

**Borough of Poole**

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



**Submission July 2011**



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## Introduction

1.0 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.

1.1 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 strategic and local transport networks, open spaces, recreation facilities, schools, utilities, community facilities, heritage assets, internationally protected habitats and other necessary infrastructure in line with the pace of growth.

1.2 New infrastructure to support growth in Poole is estimated to cost in the region of £350m. 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 planning obligations and Community Infrastructure Levy), capital expenditure, prudential borrowing, Public-Private Partnerships, Tax Increment Financing and other such funding tools.

1.3 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) Charging Schedule.

### What is Infrastructure?

1.4 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** - Pedestrian facilities, roads, 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 the public realm through providing new facilities and highway improvements;
- **Green Infrastructure** - Enhancing and creating networks of open spaces;
- **Leisure Facilities** - Open space and built recreation facilities;
- **Protection of Environmental Assets** - Mitigating impact from development on internationally and nationally protected habitats and species;
- **Utilities Facilities** - Energy/waste/water/waste water/drainage plants, networks and treatment facilities;
- **Flood Prevention** - Strategic defences to protect the town and enable growth;
- **Renewable Energy** - District heating and renewable energy networks;

- **Communications Infrastructure** - broadband and mobile phone access;
- **Community Facilities** - Includes libraries, community halls etc.

1.5 The Council's ability to plan, maintain and invest funds in infrastructure and services will be key in securing the future success of the town and its communities.

### **Poole's Local Development Framework**

1.6 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 February 2009, the Core Strategy is the overarching LDF document which sets out the vision, broad principles and spatial plan for the period 2006-2026. The Core Strategy is supported by this Delivering Poole's Infrastructure DPD as well as the Site Specific Allocations & Development Management Policies DPD. Together, the three DPDs largely replace the Borough of Poole Local Plan First Alteration (2004) to guide and deliver new development over the plan period up to 2026.

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

1.8 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 when they come available.

### **Poole's Spatial Strategy**

1.9 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 Dorset Heathland, which is designated as a Special Protection Area and Ramsar;
- 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). New employment floorspace to be delivered in the

Borough by 2026 is estimated to be 80,000 square metres. The breakdown of how this will be achieved across various employment generating uses is set out in the Core Strategy.

## Infrastructure Required to Deliver Poole's Spatial Strategy

1.10 The delivery of the Spatial Strategy will place added pressure upon the urban area of Poole meaning there is a need to invest in infrastructure to cope with the additional demand. Schools, open spaces, road networks 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.

1.11 The Borough's infrastructure needs will be greatest in and around the Town Centre where a significant proportion of the planned growth will take place. Therefore the DPD and supporting documents will need to focus on the delivery of infrastructure in the Town Centre to support the expected change as it comes forward over the plan period. However, whilst the regeneration of the Town Centre is a key strategic Council priority, there is also a need to provide infrastructure to accommodate sustainable development in other parts of the Borough as well as addressing strategic cross-boundary issues such as mitigating development's impact on internationally protected sites and the Strategic Road Network.

1.12 To assist with this process a Poole's Infrastructure Programme (PIP) has been prepared to support the Core Strategy and Delivering Poole's Infrastructure DPD. The PIP sets out the Borough's infrastructure projects required to accommodate growth as well as information on the project costs, extent of funding secured, any gaps in funding and timescales for delivery. The PIP also provides information on cross-boundary infrastructure issues, such as mitigation measures required for the Strategic Road Network, which development in the Borough will be expected to help deliver as growth comes forward. The PIP covers the plan period up to 2026 although its content will be monitored and updated regularly to take account of delivery and changing priorities and needs over the plan period. The PIP will also provide an evidence base for the Council to direct funding as it becomes available to the delivery of the critical infrastructure required to support growth.

## Funding Poole's Infrastructure

1.13 Delivering infrastructure required to support growth can be an expensive and lengthy process. Further, the funding environment for 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 to support growth with less public money available.

