

**Examination of the Spelthorne Core Strategy
and Policies DPD**

Topic Paper on Matter 9

Community Needs and Infrastructure

July 2008

**Planning Services
Strategic Directorate (Community)
Borough of Spelthorne
Council Offices
Knowle Green
Staines
Middlesex
TW18 1XB**



Topic Paper on Matter 9

Community Needs and Infrastructure

Key Issue: Is this part of the strategy based on robust and credible evidence of existing and future needs of the community, and does it make appropriate provision to meet those needs?

1. Introduction

1.1 This Topic Paper summarises the approach to community needs and infrastructure in the DPD. It outlines the evidence base that supports the policies. It then responds to the questions set by the Inspector.

2. Background

2.1 A Background Paper on Infrastructure (CD/SBC/060) has been prepared specifically to provide the latest information from providers.

2.2 An initial response to the Inspector on the policies in Chapter 9 has been provided already in a set of written answers for the Exploratory Meeting held on 3 September 2007 (CD/SBC/066 – question 6).

2.3 Objectives 8, 9 and 12 specifically deal with community needs and infrastructure, and seek to ensure necessary provision is made and to tackle problems faced by areas of relative deprivation.

2.4 The Core Strategy, as set out in the re-advertised DPD (CD/SBC/001a) specifically refers to the need for affordable housing, and public open space (paras 4.5 to 4.9).

2.5 Chapter 9 of the DPD deals with 'Community Needs'. It summarises some of the evidence base and at paragraph 9.4 (as amended) identifies the three main items of infrastructure provision that will be required over the plan period – namely affordable housing, additional open space and mitigating transport impacts.

2.6 It is noted that many objectors also refer to the needs for a range of other facilities including water supply, sewerage, education and health facilities amongst others.

2.7 The Background Paper on Infrastructure records that there is no additional capacity overall required for either water supply or sewerage. This is consistent with the findings of the South East Plan Panel Report for the London Fringe sub-region as a whole (paras 20.37 to 20.39 – pages 294/295). The background paper also sets out the evidence and responses confirming that additional investment in education and health facilities have not been identified by the respective providers. The Background Paper explains that the increase in housing will not lead to an increase in population and thereby place additional demand generally on 'people services', there will still be an actual fall in total population. There is, however, a need for additional special accommodation in the form of extra care housing, but this has been addressed in the Topic Paper on Matter 5 (CD/SBC/080).

2.8 Chapter 9 has one strategic and three detailed policies:

SP5 – sets out the strategy of ensuring provision is made for services and facilities, and that developments which individually or cumulatively add to requirements will be expected to contribute to provision.

CO1 – sets out how it will provide community facilities through supporting new provision or improvements and resisting the loss of existing facilities where they are still required or cannot be relocated successfully.

CO2 – sets out the requirement that developers must provide or contribute to infrastructure required by their development.

CO3 – sets out specific requirements for the provision of open space in new development.

2.9 The scope of the policies reflects the needs in Spelthorne that must be provided for, and also the requirements in Circular 5/2005 'Planning Obligations' (paras B25-B27)(CD/NAT/435) which sets out when provision can be secured and the need for policy guidance in DPDs on matters to be covered by planning obligations. It is through planning obligations that requirements, such as infrastructure necessitated by a particular development, can be secured.

3. Response to Inspector's Questions

(i) Has the DPD taken adequate account of the capacity of existing infrastructure and the need for additional facilities, and have the links between infrastructure and development been properly investigated?

3.1 The Background Paper on Infrastructure summarises the Council's thorough efforts to ensure that it has a full understanding of any existing infrastructure deficiencies and where additional capacity is required to sustain additional development. This has been undertaken at both the general level, in relation to the overall level of additional development and its infrastructure implications, and also in relation to the specific allocations in the Allocations DPD.

3.2 Preparation of the DPD has carefully considered the need for facilities relating to water supply, sewerage, open space, transport and the wide range of 'people services' including health and education. The Council has established with providers what is required over the plan period to meet existing and future needs and where existing capacity is sufficient.

3.3 The main additional infrastructure requirements are dealt with in specific policies in the DPD and these relate to open space (CO3), affordable housing (H03) and transport (CC2). Other issues such as sustainable drainage and flood storage capacity to reduce flood risk are dealt with in Policy LO2. Policy CO2 has been drafted in such a way that, where there are site specific infrastructure issues, e.g. relating to localised sewerage capacity/network connections, these can be required and provided as part of specific developments.

