

### Quick reference - key policy documents and guidance notes

Circular 05/05 Planning Obligations (superseded Circular 1/97)

Circular 06/98 Planning and Affordable Housing

**website link:** [www.communities.gov.uk](http://www.communities.gov.uk)

Planning and Compensation Act 1991; Section 106

**website link:** [www.opsi.gov.uk](http://www.opsi.gov.uk)

Some of the more relevant national policy guidance:

- PPS1 Delivering sustainable development
- PPG2 Green belts
- PPS3 Housing
- PPS7 Sustainable development in rural areas
- PPS9 Biodiversity and geological conservation
- PPS10 Planning for sustainable waste management
- PPG13 Transport;
- PPG17 Planning for open space, sport and recreation
- PPS22 Renewable energy
- PPS23 Planning and pollution control
- PPG25 Development and flood risk

**website link:** [www.communities.gov.uk](http://www.communities.gov.uk)

Regional Planning Guidance for the South East (RPG) 9(2001)

South East Plan Document (submission made March 2006)

**website link:** [www.southeast-ra.gov.uk](http://www.southeast-ra.gov.uk) and [www.surreycc.gov.uk](http://www.surreycc.gov.uk)

Surrey Structure Plan (2004)

Surrey Good Practice Guide: Infrastructure and amenity requirements to support new development (2002)

**website link:** [www.surreycc.gov.uk](http://www.surreycc.gov.uk)

Guildford Local Plan (2003)

Guildford Development Framework (2005 onwards)

Guildford Borough Community Plan (2003)

Guildford Borough Housing Strategy

Guildford Borough Open Space SPG

Guildford Borough Sustainable Development and Construction SPD

**website link:** [www.guildford.gov.uk](http://www.guildford.gov.uk)

For a copy of the Infrastructure SPD, please visit [www.guildford.gov.uk](http://www.guildford.gov.uk),  
phone us on 01483 444464 or email [planningpolicy@guildford.gov.uk](mailto:planningpolicy@guildford.gov.uk)



## Guide to the Infrastructure Supplementary Planning Document (SPD)



**Adopted September 2006**

**This guide provides a brief summary of our Infrastructure SPD. It is not a definitive guide to our policies on planning obligations and infrastructure contributions. For detailed information, please refer to the Infrastructure SPD and our Local Plan 2003.**

The Infrastructure SPD is one of a series of documents that amplifies the planning policies set out in the Guildford Borough Local Plan 2003 and supplements the Guildford Development Framework (GDF).

SPDs have the status of 'material planning considerations'. This means that, in addition to the Local Plan, the policies set out in these documents can be used to guide and support the recommendations officers make when considering planning applications.

The term infrastructure refers to the public facilities and amenities that form the basic physical, social and cultural structure of our community. These are wide ranging and include affordable homes; parks and open spaces; community halls; health facilities; and waste and recycling plants.

New development will nearly always affect existing infrastructure. As a consequence, changes and improvements may need to be made to maintain and strengthen it, and to avoid any adverse effects. Where existing infrastructure cannot cope with the impact of new development, a local planning authority may ask developers to contribute towards infrastructure provision. This can be in the form of a financial contribution or the physical provision of a facility or service.

#### **How does a local authority request 'infrastructure contributions'?**

A local planning authority can secure contributions towards infrastructure provision in two ways. It can (a) place conditions on a planning permission; or (b) attach a binding legal obligation to the planning permission, known as a 'planning obligation'.

Planning conditions are used to secure more minor contributions. Planning obligations tend to be used for significant investments in infrastructure.

#### **What is a planning obligation?**

A planning obligation is a legal agreement that local planning authorities use to secure developer contributions to infrastructure. If a development is creating an 'infrastructure need', by attaching planning obligations, we are making it acceptable in planning terms.

Planning obligations are attached as a legal agreement to the planning permission for a site. These agreements are known as Section 106 agreements as their requirements and limitations are set out in Section 106 of the Town and Country Planning Act 1990. A planning obligation is registered on the 'Planning Register' as a local land charge. As a local planning authority, we have the power to enforce it.

