

# **Chapter Six**

## **Infrastructure and Delivery**

## Introduction

- 6.1 This chapter of the Local Plan sets out the means by which the Council will implement the policies of the Plan. As set out in this chapter, the Council will seek to make full use of its powers as Local Planning Authority as well as through joint working with public and private sector partners and, where relevant, its role as landowner.
- 6.2 The main focus of this chapter is the mechanisms by which the Council will ensure that the infrastructure required to underpin the Plan will be delivered. It also sets out the role of Neighbourhood Plans in delivering the vision set out in this document and the process for monitoring and future review of this Plan.
- 6.3 This chapter should be read in parallel with the District's Infrastructure Delivery Plan which sets out the key infrastructure requirements to support the proposed growth for the District as identified in this Plan. Accordingly, Policies D 1 to D 5 set out the policies by which the Council will seek to ensure that investment in infrastructure keeps pace with growth.

## Delivery of Infrastructure

- 6.4 In order to deliver sustainable and balanced growth as outlined in this Plan, significant investment in infrastructure is required to meet the needs of residents and businesses. This encompasses a wide range of provision including transport, utilities, flood and surface water management measures, open space and social and community infrastructure (including education, health care facilities, leisure and other community facilities).
- 6.5 The Council has compiled an Infrastructure Delivery Plan (IDP) that sets out the infrastructure required to support growth over the Plan period. The IDP identifies:
  - The organisation responsible for delivering each infrastructure item;
  - The period over which the relevant investment will be required (including trigger points in relation to the planned phasing of housing and employment development); and

- The cost of each item and how it is to be funded.
- 6.6 This ensures that new development is served by the necessary infrastructure, delivered in a predictable, timely and effective fashion. The IDP has been developed in consultation and co-operation with infrastructure providers and other partner organisations and has also given consideration to wider impacts upon the viability and therefore the deliverability of development within the District.
  - 6.7 The Council will ensure, through the implementation policy D 1 (and other policies within the plan) that the necessary infrastructure identified in the IDP is delivered and phased appropriately.

## Approach

- 6.8 The Council will work with relevant partner organisations and infrastructure providers to ensure that the current and future infrastructure needs of the District are properly considered and planned for.
- 6.9 New development will be required to make best use of existing infrastructure and where necessary, provide or contribute towards the provision of additional services, facilities and infrastructure at a rate and scale which meets the needs and requirements that are expected to arise from that development.
- 6.10 Proposals will be required to clearly demonstrate that infrastructure can be provided and phased to support the needs of the development. Proposals will need to take into account the relevant business plans and programmes produced by infrastructure and service providers to demonstrate how provision will be brought forward to ensure development is appropriately phased in relation to planned infrastructure improvements. In assessing infrastructure and service requirements, the Council will have regard to the cumulative impact of developments in the locality and across the District.
- 6.11 Whilst funding may be available from Central Government and other sources for strategic infrastructure including utilities and road

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.

improvements, a significant amount of new or enhanced infrastructure will need to be provided directly by developers as part of new developments, or funded through financial payments by developers.

- 6.12 The Schedule set out in the Infrastructure Delivery Plan identifies the Infrastructure Delivery stakeholder responsible for delivery of each item of infrastructure and where developer funding is likely to be required. The Council will secure such contributions through planning obligations, conditions, and s278 Highways agreements (where appropriate).
- 6.13 Some infrastructure, for example improvements to the highways network, is likely to be strategic in nature and will support and enable the development of a number of sites. In such instances, it is likely that contributions will need to be pooled and combined with other funding sources.
- 6.14 In order to realise the aspirations of the Harlow and Gilston Garden Town, and acknowledging the importance of development in this location being brought forward in a holistic, planned manner, development proposals within the Garden Town Communities (as identified by Policy SP 2) will be expected to contribute equitably and proportionally towards delivering their collective infrastructure requirements. In developing proposals, developers should be mindful of the requirements set out in the IDP.
- 6.15 The provision of many items of infrastructure across the District is the responsibility of Essex County Council under its statutory duties. In addition to the District Council's IDP, developers will also be expected to refer to the County Council's Developers' Guide to Infrastructure Contributions.
- 6.16 The Council will consider introducing a Community Infrastructure Levy (CIL) and will implement this for areas and/or development types where a viable charging schedule would best mitigate the impacts of growth. If implemented, section 106 will continue to be the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is

not secured via CIL, including for Affordable Housing.