1.14 It is necessary, therefore, for the Council to establish through this DPD and supporting PIP 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 is unlikely to be able to fund the full cost of infrastructure required to support Poole's spatial strategy, the Council will seek 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

# Introduction

(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.

## **Infrastructure Provision and Development Viability**

1.16 It is acknowledged that planning obligations can affect the financial viability of certain developments and will therefore 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.

1.17 To assist with this issue, the Core Strategy and Delivering Poole's Infrastructure DPD provide a suitable platform for a Community Infrastructure Charging Schedule to operate in Poole. It is a key requirement of the CIL regulations that the Charging Schedule is evidenced by a Borough-wide viability assessment looking at the impact of proposed CIL rates in the area. Therefore, once adopted, the CIL Charging Schedule will introduce a standard levy for development (that can differ by development type and location), which having been viability assessed will introduce a levy system which the majority of qualifying development will be able to withstand without adversely impacting its ability from coming forward. CIL is bound by a separate legislative process and will be adopted by the Council in full accordance with the relevant procedures.

1.18 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.

## **Establishing an Infrastructure Delivery Framework**

1.19 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 supports the introduction of CIL, clarifies the use of planning obligations and a establishes a framework for assisting the delivery of strategic flood defences to defend the town from future predicted flood events from sea level rises.

## **How This DPD Has Been Assessed**

1.20 A supporting document has been prepared which sets out how this DPD has been assessed and informed through Sustainability Appraisal, Strategic Environmental Assessment, Equalities and Diversity Impact Assessment, Health Impact Assessment and Habitats Regulations Assessment.

## Poole's Infrastructure Delivery Framework

2.1 This section sets out the planning policies to help establish an infrastructure delivery framework for Poole as well as confirming the role development will play in delivery. The policies in this DPD are to be read in conjunction with the policies in the Core Strategy and Site Specific Allocations and Development Management Policies DPD.

### Reasoned Justification

2.2 In establishing an infrastructure delivery framework it is important, in conjunction with identifying the cost of infrastructure, to also 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. 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 Poole's Infrastructure Programme (PIP) supports this DPD by setting out the Borough's infrastructure needs, costs, funding issue and delivery responsibilities. The PIP will be used by the Council as an evidence base to help direct finance collected through CIL and planning obligations towards delivery of the critical infrastructure required to support growth. The PIP will be reviewed on an annual basis to incorporate changing infrastructure priorities established through continued engagement will all infrastructure providers.

### 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;

# Poole's Infrastructure Delivery Framework

- Specific public realm enhancements and environmental Improvements i.e. A public art scheme linked to a specific development;
- Sustainable Urban Drainage Systems (SUDS);
- Community facilities i.e. Surgeries, libraries, public halls linked to a specific development.

2.7 Those site-related requirements which cannot be provided as part of the design of schemes, but are necessary to enable the grant of planning permission, will be secured through a Planning Obligation requiring the developer to enter into a Section 106 legal undertaking or agreement to provide the relevant infrastructure item. Site-related infrastructure for allocated sites in the Borough are identified where applicable in the Core Strategy, IN1 and the Site Specific Allocations and Development Management Policies DPD.

2.8 Where the Council requires site-related infrastructure to be made through Section 106 provisions, such planning obligations will need to conform to the tests of Circular 05/05 and CIL Regulation 122 to ensure that they are necessary to enable the grant of planning permission, directly related to the development, and fairly and reasonably related in scale and kind to the development.

## **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 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 supporting PIP sets out the strategic infrastructure identified to date to help deliver the Core Strategy growth objectives).

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. CIL has been introduced specifically for this purpose and therefore payment of the Borough's CIL will be the principal mechanism for development to mitigate the cumulative impact on infrastructure.

2.11 In addition, proposed 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. As localism is brought forward the PIP will be updated to include neighbourhood infrastructure projects as they are identified by communities and will in the future benefit from CIL funding.

