

Christchurch & East Dorset Core Strategy Examination

Further statement by Dorset County Council

Matter 1 – Overall Strategy Issue 2

Is the CS supported by a robust Infrastructure Delivery Plan etc

This representation relates to Policy LN6 (Proposed Changes Document: November 2012: Change No 180, pg.126.) and its relationship with the IDP.

The Core Strategy contains several references to the use of developer contributions and CIL to help pay for infrastructure. Transport policies KS10 and KS11 refer to the CIL and “contributions towards local and strategic transport improvements in line with the authorities’ contributions policy” respectively. Reference to the collection of financial contributions is also made in the community facilities and services policy LN6 and in the Draft IDP.

The intent and the requirement to seek financial contributions to provide towards infrastructure necessary to support or accommodate new development is indicated in the plan is fully supported. The infrastructure necessary is identified in the IDP (SD20)

However, despite the frequent references to CIL and contributions policy, there is not a specific policy in the Core Strategy which requires development to meet its infrastructure needs or to mitigate adverse impacts, **including** the potential use of CIL to contribute towards the full range of community benefits required over the next 15 years. This is a concern as CIL will be an important source of funding towards the provision of County Council and other services. For instance it will be necessary to use CIL to collect payments from individual development towards educational needs, community and cultural facilities over the course of the plan period.

A specific policy in the Core Strategy would provide a clear policy hook for the future creation of a joint CIL document and charging schedule for Christchurch and East Dorset.

The suggested policy goes some way to providing this hook in that it refers to planning obligations being sought [... for community facilities and services] in accordance with the Community Infrastructure Levy Regulations 2010. This is the correct framework and is accepted.

It is considered however that, as now worded this policy, infers that contributions towards this infrastructure typology will **only** be sought as planning obligations (s106 / Reg122 (2)) rather than in combination with Community Infrastructure Levy depending on the nature of the Reg123 list.

It is accepted that by referring to the Regulations this allows CIL and s106 to run side by side provided it is not for the same infrastructure - but it would be clearer to explain some infrastructure may be provided through CIL whereas some sites with specific prerequisites it might use a s106. This is made clear in policy KS11 (transport), ME6 (Flood management, mitigation, and defence) and in the ‘New Neighbourhood’ policies but not generally or in Policy LN6.

In this particular policy it is considered that the wording is inconsistent and could result in significant additional gaps in funding, potentially prejudicing delivery of community infrastructure – ie if CIL is not associated with particular infrastructure. This has the potential to make the plan unsound as infrastructure necessary to support development would be undeliverable.

The plan could be made clearer if policy LN6, and supporting text was amended to be in line with the intent of KS11 to indicate that in some cases for community facilities CIL might be used and in other site specific cases s106s might be used. This is clear in the IDP but not in this policy.

The inspector is respectfully requested to consider the following amended wording for LN6 in the interests of clarity.

LN6

Planning obligations through site specific legal agreements and payment of the community infrastructure levy, as appropriate, may be sought in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) to obtain financial contributions towards the provision of facilities and services.

This could be further reinforced if the plan included a new policy in section 4 Key Strategy as follows:

It is important that new development makes provision, where necessary for infrastructure needed to serve it, or to mitigate potential impacts it is likely to cause. Planning obligations, also known as section 106 agreements, have played an important role in providing the infrastructure necessary to support new development. The Government has introduced provisions for the Community Infrastructure Levy (CIL). The overall purpose of the CIL is to ensure that development contributes fairly to infrastructure it creates a need for and thus can be delivered in a sustainable way. Meeting infrastructure needs will also require other vehicles and joint working with a range of partners to ensure that common areas and priorities are coordinated. The establishment of the CIL will however transform the current method of collecting and distributing developer contributions, as from April 2014 there will be a limit on the pooling and use of section 106 contributions.

Policy KS xx Infrastructure Delivery

“Development proposals will be required to provide, or meet the reasonable costs of providing, the on-site and off-site infrastructure, facilities and/or mitigation necessary to make a development acceptable in planning terms, including the mitigation of the effect of cumulative developments.

Delivery and monitoring

The council will implement the policies and proposals of the Core Strategy and seek to ensure that the necessary infrastructure is secured to support development by:

- Working with stakeholders and partner organisations through a variety of fora and other arrangements, including the LEP;*
- preparing regeneration area and other supplementary planning documents as required, and supplementing the Core Strategy and Development*

Management Policies DPD with development briefs, master plans and best practice guidance if this is necessary;

- *undertaking pre-application discussions with developers and involving partner organisations where appropriate, and through development management powers, including negotiating S106 obligations;*
- *allocating council funding to projects and bidding for other monies to support core strategy initiatives;*
- *developing a charging schedule in response to Community Infrastructure Levy (CIL) regulations or successor levy regimes that support the implementation of infrastructure projects necessary to deliver the Core Strategy; and*
- *preparing annual monitoring reports to review the effectiveness of policies and identify alterations where necessary.”*