- 6.17 The Council recognises that viability constraints may justify an exception being made to the delivery of infrastructure in full accordance with Local Plan Policy D 1 at the time of the application. Where, following the review of an independently verified viability and financial appraisal, the Council is satisfied that there are overriding viability concerns that prohibit the delivery of infrastructure in accordance with Policy D 1, the Council will expect the delivery of additional infrastructure to be made if viability improves before full completion of the development permitted. For larger-scale development proposals to be delivered on a phased basis, the Council will require section 106 agreements to include mechanism for viability reviews and 'clawback' clauses (or similar) to ensure the fullest possible compliance with Local Plan policy is achieved where the viability of the scheme improves before completion.

### Policy D 1 Delivery of Infrastructure

- A. New development must be served and supported by appropriate on and off-site infrastructure and services as identified through the Infrastructure Delivery Plan. Proposals must demonstrate that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposed development. Applications must be able to demonstrate that such capacity will prove to be sufficient and sustainable over time both in physical and financial terms.
- B. Where a proposed development requires additional infrastructure capacity to support the growth, measures must be agreed with the Council and the appropriate infrastructure provider. Such measures may include (not exclusively):
- (i) financial contributions towards new or expanded facilities and the maintenance thereof;
  - (ii) on-site construction of new provision;
  - (iii) off-site capacity improvement works; and/or

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.

(iv) the provision of land.

For the purposes of this policy, a wide definition of infrastructure and infrastructure providers will be applied.

C. Exceptions to this policy will only be considered if:

- (i) it can be demonstrated that the benefit of the development proceeding without full mitigation outweighs the harm;
- (ii) a financial and viability appraisal (with supporting evidence), which is transparent and complies with any relevant national or local guidance applicable at the time, demonstrates that full mitigation is not viable to allow the development to proceed;
- (iii) it can be demonstrated that a full and thorough investigation has been undertaken to find innovative solutions to make the necessary provision and all possible steps have been taken to minimise the residual level of unmitigated impacts; and
- (iv) Obligations are entered into by the developer that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development.

D. Infrastructure and services required as a consequence of development and provision for their maintenance, where appropriate, will be sought from developers and secured through planning obligations prior to the issue of planning permission.

E. In negotiating planning obligations, the Council will take into account economic viability. Where relevant, development proposals should be supported by a financial and viability appraisal (with supporting evidence), which is transparent and complies with relevant national or local guidance applicable at the time. Where a financial and viability appraisal has been submitted the Council will undertake an independent review of that appraisal for which the applicant will bear the cost.

F. Where viability constraints can be demonstrated by evidence, the Council may consider prioritising contributions in line with the IDP Schedule and phasing developer contributions appropriately.

G. Development proposals within the Garden Town Communities (as identified by Policy SP 5) will be expected to contribute collectively, equitably and

proportionally towards delivering the identified infrastructure requirements related to each of the sites.

## Essential Facilities and Services

6.18 Over the Plan period, increased levels of provision of essential facilities and services will be required to support growth and development. These essential facilities and services include:

- Education – early years, primary, secondary and post 16 education;
- Health – primary care (including GPs), acute and mental health care; and
- Emergency services – Fire, Police and Ambulance.

6.19 The scale and range of this provision will need to be appropriate to the level of demand generated by development, and should address the specific needs of different groups of people. The timely delivery of services and facilities will be important to ensure the District can accommodate growth in a sustainable way.

## Key Evidence

- Infrastructure Delivery Plan (Arup, 2017); and
- Essex County Council's Developers Guide to Infrastructure Contributions (ECC, 2016).

## Education

6.20 Access to high quality education is an important element of building and supporting sustainable communities and promoting economic prosperity. The Epping Forest District Council Infrastructure Delivery Plan and Infrastructure Delivery Schedule set out the future requirements for education services over the Plan period.

