

**WELSH GOVERNMENT**  
**Examination Hearing Statement**

**Neath Port Talbot Local Development Plan**

**Hearing Session 14**

**(Matter 8)**

**Infrastructure**

**17 April 2015**

## Matter 8: Infrastructure

**Key Issue:** Whether the infrastructure provisions in the LDP will enable the relevant objectives of the LDP to be met in a sustainable manner, consistent with the WSP and national policy?

It is critical that the plan provides an integrated approach to delivery. We note that the supporting evidence base (EB03) provides greater detail concerning infrastructure requirements including a detailed assessment of both current and future provision. In addition, while SPG is not within the remit of the examination, we consider that documents SD33 AND SD34 are helpful in understanding how policies will be implemented.

However, what will need to be determined is **whether the plan should incorporate more detail to demonstrate how key policies, sites and infrastructure are likely to be developed.** Phasing, timing and delivery are critical in ensuring that the plan delivers the type and scale of growth required, in particular the interrelationship between infrastructure and key sites.

**Is the infrastructure necessary for the delivery of the main proposals identified? Is there a timetable for its provision?**

Policies SP 4 and I1 set out the Council's general approach to infrastructure and infrastructure requirements. Table 6.1 of the LDP identifies allocated sites, lead organisation and a phasing programme for each site. EB03 sets out a more detailed consideration of infrastructure delivery and EB23 sets out an infrastructure assessment and phasing and implementation details for each site.

Greater certainty would be provided by including the detail provided in EB23 within the LDP itself, particularly where EB23 identifies the potential requirement for developer contributions.

In addition, the Monitoring Framework needs to be sufficiently clear and sensitive to ensure the plan is delivered. Currently, the LDP monitoring framework has shortcomings regarding ranges being too extensive, a lack of trigger points and unspecified actions to redress matters. The monitoring framework requires amendment through discussion at the relevant hearing sessions. The LPA should consider the merits of individually listing key housing and employment sites, linked to the infrastructure required to deliver them. This could aid the delivery of the key sites and infrastructure within the plan. **The Welsh Government is prepared to work with the LPA to improve the monitoring framework.**

**Is any necessary infrastructure likely to be publicly funded? Has it been identified in relevant programmes and are the essential partners committed to delivery within the required timescale?**

This is a matter for the local planning authority.

We note:-

Table 6.1 of the LDP which includes details of 'Lead Organisation & Funding' for allocated sites.

EB03 which sets out at Appendix A detail in relation to funding and costs for Highway Schemes, Public Transport Improvements, Walking & Cycling Routes and Leisure Schemes.

The National Transport Plan is currently out for consultation (10 Dec 14 to 11Mar 15) and contains the transport plan hierarchy, i.e. national and local transport plans. The plan needs to be updated to reflect this approach.

For instance, the plan includes multiple references to the Regional Transport Plan within monitoring and implementation chapters. The authority should clarify what impact this may have on the delivery of those schemes identified within Policy TR1. Only those schemes where delivery can be demonstrated within the plan period should be included in the plan. This clarification is key in order to understand the delivery of the necessary infrastructure.

**Will there be sufficient school provision to meet the needs of the population?**

This is a matter for the local planning authority.

The information on the Strategic School Improvement Plan (SSIP) referred to in EB03 is useful in understanding the Council's proposals for education in the County Borough. It would be helpful to understand whether the SSIP has been informed by the allocations within the LDP.

**Should there be provision for sewerage, drainage and water quality improvements?**

Yes. Where new development is not served by existing water infrastructure, it should be clear how new development will be served. In order to ensure the delivery of the LDPs strategy, it is important that allocated sites requiring developer contributions are not frustrated by an inability to fund and provide the water infrastructure upon which new development will rely. We note that EB23 does include water infrastructure in the infrastructure assessment for each site.

Where it is identified that sites will require infrastructure issues to be addressed, the LDP should make clear that allocations are based on the specific infrastructure requirements. In considering the ability of sites to come forward, the Examination should consider the likelihood of the specified infrastructure being provided within the plan period. This consideration should consider issues of viability and the forward programmes of infrastructure providers on whom the delivery of infrastructure may rely.

**Should Policy I 1 refer to consideration of the viability of proposed development? Will the viability of development in the light of the infrastructure requirements be taken into account? How will it be assessed?**

Yes. Policy I 1 should state that there is a process for assessing development viability. It is vital that the delivery of the key objectives of the plan is not undermined by the inability to achieve a financially viable outcome. The policy should indicate how infrastructure will be prioritised where viability issues arise. Some explanation should be included in the plan to explain what is expected from developers. This is currently decanted to SPG.

What is important is that the plan should set the framework for contributions and provide adequate clarity on priorities, linked to the issues the plan is seeking to address. The authority should be able to articulate what these are.

We note:-

SD33: Planning Obligations SPG (Draft) which sets out the approach to planning obligations and the procedure for assessing viability. As previously stated, some of this detail should be included within the policy.

Section 2 of EB23 which concerns affordable housing and developer contributions. If the authority is intending to seek commuted sums, this should be specified within the policy, not SPG.

### **Should paragraph 3.0.25 be reworded to allow for a more flexible approach to securing planning obligations?**

Yes. There may be instances where the benefits of new development outweigh the need for new infrastructure that would otherwise be required and it may help the Local Planning Authority to have this flexibility.

### **What is the position with the Draft SPG on Planning Obligations?**

This is a matter for the local planning authority.

### **Are the developer contributions envisaged consistent with national policy including the Community Infrastructure Levy (CIL) Regulations? What is the Council's position with regard to CIL? Is a charging schedule being prepared?**

National planning guidance on planning obligations and the community infrastructure levy (CIL) are in PPW section 3.7 and Welsh Government Circular 13/97.

The CIL regulations (Regulation 122) set out in legislation three tests which direct mitigation for development through a S106 must comply with. A planning obligation may only constitute a reason for granting planning permission where it is necessary to make the development acceptable in planning terms, is directly related to the development and is reasonably related in scale and kind to the development. All other S106 agreements should accord with Circular 13/97. **The authority should confirm that all infrastructure within the plan can still be delivered in the absence of a CIL charge, including pooling limitations (Reg 123) from 01<sup>st</sup> April 2015 (2014 Amendment Regulations).**

The Council has provided further information post-Deposit in relation to its infrastructure requirements (EB03, EB23) and approach to planning obligations (SD33). This is welcome.