

Eden District Local Plan Examination

Issues and Questions for Examination at the
Hearing Sessions

Issue I: Policy DEV4

Statement by Eden District Council

April 2016

Issue I - Policy DEV4 - Infrastructure and Implementation

Is this policy justified, effective and consistent with National Policy and Guidance?

The Council consider this policy to be in compliance with national Policy. Policy DEV4 indicates that where necessary, developer contributions may be sought, when there is not sufficient capacity within existing infrastructure to support development.

Paragraph 204 of the NPPF states:

“204. Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.”

Does the plan need to identify infrastructure requirements, particularly where these will need to be funded by developers?

No. The plan does not seek to establish prescriptive policies which may render developments unviable. Instead it seeks to ensure that necessary infrastructure is identified and agreed upon at the planning application stage. This is more in keeping with the requirements of the NPPF.

The Council may introduce a CIL in future and it may be counterproductive for the Council to introduce specific infrastructure requirements in the Local Plan which may be better sought through CIL.

Additionally the Council has an Infrastructure Delivery Plan (IDP) in place which sets out the necessary infrastructure arrangements corresponding to appropriate types of development. Setting a prescribed set of infrastructure requirements would potentially undermine the purpose of the IDP.

Should the requirement for planning obligations be set out in the plan?

No, for the same reason as above, to do so would be overly prescriptive and would risk making developments unviable. Obligations should be determined on a case by case basis on their own merits with reference to the broad strategic policies set out in the Local Plan.

Planning Practice Guidance (PPG) states that policies for seeking planning obligations should be set out in Local Plans but does not specify the level of prescription required to enable a policy to be considered sound. As it is currently

worded the policy clearly outlines the Council's approach to seeking developer contributions.

In the context of the proposed Development Strategy, the likely requirement for developer contributions to fund off-site infrastructure and the introduction of limits to pooled infrastructure contributions, is the decision not to introduce a Community Infrastructure Levy justified?

The Council has not yet concluded whether or not to introduce a CIL. It may decide to produce one in the future. We acknowledge that with the number of S106 agreements, which a council can apply to a single development being limited to 5 there is likely to be an impact on the Council's ability to ensure appropriate infrastructure development.

Responses to Representations

There are five outstanding responses to Policy DEV4.

Two respondents, (Respondent ID: 59 /Response ID: 147) and (Respondent ID: 65/ Response ID: 239) raised concerns over the lack of detail in the Policy regarding any planning obligations which may be sought. Cumbria County Council also suggested that the District Council commence feasibility work on Community Infrastructure Levy.

The District Council responded that while Planning Practice Guidance does state that policies for seeking planning obligations should be set out in Local Plans to enable open and fair testing of the policy at examination, it does not specify the level of prescription required. The policy clearly outlines that the Council's approach to seeking developer contributions.

With regard to CIL, the Council's executive has chosen not to proceed with its introduction. Notwithstanding it remains an option for the future.

One respondent (Respondent ID: 3/Response ID: 3) commented that Eden District should assess transport improvement studies for all Eden Market towns and use the information to inform the quantum of housing being proposed and ensure there is adequate financing for transport infrastructure improvements.

The Council responded that no change to the policy was needed as highways capacity considerations have been subject to a consultation with Cumbria County Council.

A respondent (Respondent ID: 35/ Response ID: 47) commented that the designation of Sockbridge and Tirril as a Key Hub is not supported by Policy DEV4 (and ENV6).

DEV4 is a development management policy and is not used to determine the classification of settlements. Requirements for adequate infrastructure can also be considered in the context of what will be secured through the development management process.

A respondent (Respondent ID: 47/Response ID: 86) commented that there is insufficient infrastructure capacity to meet the front loaded quantum of development in the plan period.

The Council responded that EB028: Penrith Transport Improvement Study and SD010: Infrastructure Delivery Plan combine to ensure that necessary supporting infrastructure is provided in tandem with residential development. It also pointed out that funding is linked to developer contributions and therefore cannot always be provided in advance of development.