## The Delivery Framework – A Co-ordinated approach

### The Council's role

2.12 To deliver the projects in the PIP 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 delivery, 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 infrastructure (set out in the PIP) 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.

2.16 In line with CIL Regulations, 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.

### Establishing an 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 the following categories:

#### **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 European and Internationally designated sites of Poole Harbour Special Protection Area (SPA) and Ramsar site, Dorset Heathlands SPA and a Ramsar site and Dorset Heaths Special Area of Conservation (SAC). Specific projects requiring funding from CIL are set out in the PIP. A brief overview of the issues for the Borough's internationally protected areas is as follows:

- **Dorset Heathlands SPA and Ramsar and Dorset Heaths SAC** - Housing 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 South East Dorset wide approach to mitigating housing development's impact on heathlands through the Interim Planning Framework (IPF). The IPF is to be worked up into a South East Dorset wide DPD and will set out the cross-boundary

# Poole's Infrastructure Delivery Framework

planning approach to mitigating impact on heathland. The Dorset Heathlands DPD will also provide further evidence of the projects required to mitigate new housing development, which will link in with the PIP 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 from housing development will be directed towards delivering the Dorset Heathlands mitigation projects identified in the Poole PIP before being considered for any other infrastructure purpose.

- **Poole Harbour SPA, Ramsar** - Natural England has identified a range of projects required to monitor impact of housing development on Poole Harbour. Some of these project will be expected to be delivered through s106 arrangements for the large Regeneration Area sites due to the direct relationship between the proposed development and potential impacts on Poole Harbour.

2.20 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 PIP identifies which projects are to be delivered through CIL and s106.

## 2) Strategic & Neighbourhood Infrastructure

### Strategic Infrastructure

2.21 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 its comes forward over the plan period and beyond.

2.22 However, due to the constrained capital and public funding environment, the ability of the Council to deliver strategic infrastructure delivery over as 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 the New Homes Bonus, 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.

### Neighbourhood Infrastructure

2.23 This is infrastructure 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 PIP will continue to evolve to include local infrastructure identified in consultation with neighbourhood and community groups. Identification of neighbourhood identification in the PIP 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 Due to funding pressures expected over the plan period and beyond, it is essential that the Council directs any available residual CIL finance foremost (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 a funding package) strategic infrastructure identified in the PIP in the order of priority as follows:

i. **Critical Infrastructure:** These are projects identified in the PIP which are critical to support growth. Such projects will comprise *inter alia* strategic transport networks (including mitigation measures for the Strategic Road Network), new Town Centre and other Strategic Flood Defences, Education, Green Infrastructure and Built Recreation Facilities;

ii. **Other Infrastructure:** These are projects identified in the PIP which assist in the delivery of growth to create attractive and sustainable communities. Such projects will comprise *inter alia* enhancements to the public realm, community renewable energy facilities, community facilities and infrastructure which is being delivered by other providers.

2.26 The specific infrastructure projects required to accommodate growth in the Borough are identified as either 'critical' or 'other' in the Poole Infrastructure Programme.

2.27 The 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.

# Poole's Infrastructure Delivery Framework

## **IN1 - POOLE'S INFRASTRUCTURE DELIVERY FRAMEWORK**

### **A) 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 Poole Infrastructure Programme;
- iv. Annually review the Poole Infrastructure Programme and report progress to the Poole Partnership and associated infrastructure delivery groups and executives;

### **B) Infrastructure Delivery in the Regeneration Area**

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

- Habitats Regulations Assessed 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
- Renewable Energy, District Heating or other such appropriate technologies to meet the requirements of Core Strategy Policies PCS 31 - 33.

The specific details of the necessary site-related infrastructure will be subject to detailed consideration during the Development Management process for each of the individual Regeneration Area sites.

To acknowledge the site-related infrastructure commitments required to enable the grant of planning permission, the Council will apply an appropriate CIL rate for the Regeneration Area.

