

Borough of Poole

**Delivering Poole's Infrastructure
Development Plan Document**



Pre-Submission Consultation March 2011

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Introduction

1.1 As an identified Growth Point, Poole holds an important position within the South East Dorset conurbation and is expected to see significant change up to 2026, particularly in and around the Town Centre. The delivery of development in Poole over this period will provide new homes to meet local needs, a much improved shopping centre, new public quaysides and substantial growth in jobs.

1.2 The scale of change envisaged also brings with it a need to put in place sufficient infrastructure to accommodate and support growth as well as tackle environmental challenges. It is therefore a key priority for the town to develop and maintain transport networks, open spaces, recreation facilities, schools, utilities, community facilities, internationally protected habitats and other necessary infrastructure in line with the pace of growth.

1.3 New infrastructure to support growth in Poole is estimated to cost £180m. The cost of infrastructure provides a considerable challenge for public sector investment to meet this alone meaning that all available funding streams will need to be maximised; these will include developer contributions (through mechanisms such as s106 and Community Infrastructure Levy), capital expenditure, prudential borrowing, Public-Private Partnerships, Tax Increment Financing and other such funding tools.

1.4 This document sets out Poole's planning policy framework for development to play its part in delivering infrastructure required to support growth. The DPD and its supporting documentation identifies Poole's Infrastructure priorities, costs, timescales for delivery, funding streams, delivery agencies and implementation mechanisms. The DPD also provides a robust evidence and policy base to support the Council's negotiation of Section 106 planning obligations as well as being able to underpin a Community Infrastructure Levy (CIL).

What is Infrastructure?

1.5 In the context of planning for the growth of an area, infrastructure can be defined as physical development needed to support communities and that directly relates to economic development and regeneration. This includes:

- **Transport Networks** - Road, public transport, cycle ways;
- **Market/Affordable housing** - New development, maintaining the existing stock;
- **Health Facilities** - hospitals, care provision, GP and dentist surgeries
- **Education** - Schools, higher education, research infrastructure;
- **Town and Local Centre improvements** - Enhancements to public realm, new facilities, highway improvements;
- **Green Infrastructure** - Enhancing and creating networks of open spaces;
- **Leisure Facilities** - Built and open space recreation facilities;
- **Protection of Environmental Designations** - Mitigating impact from development on Heathland and Poole Harbour SPAs
- **Utilities Facilities** - Energy/waste/water/drainage plants, networks and treatment facilities
- **Flood Prevention** - Strategic defences to enable growth
- **Renewable Energy** - District heating and renewable energy networks
- **Communications Infrastructure** - broadband and mobile phone access
- **Community Facilities** - Includes libraries, community halls etc.

1.6 The Council's ability to plan, maintain and invest funds in infrastructure and services as set out above will be key in securing the future success of the Town and its communities.

Poole's Local Development Framework

1.7 The Local Development Framework consists of a group of Local Development Documents, each of which provide an element of planning policy for the Borough. Adopted in 2009, the Core Strategy is the overarching LDF document which sets out the vision, broad principles and spatial approach for the period 2006-2026. The Core Strategy will be supported by this Delivering Poole's Infrastructure DPD as well as the Site Specific Allocations & Development Management Policies DPD. Together, the three DPDs will replace the Borough of Poole Local Plan First Alteration (2004) to guide and deliver new development up to 2026.

1.8 Section 7 of the Core Strategy – 'Monitoring and Implementation' sets out an overarching plan for the necessary infrastructure required to deliver the spatial plan alongside Policy PCS37 – The Role of Developer Contributions in Shaping Places. PCS37 confirms that new development should assist in creating sustainable communities and makes a commitment to bringing forward a Delivering Poole's Infrastructure DPD to provide the a clear delivery framework and platform for clarifying the contribution new development will make to infrastructure provision.

1.9 Whilst developer contributions will have a role to play in providing infrastructure, the cost of providing all the infrastructure required to support the Core Strategy growth is such that it will only be one delivery mechanism. The Council will therefore need to work with a range of infrastructure partners and providers to develop new models for financing infrastructure through innovative use of funding opportunities available.