6.21 Essex County Council is the Children's Services Authority, and has the statutory duty to secure sufficient places in state funded schools, free early education and post-16 education for all children and young people. The Education Act 2011 represented a shift in the County Council's role from a direct provider to a commissioner of

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.

school places. The County Council and District Council will therefore work in partnership with a wide variety of education providers to ensure that the needs of the District are met.

6.22 Essex County Council seeks contributions, where appropriate, from developments of ten or more dwellings to mitigate the impact on education facilities. For large developments, where the need for a new school is identified, it should be provided on site to meet the needs of the new population. For smaller developments which do not in themselves generate sufficient demand for a new school but which put pressure on existing establishments, financial contributions towards new, expanded or improved off-site facilities will be sought. Contributions will not be sought on sites smaller than ten dwellings, unless their co-location with other sites would have a cumulative impact. More information is provided in Essex County Council's 'Developers Guide to Infrastructure Contributions (2016)' and the District Council's Infrastructure Delivery Plan.

6.23 Education facilities should be provided in accessible locations. The Council will support proposals for dual use of school facilities and the joint provision and co-location of compatible facilities (such as education campuses or co-located sports or community facilities).

## Health

6.24 Over the Plan period it is anticipated that models of health service delivery in the District will change, with increased emphasis on providing primary care 'hubs' delivering a range of services in the community, including GPs, dentists, optometrists, pharmacists, district nurses, therapists, mental health nurses, health care assistants, palliative care nurses and health visitors. These facilities will offer new, innovative ways of providing care and reducing the need to attend hospitals. As such, opportunities for the co-location of compatible services and facilities will be supported where this is practical and cost efficient to service.

6.25 Developers will be expected, where appropriate, to make contributions towards

new, expanded or improved health facilities to meet the needs of additional residents. These facilities may be provided on-site (in the case of large development proposals) or contributions may be required to improve or expand off-site facilities.

6.26 The Princess Alexandra Hospital NHS Trust is currently considering options to meet its future service requirements through a Strategic Outline Business Case. As part of this work the potential to relocate the Princess Alexandra Hospital ('PAH') from its current site within Harlow is being considered. Two potential sites for relocation are currently being considered, the first being at Gilston to the north of Harlow (within the East Hertfordshire District Council administrative boundary), and the second being land to the East of Harlow within the Epping Forest District administrative boundary (see Policy SP 5).

6.27 In this context, both the District and County Council's will work cooperatively with all relevant stakeholders to ensure the future provision of high quality healthcare facilities and services to serve the wider area. These facilities will respond effectively to planned and sustained growth. The replacement/relocation of PAH is considered to play an important role in this.

6.28 The public health function of Essex County Council focuses on health improvement and supporting communities to remain healthy. In many instances this work will focus on the implementation of preventative measures to help reduce poor health across the County. Accordingly, most housing developments can promote healthy living through their design, thus contributing towards overarching public health priorities and helping to reduce some of the overall impacts of development.

6.29 With new housing development comes the potential for an impact upon the existing capacity of health services and facilities in the District. Expansion of existing health facilities within the district as a direct result of development will be supported in principle by both the District and County Councils.

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.

6.30 For large housing applications, the extent of potential health impacts should be assessed through a Health Impact Assessment to ensure that adequate levels of healthcare services continue to be provided for the new development and community as a whole. Where significant impacts are identified, planning permission will be refused unless infrastructure provision and/or funding to meet the health requirements of the development are provided. Health Impact Assessments should be prepared in accordance with advice and best practice as published by the Department of Health and other agencies such as NHS North Essex and in line with the Council's Local List of Validation Requirements.

