



Working towards a Core Strategy for Wiltshire

Topic paper 8: Infrastructure and planning obligations

Wiltshire Core Strategy
Consultation January 2012

This Topic Paper is one of 19 topic papers, listed below which form part of the evidence base in support of the emerging Wiltshire Core Strategy. These topic papers have been produced to present a coordinated view of some of the main evidence that has been considered in drafting the emerging core strategy. It is hoped that this will make it easier to understand how conclusions on the policies included in the core strategy have been reached. The papers that are all available from the council website are:

Topic Paper 1: Climate Change

Topic Paper 2: Housing

Topic Paper 3: Settlement Strategy

Topic Paper 4: Rural Signposting Tool

Topic Paper 5: Natural Environment

Topic Paper 6: Retail

Topic Paper 7: Economy

Topic Paper 8: Infrastructure and Planning Obligations

Topic Paper 9: Built and Historic Environment

Topic Paper 10: Transport

Topic Paper 11: Green Infrastructure

Topic Paper 12: Site Selection Process

Topic Paper 13: Military Issues

Topic Paper 14: Building Resilient Communities

Topic Paper 15: Housing Requirement Technical Paper

Topic Paper 16: Gypsy and Travellers

Executive summary

This topic paper focuses primarily on the issue of developer funding for infrastructure requirements. Areas covered include the following:

- policy context
- how the council will work in partnership with other organisations and the community in developing mechanisms to secure infrastructure funding from developers
- links to other relevant plans and strategies
- a best practice review
- the Community Infrastructure Levy (CIL) and its relationship with Section 106 agreements (planning obligations) and the New Homes Bonus, and
- the options for a strategic policy to ensure that new development contributes towards the cost of infrastructure.

In addition, this topic paper also covers part of the evidence base that looks at infrastructure requirements and how these can be met. However, this should be read in conjunction with the Infrastructure Delivery Plan (IDP). The IDP is a separate document, part of the evidence base that supports the Wiltshire Core Strategy, which prioritises the infrastructure required to deliver the growth proposed in the Core Strategy. It includes details on costs, timescales, delivery agents, funding streams and assesses the risks to delivery of these projects.

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1. Introduction

1.1 This topic paper mainly addresses the role of developer contributions in funding infrastructure to support new development. It focuses on:

- the planning policy context for the different types of developer contribution, section 106 agreements (planning obligations) and the Community Infrastructure Levy (CIL)
- how these policies link with other plans and strategies of the council and its external partners
- how the council will work with other organisations and the community to develop mechanisms for securing developer contributions
- how best practice elsewhere can inform the development of the council's own policies
- an in-depth consideration of CIL and its relationship to s106 and the New Homes Bonus
- community aspirations for funding infrastructure, and
- the development of strategic policies for ensuring that new development contributes towards the cost of infrastructure it requires.

1.2 In addition, this topic paper covers part of the evidence base assessing what infrastructure is needed to support new development and how this will be delivered. This includes some of the policy background, a best practice review, community aspirations and consultation feedback, and the development of the strategic policies on ensuring infrastructure is delivered in conjunction with new development.

1.3 However, this will need to be read in conjunction with the **Infrastructure Delivery Plan (IDP)**, which covers the following issues:

- Role and purpose of the IDP
- Policy context
- Relationship between the Core Strategy and the IDP
- Links to other relevant plans and strategies
- Scope of infrastructure planning
- Prioritisation, risk and contingency planning
- Delivery of infrastructure and funding streams
- Partnership working and community engagement
- Governance
- Monitoring and review

Importance of planning obligations

- 1.4 In 2007/2008, the total value of planning obligations in England was estimated at around £5bn¹.
- 1.5 Local Planning Authority approaches to coordinating planning obligations fall into three main categories:
- Preparation and implementation of Supplementary Planning Documents and Guidance
 - Case-by-case negotiation
 - Fixed tariff systems, such as in the case of Milton Keynes or the Community Infrastructure Levy
- 1.6 Planning Obligations will play a key role in delivering the proposed new Wiltshire Community Plan, which will help to prioritise funding streams, including the revenue necessary to deliver future housing and economic development.
- 1.7 In the last 10 years alone, it is estimated that there have been between 800 and 900 Section 106 agreements across Wiltshire.

Definition of planning obligations

- 1.8 Planning obligations are legal agreements negotiated between local authorities and developers in relation to applications for planning permission. They are intended to 'make acceptable development which would otherwise be unacceptable in planning terms'. Planning obligations can either be a planning agreement between the local authority and a developer/ landowner with a legal interest in land associated with a development proposal, or a unilateral undertaking made independently by a developer.
- 1.9 Obligations can take the form of direct provision of infrastructure, land or buildings by a developer, such as the construction of a school, a road, or a play facility as part of a development. They can also involve a financial contribution to the local authority for a specific purpose, such as the expansion of an existing school or public art. Planning obligations could also be used to shape the development, such as requiring a certain percentage of affordable homes within the development, or stipulating specific management arrangements for on-site facilities.
- 1.10 National and local planning policies, along with other material considerations, help to determine what planning obligations are sought in relation to a particular development. This occurs when whatever is necessary to make the development acceptable in planning terms cannot be achieved by other means, such as planning conditions.

¹ Crook, Tony, *Incidence, Value and Delivery of Planning Obligations* (March, 2010), a presentation based on a CLG funded research project involving researchers from Cambridge and Sheffield Universities.

Legal basis for planning obligations

- 1.11 Section 106 of the Town and Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991 and amended by the CIL Regulations 2010) provides the legal basis for planning obligations.

Planning conditions

- 1.12 Planning conditions or planning obligations can often both be used to ensure that a development is acceptable in planning terms. In such situations, planning conditions are preferable in terms of time and costs because they:
- Do not need a legal agreement
 - Have an immediate right of appeal for applicants, and
 - Are simple to enforce
- 1.13 When the delivery of on-site infrastructure is necessary to make the development acceptable in planning terms, conditions are more likely to be possible. In any case, duplication should be avoided.

Core Strategy vision and objectives

- 1.14 The delivery and funding of infrastructure is central to the Wiltshire Core Strategy and, as such, assumes a central position within the Spatial Vision for Wiltshire, which states that future development will be '*supported by the necessary infrastructure*'². Individual visions for each of the community areas form part of the spatial strategies for these areas. Specific infrastructure requirements for each community area, including those for any allocated strategic sites, are summarised in the Wiltshire Core Strategy and set out in the IDP.
- 1.15 The delivery of the necessary infrastructure to support new development is so important that it is one of the key strategic objectives of the Wiltshire Core Strategy. Strategic Objective 9 aims to ensure that the appropriate infrastructure is in place to contribute towards sustainable communities. In relation to the funding of infrastructure, Strategic Objective 9 states that '*the strategy will need to ensure that infrastructure requirements are appropriately secured and implemented*'³. One of the key outcomes of Strategic Objective 9 is that '*appropriate contributions will have been secured from developers towards the cost of new and improved infrastructure*'⁴.

Cross-linkages

- 1.16 A series of topic papers will form part of the evidence base to support the emerging Wiltshire Core Strategy. They have been produced in order to present a coordinated

² Wiltshire Council, *Wiltshire Core Strategy Consultation Document* (June, 2011), p.17.

