



JLP Councils response to EXD21 16 March 2018

EXD21: Highways England

At the 'Matter 4 Transport' hearing for the Plymouth and South West Devon Joint Local Plan on 1 Feb 2018, Highways England asked the Inspector's advice as to whether a minor modification should be made to Policy Dev 31 to include "*Planning permission will be granted only where the impact of development is not considered to be severe*". We feel that this may provide more confidence that planned development would not be able to proceed unfettered in advance of the timely provision of the transport infrastructure required to safely accommodate its impact on the Strategic Road Network.

We note that in our experience across the South West region, a number of other Plans have included a version of the suggested text within Plan policy to provide a clear policy position in the subsequent development management process e.g. Cheltenham, Gloucester and Tewkesbury Joint Core Strategy policy INF1 Transport Network (point 2).

We understand that the Inspector was going to consider whether it was necessary to include the above suggested text in the Policy, or whether the wording of paragraph 32 of NPPF (which refers to "should" rather than "will") makes this an implicit policy requirement in all Local Plans.

We look forward to receiving the outcome of the Inspector's considerations.

Joint Local Plan Councils Response

The Joint Local Plan (JLP) Council's believe that DEV31 is sound as submitted and do not think that any modifications to the policy are required, apart from those set out in EXC10A where, although not strictly necessary, we are happy to accommodate the wording changes regarding the environment (given that

policies protecting the historic and natural environment are elsewhere in the plan).

JLP Councils would like to reiterate the assertions of paragraph 4.21 of [CS4](#) that *'The transport and infrastructure needs for the Plan have been identified ([O9](#)) and are deliverable over its period because; a broad suite of funding and delivery opportunities have been identified ([O10](#): section 3), the delivery of the infrastructure can be phased, alongside the development set out within the Plan (O10: pages 24-29 for the PPA) and the JLP Councils are building on a strong track record of delivery.....'*

The JLP Councils therefore feel that Plan is sound as submitted and that an additional minor modification to DEV31 setting out that *'planning permission will be granted only where the impact of development is not considered to be severe'* is unnecessary.

Paragraphs 4.46 and 4.47 of CS4 explain how the JLP is looking to ensure that infrastructure will be delivered in a co-ordinated manner across the Plan area and highlights that the JLP contains policies which outline the delivery of an integrated approach to the strategic planning of the Plan area where infrastructure needs are planned for collaboratively and effectively. Furthermore Policy SPT12 states that: *"The LPAs will work in partnership with key funding partners and investors in order to ensure that the infrastructure needed to deliver the spatial strategy is prioritised...Investment will be guided towards these priorities"* and SO7 for the thriving towns and villages sets out to ensure: *"... appropriate infrastructure needs are identified and met to enable new growth"*.

This approach is amplified by SO12 which specifically promotes: *"...a proactive and coordinated approach to delivering the infrastructure and investment needed to realise the Plan's vision and deliver its strategic objectives and policies. This will be achieved by: "...remov[ing] barriers to investment ... co-ordinating infrastructure and investment ... planning the delivery of infrastructure as growth takes place."* Within the JLP, key infrastructure needs are integrated into the policy areas rather than being an add-on at the end of the Plan as illustrated by policies PLY37, PLY47, PLY57, PLY61 and TTV3.

Within the growth areas of the Plymouth Policy Area it is acknowledged that a more detailed approach is needed because this is where most of the growth is concentrated and where the dependencies between development and infrastructure are more critical (CS4 paragraph 4.51). This is why the Plan for Infrastructure and Investment (O10) contains diagrams that show the delivery timescales for the main developments and the key infrastructure projects for each of the growth areas; enabling the key dependencies to be identified.

Furthermore, as per CS4 paragraph 4.29 *'where infrastructure needs relating to specific sites are known, these are included in the relevant policies of the JLP.'*¹ This is demonstrated by the Policy PLY44 (Woolwell sustainable urban extension and community park) where occupation of the development is linked to the delivery of the Woolwell to the George Junction (WWTG) transport scheme and permitted developments such as Sherford and Seaton Neighbourhood which are linked to the delivery of key pieces of infrastructure (Deep Lane Junction Improvements and Forder Valley Link Road).

This is why the JLP Councils believe that mechanisms already exist, both within the Policies of the Plan and accompanying delivery plans, to ensure that critical infrastructure¹ is delivered as required and that development which is assessed as having a severe impact on the network, without accompanying infrastructure, can be managed. The JLP Council's believe this approach is in accordance with the NPPF and amplifies NPPF paragraph 32.

NPPF (paragraph 32) sets out that *"All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".*

¹ CS4 Para 4.9 – Critical infrastructure – O9 pg. 10 definition:- **Critical**

Some infrastructure is identified as being 'critical'. **This means that the delivery, improvement or maintenance of the infrastructure is critical because the consequences of not providing it in a short time frame are economically and/or socially unacceptable or because growth is unlikely to happen in the timeframe envisaged unless the infrastructure in question is put in place 'up front'**. It is especially important to identify how and when such infrastructure can be secured so that risks to its timely delivery can be reduced and to ensure that this does not undermine the delivery of the spatial strategy of the Joint Local Plan policy areas or a specific requirement of the plan, e.g. the delivery of a strategic growth area vision in Plymouth or strengthening the role of the six Main Towns in South Hams or West Devon. **The Critical designation applies to projects that are deliverable within the first 10 years of the Joint Local Plan, i.e. the Short and Medium Term (not including projects completed or commenced since 2014).** Critical projects will normally apply only to Education, Flood Defence and Drainage and Transport infrastructure together with other essential 'enabling infrastructure', infrastructure that addresses key Utilities deficiencies, and infrastructure that mitigates impacts on protected environmental designations.

The schemes set out in B4HR model (Position Statement 5 ([T29](#))) are a package of measures; rather than being specifically linked to any one development and it is important to remember that the modelling supporting the JLP assesses the performance of the transport network at the end of the Plan period (2034), not at intervening stages of the Plan.

The JLP Councils are mindful that *“the local plan should make clear, for at least the first five years,... who is going to fund and provide it (the infrastructure), and how it relates to the anticipated rate and phasing of development.... For the later stages of the plan period less detail may be provided”* (CS4 Paragraph 4.24) and as per Table Three of CS4 the JLP Councils are very well placed in terms of funding the first five year programme.

The transport schemes which will be delivered (which represent a significant proportion of the schemes included within the model) in the short term (Table 2 CS4 – pg. 10) are at an advanced stage and the schemes needed to support housing allocations post the five year land supply are also being actively progressed (WWTG) demonstrating the JLP Councils ongoing commitment to delivering the infrastructure required to support the JLP in a proactive and positive manner.

Contingency measures have also been built into the Plan (Annex 3 ([SUB1A](#))) including, for infrastructure and investment, if investment and funding fails to ensure delivery of key infrastructure:-

- Review alternative funding sources
- Review the opportunity sites to bring forward replacement allocations which are not dependent on new infrastructure
- Use 5 year Local Plan review process to review strategic alternative distribution strategies in light of the then prevailing investment funding context

The five year review of the Plan is therefore the appropriate, final, check that the appropriate infrastructure is being developed to support the schemes. This is why the JLP Councils believe that the minor modification proposed by Highways England is unnecessary and is unduly negative.