## **Topic 9 Climate change and flood mitigation**

Planning Policy Guidance 25 (PPG25)

Guildford Borough Council Local Plan 2003 – G1(6) and (7); G6

Guildford Borough Council Climate Change Strategy

Guildford Borough Council Energy Strategy

- a** Our aim is that new development does not add to climate change and, where possible, addresses existing environmental problems. This can be achieved by stipulating the highest standards of construction. Where appropriate, we will ask developers to incorporate aspects such as energy efficient heating, ventilating and cooling systems and the on-site use of renewable energy.
- b** A 'Green travel plan' will be required for certain developments (see topic 4 of the SPD) and, where appropriate, we will require developers to manage flood-related mitigation measures.
- c** There are no set climate change and flood mitigation thresholds but we will require contributions where a specific need is identified.

## **Topic 10 Sustainable development and construction**

Please refer to the Guildford Borough Council Sustainable Development and Construction SPD

**For a copy of the Infrastructure SPD and any of the other Guildford Borough Council documents referred to in this guide, please visit our website at [www.guildford.gov.uk](http://www.guildford.gov.uk) or contact us.**

**Visit us**      **Planning Helpdesk, 2<sup>nd</sup> Floor, Millmead House, Millmead, Guildford**

**Phone us**     **01483 444464**

**Email us**     **[planningpolicy@guildford.gov.uk](mailto:planningpolicy@guildford.gov.uk)**

- b Developers may be asked to enter into agreements to safeguard landscape and to protect, enhance and mitigate any impact on wildlife and natural habitats. This is particularly in relation to emerging policy on Special Protection Areas (SPAs), which is likely to limit development in and around these designated areas.

## Topic 6 Health and community facilities

Surrey County Council Good Practice Guide  
 Guildford Borough Council Local Plan 2003 – Chapter 15

- a Whilst responsibility for this lies mainly with other organisations, we have a role to play in ensuring the borough has a full range and appropriate level of community facilities in accessible locations.
- b There are no set health and community thresholds but we will normally require contributions for larger residential and commercial schemes or where a specific need is identified.

## Topic 7 Waste and recycling

Guildford Borough Council Local Plan 2003 – G6  
 Guildford Borough Council Sustainable Development and Construction SPD

- a Where there is a requirement, new developments should provide on-site recycling facilities. If a developer is unable to provide on-site facilities, we will request a commuted payment for provision within the local area.
- b There are no set waste and recycling thresholds but we will normally require contributions for larger schemes or where a need is identified.

## Topic 8 Air quality

Planning Policy Guidance 23 (PPG23)  
 National Air Quality Strategy 1997  
 Guildford Borough Council Sustainable Development and Construction SPD  
 Guildford Borough Council Air Quality Strategy

- a There are no set air quality thresholds but we will normally require contributions for larger schemes or where a need is identified.

### What is the difference between bilateral and unilateral agreements?

Bilateral agreements are signed by the owner/applicant and the local planning authority. Unilateral agreements are signed solely by the owner/applicant, usually following discussions with a local authority.

The more straightforward nature of a mutually agreed unilateral agreement can lead to earlier decisions on applications.

### How are planning obligations monitored?

Appropriate officers, including our Section 106 Officer, ensure that planning obligations for infrastructure provision are negotiated and managed in a public and accountable way.

We charge a monitoring fee to cover the administrative costs of checking compliance, and a developer may also be asked to meet our legal costs for drawing up a planning obligation. Infrastructure contributions will be adjusted for inflation in line with the latest retail price index published by the Office for National Statistics.

### What contribution will developers be expected to make?

The scale of development likely to require infrastructure provision or a contribution will vary.

To ensure a consistent approach to contributions, where possible, we have set thresholds that relate to the size, form and location of a development. If a development reaches a threshold, we will expect a certain level of infrastructure or equivalent contribution.