³ Wiltshire Council, *Wiltshire Core Strategy Consultation Document* (June, 2011), p.24.

⁴ As above.

view of some of the main evidence that has been considered in drafting the Core Strategy.

1.17 There is an important cross-linkage with the South Wiltshire Core Strategy, which is supported by Topic Paper 11 – Planning Obligations. However, the wide scope of infrastructure means that some types are covered in other topic papers, as follows:

- Transport (*Topic Paper 11 - Transport*)
- Renewable energy (*Topic Paper 1 - Climate Change*)
- Historic legacy/ Public Realm and Safety (*Topic Paper 10 - Built and Historic Environment*)
- Economic facilities (*Topic Paper 8 - Economy*)
- Affordable housing (*Topic Paper 2 - Housing*)

1.18 However, in developing the council's approach to securing developer contributions, through Section 106 agreements and the Community Infrastructure Levy (CIL), there will need to be partnership working with the owners of these other topic papers to ensure that any information about the potential for developer contributions to particular types of infrastructure feeds into the process.

Structure of this topic paper

1.19 *Table 1.1* summarises the organisation of the main chapters in this topic paper.

Chapter	Title	Description
2	What are the national, regional and local policy requirements?	A summary of national, regional and local policies relating to infrastructure and planning obligations.
3	How will we work in partnership with others?	The key deliverables of the council's approach to securing developer contributions and how this will involve working with others (<i>see the IDP for details of the council's partnership approach to delivering infrastructure</i>)
4	What are the links with other plans and strategies?	A survey of related plans and strategies.
5	What can we learn from infrastructure planning elsewhere?	An examination of best practice examples from other local authorities and lessons learnt.
6	The Community Infrastructure Levy (CIL)	An overview of the Community Infrastructure Levy (CIL), including how to develop the charging schedule, set a rate(s) of CIL, how it will apply in practice and its relationship with Section

		106 agreements and the New Homes Bonus.
7	What are the community's aspirations?	A summary of community aspirations with relation to infrastructure needs and funding from developers towards the cost of this infrastructure
8	What are the policy options?	Policy options for ensuring that the necessary infrastructure is delivered at the right time to support new development and that development should contribute towards the cost of this infrastructure
Glossary		A glossary of the terms used in this topic paper

2. What are the national, regional and local policy requirements?

2.1 The Core Strategy will guide development in Wiltshire for the next 15 to 20 years but it must be in conformity with a broad framework of national policies. This chapter will identify what the national policies relevant to the topic area tell us we 'have' to do. It will also summarise the regional and local policies that are currently in place.

National planning policy

Infrastructure delivery

2.2 The advent of 'spatial planning' in recent years signalled a move away from the more limited land-use role of town planning in the past. This new approach is more holistic, borne out of a realisation that how land is used cannot be seen in isolation from wider social, economic and environmental issues. It follows, therefore, that spatial planning is perfectly placed to coordinate new development with the provision of the necessary infrastructure.

2.3 The previous government's White Paper on *Planning for a Sustainable Future* (May, 2007) agrees, saying that the strategic overview of local infrastructure provision is the responsibility of planners in local authorities. It pushes for a much stronger relationship between local development plans and infrastructure. It expects local authorities to show how and when infrastructure will be delivered.

2.4 National planning policy is set out in a number of planning policy statements (PPSs) and, their precursors, planning policy guidance notes (PPGs). Most prominently, PPS 12 *Local Spatial Planning* (June, 2008) confirms that the onus is on local authorities to take on a co-ordinating role in delivering infrastructure. This should be undertaken through the authority's Local Development Framework (LDF), or more specifically their core strategy.

2.5 To meet this new strategic responsibility, PPS 12 anticipates the core strategy having to do three things:

- Develop an evidence base
- Prepare a delivery plan
- Work with infrastructure providers

2.6 PPS 12 states that '*the core strategy should be supported by evidence of what physical, social and green infrastructure is needed to enable the amount of development proposed for the area*⁵. This evidence base must cover any extra infrastructure needed, as well as remedying any existing deficiencies.

⁵ *Planning Policy Statement (PPS) 12: Local Spatial Planning, June 2008, para. 4.8, p.8.*

- 2.7 The Infrastructure Delivery Plan (IDP) is intended to be a separate document, which sits alongside the core strategy and details the infrastructure required to support the development set out in the core strategy⁶ The IDP should cover:
- Infrastructure needs and costs;
 - Phasing of infrastructure projects;
 - Funding sources and gaps;
 - Responsibilities for infrastructure delivery, and
 - Specific infrastructure requirements of any strategic development sites allocated in the core strategy.
- 2.8 The IDP should inform the core strategy and be part of a robust evidence base. This allows for the identified infrastructure to be prioritised in later discussions with key local stakeholders.
- 2.9 Underlying the evidence base and delivery plan should be effective co-operation between local authorities and infrastructure service providers. PPS 12 says that '*the core strategy should draw on and in parallel influence any strategies and investment plans of the local authority and other organisations*⁷ ' Service providers are also encouraged to work with local authorities in the infrastructure planning process and take the core strategy into account in their own planning process. Ideally, the agencies responsible for delivering infrastructure and the local authority producing the core strategy should seek to align their planning processes.
- 2.10 However, PPS 12 is realistic that the information might not always be available from service providers when it is needed by local authorities. This may be due to differences in timescale, budgeting processes or even commercial sensitivity. Such uncertainty is something that the core strategy must deal with through proper contingency plans. Woe betides the core strategy that places undue reliance on critical elements of infrastructure whose funding is unknown.
- 2.11 On 25 October, 2010, the drive to develop a more joined-up approach to delivering infrastructure manifested itself in the publication of the UK's first ever *National Infrastructure Plan*. The focus is squarely on the economic impact of infrastructure provision and the *Plan* identifies the challenges facing the UK's infrastructure and the major investment needed for sustainable growth in the future.
- 3.1 As part of a wider programme of reforms to make the planning system less complex and more accessible, and to promote sustainable growth, the Government published the draft National Planning Policy Framework (NPPF) for consultation, between July and October, 2011. The draft NPPF reinforced much of what had been said before in relation to infrastructure, albeit in a more succinct form, including:
- Expectation on the planning system to deliver necessary infrastructure

⁶ PPS 12 emphasises the importance of having a delivery strategy for achieving the vision and objectives of the core strategy. This should set out how much development is intended to happen and when, where and by what means it will be delivered.

⁷ As above.