Poole's Spatial Strategy

1.10 The Poole Core Strategy includes a spatial plan which sets out the quantum and preferred locations of development to be achieved in the period 2006 to 2026. The key locations of change are:

Key Locations of Change

- a. The Town Centre:
 - The Regeneration Area
 - Town Centre North
 - Other Parts of the Borough
- b. Key Locations on the east-west Prime Transport Corridor:
 - Ashley Road and Ashley Cross
 - Parkstone Road/Civic Centre
 - Sites in the vicinity of the Poole Road/Bournemouth Road junction at Poole Commerce Centre, Branksome local centre and along Poole Road
- c. Other locations on main routes which are well served by public transport and local facilities

d. Employment areas, in particular:

- Fleets Corner
- Sopers Lane

e. Priority Areas in Need of Investment and Improvement, in particular:

- Areas suffering from problems of multiple deprivation, including parts of Alderney, East and West Hamworthy and Poole Old Town
- The Local Centres of Canford Heath, Creekmoor, Wallisdown and Hamworthy
- **Areas where change will be carefully managed**
 - Land within 400 metres of Heathland Habitats which are designated at Special Protection Areas;
 - Poole's Green Belt

Poole's Spatial Strategy - Housing

Poole will deliver about 10,000 new homes between 2006 to 2026 (a minimum of 4,000 dwellings will be built in the Town Centre). The broad locations for new housing will be:

- The Town Centre/Regeneration Area: 2,500 new dwellings;
- Other Parts of the Town Centre: 1,500 new dwellings;
- Major Local Centres/Key hubs of transport & community activity: 3,500 new dwellings
- Rest of the Borough: 2,500 new dwellings

Poole's Spatial Strategy – Employment

It is expected that the Dorset conurbation will accommodate about 19,000 jobs in the Poole travel-to-work-area between 2006 and 2026 based on growth in GVA of about 3.2% per annum. This would equate to about 13,700 total jobs in Poole (about 9,200 full-time equivalent (FTE) posts). The total jobs is expected to be delivered in the Borough as follows:

Location	Use Type	Area (square metres)	Estimated Total Jobs
The Regeneration Area	B1 (a) - Offices	10,500	4,630
	B1 General	7,500	
	B1 Business Park	18,500	
	Retail - A1, A3, A4	9,500	
	Budget Hotel	300 beds	
	Luxury Hotel	50 beds	
	Care Homes	700 beds	800
Town Centre North	Retail - A1, A2, A3, A4	35,000	2,060
Other Town Centre	B1 (a) - Offices	4,200	220
	Hotel - General	103 beds	50
	Retail/Train Station	900	60
Fleets Corner	B1/B2 High Tech/Research & Development	39,000	1,350
Sopers Lane	B1/B2 High Tech/Research & Development	27,000	950
Existing Employment Areas	General B1, B2, B8	75,000	2,100
Education & Health	Education, health, care	Unknown	1,700

Infrastructure Required to Deliver Poole's Spatial Strategy

1.11 The addition of more homes, jobs and activities places added pressure upon the urban area of Poole meaning there is a need to invest in existing infrastructure to cope with the additional demand. Schools, open spaces, and pedestrian/cycle links are examples of where the pressure of new demand can be felt. In a broader sense, new development has a responsibility to create better, more sustainable places.

1.12 The Borough's infrastructure needs will be greatest in the Town Centre where a significant proportion of the planned growth will take place. Therefore the DPD will need to focus on the delivery of infrastructure in the Town Centre to support the expected change. However, whilst the regeneration of the Town Centre is a key strategic priority, there will still be infrastructure needs to address across the Borough and to deliver sustainable development in the other strategic parts of the Borough such as the local centres and Prime Transport Corridors.

Funding Poole's Infrastructure

1.13 Delivering infrastructure required to support growth can be an expensive and lengthy process. Further, the funding environment for delivering infrastructure is expected to be constrained over the plan period and therefore a key challenge for the Council will be how to maintain investment in critical infrastructure with less public money available.

Introduction

1.14 It is necessary therefore for the Council to establish a long term plan for infrastructure delivery to ensure that when funding opportunities arise they are directed towards realising the really critical projects as well as achieving best value for money.

1.15 As public money will be unable to fund the entire infrastructure required to support growth, Councils will need to encourage and create an environment for private investment to assist with delivery of infrastructure. Options available to the Council include prudential borrowing, capturing the economic benefits of development (i.e. CIL, Tax Increment Financing), more joined up working between the public and private sector (i.e. Public-Private Partnerships, Local Economic Partnerships) and generating new revenue streams.

1.16 This DPD sets out a framework for new development to help in the overall delivery of Poole's infrastructure through the introduction of CIL. The DPD is also supported by Poole's Infrastructure Delivery Plan, which is an appendix to this document and sets out a detailed schedule of various infrastructure projects required to support growth. The IDP will be updated on an annual basis and will be used to direct funding secured as it becomes available to delivery of the critical infrastructure required to support growth.

Infrastructure Provision and Development Viability

1.17 It is acknowledged that planning obligations and CIL contributions can affect the financial viability of certain developments and will not always be appropriate or reasonable to apply. The Borough Council does not want to impose a regime that will see the viability of development compromised by planning contributions.