**Please refer to Section D of the Infrastructure SPD to view a summary table of commercial and residential thresholds.**

Please note that we do not support discounting. We will use the total number of units being developed on a site – and not the net figure - as a basis for determining infrastructure contributions.

### What types of infrastructure are the contributions for?

The Infrastructure SPD sets out our requirements for ten different types of infrastructure. Whilst this list is not exhaustive, it does cover the principal types of infrastructure for which we will seek a contribution or provision.

A brief summary of these topics is given on the following pages. For detailed information, please refer to the Infrastructure SPD itself, and the reference documents listed under each topic heading.

## Topic 1 Affordable housing

Planning Policy Guidance 3 (PPG3); Planning Policy Statement 3 (PPS3);  
Government Circular 6/98  
Draft South East Plan - H4  
Regional Housing Strategy  
Surrey Structure Plan - DN10 and 11  
Guildford Borough Council Local Plan 2003 – G6 and H11  
Guildford Housing Strategy

- a We are seeking 35% of affordable housing in all private housing developments that trigger the thresholds (see sections D and F1 of the SPD for the housing thresholds). If a developer considers that this percentage will make their development unviable, they must be able to prove this to us.
- b Developers are requested to execute their affordable housing obligations through a registered social landlord.
- c On-site affordable housing is the preferred option, with affordable units reflecting the overall development design. The mix of units on a site and the tenure split must address identified local housing needs.
- d Off-site units will only be allowed in exceptional circumstances, on suitable sites in the same settlement or local area. Commuted sum payments are rarely acceptable.

## Topic 2 Open space

Planning Policy Guidance 17 (PPG17)  
Guildford Borough Council Local Plan 2003 - R1 to R5; G6  
Guildford Borough Council Open Space SPG  
National Playing Fields Association guidance

- a For all residential developments of five or more dwellings, developers will need to provide formal recreational space and on-site informal amenity space. Commuted payments will be requested where a developer is unable to meet the open space standards on site.
- b Large-scale commercial sites will be expected to provide areas of landscaped amenity open space within or next to the development.
- c Future maintenance of an open space will always be taken into account, both in terms of management and costs.

## Topic 3 Public realm and heritage

Guildford Borough Council Local Plan 2003 – G6  
Guildford Borough Council Environmental Improvement Programme,  
Percent for Art Policy and relevant adopted strategies including: Greening  
the Approaches; Lighting; Cultural; and Arts Development.  
An Environmental Improvement Strategy and a Public Art Strategy are  
currently being prepared.

- a 'Public realm' describes those parts of a community that are available, free of charge, for everyone to use and see.
- b With the exception of 'Percent for Art', there are no set thresholds. We look at a development's likely impact on the public realm infrastructure and request contributions towards relevant strategies or projects.

## Topic 4 Transport, walking and cycling

Planning Policy Guidance 13 (PPG13)  
Surrey Structure Plan – DN2  
Surrey County Council Good Practice Guide (2002)  
Guildford Borough Council Local Plan – G13

- a Whilst Surrey County Council (SCC) is the transportation authority for the borough, we also have a role to play.
- b SCC will calculate a transport infrastructure contribution on a site-by-site basis. Where infrastructure is unable to cope with extra movements, developers will be expected to contribute to transportation infrastructure.
- c A 'Green travel plan' will be required for certain developments.

## Topic 5 Biodiversity and landscape

Planning Policy Guidance 9 (PPG9);  
Planning Policy Statement 1 & 7 (PPS1 and PPS7)  
Surrey Structure Plan – SE6  
Guildford Borough Council Local Plan 2003 – G1(12); and NE1 to NE6  
Guildford Borough Council Sustainable Development and Construction SPD  
The Surrey Biodiversity Partnership Action Plan

- a There are no set biodiversity and landscape thresholds but we will normally require contributions for proposals of two dwellings or more; for sites of more than 100m<sup>2</sup> of non-residential floor space; or where a specific need is identified.