- Nationally significant infrastructure projects to be determined by decision-making framework set out in national policy statements
- Delivering sustainable development includes the provision of economic, social and environmental infrastructure in a timely manner
- Revenue generated from development will help fund infrastructure
- Local plans should include strategic policies to provide infrastructure and plan positively for the required development and infrastructure
- Local planning authorities should work closely with the business community to identify and address barriers to investment, such as a lack of infrastructure
- Local planning authorities should work with other authorities and providers to assess the quality, capacity and need for infrastructure and plan for its delivery
- To enable a local plan to be deliverable, the amount of developer contributions requested should not threaten the viability of strategic sites and scale of development.
- The Community Infrastructure Levy (CIL) should support and incentivise new development, allowing communities to have a say in how some of the funds are spent

Developer contributions

- 2.12 The basis for a planning agreement or unilateral undertaking is that it should 'make acceptable development which would otherwise be unacceptable in planning terms'. In some cases, this may be achieved by the use of one or more planning conditions and, in such cases the use of planning conditions is preferable.
- 2.13 National Policy in relation to Planning Obligations is set out in Circular 05/2005 and the basic principles for their use stated in Planning Policy Statement (PPS) 1. Planning obligations can be used to:
- Prescribe the nature of development to achieve planning objectives
 - Mitigate the impact of a development
 - Compensate for loss or damage caused by a development
- 2.14 However, the Community Infrastructure Levy (CIL), which came into force in April, 2010, narrowed the scope of Section 106 agreements down to the provision of on-site infrastructure and affordable housing, while the rest of the benefits from development will be paid for through CIL.
- 2.15 From 6 April 2010, it has been unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged CIL, whether CIL is in operation or not, if the obligation does not meet all of the following tests:
- necessary to make the development acceptable in planning terms

- directly related to the development; and
 - Compensate for loss or damage caused by a development
- 2.16 ODPM Circular 05/2005 had already set out these requirements as policy tests and also stated that a planning obligation must be relevant to planning and reasonable in all other respects. The CIL Regulations made it a legal requirement to meet these three tests.
- 2.17 On the local adoption of CIL or nationally after a transitional period of four years (6 April 2014), the regulations restrict the local use of planning obligations for pooled contributions towards items that may be funded via the levy. CIL is the government's preferred vehicle for the collection of pooled contributions.
- 2.18 However, where an item of infrastructure is not locally intended to be funded by the levy, pooled planning obligation contributions may be sought from no more than five developments to maintain the flexibility of planning obligations to mitigate the cumulative impacts of a small number of developments.
- 2.19 For provision that is not capable of being funded by the levy, such as affordable housing, local planning authorities are not restricted in terms of the numbers of obligations that may be pooled.
- 2.20 The Localism Bill (2011) proposes several reforms to CIL, including:
- rebalancing the relationship between the charging authority and the independent examiner so the elected body has the final say on how they implement a charge in their area (clause 102 of the Localism Bill)
 - clarifying that the Community Infrastructure Levy can be spent on the ongoing costs of providing infrastructure as well as the initial costs (clause 103 of the Localism Bill)
 - requiring charging authorities to pass a meaningful proportion of receipts arising from development to other persons (clause 103 of the Localism Bill), which we will use to direct funds to the neighbourhoods where development takes place.
- 2.21 The Government undertook a consultation on further amendments to the CIL Regulations, between October and December, 2011, including:
- how to pass on a meaningful proportion of CIL receipts to neighbourhoods
 - whether to allow CIL receipts to be used to provide affordable housing

- whether to require charging authorities to report more openly and regularly on receipts and expenditure to improve transparency and understanding of the contribution that developers are making and how those funds are used
- whether to add new Development Orders to the list of developments that may be liable to a charge

Strategic planning policy

2.22 The Wiltshire and Swindon Structure Plan 2016 provides the strategic level planning policy for the Wiltshire and Swindon local authority areas. **Policy DP2** sets out the overarching strategic approach to infrastructure delivery and the broad policy basis for section 106 planning obligations. The policy requires infrastructure to be provided in order for development to proceed and allows for planning conditions and/ or obligations to be used to ensure that this happens.

Local planning policy

2.23 The following section summarises the existing policy background present in the four district local plans in Wiltshire. These were adopted prior to Wiltshire becoming a unitary authority and remain the valid local development plans for their respective areas until such time as they are replaced by new policies within emerging development plan documents (DPD), such as the Wiltshire Core Strategy. Attention has been concentrated on the core policies relating to infrastructure. Other local plan policies, such as those concerned with the provision of green infrastructure and transport infrastructure, are covered in the relevant draft topic papers.

2.24 The extant local plans are listed in *Table 2.1* below.

Local plan	Adoption date	Area covered	Community areas
<u>North Wiltshire Local Plan 2011</u>	June 2006	North Wiltshire	Chippenham , Calne, Corsham, Malmesbury and Wootton Bassett & Cricklade
<u>Kennet Local Plan 2011</u>	June 2003	East Wiltshire	Devizes , Marlborough, Pewsey and Tidworth
<u>Salisbury District Local Plan 2011</u>	June 2004	South Wiltshire	Salisbury , Amesbury, Southern Wiltshire and South West Wiltshire
<u>West Wiltshire District Plan 1st Alteration</u>	June 2004	West Wiltshire	Trowbridge , Bradford on Avon, Melksham, Warminster and Westbury

Table 2.1 - The extant local development plans for Wiltshire

2.25 Looking through the existing saved local plans for Wiltshire, it is possible to detect certain policy themes. Broadly, infrastructure policy falls into the following categories, as set out in *Table 2.2*.

Policy category	Explanation
Generic prohibitory	A general infrastructure policy aimed at preventing overload of existing infrastructure
Generic enabling	A general policy explaining the approach of the LPA and including provision for developer contributions
Site specific and spatial⁸	Highlights key infrastructure issues relating to allocated sites and funding
Thematic and spatial	Deals with subject areas (such as water) where these are deemed to be especially important within the district.
Thematic Regulatory	Deals with infrastructure by topic and regulates infrastructure development, the aim being to prevent provision of infrastructure itself having a negative effect.

Table 2.2 - Infrastructure policy themes in Wiltshire's extant local development plans

(a) Generic prohibitory

2.26 These are policies designed to prevent infrastructure overstretch. Present in all four District Local Plans, they are all essentially negative or prohibitory in nature.

2.27 For example, *North Wilts Local Plan*, Policy C3 (development control core policy):

'New development will be permitted subject to the following criteria:

viii) Avoid overloading of existing or proposed services and facilities, the local road network or other infrastructure...

2.28 See also *Kennet Local Plan*, Policy HC43 (off site service infrastructure):

'Development which increases the demand for off-site service infrastructure, such as water supply, surface water, foul drainage or sewage treatment, will not be permitted unless sufficient capacity already exists or extra capacity will be provided in time to serve the development without harm to the environment. When improvements in off-site Infrastructure are programmed, the commencement of development will be co-ordinated with its provision. Where necessary improvements in offsite provision are not programmed, developer contributions towards the upgrading of existing provision to meet the requirements of the new development will be sought.'

2.29 And, the *Salisbury District Local Plan 2011*:

General Criteria for Development

Policy G2 New development will be considered against the following criteria:

⁸ Whether in an additional document or the local plan itself.

(ii) avoidance of placing an undue burden on existing or proposed services and facilities, the existing or proposed local road network or other infrastructure;

2.30 And, the *West Wiltshire District Plan 1st Alteration 2004*, Policy U1;

'Utilities and Consumer Services Infrastructure

Proposals for development will not be permitted where the infrastructure is inadequate to cater for the proposal unless the developer makes a contribution necessary to secure the provision of infrastructure related to the needs of the development which is required to secure its implementation.'

(b) Generic enabling

2.31 This group of policies is essentially positive in nature and provide a policy basis for providing and funding new infrastructure where this may be needed. They tend to be rather general in scope and this has drawn some criticism from development management teams.

