

East Lindsey Core Strategy 2016 – 2031 Examination

Lincolnshire County Council Hearing Statement

16 August 2017

Matter 20: Infrastructure, S106 obligations (Policy SP28) and viability

Main issue: Is Policy SP28 sufficiently clear in respect of the type and scale of contributions which might be expected from different developments; and will sufficient funds be collected to deliver the necessary infrastructure?

Questions

SP28 Infrastructure and S106 Obligations

1. Given the restrictions on the pooling of S106 contributions since April 2015 (as explained in the Planning Practice Guidance), will the Council's approach secure sufficient funds to address any identified infrastructure capacity issues in water supply, drainage, education and healthcare? If not, how will these issues be addressed to meet the demands arising from new development?

Water supply is unlikely to be affected by the pooling restrictions. However, the IDP does not consider water supply on any of the coastal settlements. There is therefore no understanding of what scale of issues would need to be overcome to deliver non-residential development and existing residential commitments in this zone, let alone whether relevant measures could be funded. Given the pooling restrictions on education infrastructure, it is likely that the District Council's strategy will cause challenges for the education authority. In other parts, of the County, LCC officers are finding that the number of developments that would be needed to contribute towards a school is getting close to five. This is likely to happen in many parts of East Lindsey, perhaps more likely in larger towns, particularly with secondary provision and potentially in primary.

2. Is the policy sufficiently clear about the circumstances in which financial contributions towards the delivery of infrastructure will be sought from developers and how they will be calculated? How would a developer know, for example, what type of infrastructure might be required; what type and scale of development would be expected to contribute; and how much money would be sought? Is it necessary to refer specifically to the Infrastructure Delivery Plan for this information, or to some other document?

No, it is not sufficiently clear. Clause 4 does not list the types of infrastructure that

might need to be considered by applicants. Nor does the policy or that clause refer to any other document to explain this for applicants or third parties. The explanatory text only provides isolated examples and not any comprehensive list or definition.

It is understood that the District Council does not intend to prepare a developer contributions SPD and it is not appropriate to simply refer to the IDP which does not currently provide the type of advice that applicants would need in preparing an application. However, it would be appropriate to list relevant types of infrastructure for which contributions would be sought within the policy or its supporting text. The likely types would be as follows, taken from section 216 of the Planning Act 2008, although other types might also need to be added, and any list in the Plan should not be considered as exhaustive:

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and/or
- (f) open spaces,

The policy, specifically clause 4, is also opaque in using the wording: 'where it will not compromise the viability of the scheme'. Paragraph 1 of this chapter of the Local Plan refers to some infrastructure as 'fundamental to the quality of life' and others as 'less obvious', although 'important to future sustainability'. Paragraph 1, highlights the importance of infrastructure in mitigating development impacts to ensure sustainability. Clause 4 is not sufficiently clear in this respect and could lead to a situation where development impacts are not mitigated by infrastructure due to viability. Such a situation would clearly be unacceptable to the District Council and its partners.

Policy SP28 should therefore be made clearer in the two respects above: listing types of infrastructure and removing the reference to viability.