

4.5 Policy DEV4 – Infrastructure and Implementation

The scale and pace of new development will be dependent on sufficient capacity being available in existing infrastructure to meet the demands of new development. Where this cannot be demonstrated permission for new development will only be granted where additional capacity can be released through better management of existing infrastructure, or through the provision of new infrastructure, or in the case of transport infrastructure, where it can be demonstrated through the use of Transport Assessments or Transport Statements¹ that the residual cumulative impacts of development will not be severe.

Developer contributions may be sought to fund new infrastructure and a programme of delivery will be agreed before development can take place. Contributions must be necessary to make the development acceptable in planning terms and ensure the viability of development is maintained.

[Note to the Inspector: The Council intends to include a list of essential infrastructure required for sites in Penrith in the body text of this policy, however Cumbria County Council have as yet not been able to provide a list of essential infrastructure as agreed during our meeting with them on the 16th of August. We have been assured that this information will be forthcoming and the Council will provide a final amended policy as soon as we receive the information from County Council]

Infrastructure for which the Council may seek contributions includes:

Essential infrastructure for all new development

- Adequate highway access and capacity
- Primary and secondary school placements
- Clean water supply
- Adequate wastewater capacity
- Sustainable drainage systems
- Energy supply

Location-specific infrastructure that may be required

Transport

- Cycling and walking facilities
- Public transport
- Car parking
- Electric vehicle charging points

Education

- Education provision, including further and higher education facilities
- Nursery schools

Health

- GP surgeries

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← Hospitals

In some cases developer contributions will take the form of a financial contribution. In all cases they will be directly, fairly and reasonably related in scale and kind to the proposed development.

Infrastructure requirements are set out in the Infrastructure Delivery Plan.

The ability of a developer to pay contributions, based on an assessment of the economic viability of the development will be considered at the application stage, and negotiations between developers, and the Council (advised where appropriate by Cumbria CC) will determine on a case by case basis whether a developer can feasibly pay contributions to infrastructure without undermining the schemes viability.

The need for a Community Infrastructure Levy will be reviewed periodically by the Council.

Explanation

- 4.5.1 It is essential that new development is supported by the infrastructure it needs to function, and that new development does not increase pressure on existing infrastructure. Where new development will require new infrastructure the Council can require that the developer and/or landowner contribute, as long as such requirements do not render the scheme unviable. This is known as 'planning gain', with the contributions funded by the uplift in land values resulting from the grant of planning permission. Planning obligations will be sought when they are necessary to make a development acceptable that would otherwise be unacceptable in planning terms. They can be in the form of compensation or mitigation for the effects of the development on the site or surrounding area, or they can be agreements where the developer agrees to carry out development in a certain way. On larger sites it may be necessary to ensure that the delivery of development is phased in such a way to co-ordinate the installation of new infrastructure, and a programme of delivery may need to be agreed.
- 4.5.3A separate infrastructure delivery plan has been prepared which sets out the scale, timing and delivery arrangements associated with the level and type of development anticipated to come forward before 2032. The infrastructure delivery plan will be update quarterly.
- 4.5.4 The ability of a developer to pay contributions, based on an assessment of the economic viability of the development will be considered at the application stage, and negotiations between developers, and the Council (advised where appropriate by Cumbria CC) will determine on a case by case basis whether a developer can feasibly pay contributions to infrastructure without undermining the scheme's viability.
- 4.5.5 The Council may in the future introduce a 'Community Infrastructure Levy' which would apply a flat rate contribution for infrastructure for larger developments. In the meantime contributions will be secured through the use of planning obligations. Cumbria County Council have also produced

and adopted a document² covering the planning obligations, which may be sought to support their functions.

Reason for the Policy

4.5.6 To make sure associated infrastructure needs are provided for in all new development and make clear that contributions may be sought from developers to fund any additional infrastructure needs arising from new development.

² Cumbria County Council Planning Obligations Policy