2.32 For example, Policy C2 of the North Wiltshire Local Plan:

Policy C2 COMMUNITY INFRASTRUCTURE CORE POLICY

'Provision for the directly related community infrastructure costs of all major development proposals, appropriate to the scale of that development, will be sought. The local planning authority will examine each major development proposal for its need to contribute to the following community infrastructure requirements and negotiate to secure planning obligations or by means of other appropriate methods to secure the requirements identified. The community infrastructure requirements are:

- Affordable housing
- Education, skill training provision, and libraries
- Travel and transport infrastructure
- Community buildings and facilities
- Health care provision and social services
- New or improved public open spaces
- Leisure, sport and recreation provision
- Waste management and recycling
- Environmental protection and enhancement
- Information Communication Technology infrastructure
- Art in the community.

2.33 Development Management planners find that Policy C2, which provides the basis for the council to seek developer contributions towards community infrastructure, lacks substance and acknowledgement of the scope of negotiations on viability grounds. They are of the opinion that it lacks depth and fails at a very fundamental level to meet national guidance. Their suggestion is that any future replacement must ensure there is a sufficient evidence base to justify the community infrastructure being sought.

2.34 See also, Policy G9 of the Salisbury District Local Plan:

'Where as a direct consequence of a proposed development, additional infrastructure or facilities are required within a development site, the Local Planning Authority will seek to negotiate with the developer to secure an appropriate level of provision. Equally, contributions towards off-site infrastructure, education provision and other facilities, or measures to assist public transport, cyclists or pedestrians will also be sought where needed. Planning permission will be refused for any proposal that does not make satisfactory provision for infrastructure or facilities which are directly required and necessary for the development to go ahead'.

2.35 Development Management planners find that Policy G9 is too woolly and they would welcome a detailed tariff-based policy.

2.36 In the West Wiltshire District Plan, 1st Alteration (2004), the equivalent is Policy I1:

'In housing, commercial and industrial developments the District Council will, where appropriate, enter into legal agreements with developers under Section 106 of the Town and Country Planning Act 1990 to provide for new infrastructure, social, recreational and community facilities, where the need for these arises directly from the development concerned. Provision should be commensurate with the scale and nature of the individual development. Provision may be on-site or contributions may be made to the provision of facilities elsewhere in the locality provided their location adequately relates to the development site.'

2.37 Development Management planners find that Policy I1, which provides clear authority for the council to enter into section 106 agreements with developers, particularly useful over the years.

2.38 Kennet Local Plan is alone in not having a specific planning obligations or contributions policy, although support text at paragraphs 1.42ff indicates a general policy approach, the aim of which is mitigation of negative effects.

(c) Site specific and spatial

2.39 Another means of dealing with provision and funding of infrastructure has been on a site specific basis.

2.40 In the *Kennet Local Plan*, for example, planners were so concerned about local infrastructure delivery issues that they decided to produce a Strategic Development Brief which would, inter alia, deal with key infrastructure issues.

'Policy HC8 - POTENTIAL IMPACT OF DEVELOPMENT

Proposals for housing development on each of the sites listed in Policy HC2 will need to address the potential impact of development on transport (including walking, cycling and public transport), local communities and amenities (including affordable housing and recreation space), education, services and locally important natural features in accordance with policies PD1, AT2, HC30, HC34, HC37, HC42 and HC43 and other relevant detailed policies of the Plan....

...Kennet District Council consider that the best way to address these cumulative impacts and to ensure that these effects are appropriately mitigated is through the preparation of a Strategic Development Brief.

The Council will prepare a Strategic Development Brief for the sites identified for housing development in Devizes at Quakers Walk, Roundway Mill, the former Le Marchant Barracks, Naughton Avenue and the North Gate/Wharf/Devizes Hospital sites. The Strategic Development Brief will be prepared in conjunction with landowners, town and parish councils, Wiltshire County Council (transportation and education), other interested parties, such as the Environment

Agency and relevant service providers and established local community and interest groups. Once complete the Strategic Development Brief will be adopted as Supplementary Planning Guidance and will ensure that all landowners are aware of the level and range of planning obligations that the Council will seek to negotiate at the time of an application.....'

- 2.41 West Wiltshire District Council planners also adopted a site by site approach with infrastructure requirements identified in relation to allocated sites within the local plan document itself. For example;

'Policy H7 Staverton Triangle

A site with a net developable area of about 2.2 hectares (5.5 acres) at the "Staverton Triangle" is allocated for about 80 dwellings as defined on the Proposals Map. The development of the site will require the following:

- 1. The provision of a recycling mini-bank station of approximately 10 square metres to make recycling convenient for the local community;*
- 2. The provision of affordable houses to meet local needs (see Policy H2);*
- 3. The provision of approximately 0.5 hectares (1.2 acres) of public open space within the development including a fully equipped children's play area (see Policy R5);*
- 4. The provision of additional tree planting and landscaping, involving the planting of native tree species wherever appropriate;*
- 5. The retention of the area of woodland within the site and incorporation of this area into the area of public open space;*
- 6. The provision of an integrated cycleway and footpath provision connecting to the existing network;*
- 7 The provision of traffic calming measures within the locality as approved by the County Highways Authority;*
- 8 The provision of a landscaped river corridor covering the flood plain to meet the requirements of the Environment Agency (see Policy R8).'*

(d) Thematic and spatial

- 2.42 These policies deal with particular types of infrastructure which the plan specifies as being particularly important within the plan area. Policies are then formulated to cover these.

- 2.43 For example, Policy G3 of the *Salisbury District Local Plan 2011*;

'Policy G3 The Water Environment

Development will not be permitted which would increase the requirement for water unless adequate resources already exist, or will be provided in time to serve the development, and without detriment to existing abstractions, water environment, both quality and quantity, fisheries, amenity or to nature conservation. '

(e) Thematic and regulatory

2.44 These deal with infrastructure by subject area and regulate their development. The aim is to prevent development of infrastructure itself having a negative effect.

2.45 For example, in the *Kennet Local Plan* the following policies state;

Policy HC43 OFF SITE SERVICE INFRASTRUCTURE

Development which increases the demand for off-site service infrastructure, such as water supply, surface water, foul drainage or sewage treatment, will not be permitted unless sufficient capacity already exists or extra capacity will be provided in time to serve the development without harm to the environment. When improvements in off-site infrastructure are programmed, the commencement of development will be co-ordinated with its provision. Where necessary improvements in offsite provision are not programmed developer contributions towards the upgrading of existing provision to meet the requirements of the new development will be sought.

Policy HC44 TELECOMMUNICATIONS

Proposals for telecommunications development, including applications for prior approval under the Town and Country Planning (General Permitted Development) Order, 1995, will be permitted where:

- a) there is an operational requirement for the proposal;*
- b) the siting, design, materials and external appearance of the proposal minimises its visual impact; and*
- c) an assessment of alternative sites has been carried out , including the possibility of using existing structures and site sharing, and there are no satisfactory alternative sites for telecommunications available.*

Assessment of the efficacy of extant local plan policy

2.46 Existing development plan policy in Wiltshire was devised prior to the introduction of IDPs. Major questions for consideration are:

- How effective has local plan policy been in matching infrastructure to development needs?
- What kind of linkages and development plan policies might be needed to support the emerging IDP?
- What role has the IDP in relation to new development plan policies?