1.18 To assist with this process, the Delivering Poole's Infrastructure DPD and CIL Charging Schedule is supported by an economic viability assessment of the impact of any proposed levies and charges. Having been assessed, it is considered that the CIL levies contained in the charging schedule are set at a level which will not prevent development from coming forward.

1.19 However, it is recognised that there will be cases where exceptional site characteristics and circumstances result in the viability of development being affected. Therefore, the Borough Council will adopt a pragmatic approach to those schemes where viability is proven to be affected through the imposition of planning obligations and/or CIL.

Establishing an Infrastructure Delivery Framework

1.20 The planning system has a dual role in infrastructure delivery in both creating an environment for investment and economic growth as well as being able to seek developer contributions from development to mitigate impact and provide infrastructure. This DPD sets out the planning policies for delivering infrastructure through setting out a delivery framework including for the introduction of the Community Infrastructure Levy (CIL) and a framework for assisting the delivery of new strategic flood defences to defend the town from future flood events from sea level rises.

Poole's Infrastructure Delivery Framework

2.1 This section sets out the planning policies to establish an infrastructure delivery framework for Poole as well as confirming the role development will play in delivery.

Poole's Infrastructure Delivery Framework

2.2 In establishing an infrastructure delivery framework it is important, in conjunction with identifying the cost of infrastructure, to also to identify the roles and responsibilities of the various providers.

2.3 The Council is currently responsible for providing some essential infrastructure such as transport networks, education, open space and heathland mitigation although has no delivery responsibilities for infrastructure such as health and utilities. A key part of infrastructure planning is for the Council therefore to engage with those infrastructure bodies which the Council has no duties or responsibilities for delivery to ensure that their plans and programmes are aware of and aligned to the quantum of development set out in the Core Strategy to be delivered up to 2026. Early identification and alignment of priorities will mean the infrastructure planning process will be flexible to socio-economic changes over the plan period.

2.4 An Infrastructure Delivery Plan (IDP) has been prepared to support this DPD and policies contained within. The IDP sets out the Borough needs, the projects required to accommodate growth, costs, gaps in funding and timescales. The IDP will be updated regularly to take account of changing priorities and needs for infrastructure delivery taking into account plans and programmes of all infrastructure providers as the information becomes available.

Types of Infrastructure

2.5 For the purposes of this DPD infrastructure can be grouped into one of two elements:

1. Site Related Infrastructure;
2. Off-site Strategic Infrastructure.

Site Related Infrastructure

2.6 Site Related Infrastructure is defined as land/development, works or facilities (usually carried out and/or funded by the Developer) which are required as part of the development (and can form part of a Planning Obligation) to enable the grant of planning permission. These elements are usually provided either on-site or within its immediate vicinity. The scope of requirements will vary depending on the type, scale and location of development and can include, but not limited to:

- Affordable housing provision;
- Suitable access to the site and Road/Transport network;
- Pedestrian and cycle facilities within the development;
- Travel plans to promote sustainable transport initiatives;
- Provision of land or works for new schools to be provided as part of the development;
- Local open space linked to a specific development;
- Specific Public Realm enhancements i.e. A public art scheme linked to a specific development;

Poole's Infrastructure Delivery Framework

- Sustainable Urban Drainage Systems;
- Environmental improvements;
- Community facilities i.e. Surgeries, libraries, public halls.

2.7 The above site related requirements (which cannot be provided as part of the design of schemes) are secured through a Planning Obligation requiring the developer to enter into a Section 106 legal undertaking or agreement to provide the relevant infrastructure item. Where the Local Planning Authority requires Site Related Infrastructure to be made, such planning obligations will need to conform to the tests of Circular 05/05 and CIL Regulation 122 to ensure that they are directly related to planning and the development in question, necessary to enable the grant of planning permission and reasonable in all other respects.

2.8 Where necessary to enable the grant of Planning Permission, the Borough of Poole will continue to seek the scope of requirements set out above (and which are not scheduled for delivery through the Borough's (or any associated) CIL) and secure them through Section 106 of the Town & Country Planning Act 1990.

Off-site Strategic Infrastructure

2.9 Off-site strategic Infrastructure is defined as land/development, works or facilities necessitated by the combined and cumulative impact of a number of developments, where because of the nature, size and/or scope of infrastructure this cannot be provided as part of the development. Strategic infrastructure are projects required to deliver the objectives of the Core Strategy and help accommodate the expected growth up to 2026 (The IDP at Appendix B sets out the strategic infrastructure identified to date to help deliver the Core Strategy growth).

2.10 Strategic infrastructure will often have a cost which far exceeds the abilities of new development to meet in its entirety. Therefore, the Council will need to continue to engage with providers to discuss and secure funding arrangements to ensure that the identified strategic infrastructure can be delivered in line with the growth over the plan period. However, development should be expected to make a proportional contribution towards mitigating the cumulative impacts. Therefore, CIL will be the principal mechanism for Development to mitigate the cumulative impact on infrastructure.

