

Bridgend Local Development Plan

Examination

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Tuesday 8 January 2013 10:00am

Session 9 – Social & Community Facilities and Infrastructure

Inspector's Agenda with Matters and Issues

[Figures in brackets () identify a Representor and their representation number eg 64.6 refers to Representor 64 and Representation 6].

1. INFRASTRUCTURE

- 1.1 Policy SP14 Infrastructure (page 65) seeks infrastructure delivery through planning conditions, obligations, or the Community Infrastructure Levy (CIL). Paragraphs 6.3.5 – 6.3.9 provide some clarification in relation to the CIL although there is an apparent typographical error in the third bullet point of paragraph 6.3.7 ('size of the character').
- 1.2 The Welsh Government seeks further clarification on how the CIL will be taken forward after 6 April 2014 when pooled Section 106 planning obligation contributions from 5 or more developers are no longer allowed, particularly in delivering the necessary infrastructure to support the plan and the timing of any transition to a CIL. WG considers that the deliverability of the plan could come under question if there is no mechanism in place to capture the financial benefits arising from development which can be used to assist the provision of appropriate infrastructure. If a CIL is not in place until after April 2014 there could be a vacuum in the plans ability to capture financial receipts to support development. This should not be left to an early review of the plan. Further explanation is required to demonstrate how this is not an issue or, if it is, how it is to be resolved (64.6).
- 1.3 WG also considers that the implications of infrastructure delivery on the housing provision and employment allocations in terms of phasing should be clarified and suggests this could be included in Chapter 9/ Appendix 3 (64.6).
- 1.4 The Council responds that it is currently undertaking work to examine how the CIL could be applied across the borough, including discussions with neighbouring authorities. Once this work has been completed, and the LDP adopted, Council will look to progress the introduction of a CIL at the earliest opportunity, with the aim of having a scheme in place in 2014. However, there will still be scope to collect contributions through Section 106 Agreements.
- 1.5 The Council considers that the delivery of the LDP is not dependent on large significant infrastructure projects as most developments will require only local mitigation, for example provision of on-site open space or local highways upgrades. These will still be financed with Section 106 agreements.

Qn1a. Does the Council's response resolve the Welsh Government concerns or is further clarification or any amendment to the Plan still needed?

Qn1b. Is the Policy sufficiently flexible to address the use of a CIL if the policy itself refers only to planning obligations and agreements?

- 1.6 In written representations the Environment Agency Wales (EAW) has reservations about the clarity of Policy SP14 as the opening paragraph is convoluted and detracts from the positive goal of the policy. EAW suggests alternative wording as: *'All proposals for built development must include details of infrastructure requirements associated with the scheme and they will only be acceptable in those locations where: suitable utility service infrastructure is available; or programmed within a feasible phasing period within the Borough; or the provision of infrastructure is secured by means of agreements or obligations, and/or by any other agreement or undertaking and phased to accord with the availability of those services. Future use of obligations will be considered in light of the provisions of the Community Infrastructure Levy (CIL).'* Additionally in the bullet points EAW suggests clarification is needed of the term 'the public realm' (61.49).
- 1.7 The Council comments that notwithstanding the appropriateness or otherwise of the proposed changes, the Council considers that they do not go to the soundness of the Plan. However, the Council offers no evidence to counter this representation given the limited impact such a change will have on the application of the Policy and any subsequent outcome as a result of implementation.

Qn1c. Is the wording of Policy SP14 clear or does it require amendment for coherence?

Qn1d. In the policy as written, what is meant by the term 'planning loss' and, if retained, does this require further explanation or definition in the text or glossary?

Qn1e. Is the term 'public realm' widely understood or does it require clarification?

- 1.8 EAW's key concern is the relationship and link between policy expectations and reality in terms of the provision of suitable infrastructure. It is imperative that this plan accords with the requirements and phasing of the infrastructure provider. For example Dwr Cymru Welsh Water (DCWW) AMP programmes to ensure suitable foul and surface water networks exist to facilitate development. It is suggested that the authority and DCWW engage in liaison meetings to clarify relative positions/opportunities. EAW is aware that a current SPG15 Community Facilities and Residential Development (June 2008) incorporates elements relating to this issue. Clearly there is a slight overlap in text content between the LDP Strategic policy SP14 and Part 1 policy 22 of the adopted Bridgend Unitary Development Plan. EAW suggests that the SPG is reviewed to reflect current Council policy and requirements (61.50).

- 1.9 The Council notes the comment. As detailed in Chapter 8 of the LDP, *SPG14: Infrastructure, incorporating existing SPGs on Community Facilities and Educational Facilities*, will be published after the adoption of the LDP.

Qn1f. The current SPG15 and SPG16 are not included in the submission documents and should be added as examination documents. Chapter 8 indicates that the replacement SPG will be entitled 'Planning Agreements' and that it will incorporate existing SPGs on Community Facilities and Education Facilities. How does that relate to the EAW concerns which refer to the coordination of investment by utility companies to support development?

2. PROVISION OF OUTDOOR RECREATION FACILITIES

Whether Open Space Requirements Accord with National Policy

- 2.1 The Home Builders Federations (HBF) believes Policy COM11 contravenes Community Infrastructure Levy Regulations (CIL) Regulation 122 in that it apparently requires all development to contribute to additional open space, whether or not the three Regulation 122 statutory tests are satisfied. The HBF applies the same conclusion to the similar policy tests in Circular 13/97 (160.6). The Regulation 122 tests are set out at paragraph 6.3.3 of the Plan (which however includes a typographical error so that there appear to be 4 tests).
- 2.2 The Council responds that Policy COM11 provides a reasonable starting point based on National Guidance for the assessment of the level of recreation facilities needed. The Council will have regard to local evidence (in the form of recreational open space audits etc.) which may indicate local deficiencies in an area and which could be exacerbated by further development there. That would comply with the CIL regulations. In addition, in the interest of good design principles, amenity/open space should be provided as an integrated part of the developments - which will be expanded on in subsequent SPG. This detailed assessment will take place at the planning application stage in accordance with all national, regional and local guidance and other material considerations relevant at that time. Background Paper 11 (SD45) expands on this response.

Qn2a. Paragraph 6.2.16 refers to quantitative and qualitative information held about open space provision. Is the Plan sufficiently clear about what regard is to be had to existing provision when assessing the needs of new development?

Qn2b. Is there any associated conflict with statutory regulations or national policy?

10% Public Amenity Space

- 2.3 HBF observes that paragraph 6.2.17 states that all new housing developments will be expected to include approximately 10% of the development site area for public 'amenity' purposes in the interest of good design. HBF states that this is not justified and is inappropriate. HBF also queries why this additional requirement is within the reasoned justification, as it seems to be a policy requirement (160.7)?

2.4 The Council responds that the 10% figure is an appropriate starting point on which to base the provision of amenity green space as good development design. The exact level which will be expected at an application stage will be balanced against the need for additional facilities outlined in Policy COM11 and taking account of relevant SPG and the Fields in Trust (FIT) standards. Any on-site provision of recreational space and aspects of design, including green verges and any 'private' green space, which can be shared in visual amenity terms as part of the development could contribute to the 10% guidance. Reference is made to Background Paper 11: Outdoor Recreational Facilities (SD45). That provides at paragraph 3.4 that it applies to '*development sites prescribed in the SPG*' and that the 10% amenity space requirement will be discounted from the full 2.4ha/1000 population open space standard.

Qn2c. Is the 10% requirement for amenity space a policy requirement and, if so, should it be included in Policy COM11 and with what wording?

Qn2d. Is the requirement justified on the basis of good design?

Qn2e. What is the SPG that it is referred to in SD45 and how will it identify qualifying sites?

Qn2f. Would the discounting of green verges and private green space (eg front gardens) undermine the requirement for other recreational open space?

Qn2g. When SD45 indicates that the 10% amenity space requirement will be discounted from the 2.4ha/1000 open space standard does that mean that provides that the provision eg front gardens and verges would reduce the need for other recreational open space provision or that the provision of functional shared open space would reduce the requirement for amenity space?

Qn2h. Should the Plan text be clearer about how the 10% requirement would be met?

Viability

2.5 The HBF says it is essential that development viability is considered when setting planning obligation policies and that there is nothing within the policy that describes how development viability has been considered when setting any prescribed standard. The individual or cumulative requirements of planning obligations policies might render a development unviable unless a proper analysis of the impact of each policy is undertaken (160.8).

2.6 The Council responds that site viability can only be fully assessed at a planning application stage when both the Council and the developer have all relevant information to quantify what contributions are relevant and necessary when balanced against other policies and considerations. The LDP makes provision for contributions to be sought where necessary, relevant and appropriately justified.

Background Paper 11: Outdoor Recreational Facilities (SD45) expands on this response.

- 2.7 Paragraph 6.3.6 of the Plan makes additional reference to viability considerations.

Qn2i. Does the Plan make adequate reference to viability for its proposals to be realistic, and if not, what amendment would be necessary for the Plan to be sound?

Effect of Open Space Requirements on Density

- 2.8 The HBF are not aware of how the authority has reconciled the effect on net developable area of the open space requirements and how this might impact on the density of development. Given that the authority has a minimum density policy and the affordable housing viability assessment makes the point that higher densities can sometimes result in less viable developments, the HBF believes this issue needs to be considered, if the Council proposes to implement such onerous open space requirements (160.9).
- 2.9 The Council responds that the open space requirements in the LDP are those which are recommended by the Fields in Trust Standard. The level of requirement sought can only be fully assessed at a planning application stage when both Council and developer has all relevant information at its disposal to quantify the level of contributions which are relevant, necessary and appropriately justified when balanced against other policies and considerations. Further information on this issue is provided in Background Paper 11: Outdoor Recreational Facilities (SD45).

Qn2j. How does the Council define the site area for the purposes of Policy COM4 Residential Density and how are on- and off-site open space and amenity space accounted for?

Qn2k. Is any textual amendment to the Plan necessary and, if so, what should that be?

Fields in Trust Standards and Allotments Provision

- 2.10 The HBF queries the reference to Fields in Trust (FIT) as a benchmark when Policy COM11(1)-(3) equates to 2.6 hectares of open space per 1,000 population when FIT states that only 2.4 hectares of open space should be made available (160.10).
- 2.11 The Council responds that the additional 0.2 hectares per 1,000 population is for allotment provision and was sourced from the National Society of Allotments and Leisure Gardeners. It is not necessarily cumulative but represents an aspect of open space which, where there is an identified deficiency, will be considered against the need for other recreational facilities. Further evidence on this issue is provided in Background Paper 11: Outdoor Recreational Facilities (SD45).

Qn2l. Does the Council's response provide sufficient clarity?

3. PROVISION OF ACCESSIBLE NATURAL GREEN SPACE

- 3.1 Policy COM11(4) provision that people should not live more than 300m from their nearest area of 'accessible natural green space'.
- 3.2 The Countryside Council for Wales (CCW) queries how such areas are to be defined, provided and managed. CCW also queries what may be considered a realistic and appropriate size for such areas (54.88).
- 3.3 The Council responds that this level of detail is not relevant for inclusion within the LDP. Design and maintenance will be considered at the planning application stage taking consideration of relevant Supplementary Planning Guidance (SPG), which will be produced by the Council in partnership with CCW. Existing areas of natural open space and areas with deficiency across the County Borough are already defined by a study undertaken by consultants (KKP) in accordance with the Countryside Council for Wales Toolkit relating to Accessible Natural Green Space.

Qn3a. Accessible Natural Green Space is defined in Paragraph 6.2.18. Is further explanation needed or can this be left to the SPG?

- 3.4 Policy COM13 specifically allocates areas of Accessible Natural Greenspace and otherwise seeks its provision wherever suitable opportunities arise. CCW welcomes the principle but is not clear how the policy will be delivered. To meet test of soundness CE3, CCW recommends that additional text is provided setting out broadly how the identified areas of open space will be delivered, and by whom (54.89).
- 3.5 The Council considers that Section 9 (Delivery and Implementation) of the deposit LDP gives sufficient information to enable the reader to ascertain the general status and likely implementation dates of a site or proposal allocated in the Plan. However, it also recognises that the deliverability of a site is an ongoing, evolving process. Specific site details are constantly changing and new issues may arise post plan-making stage. To this end, it is proposed that an online LDP Site Database is established which is kept up-to-date and formally published once a year as part of the LDP Annual Monitoring Report (AMR). This database will outline the current status of the site and its likely implementation timescales with links to any relevant planning applications, planning / environmental studies which have been undertaken and any further constraints which have been identified. Where relevant it may also indicate likely Section 106 planning obligation requirements associated with the site. Land ownership details will also be included to facilitate contact between interested parties. Background Paper 10 'Delivery and Implementation' (SD44) provides some limited information on each of the proposed site allocations.

Qn3b. Does the Council's response suitably address the CCW concerns or are textual amendments to the Plan itself still sought and, if so, what amendments?

4. PROVISION OF HEALTH, WELL-BEING, COMMUNITY AND OTHER FACILITIES – DEPICTION ON PROPOSALS MAP

4.1 Whereas the Proposals Map clearly defines the location and extent of proposed allocations for housing, employment, retailing and mixed use developments, the locations of many proposed facilities are indicated only by a symbol. Examples are found in policies COM8-12.

Qn4a. Does the use of symbols alone, without defining the extent of a proposed development allocation, adequately define the sites for particular developments or land uses?

Qn4b. Does it have adequate regard to national policy in Local Development Plans Wales (2005) for Proposals Maps at paragraph 2.24?

Qn4c. Why are the development sites not more precisely defined?

1 November 2012