2.47 General observations on existing local plan policy having studied the policies relating to infrastructure include the following:

- What existing policy does:
 - Regulates development (at point of application) to prevent overload
 - Indicates main areas of concern (on a thematic or site specific basis)
 - Indicates need for contributions and establishes in general terms a payment mechanism.
- What existing policy does not:
 - Does not plan infrastructure in advance
 - Does not always assign responsibility
 - Does not indicate costs clearly
 - Does not deal with viability issues adequately
 - Does not establish a sound forum for negotiation and to aid coordination

2.48 In general, existing policy appears relatively fragmented in its way of dealing with this issue within each document. It lacks clarity and a sense of urgency/ importance and is far more concerned with regulation than it is with positive planning or place-making. There is no adequate overview of the issues and the charging regime/ tariff is unclear. Most importantly it does not provide assurance that the approach taken to infrastructure provision is realistic and that the plan is consequently deliverable, or the strategy effective. The above is no more than typical of current UK local plans.

2.49 The Planning Advisory Service (PAS) soundness toolkit, which is supported by recent Inspector's decisions at public examinations, suggests that a fragmented approach is no longer acceptable. There is therefore an important communications issue requiring that the IDP as a mechanism (and critically as an evidence base element) needs to be clearly mentioned and tied into the core strategy. This is in any case essential as the IDP will draw much of its legal status from the development plan and a direct policy reference and link is therefore vital.

Development management view on existing local plan policies

2.50 In order to assess the efficacy of existing Wiltshire local plan policy regarding infrastructure, the opinions of the development managers of the area hubs were sought.

2.51 There was a general feeling that while existing policies were, for the most part, adequate, they were becoming out of date and more difficult to enforce due to changing circumstances. Many felt that revisions were overdue and urgent. The changed circumstances referred to included:

- Increasing community aspirations (for example for green infrastructure, footpaths, open space and community resources such as playing fields).
- Increased financial pressure on developers since the credit crunch
- Increased financial pressure on public and private sector infrastructure providers
- A hard line being taken by appeal inspectors on matters of policy clarity and the evidence behind requests from Local Planning Authority for infrastructure contributions
- The likely introduction of the Community Infrastructure Levy (CIL) and the need to have a policy structure in place

2.52 Development managers felt under more pressure than previously to justify their decisions and were inclined to feel that they lacked the best policy tools to do this. However a development management 'wish list' to improve decision making confidence would include the following:

- Clearer generic policies setting out what is expected (e.g. Policy C2 of the North Wilts LP was criticised as failing in this respect.)
- Policies backed by an supplementary planning document (SPD)
- More site specific policies (allocated sites where the allocation policy spells out what is needed in infrastructure terms)
- Area development briefs (such as the Devizes Strategic Development Brief)

2.53 Solid evidence base behind the SPD, particularly covering issues of the quantifiable need for the infrastructure (such as an affordable housing needs assessment) and, crucially and most topically, commercial viability.

2.54 In support of these needs, development managers pointed to increasingly protracted negotiations with developers, an increased tendency to respond with an appeal and some recent appeal decisions against the Council.

Analysis of existing local plan policies

2.55 The following tables summarise an analysis of existing local plan policies, including input from Development Management.

(a) Salisbury District Local Plan

Policy	Policy Type	Comments
G2	General infrastructure policy. Generic Prohibitory	Comments concerning scope of policy rather than ability to manage infrastructure
G3	Water infrastructure policy Thematic and Spatial	Policy can lead to difference of opinion between water company and Environment Agency.
G5	Water infrastructure policy Thematic Regulatory	Good for making developers Connect to mains. Quality can still be an issue.
G8	Water infrastructure policy Site Specific and Spatial	Policy protects groundwater. Needs to be widened in scope
G9	Developer contribution policy. Generic Enabling	Too woolly. Would welcome detailed tariff based policy
H17/ H18	Policies to protect open space Site Specific and Spatial	Be more precise and show more sites on a plan
R6	Protection of community infrastructure (recreation areas) Thematic and Spatial	Policy needs to be re-worded as too tightly defined. Has caused problems with development not incompatible with recreation use but prohibited by this wording.
R16	Facilitation of public access to watersides Thematic and Spatial	Never used. Weak wording. Suggest delete
R3	On-Site infrastructure (Open space) policy Thematic and Spatial	Policy requires planning obligation. Unnecessary. Needs re-wording to use just conditions.
R8-R13	Site specific allocation of recreational open space Site Specific and Spatial	Sites now overtaken by events. Needs reviewing.
PS2	Provision of community infrastructure – care homes Thematic and Spatial	Restrictive. Need to extend scope to include non-detached properties and does not cover extensions
PS4	Allocates specific school site Site Specific and Spatial	No longer relevant. Delete.
PS5	School provision	Needs re-wording due to legislative changes.

	Thematic and Spatial	
PS6 (iii) and (iv)	Play group and nursery provision Thematic and Spatial	Illogical wording

Table 2.3 – Analysis of the main infrastructure policies within the Salisbury District Local Plan

2.56 There is an overall desire for improved accuracy and precision. Development management are welcoming of an indication of infrastructure requirements on site specific plans. On the other hand, precision needs to be balanced with flexibility when necessary.

(b) West Wiltshire District Plan 1st Alteration (2004)

Policy	Policy Type	Comments
U1	N/A	Not saved policy and not used since 2007. Repeats Structure Plan Policy DP2. Delete.
U3	N/A	Not saved policy and not used since 2007. Contradicts PPS25. Delete.
I1	Generic Enabling	Gives clear authority to enter into S.106 agreements. Very useful. Retain/expand
I2	Generic Enabling	Relating to the provision of Public Art is especially valuable in dealing with major developments to secure public arts as part of S106 agreements.
I3	Thematic Enabling	Disability issues. Very useful in securing developer contributions.
H7	Site specific and spatial	Successful in securing infrastructure. Reserved matters now approved. Worked well.
R2, R4, R8	Thematic (some prohibitory)	Identified as a key issue within the District so original local plan policies were superseded by W Wilts LRDPD.
U2	Thematic Enabling	Secures sustainable drainage and other water infrastructure (Surface Water, Ground Water and Telecoms)
U4	Thematic prohibitory	Protects groundwater
U6	Thematic regulatory	Regulates telecom infrastructure development

T9	Thematic enabling	Bus services Enables contributions to be sought. Has been useful
T11 / 12	Thematic enabling	Cycle ways and footpaths Enables contributions to be sought towards sustainable transport infrastructure. Has been useful. Wording a bit vague though.

Table 2.4 – Analysis of the main infrastructure policies within the West Wiltshire District Plan

2.57 The most valued policies were those that helped to secure developer contributions (*enabling*) and those that governed the development of infrastructure itself (*regulatory*).