3.4 The plan records the intention of the Primary Care Trust to improve four of the five health centres in the Borough. However, as referred to in the Background Paper on Infrastructure, this is not related to a lack of capacity rising from population growth (that is, requiring more centres), but reflects the condition of buildings and their ability to accommodate the particular arrangement of health services now required.

3.5 There are no infrastructure limitations that prevent development in any part of the urban area of the Borough. Neither is there any infrastructure limitation requiring any specific phasing of development in relation to required infrastructure investment.

(ii) Has the DPD taken sufficient account of the relationship between the proposals in the DPD and the investment programmes and strategies of infrastructure providers?

3.6 As described above and in the Background Paper on Infrastructure the Council has consulted all the infrastructure providers to understand what constraints or lack of capacity may exist and the extent to which capacity was already sufficient to meet the scale of future development.

3.7 This consultation took place both at the outset of the DPD's preparation and has been updated during its preparation. The information supplied, together with further assessments undertaken, has enabled the DPD to be prepared with a clear understanding of the requirements of the infrastructure providers.

(iii) Do the provisions of this section have sufficient clarity as to what is required to be provided? Do they provide sufficient guidance as to what is to be included in the proposed supplementary guidance?

3.8 As explained in the revised paragraph 9.4 of the Chapter, this section must be read in conjunction with the detailed policies on affordable housing (HO3) open space (CO3) and transport impacts (CC2). The particular needs of specific future developments cannot always be anticipated, but the intention of the policies is to set out the requirements that are known and a policy framework to enable other development related needs to be assessed. This section provides sufficient clarity on what is required to be provided.

3.9 The purpose of supplementary guidance is to elaborate existing policy and clarify how it will be applied. The general scope of the policy issues to be elaborated on in the proposed SPD is described at revised paragraph 9.5 and is determined by the policies it will supplement. Paragraph 9.5 sets out more specific information on the detail and also what will not be included – the Council is not proposing a tariff system.

(iv) Do the policies add anything in terms of local distinctiveness or to national guidance?

3.10 Circular 5/2005 'Planning Obligations' is of particular relevance to this question and paragraphs B25 to B27 deal with the coverage expected in development plans on this issue. It requires LPAs to include in their DPDs general policies about the principles and use of planning obligations with detail being set out in SPDs. It seems clear from this particular guidance that, given its description of what should be in LDFs, it was never intended that reliance should be placed solely on this national guidance. The form of guidance that is

contained in this Circular focuses on what should be included in LDFs and does not set out to provide guidance for developers in the absence of LDF policy.

- 3.11 Policy SP5 is one of seven key strategic policies in the DPD which is part of this Local Development Framework. Meeting community needs is an important part of the Council's strategy for the Borough and needs to be clearly stated in policy.
- 3.12 Policies CO1, CO2 and CO3 add both general and specific detail. Policy CO1 goes beyond simply setting out the Council's approach in determining planning applications but applies more widely and has an important spatial dimension in supporting delivery through a variety of mechanisms, including changes to facilities and their management.
- 3.13 Policy CO2 sets out clearly and simply the approach to developer contributions as required by Circular 5/2005. It also provides the policy 'hook' on which supplementary planning documents can be developed.
- 3.14 Policy CO3 sets out specific local requirements for open space which have been derived in part from the Council's Assessment of Open Space, Sport and Recreation Provision (CD/SBC/021).

(v) Do Policies CO2 and CO3 accord with national guidance with regard to financial contributions?

- 3.15 The intention of the two policies is to require contributions where there is justification to do so. They have been drafted in the context of the policy tests in Circular 5/2005 'Planning Obligations' set out in bold in paragraphs B8 – B10. Consequently any contribution will need to be:
 - a. necessary from a planning point of view
 - b. directly related to proposed developments
 - c. fairly and reasonably related in scale and kind to the proposed development
 - d. reasonable in all other respects
- 3.16 Contributions by way of provision of open space under Policy CO3 have been addressed in answer to question (x) below.

(vi) Does Policy CO2 allow cumulative impact of new development on infrastructure to be addressed adequately?

- 3.17 The policy expressly uses the words 'provide' and 'contribute' to cover circumstances where, either it is reasonable for a development to fully cover the cost of required infrastructures, or to require a contribution where the requirement to cover the full cost is unreasonable. Both words are also intentionally used in Policy SP5. The issue of cumulative impacts creating the need for infrastructure requirements is covered in the policy by use of the word 'contribute' and it is intended that requirements in relation to 'any development' would need to address cumulative effect.