2.11 Changes to the planning system to establish a more localist approach will see greater emphasis placed on the provision of neighbourhood infrastructure. This is infrastructure identified by local communities as necessary to mitigate the impact of development in their areas and could include anything from providing small play areas to upgrading street lighting. Neighbourhood infrastructure can be either site-related or classified as strategic. As localism is brought forward the IDP will be updated to include neighbourhood infrastructure projects as they are identified by communities.

The Delivery Framework – A Co-ordinated approach

The Council's role

2.12 To deliver the projects in the IDP in line with growth, the Council will need to continue to work with Infrastructure providers and seek to secure funding packages where opportunities arise.

2.13 Whilst the Council will endeavour to secure as much funding from capital and other sources as it becomes available, and deliver required infrastructure in the most cost efficient manner possible, the Council will implement its planning policies and adopt a CIL to establish development's role in mitigating its impact on infrastructure demands in the Borough.

2.14 To manage, the Council will put in place governance arrangements to ensure that the allocation of resources collected from development and other sources is proportional to delivery of the critical infrastructure (set out in the IDP) required to support communities and accommodate growth.

Development's role

2.15 The principle for development to make a proportional contribution to the Borough's infrastructure needs is set out in Core Strategy PCS37. This will be delivered by securing where necessary those site-related infrastructure items through s106 provisions to enable the grant of planning permission as well as requiring new development to comply with the Council's CIL Charging Schedule (which will be brought forward in tandem with this DPD).

2.16 The Council's CIL Charging Schedule will be developed striking a balance between the Borough's infrastructure needs and the demands on the economic viability of development.

Poole's Infrastructure Hierarchy

2.17 To provide an adequate system of Council governance and alignment of funding it is necessary to have a structure in place which identifies priorities for infrastructure delivery. This will ensure that the Council can direct and pool secured contributions to deliver the really critical infrastructure required to facilitate growth. The infrastructure priorities for the Borough are split into a hierarchy comprising three categories as follows:

1) Infrastructure & Mitigation Required by European Legislation

2.18 This is infrastructure required by European Legislation to mitigate the impact of development on Poole's Special Protection Areas (SPAs) of Poole Harbour and Dorset Heathlands. Specific projects requiring funding from CIL are set out in the IDP. A brief overview of the issues for the Borough's internationally protected areas is as follows:

- **Dorset Heathlands SPA** - Development can lead to detrimental impacts on Heathland if not mitigated appropriately by providing areas of Suitable Accessible Natural Greenspace (SANGS). Poole has long been involved in a Dorset wide approach to mitigating impact on Heathlands through the Interim Planning Framework (IPF). The IPF is to be worked up into a Dorset wide DPD and will set out the planning approach to mitigating impact on Heathland. The Heathland DPD will also provide further evidence of the projects required to mitigate new development, which will link in with the IDP and will be funded by CIL in the future. New housing development in Poole cannot be granted planning permission until an undertaking to make an appropriate contribution for Heathland mitigation is secured at the planning application stage.

2.19 Therefore, to ensure that new housing development can proceed in the Borough, the Council will ensure that the appropriate proportion of CIL monies collected will be directed towards the mitigation projects identified in the Poole Infrastructure Delivery Plan before being considered for any other infrastructure purpose.

Poole's Infrastructure Delivery Framework

- **Poole Harbour SPA** - Natural England has identified a range of projects required to monitor impact of development on Poole Harbour. Some of these project will be expected to be delivered through s106 arrangements for the large Regeneration Area projects due to the direct relationship between the proposed development and potential impacts on Poole Harbour. After Heathland Mitigation, the residual Poole Harbour SPA projects will be considered for delivery through use of CIL finance before any other infrastructure purpose. The IDP identifies which projects are to be delivered through CIL and s106.

2) Strategic Infrastructure

2.20 Strategic infrastructure are those projects and works required to accommodate the growth aspirations set out in the Core Strategy. A key challenge for this Council is to ensure the delivery of strategic infrastructure in a timely manner to support growth as it comes forward over the plan period and beyond. However, due to the constrained capital and public funding environment, the ability of the Council to deliver strategic infrastructure delivery over at least the next five years (and likely beyond) of the plan period is likely to be affected. Therefore, the Council will need to ensure that available funding opportunities are secured as they emerge to deliver the strategic infrastructure projects. Funding opportunities will comprise Capital Grant Funding (where available), Tax Increment Financing (TIF), Public/Private Finance Initiatives, reasonable and proportional contributions from development (either through CIL and/or s106 Planning Obligations) and other such measures which emerge over the plan period.

