

# Breckland Local Plan Examination

## **Matter 18:**

## **Infrastructure (Policy INF 01 and INF 02)**

### **Breckland District Council Hearing Statement**

March 2018



**18.1: Is Policy INF 01 justified, effective and consistent with national policy? Is there a need to refer to the historic environment?**

1. Policy INF 01 Telecommunications accords with the NPPF in supporting high quality telecommunications infrastructure (Chapter 5, paragraphs 42-46). INF 01 provides a criterion based policy which is designed to support proposals unless doing so would result in unacceptable adverse impacts. This policy provides additional guidance for applications on the aspects that should be considered when assessing a proposal, and is therefore considered to be effective as it will aid the formulation of development proposals which minimise potential adverse impacts.
2. The policy was subject to public consultation at the Regulation 18 Preferred Directions stage (LP/S/8) which sought responses to the question; 'Do you agree with the preferred policy, please explain your answer?'. The policy wording was further refined and the proposed policy scored positively in the Pre-submission Sustainability Appraisal (SA) (LP/S/3) when assessed against the reasonable alternative considered. The policy is therefore justified as it has been refined through consultation and received an overall positive score in the SA.
3. With reference to the historic environment, the policy wording states: 'The installation and any associated apparatus is designed to avoid any unacceptable impact on... ..the character and appearance of the area where it would be sited' and "Any building-mounting installations would not have an unduly detrimental impact on the character or appearance of the building". The proposed wording of INF 01 is therefore considered to provide adequate protection for heritage assets in particular and regard for the historic environment more generally without the need for specific reference being made in the policy to the historic environment. Policies ENV 07 and ENV 08 work alongside this policy to provide further protection of the historic environment, in addition to the statutory protection afforded to designated heritage assets.

**18.2: To be effective and consistent with national policy, should Policy INF 02 refer to financial viability?**

4. The proposed policy outlines where developer contributions will be sought to secure infrastructure and does not preclude the need to consider financial viability. Policies within the Local Plan have been subject to a plan wide viability assessment, and individual policies on obligations such as Policy HOU 07 Affordable Housing, HOU 10 Technical Design Standards for New Homes already include reference to viability. However, for additional clarity in the policy and for consistency with national policy

(particularly paragraph 173 of the NPPF), a modification is proposed to make an explicit policy reference to financial viability:

Policy INF 02 Developer Contributions, amend first paragraph of policy as follows:

'The Council will secure site specific developer contributions in order to properly service, manage and mitigate the impact of development, subject to viability, which...'

**18.3: Overall, is Policy INF 02 justified, effective and consistent with national policy?**

5. Policy INF 02 is a strategic policy that seeks to deliver the infrastructure required to support the development proposed in the plan in accordance with paragraph 157 of the NPPF. The policy additionally specifies that site specific contributions sought must be directly related to the development, necessary to make the development acceptable and fairly and reasonably related in scale and kind in conformity with the tests set out in paragraph 204 of the NPPF. The policy is therefore considered to be consistent with national policy.
6. The policy was subject to public consultation at the Regulation 18 Preferred Directions stage (LP/S/8) which sought responses to the question; 'Do you agree with the preferred policy, please explain your answer?'. The draft policy was then further refined and scored positively in relation to criterion 13, 14 and 16 of the Pre-submission Sustainability Appraisal (LP/S/3). The policy was also subject to consideration in the Plan Wide Viability Assessment (LP/V/2) as the study notes that developer contributions, with the provision of affordable housing, are one of the significant costs that can impact on viability. The study tested a range of contributions when considering the viability of development sites. However, Policy INF 02 does not set levels of developer contributions or the level of affordable housing provision and therefore does not influence viability in this regard. The policy is designed to clarify where developer contributions will be sought. The policy wording was not found to have adverse implications on viability in the Plan Wide Viability Assessment. The policy is therefore considered justified as it has been subject to consultation and assessed as part of the SA and Plan Wide Viability Assessment.
7. The policy makes reference to the Infrastructure Delivery Plan (LP/V/1) which has been informed through cooperative working and consultation with infrastructure providers to inform the requirements set out in the local plan. Additionally, the Duty to Cooperate Statement (LP/S/18) provides an explanation of effective joint cross boundary working on

infrastructure matters (pages 12-13). As explained in the supporting text for Policy INF 02, the provision of infrastructure is a prerequisite of all development, and the Council will make best use of planning conditions and contributions to ensure that new development is supported by the required infrastructure. The policy is therefore justified in this regard, and will be effective by ensuring that developer contributions will be sought to deliver infrastructure in accordance with the policy.

8. Anglian Water have expressed concern with the proposed wording for policy INF 02 stating that 'no reference is made to the phasing of development to ensure its aligned with the necessary infrastructure including that provided by Anglian Water'. They suggest modifications to the policy wording to address this concern. The Council has considered this issue and agree further clarity could be provided by minor modifications to the policy wording. This is explained, and the revised policy wording presented, in the Statement of Common Ground – Breckland District Council and Anglian Water.

**18.4: On a related matter, for many of the proposed allocations there is a requirement to undertake a pre-application enquiry with Anglian Water Services to demonstrate that sufficient capacity is available to transfer wastewater for treatment and that where there is insufficient capacity, financial contributions may be sought. Is such a requirement justified and could this constrain development from coming forward?**

9. The requirement to undertake a pre-application enquiry with Anglian Water is justified by evidence in the Water Cycle Study (LP/E/5). The study considered growth proposed for each settlement and assessed the capacity of the wastewater network (sewer system) to accept and transmit foul flows from the new development at the Waste water Treatment Works (WwTW) for treatment. This is an important consideration for growth as additional amounts of foul water arising from growth can result in sewer flooding in the system (affecting property or infrastructure) or can increase the frequency with which overflows into river systems occur, resulting in an adverse ecological impact and deterioration of water quality.
10. Chapter 5.4 of the Water Cycle Study explains the use of a RAG system which has been applied to each settlement, with a key for the wastewater network RAG assessment provided in Table 5-2. For proposed development sites categorised as 'amber' in the assessment, the key states 'pumping station or pipe size may restrict growth; a pre-development enquiry is recommended before planning permission is granted'. This informed the policy approach for the relevant development sites and is supported by the

statutory undertaker Anglian Water in their representations on the proposed policies (1135889).

11. The Plan Wide Viability Assessment (LP/V/2) produced a range of typologies as representative of development sites in Breckland and tested these against a range of developer contributions and affordable housing scenarios. The site appraisals made a general allowance of £1,000 per unit in developer contributions for which most site typologies could contribute this amount and remain viable, when adopting the proposed affordable housing requirement of 25% (which was taken forward in Policy HOU 07). There is therefore no evidence to suggest that development would be made unviable by the policy requirement to undertake pre-application enquiries with Anglian Water, the costs of which are modest, ranging from a minimum of £424 to a maximum of £1,364 for developments of over 251 properties and/or commercial (as of April 2017)<sup>1</sup>. It is considered that the policy clause will ensure the delivery of sustainable development, is justified by evidence and will not result in development being unviable.

---

<sup>1</sup> <http://www.anglianwater.co.uk/developers/pre-planning-service-.aspx>