

16

DELIVERING AND IMPLEMENTING DEVELOPMENT IN NORTH LINCOLNSHIRE

Introduction

- 16.1 A key element of the Core Strategy, as well as of the Local Development Framework (LDF) in general, is the need to identify how the policies and proposals contained within it will be delivered to meet the spatial vision and objectives. A clear mechanism and targets that focus on delivery, which is supported by a robust monitoring and implementation framework is required to ensure outcomes are delivered. Implementation of the policies contained in the Core Strategy will require concerted action by a range of public, private and voluntary sector bodies working in partnership.
- 16.2 The Infrastructure Delivery Schedule (Appendix 1) will set out key infrastructure that will be delivered to support the implementation of the strategy, whilst the Core Strategy Monitoring Framework (Appendix 2), together with each chapter's monitoring section (with indicators, targets and monitoring system), are intended to form the basis of the monitoring and implementation of the Core Strategy. Indicators and targets will be reviewed and refined in the Annual Monitoring Report.

Context for Implementation and Delivery

- 16.3 In implementing and delivering the LDF and the Core Strategy in particular, there are a number of different tools available to the council. The first of these is ensuring the timely delivery on plans and planning policy through the Local Development Scheme (LDS). This project management tool sets out the programme for producing the Local Development Documents (LDD) that support the Core Strategy. In doing so, the LDS ensures that the policies and proposals of the Core Strategy are brought forward in such a way that ensures priority areas are tackled first. This coordinated approach will help to secure the implementation and timely delivery of the Core Strategy's objectives.

Partnerships

- 16.4 Partnership working will be vital, and in order to deliver sustainable development and sustainable communities North Lincolnshire Council will strive to work closely with local stakeholders. The council has played a leading role in developing key partnerships that will assist in delivering the agenda set out within the Local Development Framework. These partnerships include:
- North Lincolnshire Local Strategic Partnership
 - Scunthorpe Town Team
 - Crowle Market Place Delivery Group

- South Humber Bank Delivery Group
- Town & Parish Councils

16.5 In relation to site-specific spatial development projects or individual areas partnerships in North Lincolnshire will consist of the council together with any local regeneration or community group, and the private sector.

16.6 Action plans for the council and its partners are set out in a variety of strategy documents from regional to local levels. At the regional level the Regional Spatial Strategy, Regional Housing Strategy, Regional Economic Strategy and others combine to deliver targeted investment and action. At the local level partners are guided by, for example, the North Lincolnshire Housing Strategy and North Lincolnshire Sustainable Community Strategy, which have been formulated and adopted not only by the council but also by other partners, stakeholders and by the community at large.

Planning Obligations (Section 106 agreements)

16.7 New development often creates a need for additional or improved community services and facilities without which the development could have an adverse effect upon amenity, safety, or the environment. Planning obligations - or Section 106 Agreements - are legally binding agreements between a local authority and a developer/landowner as a means through which any deficiencies are mitigated through the provision of additional community benefits. Planning obligations are commonly used to bring development in line with the objectives of sustainable development as outlined in relevant local, regional and national planning policies.

16.8 Advice on the use of planning obligations is contained within Circular 05/2005. The Circular together with practice guidance and its accompanying model s106 agreement has been produced to guide all parties involved in the planning obligations process. The Circular advises that general policies about planning obligations should be included in the appropriate Development Plan Document, with detail being set out in a Supplementary Planning Document.

16.9 The main use of planning obligations in North Lincolnshire in recent years has been in securing contributions towards affordable housing, education provision, the provision of public open space, and for transport infrastructure improvements. S106 planning obligations focus on three areas:

- Non-financial, technical, or operational matters
- Site-specific impacts that must be mitigated before permission can be granted (such as access roads or the preservation of an endangered species)
- For sufficient affordable housing to be provided (where possible, on-site) to achieve genuinely mixed communities.