2.21 Due to funding pressures expected over the plan period and beyond, it is essential that the Council directs any available residual CIL finance (those available after being apportioned to the delivery of (1) Infrastructure & Mitigation Required by European Legislation & (2) Neighbourhood Infrastructure as explained above) to the delivery of the critical strategic infrastructure projects. Therefore, the Council will allocate available CIL finance to deliver (either in isolation or as part of funding package) to deliver strategic infrastructure in the order of priority as follows:

- Critical Strategic Infrastructure:** These are projects identified in the IDP which are critical to support growth. Such projects will comprise strategic transport, education, Green Infrastructure & Built Recreation, Health Care and Utilities provision;
- Key Strategic Infrastructure:** These are projects identified in the IDP which assist in the delivery of growth to create attractive and sustainable communities. Such projects will comprise enhancements to the public realm, renewable energy, community facilities

2.22 The specific strategic infrastructure projects are identified as either 'critical' or 'key' in the Poole Infrastructure Delivery Plan.

3) Neighbourhood Infrastructure

2.23 This is infrastructure which has been identified by the Borough's neighbourhood and community groups as necessary to meet a local need. This could include enhancements to community facilities, local open spaces and so forth. The CIL Regulations are currently being amended to ensure that a meaningful and specific proportion of CIL is given back to local communities where development occurs.

2.24 Accordingly, the IDP will continue to evolve to include local infrastructure identified in consultation with neighbourhood and community groups. Identification of neighbourhood identification in the IDP will ensure that, following the adoption of the Localism Bill as an Act

of Parliament and the necessary changes to the CIL Regulations, a meaningful and specific proportion of CIL monies are given back to communities where development occurs and directed towards delivering those neighbourhood infrastructure projects.

2.25 The 3-tiered infrastructure hierarchy will provide governance for the Council to distribute CIL and any other planning obligations collected from development towards delivery in line with identified priorities and legislative requirements.

POLICY IN1 - POOLE'S INFRASTRUCTURE HIERARCHY

The Framework

The Council will work with infrastructure service providers and developers to ensure that the infrastructure needed to support development is provided in a timely manner to meet the needs of the community. To assist with infrastructure delivery the Council will:

- i. Ensure that new developments provide the necessary site-related infrastructure required for the development to be acceptable and enable the grant of planning permission;
- ii. Introduce the Community Infrastructure Levy (CIL) to ensure that development that provides additional dwellings or commercial premises helps create more sustainable communities by making a proportional contribution towards the delivery of the Borough's infrastructure needs.
- iii. Coordinate and prioritise the allocation of funding and resources secured from development and others sources to delivering Poole's infrastructure needs set out in the supporting Infrastructure Delivery Plan;
- iv. Annually review the Infrastructure Delivery Plan and report progress to the Poole Partnership and associated infrastructure delivery groups and executives;

Infrastructure Delivery in the Regeneration Area

The delivery of the Poole Regeneration Area will require developers bringing forward the sites to deliver a number of site-related infrastructure improvements to enable the grant of planning permission. This will include:

- flood mitigation in accordance with IN3 and the Borough's Flood Risk Management Strategy;
- Improvements to the highway network necessary to enable the grant of planning permission.
- Enhancements to the public realm of Poole Town Centre;
- Specific on-site leisure related facilities; and

To acknowledge the site-related infrastructure commitments required to enable the grant of planning permission, the Council will consider setting a reduced CIL rate in its Charging Schedule for the Regeneration Area.

Poole's Infrastructure Delivery Framework

Infrastructure Delivery in the Rest of the Borough

Development in the rest of the Borough will be expected to comply with the Borough's CIL Charging Schedule.

Any site-related infrastructure commitments will be assessed and secured on a case by case basis to enable the grant of planning permission.

Poole's Infrastructure Hierarchy

Contributions received (in finance, payment in kind and/or in physical form) from development will be directed towards the delivery of infrastructure projects in line with the following Infrastructure Hierarchy:

- i. **Infrastructure & Mitigation Required by European Legislation;**
- ii. **Strategic Infrastructure:** This is infrastructure which will qualify for CIL finance and be delivered in order of the following priority:
 - **Critical Infrastructure** as identified in the Poole Infrastructure Delivery Plan
 - **Key Infrastructure** as identified in the Poole Infrastructure Delivery Plan
- iii. **Neighbourhood Infrastructure** – A set proportion of CIL finance will be apportioned back to neighbourhood where development occurs

The specific infrastructure projects to be delivered through the hierarchy are identified in the Poole Infrastructure Delivery Plan.

This Policy is to be read in conjunction with the Core Strategy and Site Specific Allocation and Development Management Policies DPD.

