

Central Lincolnshire Local Plan 2012-2036 Examination

MATTER 8 – Infrastructure, Accessibility & Transport and Community Facilities (LP12, LP13 and LP15)

Central Lincolnshire Joint Strategic Planning Committee
Hearing Statement

October 2016



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Issue 8a – Infrastructure – Policy LP12

Q1. To be effective is it necessary to clearly specify what is ‘infrastructure’ for the purposes of Policy LP12 and what will be provided as part of the CIL charging schedule for the area?

The legal definition of infrastructure, for planning purposes, is set by s216(2) (as amended) of the Planning Act 2008 and it would be inappropriate for a Local Plan to ‘clearly specify what is infrastructure’, either through repeating the Act or, worse, attempting to come up with its own precise definition. At para 4.6.2 of the Local Plan, there is a list of the broad categories of infrastructure for the purposes of Policy LP12, which is compatible with the Act’s definition. Policy LP12 refers to further guidance available in a Developer Contributions SPD, Infrastructure Delivery Plan and CIL charging schedules which detail what, where and how infrastructure will be needed and delivered.

It is not appropriate for the Local Plan to go into detailed elements of what may or may not be in the CIL, partly because CIL (and associated material such as R123 list) could change in the future without the Local Plan changing, but in particular in the Central Lincolnshire case because the three CILs are the separately responsibility of different LPAs than the Committee’s LPA responsibilities.

Q2. Does Policy LP12 need to make reference to the relationship between providing additional infrastructure and the viability of a development proposal? How will this be considered?

No, the Policy does not need to.

LP12 makes it clear that ‘sufficient infrastructure’ to meet ‘all necessary requirements’ must be provided or in place. There should be no compromise to this position. Development which, for viability reasons, cannot provide ‘sufficient infrastructure’ to meet ‘all necessary requirements’ should be refused.

The Central Lincolnshire Local Plan and CIL have both been subject to viability assessment and found to be viable.

It will be a matter for the decision maker to determine precisely, on a case by case basis, what ‘sufficient’ infrastructure is ‘necessary’.

The Committee (and, as can be seen from representations, large swathes of the general public) would resist any attempt to ‘water down’ the policy to one which meant sufficient and necessary infrastructure need not be provided by developers, due to viability issues.

It should be noted that a near identical policy was found sound at a post NPPF examination (Policy LP13, Fenland Local Plan, May 2014 -

<http://www.fenland.gov.uk/CHttpHandler.ashx?id=12064&p=0>)

Q3. Have the cumulative effects of the Plan and its growth strategy for housing and employment been tested against the existing road infrastructure, particularly the A46? Is the Plan justified in this regard and likely to be effective in delivering the Vision?

As part of the Lincolnshire Local Planning Tool, an upper tier transport model (**E044**), has been carried out to provide a high level assessment of the whole area and identify potential impact of

planned growth on the County's highway infrastructure. A lower tier, more detailed model (**E044A**) has been carried out for the 'Greater Lincoln area' to provide a more comprehensive assessment of the impact of planned growth on the City of Lincoln and the surrounding area. Both identify where mitigation may be required for the purposes of the Local Plan, SPD and CIL, but both highlight that there are no fundamental highway constraints which cannot be mitigated against in order for the plan to be delivered.

It should be noted that the above referenced studies do not replace the normal planning application and development control process, including the production and review of Transport Assessments and Statements.

Issue 8b – Accessibility and Transport – Policy LP13

Q4. Policy LP13 states that all development proposals should contribute towards the delivery of transport objectives e-q, either directly or through developer contributions. Is this appropriate for small scale developments?

The policy is intended to be applied proportionately to all development whilst ensuring that all development is aware of the role that it can play in realising potential opportunities. The policy makes this clear by stating “where appropriate”, “where viable”, “support”, “explore” “assist” and to “complement the aims of...”.

Even small scale development could make an appropriate and valuable contribution.

It is also worth pointing out that the question slightly misrepresents what the policy says, in that, in paraphrasing the policy, the question misses out the ‘or CIL payment’ part of the Policy. Many small scale schemes (eg a single dwelling) could make a contribution through that mechanism also.