16.10 The Secretary of State requires that a planning obligation is only sought where it meets all of the following tests. It must be:

- Relevant to planning; and
- Necessary to make the proposed development acceptable in planning terms; and
- Directly relate to the proposed development; and
- Fairly and reasonably relate in scale and kind to the proposed development; and
- Be reasonable in all other respects.

- 16.11 Where there is a choice between imposing conditions and entering into a planning obligation, the imposition of a condition is preferable. However, there will be occasions when there is no alternative but to use a planning obligation. Where this is the case, the requirements of Policy CS27 should be followed.

CS27: PLANNING OBLIGATIONS

Where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005, seek to ensure that the development proposal:

1. Meets the reasonable cost of new infrastructure and improvements to existing infrastructure made necessary by the proposal in order to support, for example, affordable housing, maintenance payments, highway infrastructure, nature conservation, transport initiatives, utilities, education, community facilities, health, leisure and recreation provision, public art and waste management; and/or
2. Mitigates the impact(s) of the development; and/or
3. Offsets the loss of any significant amenity or resource through compensatory provision elsewhere; and/or
4. Provides for the ongoing maintenance of facilities provided as a result of the development.

- 16.12 This policy sets out the council's approach to the process of negotiating planning obligation agreements. It is essential for the growth and development of North Lincolnshire that future development makes a positive contribution to the area and that any impacts are managed in an appropriate manner. A Supplementary Planning Document will be prepared to amplify the policy. It will set out where the council will seek planning obligation agreements and how the levels of contribution will be determined. This will also provide useful advice for the development industry.
- 16.13 There is a presumption that the requirements arising from a planning obligation will be provided on the site in question. In exceptional circumstances where on-site provision is inappropriate or impractical a financial contribution towards off-site provision may be permitted where this can be clearly justified. Where on-site provision is appropriate, infrastructure should be in place before new development is occupied.
- 16.14 It is important that development costs, including the cost of implementing planning obligation agreements should not prejudice development that supports North Lincolnshire Council's aspiration to see the regeneration, improvement and revitalisation of the area. If it is claimed that a development is unable to support the costs of a planning obligation (other than those essential to allow the development to proceed) then this could be the subject of negotiations. In such cases, the developer will have to demonstrate non-viability via an "open book" approach. Normal development costs, and the costs of high quality building, materials and design considerations are universally applicable, and will not be allowed for in negotiations to reduce planning obligations.

Infrastructure Proposals

- 16.15 A key element of implementing development is the provision of infrastructure. Infrastructure can be summarised as the basic facilities, services and installations needed for a community to work. Physical, critical or economic infrastructure includes transport, communications systems, water and power lines. Community or social infrastructure includes public services related to, for example, schools and healthcare, whilst green or environmental infrastructure can include green corridors or open green space.
- 16.16 Adequate and appropriate infrastructure is essential for place-shaping and sustainable development and is a key issue in statutory planning. There is, therefore, a need to consider and assess infrastructure needs and provision in a comprehensive and integrated way. In order to achieve the vision and strategic objectives of this Plan it is vital that appropriate infrastructure is provided both to support new development and investigate ways to remedy existing deficiencies. Ideally this should occur in advance of, or at least alongside, development. This is possibly one of the biggest challenges for the LDF as a whole to address.
- 16.17 Recent national policy and legislation contains a new approach to infrastructure. The Housing Green Paper 2007 builds on the findings of respective reviews. It provides for both increased housing supply and the delivery of necessary infrastructure to unlock land and address related issues such as access to schools, health care, roads, public transport, water, energy sources and public spaces.
- 16.18 The Government intends its housing growth proposals to be accompanied by the social, transport and environmental infrastructure needed to deliver sustainable development at the local level. Improved infrastructure planning is needed to, amongst others, supply and manage the demand for water, provide facilities for waste water, and mitigate the risks of flooding.
- 16.19 Increased housing supply requires a coordinated approach at the regional and local level, including better coordination between infrastructure provision and housing growth. Local authorities and regional bodies have a key role in supporting growth particularly through the RSS, LDF and the coordination of infrastructure.
- 16.20 The level of growth proposed in North Lincolnshire is substantial, which is linked to the need for new infrastructure. Therefore it is crucial that the Core Strategy identifies the major issues and sets out how these might be addressed.