Developer Contributions

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations

2.26 The Planning Act 2008 introduced enabling provisions for Local Authorities to introduce the Community Infrastructure Levy in their areas to address the cumulative impact on infrastructure provision from most new development.

2.27 The IDP, which supports this DPD, provides an overview of the Borough's strategic infrastructure required to deliver the Core Strategy growth ambitions. The IDP identifies in 2010 a gap of approximately £180M which will need to be met through a combination of funding sources, including finance collected by CIL.

2.28 The Community Infrastructure Levy Regulations 2010 (Statutory Instrument 2010 No. 948) came into force on 6th April 2010. Amended Community Infrastructure Regulations are expected to come into force on the 6th April 2011. The CIL Regulations enable financial contributions to be levied from most development, although a charging authority may apply different rates to different types of development and different geographical zones if it chooses to do so.

2.29 Finance raised through the Community Infrastructure Levy (CIL) is only to be used for infrastructure required to support the development of the area, not to remedy pre-existing deficiencies. CIL can be used for new infrastructure, or to increase the capacity of existing infrastructure or repair failing existing infrastructure. Although CIL will make a significant contribution, core public funding will continue to bear the main burden. CIL is intended to fill the funding gaps that remain once existing sources of funding have been taken into account.

2.30 Policy IN2 provides the policy context for Poole to introduce a CIL charging schedule, within which will be the rates for new development, dependent on type and location.

2.31 The regulations require that an appropriate balance is struck between the desirability of funding from the Community Infrastructure Levy (in whole or in part) the cost of infrastructure required to support development Allocations and Infrastructure in its area, and the potential effects of the imposition of the levy on the economic viability of development across its area.

2.32 Rates may be set according to the use of development or by location, and supplementary charges, nil rates, increased rates or reductions may be applied where appropriate. In order to plan for infrastructure provision, the Council has made initial assumptions about the amount the Community Infrastructure Levy might generate although the Charging Schedule will be updated on a regular basis as more in the IDP evolves.

2.33 The Council intends to implement a Community Infrastructure Levy, as set out in policy IN1. The strategy of this Development Plan Document is based on the assumption that this will occur. However, the implementation is through a separate legal process and is therefore not entirely certain.

2.34 Accordingly, it is necessary to include a contingency to ensure that development and infrastructure continue to be provided in step. The Council will continue to use existing methods for housing developments including Supplementary Planning Documents, Planning Obligations and Conditions until such time as the Community Infrastructure Levy is in place.

Developer Contributions

Infrastructure that will benefit from CIL in Poole

2.35 A local authority must determine what infrastructure will benefit from CIL funding. Restrictions will apply to the use of planning obligations to provide or fund infrastructure in these categories. The following infrastructure which are eligible to benefit from CIL funding in Poole:

- European protected sites mitigation (Dorset Heathlands SPA and Poole Harbour SPA);
- Transport schemes;
- Public realm improvements;
- Strategic Flood defences;
- Provision of new secondary and primary schools;
- Open Space, Sports and Leisure Facilities (Green Infrastructure);
- Community facilities;
- Community Renewable Energy and/or District Heating installations
- Heath and Utilities provision
- Other neighbourhood infrastructure

2.36 The detailed list as set out in the IDP will be reproduced as an annex to DPD and CIL Charging Schedule, and will be updated through revisions to that Schedule.

2.37 Where a development has a very significant impact, or where there are exceptional development costs, the appropriate CIL rate will reflect this. For example, the Regeneration Sites in Hamworthy and Town Centre North may have a have a separate CIL rate. The Regeneration Area and Town Centre North will not rely entirely on the CIL rate. On-site design and section 106 obligations will also be an important part of the package that is required to ensure that development in these locations is deliverable and sustainable.

2.38 CIL funding is not designed for maintenance payments (for example, maintenance of public open space, roads, etc). Provision for future maintenance is a matter between the infrastructure provider and the adopting authority, at the point of adoption.

CIL and Affordable Housing

2.39 The CIL Regulations include provisions which allow Affordable Housing to be eligible for relief from paying CIL. The Council recognise that in many cases affordable housing effects the viability of development and does not want to impose a regime which would compound this situation by requiring affordable housing to make the same CIL payment as market housing. However, at the same time European Legislation requires that all housing (both market and affordable housing) has to mitigate its impact on protected sites such as the Dorset Heathlands SPA and Poole Harbour SPA. Therefore, the Council are taking the approach that affordable housing will be required to make an adjusted CIL payment which will be used exclusively to go towards the heathland mitigation set out in the Poole IDP. Therefore, where liability has been assumed to pay the affordable housing CIL rate, this will allow the Council to grant planning permission for affordable (in whole or in part with market housing) schemes which comply with National Policy and the Development Plan.