Q5. Will all of the related transport infrastructure in Policy LP13 form part of each Council’s CIL Regulations 123 list?

As the Committee is not responsible for CIL and associated R123 lists, it cannot say for certain what the individual districts will include on their R123 lists.

However, at the present time, the answer appears to be ‘no’. Indeed, it would be inappropriate for the R123 lists to do so, because that would more or less make it unlawful for any s106 agreements to include any highway contribution, which is clearly an implausible scenario.

The Lincoln Eastern Bypass is the only transport infrastructure currently listed on each of the three district draft R123 lists (available in respective CIL libraries). The Lincoln Eastern Bypass is of strategic importance and seeks to meet many other transport objectives either directly or indirectly.

Q6. Are the Lincoln Eastern Bypass (LP36) and the Sleaford Link Road (LP47) justified and deliverable? What evidence is there for this? Is any planned development dependent on either of these roads?

The justification for both roads is evidenced in the 4th Lincolnshire Local Transport Plan (E040), Transport Strategy for the Lincoln Area (E041) and Sleaford Transport Strategy (E043).

The **Lincoln Eastern Bypass** has planning permission and all other necessary consents and contractors are being appointed. A start on site is expected imminently and a two year programme is expected. Whilst much of planned development around Lincoln is dependent on delivery of the road, its imminent delivery will tie in to planned housing provision.

The **Sleaford Link Road** similarly has planning permission, and, if constructed, would improve Sleaford’s transport and highway network to support growth of the town. However, alternative, and more cost effective and deliverable options, appear likely to be available, and are in the late stages of being finalised through pre-application proposals. In the meantime, the principle of ‘safeguarding’ the route should be retained. However, following the latest discussions on those alternative options, and the linked matter of potential proposals for the former Advanta Seeds site (through which the safeguarded link road is identified), it is suggested that a modification be made (modification Main/SC/13) to the last paragraph of LP47 as follows, which will ensure that development (such as on the Advanta Seeds site) can come forward, if at some point in the future (during the Local Plan lifetime) it is clear that the Link Road will not be developed:

“In order to enable potential delivery of the Sleaford Link Road (current status: with planning consent), the route is identified on the Policies Map and safeguarded for such purposes. Any development proposal on or near the route **should safeguard the future opportunity for the Link Road to be delivered, unless there is evidence available or a statement published by North Kesteven District Council which confirms that the Link Road is no longer required and/or deliverable.** , which would prejudice the efficient and effective delivery of the Link Road, will be refused.”

Issue 8c – Community Facilities – Policy LP15

Q7. Is the first part of Policy LP15 effective? How would a decision maker be required to determine whether or not all development proposals have recognised that community facilities are an integral component of sustainable development?

Decision makers would need to be satisfied that developers have taken existing community facilities into account, if appropriate, or contributed towards meeting a deficit, if required, proportionate to the development being proposed, its location, the community facility and individual circumstances, on a case by case basis.

The Committee believes that, when read as a whole, it is clear how a decision maker should respond to proposals.

Q8. Should Policy LP15 set out criteria for an applicant to meet in demonstrating that a site is no longer viable? How will this be determined?

There are many land uses that can be considered to be community facilities (as set out in the opening paragraph of the policy). The reasonable demonstration of the continued viability of the use (or other alternative form of community use) will vary from use to use and site to site, and is considered to be more appropriately determined on a case by case basis, with the applicant expected to provide meaningful but proportionate evidence.

Q9. Under the heading ‘Existing Facilities’ Policy LP15 refers to the loss ‘via redevelopment’. Should the policy also refer to loss by demolition?

‘Redevelopment’ is intended to refer to the reuse of a buildings with an alternative use or demolition and replacement with an alternative use.

The word redevelopment is generally accepted to mean either scenario, and, indeed, the online Oxford Dictionary definition of ‘redevelopment’ is “*construction of new buildings in an urban area, typically after demolishing the existing buildings*”

No amendments to the policy are therefore necessary.