at planning application stage on schemes that include residential care provision or specialist accommodation in order to advise on needs locally. The County Council actively encourages early engagement between developers and our adult social care team where elements of specialist accommodation or residential are being considered in an application.