(c) North Wiltshire Local Plan

Policy	Policy Type	Comments
C2	Generic enabling	Weak policy; no longer reflects guidance and has not stood up at recent appeals. Major weakness is that need for infrastructure called for is not justified by an up to date and comprehensive evidence base.
C3	Generic prohibitory	General development control policy and good for its purpose in conjunction with other policies but lacks detailed substance which could take the form of supplementary design guidance
H6	Generic enabling	Affordable housing in rural areas policy. Has an underlying weakness of poor evidence base which has led to successful appeal challenges.

Table 2.5 – Analysis of the main infrastructure policies within the North Wiltshire Local Plan

(d) Kennet Local Plan

Policy	Policy Type	Comments
HC8		Not saved policy
HC 32		Secures affordable housing. Strict 1:1 requirement in rural areas. Useful but would not have worked so well without good evidence base / study to back it up. Also some doubts as to whether policy would work so well in a recession, although it was backed at appeal.
HC34		Secures recreation contributions. Useful because evidence base was available to support policy thanks to Devizes development brief.
HC35		Secures recreation contributions. Useful because evidence base was available to support policy thanks to D Devizes development brief.

HC37		Secures education contributions. Useful because evidence base was available to support policy thanks to D Devizes development brief.
HC38		Secures education contributions. Useful because evidence base was available to support policy thanks to D Devizes development brief.
HC43		Not saved policy
HC44		Not saved Policy

Table 2.6 – Analysis of the main infrastructure policies within the Kennet Local Plan

Supplementary planning documents

2.58 In support of the above policies, there are a number of supplementary planning documents (SPDs) on specific types of planning obligation. The following is a list of those that have been adopted:

- North Wiltshire Local Plan
 - A Playing Pitch Strategy for North Wiltshire SPG (2001)
 - North Wiltshire Open Space Study (2004)
 - Affordable Housing SPD (2008)
- Kennet Local Plan
 - Community Benefits from Planning (2005)
- Salisbury District Plan
 - Affordable Housing SPG (2004)
- West Wiltshire District Plan
 - Affordable Housing SPG (2005)
 - Open Space Provision in New Housing Development: A Guide SPG (2004)

3. How will we work in partnership with others?

- 3.1 Core Policy 3 was subject to a public consultation between June and August, 2011, as part of the Wiltshire Core Strategy Consultation Document. There will be a further public consultation on the submission draft Wiltshire Core Strategy in early 2012. However, other elements of the work on planning obligations (Section 106 agreements) and the Community Infrastructure Levy (CIL) will involve working with internal and external partners, as well as further public consultation. This chapter outlines some of the main pieces of work and highlights how we will work with others in their development.

Interim guidance on section 106 policy

- 3.2 Different policies within the four extant local plans for the former district council areas mean that the council's approach to planning obligations varies between Development Management hubs.
- 3.3 Policies in the emerging Wiltshire Core Strategy will, in time, replace those within the local plans. However, the Core Strategy is not timetabled for adoption until autumn 2012. The prospect of radical reform of the planning system through the Localism white paper may further delay this process. Until new policy is in place, there is a need to develop an interim guidance document to coordinate how the council engages with developers and local communities over priority setting and negotiating contributions to deliver benefits.
- 3.4 Therefore, work is underway to develop interim guidance on section 106 policies, which would lead to a consistent and effective policy towards section 106 obligations across the council to achieve the best outcomes for services and local communities during this period of uncertainty within policy. The aim is to bridge the gap between 'saved policies' in the extant local plans and emerging policies in the Wiltshire Core Strategy. The alternative is to continue to use existing policy in an ad hoc way without the support of a comprehensive document that provides a clear framework to guide decision making and a protocol for handling the procedural aspects of planning obligations.
- 3.5 The interim planning guidance will set out the full scope of provisions that could potentially be secured through section 106 obligations and establish a protocol covering pre-application, application and project implementation stages. It would provide a basis for individually assessing the precise obligations required in association with specific developments. In the case of competing needs, this would involve an appraisal of relative priorities and scheme viability. The aim would be to ensure that section 106 obligations are used consistently and effectively across the council to deliver sustainable development in line with corporate and community objectives.

Community Infrastructure Levy (CIL) Charging Schedule

- 3.6 The Wiltshire Core Strategy is in preparation, with adoption estimated to take place at the beginning of 2012. The infrastructure planning process, which will inform the Wiltshire Core Strategy, will ensure that we have sufficient, robust evidence to support a policy position on negotiating developer contributions.
- 3.7 The key deliverables from this process will be:
- **The Infrastructure Delivery Plan** (to support the Core Strategy) - setting out what infrastructure will be required to deliver the proposed development across the plan area; how much it will cost; and who will foot the bill.
 - **A Charging Schedule** (can only be adopted once Core Strategy is in place) - designed to explain how the council intends to implement and administer a tariff scheme for all new development (at this stage referred to as Community Infrastructure Levy (CIL)).
- 3.8 In order for the authority to ask for CIL contributions, a Charging Schedule would need to be adopted. This can be a lengthy and rigorous process, requiring a level of consultation and public examination equivalent to a development plan document, such as the Core Strategy.
- 3.9 The Charging Schedule would set out a rate of CIL contribution (essentially a tariff system, with a cost for each type of infrastructure per development unit, either number of dwellings or extra floorspace), which would need to be based on an up-to-date development plan (i.e. the Core Strategy) and an Infrastructure Delivery Plan and be subject to an intensive financial viability assessment.
- 3.10 Wiltshire Council could consider the potential to hold a concurrent examination for a Charging Schedule alongside the Core Strategy examination. However, the risk could mean further delay in moving towards the adoption of an up to date development plan for Wiltshire. Instead the current programme envisages that we will take a Charging Schedule to examination as close as possible following receipt of the Inspectors Report on the Core Strategy.

How will we work with others?

- 3.11 The evidence base for developing a CIL Charging Schedule will need to include:
- An up-to-date development plan
 - An infrastructure planning evidence base
 - A viability assessment
- 3.12 The process for developing a CIL Charging Schedule will involve the following stages:

- Consolidation of the evidence base
- Preparation and consultation on a preliminary draft charging schedule
- Preparation and consultation on a draft charging schedule
- Appoint an independent examiner
- Hold a public examination into the charging schedule
- Await the examiner's report on the public examination
- Make any required changes in order for the council to adopt the charging schedule

3.13 For further details on CIL, see Chapter 6 of this topic paper.

Developer contributions supplementary planning document

3.14 It is likely that there will be a future supplementary planning document (SPD) that will expand upon Core Policy 3 of the Wiltshire Core Strategy. The timetable for this is unconfirmed at present but the process will involve public consultation.

4. What are the links with other plans and strategies?

4.1 As a key part of the Local Development Framework (LDF), a suite of documents that act together to guide development in the county, the Wiltshire Core Strategy places strong emphasis upon ensuring that the funding is in place to demonstrate that essential infrastructure can be delivered as required by Core Policy 3. This policy is further supported by the Infrastructure Delivery Plan (IDP), which will be published to accompany the draft Wiltshire Core Strategy. The IDP will set out:

- What infrastructure is needed;
- How much it will cost;
- When it will be delivered
- Who will pay for it, and
- Who will deliver it.

4.2 This chapter summarises how the IDP is influenced by and, in turn, facilitates the delivery of a number of other strategies and plans across Wiltshire. The funding of infrastructure, whether by developer contributions or other funding streams, is crucial to achieving many of the aims and objectives of these other strategies.