### **B) Infrastructure Delivery in the Rest of the Borough**

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

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

### **C) 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. **(a) Neighbourhood Infrastructure** – A set proportion of CIL finance will be apportioned back to neighbourhood where development occurs.  
**(b) 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 Programme
  - **Other Infrastructure** as identified in the Poole Infrastructure Programme

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

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

# Developer Contributions

## Developer Contributions

### Reasoned Justification

#### Community Infrastructure Levy (CIL)

2.28 The Planning Act 2008 introduced enabling provisions for Local Authorities to introduce the Community Infrastructure Levy (CIL) in their areas to address the cumulative impact on infrastructure provision from most development resulting in net additional floorspace.

2.29 The PIP, which supports this DPD, provides an overview of the Borough's strategic and neighbourhood infrastructure required to deliver the Core Strategy growth ambitions. The PIP identifies a funding gap which will need to be met through a combination of funding sources, including finance collected by CIL.

2.30 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010. Amended Community Infrastructure Regulations came into force on the 6th April 2011 with further revisions to be brought forward with the progression of the Localism Bill through parliament. 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.

2.31 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 therefore be used for new infrastructure, or to increase the capacity of existing infrastructure to help accommodate growth. 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.

2.32 The CIL Regulations 2010 require that an appropriate balance is struck between the desirability of funding from the Community Infrastructure Levy (in whole or in part) to the cost of infrastructure required to support development in its area, and the potential effects of the imposition of the levy on the economic viability of development across its area.

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. Policy IN2 therefore provides the policy context for the Council to introduce a CIL charging schedule, within which will be the rates for new development, dependent on type and location. However, the implementation is through a separate legal process.

2.34 The Council will continue to use existing methods for developments including Supplementary Planning Guidance/Documents, Planning Obligations and Conditions until such time as the Community Infrastructure Levy is in place and thereafter where necessary.

#### Infrastructure that will benefit from CIL in Poole

2.35 A local authority must determine what infrastructure will benefit from CIL funding and therefore following the adoption of a CIL Charging Schedule, the Council will publish on its website the statutory list of infrastructure types and projects which will benefit from CIL finance.

2.36 Where a specific development has a very significant impact, or where there are exceptional development costs, the appropriate CIL rate and statutory list of infrastructure will reflect this. For example, the Regeneration Sites in Hamworthy and Town Centre North may require a separate CIL rate to reflect the exceptional site-related infrastructure these sites will be expected to deliver to enable the grant of planning permission. The Regeneration Area and Town Centre North will therefore 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. Therefore, the statutory list of infrastructure required under CIL Regulation 123 will set out those infrastructure projects to benefit from CIL funding and those which are excluded on the basis they will be delivered through s106 provisions to enable the grant of planning permission on specified schemes.

#### Developer Contributions and Affordable Housing

2.37 As a general approach, affordable housing is not required to make planning obligations in the same way that market housing is. Accordingly, the CIL Regulations exempt affordable housing from being liable to pay CIL.

2.38 However, at the same time European Legislation requires that all housing (both market and affordable housing) has to mitigate its impact on internationally and nationally protected sites such as the Dorset Heathlands, Dorset Heaths and Poole Harbour. Therefore, the Council are taking the approach that, to enable the grant of planning permission, affordable housing will still be required to make an appropriate financial contribution towards delivering the heathland mitigation, as well as where applicable for mitigation projects identified for Poole Harbour. Due to being exempt from CIL, contributions from affordable housing towards heathland mitigation (and where applicable for mitigation projects identified for Poole Harbour) will be secured using the arrangements for planning obligations set out in Section 106 of the Town and Country Planning Act 1990. This approach will therefore allow the Council to grant planning permission for affordable housing schemes (in whole or in part with market housing) which comply with National Policy and the Development Plan.

#### **Use of Section 106 Planning Obligations**

2.39 For all categories of development, section 106 agreements or section 106 undertakings may be necessary for site-related infrastructure.

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

2.41 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 6<sup>th</sup> April 2014, whichever is the earlier).

2.42 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;

# Developer Contributions

- iv. fairly and reasonable related in scale and kind to the proposed development;
- v. reasonable in all other respects.

2.43 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.

2.44 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.

2.45 Policy IN2 sets out the approach to Developer Contributions in Poole. This Policy is to be read in conjunction with the CIL Regulations 2010, 2011 Amendment and the Poole CIL Charging Schedule.

## **IN2 – DEVELOPER CONTRIBUTIONS**

### **A) 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 development viability, scale and location as specified in the Council's CIL 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 CIL Charging Schedule will be reviewed on an annual basis.

### **B) Assessing Viability**

Viability assessments required for schemes will be subject to independent verification from the Council's appointed professional, or where appropriate an assessor that is agreed between the Council and the applicant. Independent verification will be paid for by the applicant.

Where appropriate Section 106 Obligations will also be taken into account, along with CIL, in assessing economic viability of development.

### **C) 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 Infrastructure Programme.

### **D) 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.

### **E) Affordable Housing and Dorset Heathlands SPA, Ramsar, Dorset Heaths SAC and Poole Harbour SPA, Ramsar Mitigation**

Affordable housing units (either for proposals submitted in isolation or as part of market housing/mixed use schemes) will be required to make a payment calculated to provide only the appropriate contribution required to mitigate its impact on the Dorset Heathlands SPA, SAC, Ramsar (and where applicable, for Poole Harbour SPA, Ramsar).

## Delivering Poole's Flood Risk Management Strategy

### Reasoned Justification

2.46 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 the town is safe from risk of flooding both now and in the future.

2.47 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.

2.48 The Core Strategy accordingly identifies that future strategic flood defences will be required to protect the town from future flood arising from predicted sea level rises. Core Strategy Policy PCS34 provides the overarching approach for development to address site related flood risk. Accordingly, Policy PCS34 provides the policy context for some of the required strategic flood defences to 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 PIP.

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

2.49 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.

2.50 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

2.51 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 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.

2.52 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.

2.53 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 through CIL 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.

### Habitats Regulations Assessment of the Delivering Poole's Infrastructure DPD and Flood Risk Management Strategy

2.54 A strategic level Habitats Regulations Assessment of the Delivering Poole's Infrastructure DPD (which included HRA of the FRMS) has identified the extent of internationally and nationally protected habitats in Poole Harbour SPA and Ramsar predicted to be lost through coastal squeeze associated with delivering the flood defence measures and actions set out in the FRMS. The HRA also provides an assessment of the compensatory habitats and measures required to mitigate the effects on Poole Harbour SPA and Ramsar through delivery of the FRMS. Compensatory habitats will be provided by the relevant delivery agency in line with the Regional Habitat Creation Programme.

## **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. The provision of compensatory habitats as identified in the strategic level HRA will be expected to be provided in advance of the flood defences and on a like-for-like basis relating to the type of habitat(s) predicted to be lost through delivery of the FRMS.

### **A) Developments Role in Assisting with Delivery of New Flood Defences**

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 within areas where new strategic flood defences are required (as set out in the Borough of Poole FRMS) will deliver the required defences affecting their site as part of the design of the scheme. Such schemes will also be required to comply with IN3 (B);
- ii. All other residential and commercial development involving a net addition of floorspace will make a proportional contribution towards delivering those sections of the Poole's FRMS not being delivered on-site as part of development or as specific flood defence schemes through compliance with the Borough's CIL Charging Schedule;
- iii. In addition to the above relevant criteria, on-site flood mitigation measures will be secured in line with compliance with IN3 (B), Policy PCS34 and other relevant guidance.

### **B) Delivering Poole's Flood Risk Management Strategy and Habitats Regulations Assessment**

To provide certainty over the timing, nature and deliverability of the FRMS, proposals for flood defences will need to be supported by a detailed HRA, which will include:

- i. A comprehensive assessment of the likely impact on Poole Harbour SPA and Ramsar resulting from the proposed FRMS action; and
- ii. A comprehensive assessment of the extent and nature of any compensatory habitats and measures required to be put in place by the relevant delivery agency prior to the implementation of the proposed FRMS action.

## Monitoring & Implementation

3.0 Delivery and monitoring of progress of this DPD will be crucial to the overall success of the Poole LDF. The Policies in this DPD will be implemented and monitored as follows:

### IN1 - Poole's Infrastructure Delivery Framework

Key outcomes	How will these be delivered	Who is responsible for delivery?	Indicators of Achievement	Targets
(i) Ensure that new developments provide necessary site-related infrastructure	Partnership working to ensure objectives are shared by all sectors  Implemented through the Development Management process	Borough of Poole/Developers/Other Infrastructure Providers	N/a	N/a
(ii) Introduce CIL	Adoption of CIL Charging Schedule and reviewed on annual basis	Borough of Poole	N/a	N/a
(iii) Coordination of infrastructure funding	Borough of Poole to set up Infrastructure Delivery Executive to govern finance raised through CIL and other funding sources	Borough of Poole/Other Infrastructure Providers	CIL Reporting Procedure as required by CIL Regulations  Reported in AMR	N/a
(iv) Review of PIP	Partnership working to ensure infrastructure priorities are identified and delivery planned for	Borough of Poole	Reported in AMR	N/a
(v) Poole's Infrastructure Hierarchy	Borough of Poole Governance Arrangements	Borough of Poole/Other Infrastructure Providers	Improved provision of Heathland/Poole Harbour SPA	Targets for finance collected for

# Monitoring & Implementation

Key outcomes	How will these be delivered	Who is responsible for delivery?	Indicators of Achievement	Targets
			Provision of Strategic Infrastructure	infrastructure projects

**Table 1 - Indicators, Targets and Milestones for IN1**

## IN2 - Community Infrastructure Levy (CIL) and Section 106 Planning Obligations

Key outcomes	How will these be delivered	Who is responsible for delivery?	Indicators of Achievement	Targets
(i) Collection of CIL finance	Through adoption of CIL Charging Schedule	Borough of Poole	Amount of CIL finance raised per annum	£1,000,000 per annum from CIL
(ii) Projects benefiting from CIL Finance	PIP and Borough of Poole Governance Arrangements	Borough of Poole/Other Infrastructure Providers	List of projects delivered through CIL per annum  Reported in AMR	Targets for expenditure to be quantified
(iii) Review of CIL rates and viability appraisal	Monitoring of CIL	Borough of Poole	Amount of CIL finance granted exemption	Less than £100,000 per annum

## IN3 - Delivery of Strategic Flood Defences

Key outcomes	How will these be delivered	Who is responsible for delivery?	Indicators of Achievement	Targets
(i) Delivery of Regeneration Area sites	Discussions with land owners/developers	Borough of Poole/Developers	Completion of Regeneration Area developments	Delivery of Regeneration Area by 2016
(ii) Delivery of other flood defences in line with FRMS	Through adoption of CIL and Development Management process	Borough of Poole/Developers/ Environment Agency	CIL reporting	£10,000,000 raised towards flood defences by 2026

<b>Key outcomes</b>	<b>How will these be delivered</b>	<b>Who is responsible for delivery?</b>	<b>Indicators of Achievement</b>	<b>Targets</b>
(iii) Review of CIL rates and viability appraisal	Monitoring of CIL	Borough of Poole	Amount of CIL finance granted exemption	Less than £100,000 per annum



## Appendix A - List of superseded policies & guidance

### Local Plan Policies

BE9 – Public Art (in part with DMP)

L17 – Provision for Recreation Facilities (in part with DMP)

CA2 – Holes Bay Basin – Delivery Mechanism (in part with DMP)



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