3.18 In relation to the transport issues covered by Policy CC2, sub point (d)iii) specifically refers to the account that will be taken of cumulative impact of traffic generating development.

(vii) Should Policy CO2 require developers to fund substantially or completely transportation infrastructure that is essential for their development.

3.19 The Policy has been worded to require the 'provision of' or 'contributions towards' the cost of infrastructure required by the development. This implies funding all that is required. The word 'contribution' is used where the infrastructure cannot be sub-divided to only that necessitated by the development. This might, for example, be a contribution to open space where there will be a minimum size of area that it is functionally appropriate to provide.

3.20 The principle of meeting the full cost of all or that part of infrastructure required by the development is consistent with Circular 5/2005 para B9 and particularly the second sentence, which states:

"For example, developers may reasonably be expected to pay for or contribute to the cost of all, or that part of, additional infrastructure provision which would not have been necessary but for their development".

3.21 The key word is 'reasonable' and links back to the four tests of the Circular which must be met in all cases.

(viii) Should there be a policy preventing development that increases demand for water and sewerage infrastructure unless either sufficient capacity exists, or extra capacity can be provided in time to serve the development?

3.22 There is no case for such a policy. The water supply and sewage disposal companies have confirmed to the Council that the scale of development proposed over the Plan period does not require additional water supply/storage capacity or sewage treatment capacity. None of the companies has identified any capacity problems in the general network of supply or disposal. Thames Water has said that specific developments will need to meet the costs of connection to the sewerage system (this is standard) and in relation to a few of the allocations some adjustment or allowances for local capacity needs to be taken into account in making connections.

3.23 The South East Plan Panel Report confirms that in this part of the London Fringe there were no water supply or sewage disposal infrastructure requirements.

3.24 If exceptionally a particular development in the future were, as a result of consultation with the relevant companies, found to require additional network capacity, a requirement for any contributions can be made under Policy CO2.

(ix) Should there be a policy relating specifically to the development or expansion of waste water facilities or water supply?

- 3.25 As referred to above, the water supply and sewage disposal companies have not identified the need for additional capacity. There is therefore no evidential basis for a policy to require additional capacity.
- (x) What is the justification for the standard in Policy CO3? Is it sufficiently flexible or should it require the provision of open space to be considered on a site by site basis? Should Policy CO3 require public open space to be provided in respect of developments of 30 and above non-family dwellings, as well as family dwellings? Is it appropriate to exclude housing for the elderly from the requirements of the policy?**
- 3.26 The 'standards' used in the first part of the policy are based upon 30 family dwellings, and family dwellings will be expected to have children for whom specific open space provision should be made – this is similar to the threshold once used for the provision for children's open space within social housing schemes (DoE Circular 79/72 now revoked). This required level of open space was carried forward into both the 1991 Local Plan as Policy R6 and Policy BE15 of the Borough Local Plan 2001 and has ensured that larger new developments have contributed to maintaining an appropriate level of local open space throughout the Borough. In the case of both Local Plans the respective Inspectors supported this policy approach. The amount of space required for this number of units equates to what in practical terms is judged to be an appropriate minimum size of open space to include an equipped area for young children and allowing sufficient separation space from the residential units. It is judged that a smaller number of units would not justify 0.1ha and conversely less than 0.1ha would not be a viable site size.
- 3.27 The application of the policy must of course be judged in the circumstances of the particular application and any case for variation can be considered where justified. However, such assessment needs to be guided by a clear starting point so as to enable developers to be clear about what the Council require. PPG 17 'Planning for Open Space, Sport and Recreation' (CD/NAT/414) at paras 6-9 supports the setting of local open space standards.
- 3.28 The first part of policy CO3 relating to open space suitable for families uses the word 'family' intentionally to cover children's open space needs. By definition children's open space needs are not applicable to non-family dwellings. However, the second part of the policy would also apply to any housing development and requires open space where provision is inadequate or would become inadequate. The Council's background report Assessment of Open Space, Sport and Recreation Provision (CD/SBC/021) sets a standard of local open space being available within 400 metres of homes.
- 3.29 Housing for the elderly is not excluded from the requirements of the second part of the policy. It is judged inappropriate to require elderly accommodation to include open space specifically for children.