Use of Section 106 Planning Obligations

2.40 For all categories of development, section 106 agreements or section 106 undertakings may be necessary for site-specific works.

2.41 In addition, all developments involving six or more dwellings will require a section 106 agreement to meet Core Strategy Policy PCS6's requirement for a contribution to affordable housing. Provision for these section 106s will be made in an Affordable Housing SPD and is therefore not covered here.

2.42 Section 106 obligations will generally be restricted to site-specific matters, in accordance with the restrictions placed by the CIL Regulations on the use of section 106 obligations for providing pooled contributions after a CIL charging schedule takes effect (or 6th April 2014, whichever is the earlier).

2.43 The Government's Circular 05/2005 requires planning obligations to be:

- i. relevant to planning;
- ii. necessary to make the proposed development acceptable in planning terms;
- iii. directly related to the proposed development;
- iv. fairly and reasonable related in scale and kind to the proposed development;
- v. reasonable in all other respects.

2.44 In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122.

2.45 These statutory tests are identical to tests (ii), (iii) and (iv) above. In determining what infrastructure contributions are required to make the proposed development acceptable in planning terms, the Council will have regard to identified local infrastructure requirements.

2.46 Policy IN2 sets out the approach and exceptions which apply to the CIL in Poole. This Policy is to be read in conjunction with the CIL Regulations 2010, 2011 Amendment (and successor regulations) and the Poole CIL Charging Schedule.

POLICY IN2 – COMMUNITY INFRASTRUCTURE LEVY (CIL) & S106 PLANNING OBLIGATIONS

1) Community Infrastructure Levy (CIL)

The Council will implement the Community Infrastructure Levy to support the provision of infrastructure in Poole. The contribution towards infrastructure provision from development will be made in relation to its scale and location as specified in the Council's (and any other related) Community Infrastructure Levy Charging Schedule and other supporting planning documents.

The Council's CIL Charging Schedule will be formulated through striking the appropriate balance between the estimated costs of infrastructure needing to be funded, in whole or in part, by CIL and the potential effects of the levy on the economic viability of development.

The Council will implement CIL in Poole as follows:

- i. The levy rates will be in pounds per square metre and set out in Poole's (and any associated) CIL Charging Schedule;

Developer Contributions

- ii. Differential levy rates can apply for development in the Borough. Differential rates will be determined through consideration of other policy requirements, infrastructure needs, commitment to site-related infrastructure and viability assessment for development type and location across the Borough as set out in Poole's CIL Charging Schedule;
- iii. If not exempted from CIL, in line with provisions below, all other development will be eligible for CIL and expected to comply with the rates set out in Poole's (and any associated) Charging Schedule;
- iv. Developments will be able to make in-kind payments of land under circumstances permitted by regulations;
- v. Payment arrangements for CIL will be set out in line with the CIL Regulations 2011 and any subsequent amendments;
- vi. The CIL Charging Schedule will be reviewed annually

Affordable Housing and CIL

Affordable housing units (either for proposals submitted in isolation or as part of market housing/mixed use schemes) will be required to make a CIL payment at a discounted rate (set out in the Poole's and any associated CIL Charging Schedule) calculated to provide only the appropriate contribution required to mitigate its impact on the Dorset Heathlands SPA.

Exemptions

The following types of development are exempt from CIL:

- Development under 100 square metres net (unless creating a net new dwelling);
- Charitable Institutions;
- Development with need for a s106 commitment in excess of the CIL rate sought.
- Development which demonstrate exceptional circumstances in line with CIL Regulation (2010) 55

Exceptional Circumstances

For the Council to grant relief from CIL in line with CIL Regulation 55, proposals for development will be required to provide supporting information with the planning application to demonstrate exceptional circumstances.

Viability assessments submitted to demonstrate exceptional circumstances, will be subject to independent verification from the Council's appointed professional (to be paid for by the applicant).

Use of resources collected through CIL

Resources collected through CIL will be spent in line with Policy IN1 - Poole's Infrastructure Delivery Framework and the projects identified in the Borough's (and any associated) Infrastructure Delivery Plan.

2) Use of Section 106 of the Town and Country Planning Act 1990

Section 106 arrangements will be used to secure affordable housing and other site-related infrastructure required to enable the grant of planning permission.

Delivering Poole's Flood Risk Management Strategy

2.47 Much of Poole's coastal and harbour side areas are at risk from future flood events. This risk is expected to increase over time with sea levels predicted to rise by over 1m by 2126. The Core Strategy seeks to deliver significant new development in and around Poole Town Centre by 2026 and therefore it is critical to ensure town is safe from risk of flooding both now and in the future.

2.48 A Strategic Flood Risk Assessment Level 1 was carried out for the Core Strategy to establish the potential flood risk across the Borough. A Poole Strategic Flood Risk Assessment Level 2 (February 2008) was then carried out to identify specifically the potential flood risk to the town across with focus in the Town Centre and Regeneration Area.