## Policy D 2 Essential Facilities and Services

- A. Development proposals will be permitted only where they provide or improve the essential facilities and services required to serve the scale of the proposed development.
- B. Development proposals which would be detrimental to or result in the loss of essential facilities and services that meet community needs and support well-being will only be permitted where it can be clearly demonstrated that:
- (i) The service or facility is no longer needed; or
  - (ii) It is demonstrated that it is no longer practical, desirable or viable to retain them; or
  - (iii) The proposals will provide sufficient community benefit to outweigh the loss of the existing facility or service
- C. Proposals for new facilities will be supported where they meet an identified local need. The Council will work with local communities and support proposals to retain, improve or re-use essential facilities and services, including those set out in Neighbourhood Plans or Development Orders, including Community Right to Build Orders, along with appropriate supporting development which may make such provision economically viable.

All Use Class C2 developments and Use Class C3 residential development in excess of 50 units will be required to prepare a Health Impact Assessment that will measure the wider impact upon healthy living and

the demands that are placed upon the capacity of health services and facilities arising from the development.

## Utilities

6.31 Utilities infrastructure includes water supply, waste water and sewage treatment, electricity and gas. In order to bring forward development, sufficient capacity is required across each to meet the needs of the development.

## Key Evidence

- Infrastructure Delivery Plan (Arup, 2017); and
- Essex County Council's Developers Guide to Infrastructure Contributions (ECC, 2016).

## Approach

- 6.32 The Council will work with utility service providers to secure the provision of utilities infrastructure (including water supply, waste water and sewage treatment, gas and electricity) needed to serve existing and new communities. The Infrastructure Delivery Plan and Infrastructure Delivery Schedule will set out the future requirements for new and upgraded utilities over the plan period.
- 6.33 Planning Permission will be granted for proposals only where there is sufficient capacity within the utilities infrastructure or where it has been demonstrated that capacity is capable of being provided in a timely manner in order to meet the needs of the development. Developers will be expected to consult with utilities providers to ensure this is the case. In order to bring forward large allocations, in particular the strategic sites around Harlow, development may need to be phased to ensure utilities infrastructure is in place.

## Policy D 3 Utilities

- A. Planning permission will be granted for proposals only where there is sufficient capacity within the utilities infrastructure to meet the needs of the development. Applicants will be expected to consult with utilities providers to ensure this is the

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.

case, and may be required to undertake assessments to demonstrate sufficient capacity. The Council will expect developers and utilities providers to work together to ensure the appropriate provision of required utilities.

- B. Where there is a capacity problem and no improvements are programmed by the utilities provider, the Council will require the developer to fund appropriate improvements which must be completed prior to occupation of the development, or the relevant phase of development.
- C. Large developments may need to be phased to ensure there is sufficient capacity, and that any required upgrades can take place prior to occupation.

## Community, Leisure and Cultural Facilities

- 6.34 National planning policy emphasises the need for local authorities to plan for healthy and inclusive communities.
- 6.35 Community, leisure and cultural facilities make a vital contribution to the social and economic life of a community, particularly in rural areas. They are often especially important to elderly people and those who do not have easy access to transport. Access to a range of community facilities provides significant benefits including promoting health and wellbeing, facilitating social inclusion and encouraging education and learning. The loss of such facilities through redevelopment and change of use is detrimental to the fabric of communities and should be resisted. Population growth and demographic change places additional demands on provision and the needs associated with growth need to be planned for.

### Key Evidence

- Infrastructure Delivery Plan (Arup, 2017);
- Open Space Strategy (4 Global, 2017);
- Built Facilities Strategy (4 Global, 2017); and
- Playing Pitch Strategy (4 Global, 2017).

## Approach

- 6.36 The Council will safeguard against the unnecessary loss of valued facilities and services. It will also plan positively for the improvement of existing facilities and the provision of new shared spaces and community facilities. The Council will work with partners in the public, private and voluntary sector to achieve this.
- 6.37 The Council has produced evidence in the form of the Playing Pitch Strategy and Built Facilities Strategy which identify facilities of particular value that require protection. This evidence should be used alongside the application of this policy.
- 6.38 Community, leisure and cultural facilities encompass a wide range of facilities and services including library provision, community halls, cultural facilities such as arts centres and museums as well as pubs, leisure centres and other sports facilities.
- 6.39 The District and County Council's are moving towards a more integrated model for the provision of many types of community facilities. The District Council will therefore encourage a more flexible use of community space and maximise opportunities to co-locate activities and services where possible. This makes most efficient use of buildings as well as providing a better and more integrated service to residents. As part of this approach there may be the potential to co-locate a range of services including for example library provision, some forms of early years' provision, youth services as well as general multi-purpose community space within one building or facility. Digital technologies and innovative ways of providing library services can engage and encourage new users, including by operating satellite or mobile libraries. This will make village and community halls more valuable to a broader spectrum of the community.
- 6.40 Access to a range of indoor sports and leisure facilities are also vital for healthy communities. The Council will ensure existing facilities are retained and improved where possible. The

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.

