



Braintree District Council

Local Plan Examination of Section 2

Main Matter 15
- A Delivery & Implementation
- Policy LPP 82

June 2021

Main Matter 15

Delivery and Implementation (Policy LPP 82)

Is Policy LPP 82 Infrastructure Delivery & Impact Mitigation justified and consistent with national policy? Are the requirements of the policies clear, and would they be effective?

- 15.1 Yes, the Council considers that policy LPP82 Implementation Delivery and Impact Mitigation is justified and consistent with National Policy which requires that Local Plans set out strategic policies to deliver, amongst other things the provision of infrastructure and community, health and other local facilities (paragraph 156). This policy, to be read alongside policy SP6 Infrastructure and Connectivity within the BLP Section 1, provides that policy direction.
- 15.2 The policy sets out in why contributions are needed, what sort of contributions they could be and how the Council will work with other bodies to ensure the right infrastructure needs are met. The policy goes on to provide flexibility noting the potential future arrangements around a CIL charging schedule and sets out the basis for which exceptions to the policy would be considered. Whilst relatively long, it is considered this is necessary to make the policy clear to the reader and effective.
- (a) Are there any omissions from the proposed policy and supporting text?**
- 15.3 As set out within the proposed modifications document SDBDC008a MM69, the Council agrees with ECC that a small addition to the supporting text be added to reference the ECC developer guide.
- 15.4 In the 2017 Local Plan consultation, there were 16 representations in total to policy LPP 82 and its supporting text. Many welcomed the requirement for developers and landowners as well as neighbouring authorities and infrastructure providers to work together to deliver the infrastructure required and both ECC and Anglia Water specifically support the policy (subject to the minor change proposed by ECC).
- 15.5 One representation makes note of larger strategic infrastructure schemes such as road and junction schemes in other local authority areas and what mechanism can be added to the policy to secure contributions to these larger strategic schemes. The Council considers that under current legislation, and with the Council operating through the S.106 system, it is not able to secure funds such as this without the introduction of some kind of strategic infrastructure levy, which is not currently possible.
- 15.6 Considering the representations made therefore the Council considers that, with the exception of the modifications set out below, there are no omissions from the proposed policy and supporting text.

(b) Are the policies' requirements supported by up to date evidence?

- 15.7 The Council considers that the policy is supported by relevant and up to date evidence. This evidence includes;
- BDC008 Economic Viability Study
 - BDC012 Infrastructure Delivery Plan 2017
 - BDC058 Infrastructure Delivery Plan Update 2021
 - BDC040 Open Spaces Study
 - BDC050 Water Cycle Study
- 15.8 The Council has also taken into account the delivery plans of relevant infrastructure providers and their needs which have also been captured within the IDP. This includes infrastructure in relation to water, waste water, utilities, highways and education provision.
- 15.9 In addition it should be noted that there were no objections to this policy from infrastructure providers.

(c) Have the implications of the policy in relation to viability been appropriately tested?

- 15.10 The policy requires all development to provide appropriate contributions to infrastructure capacity necessary to make that development acceptable in planning terms. The policy does not specify the amounts to be collected, or the exact list of infrastructure to be secured which will be considered on a case by case basis. Nevertheless the Council has prepared a viability assessment which considers the requirements of the BLP taken as a whole. This also includes contributions to affordable housing. The viability assessment is BDC008 and was prepared by specialist consultants in June 2017.
- 15.11 The report provides a series very detailed case studies and uses real world examples to test viability across a broad range of scenarios. For residential schemes as set out in summary in paragraph 4.46 to 4.50 the overall Plan viability is good, although for purely flatted schemes this viability is more marginal.
- 15.12 The report also tested the viability of non-residential development and the findings of which are set out in section 5 of the report. The conclusions are that many types of commercial development is considered to have marginal or worse viability and therefore the Council may need to consider intervening in the market. In some cases the Council has done this: for example it is developing the Horizon 120 business and innovation park itself. As set out within the policy, if development is not considered viable then a fully transparent open book viability assessment will need to be shared with the Council.

(d) Is the policy sufficiently flexible?

- 15.13 It is considered that the policy as worded is sufficiently flexible to deal with changing circumstances, whilst at the same time providing certainty for local residents, statutory providers and applicants about the level of infrastructure provision that will be necessary to make a new development acceptable. For example the policy refers to appropriate infrastructure capacity but does not attempt to make a definition of all the ranges of infrastructure provision which may be necessary for a site, or the capacity levels of that infrastructure (although noting that some exemplar types of infrastructure are included within the glossary). The policy therefore allows that the determination of appropriate infrastructure provision and capacity is made at the planning application stage and is judged on a site by site basis, with different sizes and locations of sites for example having varied infrastructure requirements.
- 15.14 The policy goes on to consider appropriate mitigation measures for additional infrastructure, but again is not prescriptive - in practice these would be dealt with and agreed by the Council and the relevant infrastructure provider at the time of determination. Four types of mitigation are listed within the policy but again it is clear that these are examples and are not exclusive.
- 15.15 Another example of this flexibility is in paragraph 4 of the policy which discusses the possible introduction of CIL. Whilst Braintree has historically collected infrastructure contributions by way of section 106 agreement, the policy allows for a position in the future when the Council may consider switching to CIL. This could be due to legislation changes or changes in local circumstances.

(e) Is the plan sufficiently clear as to how its implementation will be monitored?

- 15.16 The provision of infrastructure by a developer as a result of a planning permission is usually managed by way of a condition or S106 agreement and these are monitored by a named officer at the Council. This is not specifically set out within the policy and the Council have no objections to the Inspector proposing suitable wording to add to the policy which would set out this method of monitoring infrastructure contributions by developers.

(f) Are the Council's proposed modifications necessary for soundness?

- 15.17 The Council proposes MM69 within SDBDC008a to correct a minor grammatically error within the policy. In addition, a minor amendment number 52, also within SDBDC008a, is proposed by ECC and agreed by the authority to add additional supporting text to the policy to refer to the ECC developer guide. It is considered that these main modifications ensure full understanding and clarity and therefore is necessary for soundness.