Wiltshire Council Corporate Plan

4.3 The Wiltshire Council Corporate Plan sets out the priorities and outcomes for the county over the next four years (2010 - 2014). The plan identifies a vision to create stronger and more resilient communities. The expectation is that strong and resilient communities will improve the general quality of life and reduce reliance upon public services. The goals of the plan are to:

- Provide high quality, low cost customer focused services
- Ensure local, open and honest decision making
- Work together to support our communities

4.4 The priorities for the next four years are:

- Focus on our customers and improve access to our services
- Work in partnership to support vulnerable individuals and families
- Local, open, honest decision making
- Increase opportunities to help young people achieve their potential
- Support the local economy
- Meet housing needs
- Improve our roads and road safety
- Reduce our environmental impact
- Achieve savings, be more efficient and ensure we deliver value for money

Wiltshire Community Plan 2011 - 2026

4.5 The Wiltshire Community Plan 2011 - 2026: People, places and promises, published in October 2010, sets a clear vision for Wiltshire, alongside the priorities and

objectives for the next 15 years. This outlines the overall strategic direction and long-term vision for the economic, social and environmental well-being of Wiltshire.

- 4.6 The LDF, which includes the Wiltshire Core Strategy and the IDP, needs to be consistent with the community plan and define how development can assist in its implementation.
- 4.7 The Community Plan sets out a number of distinct challenges that Wiltshire faces, including:
- Pockets of 'hidden' deprivation in towns and across rural areas
 - Lower workplace earnings and higher house prices
 - Highest CO₂ emissions and lowest level of renewable electricity and heat production of any county in the South West
 - Increasing elderly population
 - Loss of experience and skills in the labour market due to high levels of outcommuting and the numbers of people retiring
 - Health inequalities and ill health in disadvantaged areas and too many deaths from cardiovascular disease and cancer
 - An educational gap in attainment and lower aspirations of some young people
 - Generally low satisfaction levels with public services
- 4.8 The vision, echoing the Wiltshire Council Corporate Plan, is to build stronger and more resilient communities and, central to this vision, is greater localism. This links in with the Government's Localism agenda and the forthcoming Localism Act, which has a number of implications for the local planning process, including infrastructure and developer contributions.
- 4.9 Following on from the vision, the Community Plan identifies three priorities and 17 objectives:
- Creating an economy that is fit for the future:
 - Strengthen IT **connectivity** to become a more digitally inclusive county
 - Respond to the UK's **financial difficulties** to minimise the long-term impact on the county
 - Ensure the establishment of the **super garrison** on Salisbury Plain brings positive benefits to the community
 - Use the LDF process to arrive at the best pattern of **new development**
 - Ensure the Wiltshire workforce is ready for **changing economic demands**
 - Reducing disadvantage and inequalities:
 - Ensure Wiltshire is able to meet the needs of its rapidly **growing older population**
 - Address the **lack of affordable housing**

- Focus on the barriers to everyone securing **equal life chances**
 - Encourage people to take more responsibility for their **current and future health**
 - Develop and support the **Voluntary and Community Sector (VCS)**
- Tackling the causes and effects of climate change:
 - Reduce **CO₂ emissions**
 - Increase number of **renewable energy schemes**
 - Provide a more **sustainable transport** system
 - Prepare for impacts of **unavoidable climate change**
 - Increase Wiltshire's **food security**
 - Reduce amount of **waste produced** and increase amount recycled
 - Other:
 - Promote **greater public understanding** of the difficult choices facing Wiltshire

4.10 *Figure 4.1* shows how the Community Plan interacts with other plans and strategies to achieve the vision of building strong and resilient communities and delivers the above objectives.

Local Agreement for Wiltshire

4.11 The Local Agreement for Wiltshire (LAW), is the action plan that will outline how the above objectives will be progressed over the next three years. It is an agreement between organisations in Wiltshire, including one between Wiltshire Council and central government setting out targets for improvement that are important to both Wiltshire and central government. The LAW identifies seven aims:

- Building resilient communities
- Improving affordable housing
- Lives not services - improving independent living and helping people lead healthier lives
- Safer communities which also feel safe
- Supporting economic growth
- Protecting the environment
- Work together to achieve the other six aims

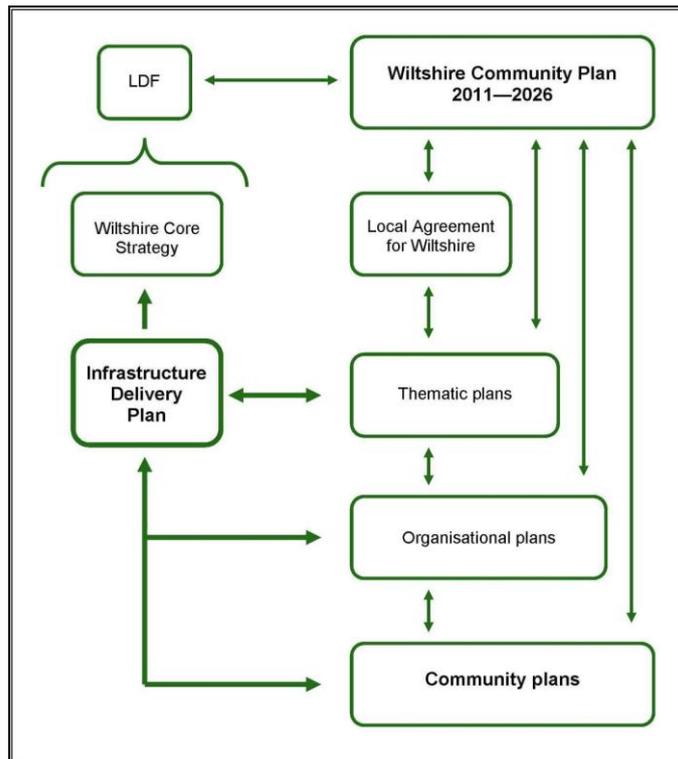


Figure 4.1 – The relationship between the Community Plan and the IDP

- 4.12 Thematic plans, produced by the thematic delivery partnerships and/ or services, will further detail their plans to achieve short and medium term targets. These include plans for economic development, children and young people, housing, community safety, and others.
- 4.13 The lead organisations that produce their own corporate plans, such as Wiltshire Council, Wiltshire Police and other infrastructure service providers, will identify how they, through service delivery, staffing, budget management and working in partnership, can contribute to the vision.
- 4.14 Community area partnerships, in consultation with the wider community, have agreed locally focused community plans.

Wiltshire Local Investment Plan (LIP)

- 4.15 The Infrastructure Delivery Plan also has a close working relationship with the Local Investment Plan (LIP), which is informed by the Single Conversation. The Single Conversation is a process the Homes and Communities Agency (HCA) has initiated to deliver the place making agenda across England. Through consultation with delivery partners it aims to reach consensus on key place based/ thematic outcomes for Wiltshire including how they will be delivered.
- 4.16 The Single Conversation has informed the preparation of a LIP for Wiltshire. The LIP is an agreement between Wiltshire Council and the HCA, and will aim to articulate the shared priorities of all the local delivery partners covering housing, regeneration,

economic development and associated community infrastructure. It should cover the approach for getting projects ready for investment and identify which require public investment to make them viable or come forward quickly.