Council supports dual use of school sports facilities by the community.

- 6.41 Development proposals should make provision for community, cultural and leisure facilities in a way that is proportionate to the scale of development proposed. Strategic and larger development sites will be expected to include on-site provision where feasible. For smaller developments, financial contributions may be sought in line with any standards to be set in the IDP and Essex County Council's Developer Guide (2016 or further iterations).
- 6.42 In some instances, it may be necessary to consolidate or relocate facilities to better serve the growing population and provide more accessible facilities. Where this is appropriate there should be no net loss of community, leisure or cultural facilities.
- 6.43 In order to retain sites for community uses and meet the identified need, the Council will require robust evidence from applicants seeking to demonstrate that there is no longer a reasonable prospect of the site's continued use for community purposes before considering its release to other uses. Differing requirements will need to be met depending upon the size, nature and location of the site or property. In general, it should be marketed effectively for a minimum of 12 months at a rate which is comparable to local market value for its existing use and it must be demonstrated that the continuous use of the site for such uses is no longer viable, taking into account the site's existing and potential long-term market demand for such uses.

#### Policy D 4 Community, Leisure and Cultural Facilities

- A. Development proposals will be permitted where they:
- (i) Retain and maintain existing facilities that are valued by the community; or
  - (ii) Improve the quality and capacity of facilities valued by the community.
- B. Proposed developments should contribute to the provision of new or improved community, leisure and cultural facilities in a way that is

proportionate to the scale of the proposed development and in accordance with the standards in the Infrastructure Delivery Plan and Essex County Council's "Developers Guide to Infrastructure Contributions (2016)"

- C. Strategic and larger developments will be expected to make on-site provision for community, leisure and cultural facilities where feasible. For smaller developments a financial contribution will be sought where required.
- D. Financial contributions will be sought for the on-going maintenance of community facilities, where appropriate.
- E. The provision of new facilities will be appropriately phased to meet the needs of the community they are provided for.
- F. Where opportunities exist, the Council will support the co-location of community, leisure and culture facilities and other local services.
- G. Proposals that would result in the loss of valued facilities currently or last used for the provision of community, leisure and cultural activities will only be permitted if it is demonstrated that:
  - (iii) The facility is no longer needed for any of the functions that it can perform; or
  - (iv) It is demonstrated that it is no longer practical, desirable or viable to retain them; or
  - (v) Any proposed replacement or improved facilities will be equivalent or better in terms of quality, quantity and accessibility and there will be no overall reduction in the level of facilities in the area in which the existing development is located; or
  - (vi) The proposal will clearly provide sufficient community benefit to outweigh the loss of the existing facility, meeting evidence of a local need.
- H. The change of use of existing community facilities or premises (whether designated or undesignated) to other uses will not normally be permitted unless the applicant can demonstrate through evidence, including marketing of the site, that there is no longer a reasonable prospect of the site being used for the existing community uses.
- I. The Council will work positively with national governing bodies and communities, including local voluntary organisations, and support proposals to

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.

develop, retain, improve or re-use community, leisure or cultural facilities, including those set out in Neighbourhood Plan or Development Orders including Community Right to Build Orders, along with the appropriate supporting development which may make such provision economically viable

Development Order, or any other such future Order) will be considered in accordance with national policy guidance. The visual impacts of telecommunications proposals should be minimised, particularly on rooftops/roof slopes.

## Communications Infrastructure

6.44 National planning policy requires local authorities to facilitate telecommunications development, including high speed broadband technology. An effective telecommunications network is essential to support sustainable economic growth and development and to provide services to local communities. Visual impacts should be minimised as far as possible.