2.49 The Core Strategy accordingly identifies that future flood defences will be required to protect the town from future flood arising from predicted sea level rises. Some of the required defences will be delivered on-site through re-development of areas of land adjacent to the Harbour (such as the Regeneration Area sites) although there will be residual sections of the defences which will have to be brought forward through future funding and delivery packages when available. The Core Strategy acknowledges that a Flood Risk Management Strategy is required to identify the scope of flood defences required to protect the town from future flood events. Due to their long term importance to the future of the town, new flood defences are identified as critical infrastructure in the IDP.

Poole's Flood Risk Management Strategy (FRMS) – December 2010

2.50 In accordance with the recommendations of the SFRA Level 2 a Flood Risk Management Strategy for Poole has been prepared to support the Delivering Poole's Infrastructure DPD. The FRMS provides the technical information on costs, type of defences required and timing of delivery.

2.51 The FRMS identifies that:

- Sea level could rise by up to 1.26m by 2126;
- By 2126, 4,039 properties will be at risk from a 1 in 200 year flood event (compared to 504 in July 2008);
- Considerable additional flood defence measures are required to provide a 1 in 200 year standard of protection by 2126;
- The total delivery cost of flood defences is estimated to be £158m;
- The FRMS splits the study area into six cells as identified on the map overleaf;
- The FRMS identifies that the delivery of Cells 2 and 4 achieve the greatest benefit/cost ratio up to 2026 and therefore should be the focus for delivery over the Core Strategy plan period.

A delivery framework for the FRMS

2.52 In terms of delivery and organisational responsibilities, the Department for Environment, Food and Rural Affairs (Defra) has overall policy responsibility for flood and coastal erosion risk in England. The Environment Agency is empowered under the Water Resources Act 1991 to manage flood risk arising from designated "main" rivers and the sea. The Agency is also responsible for exercising a general supervision over matters relating to flood defence. The Agency has permissive powers to undertake flood defence works. However it does not have a statutory duty to undertake new flood defence works, and generally only undertakes

Delivering Poole's Flood Risk Management Strategy

works where it is economically worthwhile from a national perspective, is consistent with other environmental objectives, and where national budgets permit. The Local Planning Authority is required to plan new development in accordance with national guidance and where appropriate, bring forward measures to fund infrastructure schemes that mitigate and manage impacts, to enable development.

2.53 Due to the scale of the costs of defences and the current uncertainty with securing sufficient capital funding, delivery will be a long term commitment by the Council involving working with a combination of private and public sector bodies.

2.54 Further, as it is unlikely that any DEFRA funding will be available until 2060, the Council's role in the interim will be to work in partnership with other organisations to share and reduce costs, so that it might be possible to bring forward elements of the strategy. A key element of this approach will be to secure the identified defences on re-development opportunities where new defences are identified in the FRMS. This will include ensuring that the Regeneration Areas bring forward the required defences on their sites. Outside of this approach, the Council will seek to secure proportional contributions from other development to start building a flood defences fund which could see other residual sections delivered later on in the Core Strategy plan period. Policy IN3 sets out this delivery framework.

POLICY IN3 – DELIVERY OF STRATEGIC FLOOD DEFENCES

The Borough has a need to deliver new flood defences around the harbour and coastal areas to defend the town by 2126. A Flood Risk Management Strategy (FRMS) has been produced setting out technical information for the type and cost of defences required. The delivery of the required defences will be a long term project for the Council requiring use of all available funding resources and The FRMS provides the supporting technical evidence.

The Council will work with the Environment Agency and other partners to secure funding and delivery packages for the required defences where available.

New development will be required to make a contribution and/or provide defences in line with the relevant criteria as follows:

- i. New residential dwelling and commercial development directly adjacent to the required strategic flood defences (as set out in the Borough Flood Risk Management Strategy) will be expected to deliver the required defences affecting their site as part of the design of the scheme;
- ii. All other new residential dwelling and commercial development will make a proportional contribution towards delivering Poole's FRMS through compliance with the Borough's (and any associated) CIL Charging Schedule.

On-site flood mitigation measures will be secured in line with compliance with Policy PCS34 and other relevant guidance.

Habitats Regulations Assessment has identified measures required to mitigate the impact of the flood defences on Poole Harbour SPA. These mitigation measures will be delivered in line with the flood defences and funded through CIL or, where appropriate, s106 arrangements.

Appendix A - How the DPD has been assessed

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Appendix B - Poole's Infrastructure Delivery Plan (IDP)

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Appendix C - Preliminary Draft CIL Charging Schedule

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Appendix D - List of superseded policies & guidance

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