Infrastructure Delivery Plan

- 16.21 In achieving the Core Strategy's vision and objectives, the provision of appropriate infrastructure to support proposed growth and remedy existing deficiencies is critical. Planning Policy Statement (PPS) 12: Local Spatial Planning, states that the Core Strategy "is to be supported by evidence of what physical, social and green infrastructure is needed to enable the amount of development proposed for the area, taking account of its type and distribution. This evidence should cover who will provide the infrastructure and when it will be provided. The core strategy should draw on and in parallel influence any strategies and investment plans of the local authority and other organisation". This is one of the major challenges facing the LDF.
- 16.22 Infrastructure covers a wide range of services and facilities. This includes:
- Physical infrastructure - this is things like roads, flood defence, drainage, utilities (gas, electricity, telecommunications), water provision/treatment, and sewerage

- Community infrastructure - this is things like schools, GP surgeries, hospitals, public transport, emergency services, community centres, sports/recreation facilities, social care facilities, and open spaces.
- Green infrastructure - this is a network of green spaces which connect towns and villages with the countryside. It can include green corridors, open spaces, parks and allotments.

16.23 Infrastructure provision is vital task for the local authorities and other public bodies to fulfil their place-shaping role. Therefore, along with its partners North Lincolnshire Council has prepared an Infrastructure Delivery Plan (IDP). The IDP will consider the area’s social, green and physical infrastructure to establish a delivery strategy for meeting local objectives, including potential arrangements where, when and by what means infrastructure will be provided. The plan will include clear arrangements for managing delivery and how the strategy will be monitored, together with evidence of infrastructure requirements. An Infrastructure Delivery Schedule (Appendix 1) has been produced which provides a link between the Core Strategy and IDP, and illustrates the range of infrastructure requirements needed to deliver the spatial strategy.

16.24 Community Infrastructure Levy (CIL)

16.25 The Planning Act 2008 made provision for the introduction of a Community Infrastructure Levy (CIL). This is a new charge which local authorities in England and Wales will be empowered, but not required, to levy on most types of new development in their areas. The proceeds of the levy will provide new local and sub-regional infrastructure to support the development of an area in line with local authorities’ development plans. Detailed guidance on its operation was issued in April 2010 through the Community Infrastructure Levy Regulations 2010.

16.26 The new arrangements are proposed to work in parallel with the current system of planning obligations. For those authorities that choose not to implement the levy, section 106 obligations will continue to be used as a way of securing contributions.

16.27 Regardless of whether North Lincolnshire Council sets an infrastructure levy, continues with the planning obligations method of securing developer contributions, or operates a combination of both systems, there will be the need to prepare evidence on infrastructure needs and local land values to consider:

- The level of growth that is expected/needed;
- What infrastructure is needed; and
- How the information will be collated.

Monitoring

16.28 The following indicator and target will be used to monitor the implementation and effectiveness of the policy contained in this chapter:

Indicator	Target
Development contributions received in association with new development.	Development contributions received in accordance with the Developer Contributions Supplementary Planning Document.

Key Documents:

- Circular 05/2005: Planning Obligations (ODPM)
- External Funding Strategy 2007 (NLC)
- North Lincolnshire Infrastructure Delivery Plan (Halcrow, 2010)

Link to Key Objectives

Spatial Objectives:

1; 2; 3; 4; 5; 6; 7; 8; 9; 10

Sustainability Appraisal Objectives:

SA1; SA4; SA5; SA6; SA7; SA8; SA9; SA10; SA13; SA14; SA15; SA16; SA17; SA18; SA19; SA20; SA21; SA22; SA24; SA25; SA27