- 4.17 Local investment plans collate a wide range of information and use this to inform investment decisions by local authorities, the HCA and other delivery partnerships. A key function of the LIP is to prioritise spending decisions in order to focus limited resources on achieving outcomes that would not progress without assistance.
- 4.18 The LIP, as part of the Single Conversation process, and the IDP, as part of the emerging Wiltshire Core Strategy, are closely linked and part of the same process. The IDP will detail the infrastructure required to support development proposed in the Core Strategy. It will also identify the phasing of infrastructure investment, setting out broadly what will be required, when it is needed, who will fund and deliver it and any gaps.
- 4.19 There will however be a number of projects to deliver shared local objectives which will be unviable in the short or longer term - where investment earmarked by statutory agencies, utility providers and other public sector bodies, coupled with any planning gain from the private sector will not fund the necessary infrastructure to enable the development to progress. It will not be possible to focus on all such projects at once and the Single Conversation, through the LIP, has a key role in prioritising which we focus on by reaching consensus on priority areas and thematic outcomes.
- 4.20 The first Wiltshire LIP, published in March, 2011, focuses on the three strategic priorities of the Community Plan; creating an economy that is fit for the future, reducing disadvantage and inequalities and tackling climate change. Local investment plans collate a wide range of information and use this to inform investment decisions by local authorities, the HCA and other delivery partnerships. A key function of the LIP is to prioritise spending decisions in order to focus limited resources on achieving outcomes that would not progress without assistance.
- 4.21 The Wiltshire LIP has been prepared by the council on behalf of the Wiltshire Infrastructure Delivery Board (WIDB), a sub-group of the Wiltshire Public Service Board (WPSB). The HCA, a member of the WIDB, has informed its development at each stage. The LIP is regularly reviewed and is, in effect, a live document.
- 4.22 The Wiltshire Core Strategy and its accompanying Infrastructure Delivery Plan form a large part of the evidence base and, by doing so, ensure that the LIP has benefited from a considerable degree of community consultation and engagement.

Wiltshire Green Infrastructure Strategy

- 4.23 The Wiltshire Green Infrastructure Strategy, which is currently in preparation, will provide a long-term vision and strategic framework for the delivery of a planned, high quality, multi-functional network of green infrastructure across Wiltshire. It will provide the supporting evidence, to inform the Infrastructure Delivery Plan, of the type and distribution of green infrastructure required to enable urban growth as planned in the

Wiltshire Core Strategy. The Wiltshire Green Infrastructure Strategy will identify needs and opportunities for protecting, enhancing and extending a green infrastructure network across Wiltshire. It will be integrated with the green infrastructure strategies of neighbouring authorities to form cross boundary partnerships and identify mechanisms for the delivery of strategic and local level projects.

Wiltshire Local Transport Plan (LTP)

- 4.24 The government's 1998 White Paper on Transport, *A New Deal for Transport: Better for Everyone*, introduced the concept of Local Transport Plans (LTP) to steer the development of national transport policies at the local level. The Transport Act 2000 then made it a statutory requirement for local transport authorities to produce LTPs.
- 4.25 The Wiltshire LTP sets out the council's objectives, implementation plans and targets for transport in Wiltshire but, as a strategic document, the LTP does not set out details of specific transport schemes. As a document developed through partnership working and extensive consultation, the LTP also provides the framework for all other organisation with indirect or indirect involvement in transport in Wiltshire.
- 4.26 The vision of the Wiltshire Local Transport Plan 2011 - 2016 (LTP3), published in March 2011, is the development of a transport system that helps support economic growth across Wiltshire's communities, giving choice and opportunity for people to safely access essential services. The Infrastructure Delivery Plan will include details of any specific transport schemes necessary to deliver development proposed in the Wiltshire Core Strategy. Any schemes will need to be in keeping with the overall strategic direction of the Wiltshire Local Transport Plan.

Chippenham Vision

- 4.27 Chippenham Vision includes representatives from many organisations with a role to play in defining the future of Chippenham, such as the Chippenham Community Area Board, the Town Council, the Chamber of Commerce, the Civic Society, North Wilts Economic Partnership and Wiltshire College. In 2008, they produced a document setting out the need for change to improve the town. This identified opportunities for improvement and priority areas for action. It describes how individual developments and projects affect and benefit the town and how they can be combined to deliver the Vision.
- 4.28 The Chippenham Vision document will inform the Wiltshire Core Strategy by helping to define the needs of the town for retail, employment, housing and leisure provision. The Board is focusing on a number of key themes; the public realm, business and employment, transport, leisure and tourism, education and skills, the river and the town centre. The Board is working on a masterplan, which is intended to guide future local decisions on development in the town.

Trowbridge Vision

- 4.29 The aim of the Transforming Trowbridge project is to raise the profile of Trowbridge to a level deserving of the status of a county town with significant development potential from several major sites in the town centre. This will involve a move away from piecemeal, uncoordinated development towards a strategic and comprehensive approach to regeneration of the town.

Salisbury Vision

- 4.30 The Salisbury Vision project sets out a framework for co-ordinating and achieving the sustainable regeneration of five priority areas in the city:

- The Maltings and central car park
- Churchfields Industrial Estate
- Salisbury Guildhall
- The Market Place
- Southampton Road

- 4.31 Significant improvements will be made to streets and other public areas in the city through the development and implementation of a comprehensive public realm strategy.

5. What can we learn from experiences elsewhere?

- 5.1 It is important to consider how other local planning authorities have approached infrastructure planning and whether Wiltshire could benefit from adopting best practice elsewhere. One of the most striking things to emerge is the variability of approach and output. Most Infrastructure Delivery Plans (IDP) produced by other authorities follow the 'Steps' methodology suggested by the Planning Advisory Service (PAS), however local circumstances dictate significant local differences.
- 5.2 Although the IDP is the main policy tool for managing the delivery of infrastructure, it is not the only one available to an LPA. Some authorities have already progressed to more detailed policies, usually as SPDs, but sometimes as DPDs. It is also apparent that many local planning authorities have chosen to reduce infrastructure planning to a minimum and concentrate scarce resources on core strategy and other development plan document (DPD) production.

Swindon Borough Council

- 5.3 Swindon Borough Council has an advanced methodology for dealing with infrastructure. Particularly interesting is the means they have adopted to secure developer contributions.
- 5.4 Essentially Swindon supports their own development plan policy (such as DS8) with an SPD - their 'Development Control Guidance Note'. In turn, the note is backed by an evidence base including calculations such as viability and affordable housing need. The SPD draws authority from the planning policy, but goes much further in setting out both a charging regime and in dealing with the vexed question of viability assessment.
- 5.5 Regarding the charging regime, this is based on calculations created by analysing the spending plans and costs of all service directorates as well as external infrastructure providers. The implications of the development for the spending of each provider are then quantified (for example in terms of school places). Although each application is dealt with on its merits, this does provide a base line assessment. So confident are Swindon of this system that they publish it on line as a 'ready reckoner' type of contribution calculator. