

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text" value="√"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="√"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="√"/>	No	<input type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Paragraph 34 of the NPPF requires that Development Plan policies set out the levels and types of infrastructure required.

The IDP prepared by ARUP (May 2021) draws together evidence to provide an assessment of the infrastructure which will be required to support the housing and employment growth set out in the emerging Local Plan. However, paragraph 2.9.30 of the emerging Local Plan explicitly identifies that the IDP is not part of the Local Plan. In the absence of reference to the levels of infrastructure being set out in the emerging Local Plan, the emerging Local Plan does not accord with national policy. The IDP recommends on page 176 *“The District Council should use the IDP to inform the preparation of an Infrastructure Funding Statement in accordance with*

Planning Practice Guidance (Plan-making, paragraph 16160). This should set out the anticipated funding from developer contributions, and the choices local authorities have made about how these contributions will be used. At examination this can be used to demonstrate how infrastructure can be delivered throughout the plan-period.”

At the time of preparing these representations no Infrastructure Funding Statement (IFS) has been prepared that would accord with the PPG reference above.

Paragraph 2.9.32 of the Plan refers to an IFS which according to the council website is: “An Infrastructure Funding Statement is a document that must be published each year by a “contribution receiving authority”. A contribution receiving authority is any authority which issues Community Infrastructure Levy (CIL) notices or receives money from a Section 106 agreement.” This does not accord with the PPG reference above.

Additionally, paragraph 2.9.30 of the Pre-Submission Plan suggests that the IDP will be reviewed and updated as circumstances change. This infers that the levels of infrastructure identified by the IDP and presumably sought by the emerging Local Plan could change without these being subject to examination, relevant policies reviewed accordingly. Such changes could lead to the deliverability of the emerging Local Plan being undermined contrary to paragraph 34 of the NPPF.

The PPG Plan Making Paragraph 060 Reference ID: 61-060-20190315 states: “Annual reviews of the infrastructure funding statement should feed back into review of plans to ensure that plans remain deliverable. Should issues arise which would adversely affect the delivery of the adopted strategy then the authority should consider alternative strategies, through a plan review, if these issues are unlikely to be resolved.”

The PPG Plan Making Paragraph: 059 Reference ID: 61-059-20190315 advises that

“A collaborative approach is expected to be taken to identifying infrastructure deficits and requirements, and opportunities for addressing them. In doing so they will need to:

- *assess the quality and capacity of infrastructure, and its ability to meet forecast demands. Where deficiencies are identified, policies should set out how those deficiencies will be addressed; and*
- *take account of the need for strategic infrastructure, including nationally significant infrastructure, within their areas.*

The government recommends that when preparing a plan strategic policy-making authorities use available evidence of infrastructure requirements to prepare an Infrastructure Funding Statement. This should set out the anticipated funding from developer contributions, and the choices local authorities have made about how these contributions will be used. At examination this can be used to demonstrate the delivery of infrastructure throughout the plan-period.

Authorities will also need to ensure that policies setting out contributions expected from development do not undermine delivery of the plan. Plan viability assessment should be carried out in accordance with guidance.

Where plans are looking to plan for longer term growth through new settlements, or significant extensions to existing villages and towns, it is recognised that there may not be certainty and/or the funding secured for necessary strategic infrastructure at the time the plan is produced. In these circumstances strategic policy-making authorities will be expected to

demonstrate that there is a reasonable prospect that the proposals can be developed within the timescales envisaged.” (my emphasis)

As currently prepared, there is no indication of the infrastructure requirements for the strategic sites and consequently it is not clear what the policy requirements are so that this can be taken into account in assessing the viability of the sites.

“Such policies should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability. ... It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination”. PPG Planning Obligations Paragraph: 004 Reference ID: 23b-004-20190901

Furthermore, as addressed below, the IDP is fundamentally flawed at least insofar as educational infrastructure is concerned. Indeed, it is based on evidence prepared by the LEA which is not consistent with national policy or guidance and is not justified in accordance with the findings of the recent Coombe Hill appeal decision. (Appeal Ref: APP/G1630/W/20/3257625).

Consequently, it is considered that Policy CP6 as drafted does not therefore accord with national guidance in several respects because:

1. The infrastructure policy requirements are not clear contrary to the PPG Planning Obligations Paragraph: 004 Reference ID: 23b-004-20190901
2. They cannot therefore be accurately accounted for in the price paid for land contrary to the PPG Planning Obligations Paragraph: 004 Reference ID: 23b-004-20190901
3. The potential updates to the IDP, which would presumably be applied when determining planning applications, could introduce a new formulaic approach such as a new pupil product ratio in an evidence base document without this having been subject to examination contrary to the PPG Planning Obligations Paragraph: 004 Reference ID: 23b-004-20190901
4. The emerging Local Plan does not set out the contributions expected from development for infrastructure to support the delivery of the strategic sites PPG Planning Obligations Paragraph: 005 Reference ID: 23b-005-20190315
5. The emerging Local Plan does not set out the contributions expected from development for towards educational infrastructure including pupil yields contrary to the PPG Planning Obligations Paragraph: 007 Reference ID: 23b-007-20190315
6. The emerging Local Plan does not set out policies for contributions expected such that these can be fairly and openly tested at examination contrary to the PPG Planning Obligations Paragraph: 013 Reference ID: 23b-013-20190315.

In order to address this and comply with national policy and guidance, the Local Plan will need to set out a clear policy that identifies how infrastructure requirements will be calculated including specific standards such as pupil product ratios. These standards should then be applied to development proposals, and if newly arising information indicates that these need to be reviewed then this should instigate a review of the Development Plan which enables these to be tested and to ensure that they do not undermine the deliverability of the Development Plan. As set out below, these pupil product ratios cannot be based on those

provided by the LEA which are currently assessed in the IDP as these have been found to be fundamentally flawed in the recent Coombe Hill appeal decision.

In order to identify the levels of infrastructure required in support of individual allocations, it will also be necessary for these to be set out in the emerging Local Plan based on accurate and robust evidence, rather than the flawed information provided by the LEA.

Paragraph 34 of the NPPF also requires that Development Plans set out the contributions expected from development. This will in part be fulfilled by the identification of specific standards within the policy, but will also require the means by which these are to be funded to be set out in the emerging Local Plan. The Infrastructure Funding Statement of the District Council should provide this detail and for example identify that developers will contribute to educational infrastructure through CIL receipts on non-strategic sites and through s106 contributions on strategic sites. This must be clearly set out in Core Policy CP6 to accord with paragraph 34 of the NPPF and the various of the PPG referred to above in order to provide clarity to applicants.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Core Policy CP6 does not set out the contributions expected from development, or the levels and types of infrastructure required. Accordingly, it is inconsistent with paragraph 34 of the NPPF. It will therefore need to be revised to reflect a robust evidence base which has yet to be prepared, which should take account of the available infrastructure capacity, the forecast number of infrastructure users and identify robust standards for identifying the effects of new development. This should then be used to clearly set out the infrastructure requirements for individual allocations and to provide specific standards for the infrastructure arising from non-strategic sites.

Core Policy CP6 should also be revised to provide clarity about how any developer contributions will be secured whether through CIL or s106 agreements.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

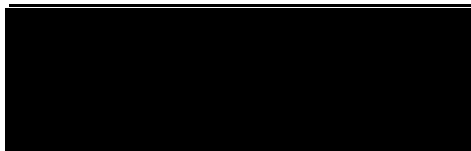
Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

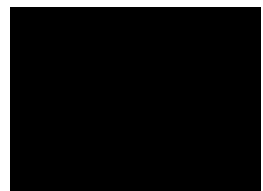
Our objections go the heart of the Plan and its strategy as we consider the Plan as drafted is unsound.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:

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Date:

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