### Key Evidence

- Infrastructure Delivery Plan (Arup, 2017)

### Approach

6.45 There are currently parts of the District that have slow speeds of internet connectivity. The Council will seek to ensure that all new development, and wherever possible, all residents and business have superfast speeds of internet connectivity in line with the Superfast Essex programme objective that 95% of Essex should have access to fibre broadband (with the potential to provide superfast speeds of 24 Mbps and above) by 2019. The Council addresses this matter in the Infrastructure Delivery Plan which accompanies the Local Plan.

## Policy D 5 Communications Infrastructure

- A. The Council will promote enhanced digital connectivity throughout the District by supporting high speed broadband and telecommunication infrastructure. In particular applicants submitting planning applications for major development proposals should demonstrate how high speed broadband infrastructure will be accommodated within the development.
- B. Applications for telecommunications development (including for prior approval under Part 16 of the General Permitted

## Neighbourhood Planning

- 6.46 Neighbourhood Plans provide a mechanism for communities to bring forward development and to have a say in the location of development.
- 6.47 The final Local Plan will set out the strategic policies to provide the framework for delivery of homes, jobs and infrastructure in the District. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. 'Made' (i.e. adopted) Neighbourhood Plans will work alongside, and where appropriate replace, the non-strategic policies in the Local Plan where they overlap.
- 6.48 Alterations to Green Belt boundaries must be made through the Local Plan process.

### Key Evidence

- Emerging Neighbourhood Plans in the District.

### Approach

6.49 The Council will support the relevant representatives from local communities to identify the most appropriate means of meeting local community needs through Neighbourhood Planning and through rural exception schemes. Collaboration between the community and the Council is critical to ensure strategic requirements are met.

## Policy D 6 Neighbourhood Planning

- A. The Council will support the preparation and production of Neighbourhood Plans. Neighbourhood Plans should:
- (i) Show how they are contributing towards the strategic objectives of the Local Plan and that they are in general conformity with its strategic approach and policies; and

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.

- (ii) Clearly set out how they will promote sustainable development at the same level or above that which would be delivered through the Local Plan, and Neighbourhood Plan policies are supported by evidence on local need for new homes, jobs and facilities, for their Plan area.

## Monitoring and Enforcement

- 6.50 Local Plans need to be reviewed regularly to assess how well their policies and proposals are being implemented and to ensure that they are up to date. Monitoring provides the objective basis necessary for such reviews.
- 6.51 On occasion there are breaches of planning controls in the District as a result of development being undertaken without the required planning permission or a failure to comply with conditions or limitations on planning permissions. The Council, as Local Planning Authority, has the discretion to take whatever enforcement action is considered necessary in the public interest, when considered expedient to do so having regard to the Development Plan and any other material considerations. This process should be transparent so that people understand what action the Council is likely to take in response to alleged breaches of planning control.

### Key Evidence

- Local Enforcement Plan (EFDC, 2013)

### Approach

- 6.52 The indicators against which policies will be monitored are listed in Appendix 3. This information will be collected as part of the preparation of the Authority's Monitoring Report. Where it would appear through monitoring that targets are not being met, it may be necessary to review the policies within the Local Plan to establish whether they need to be amended in order to secure delivery of the spatial vision. The need to review policies will be identified in the Authority's Monitoring Report.
- 6.53 A database will be maintained in relation to planning obligations and unilateral undertakings including details of the development site,

relevant dates for receipt of funds, the purpose of the obligation, level of funding received and the timescale for delivery of the infrastructure.

- 6.54 The Council will keep up to date the Local Enforcement Plan adopted in December 2013 to manage enforcement proactively in a way considered appropriate to the District, and in line with national planning policy. The Local Enforcement Plan sets out how the Council will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take appropriate action as considered necessary.

### Policy D 7 Monitoring and Enforcement

- A. The Council will monitor the implementation of the Local Plan policies and infrastructure provision and report the results on an annual basis. It will deal with the enforcement of planning controls in accordance with the Council's Local Enforcement Plan.

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.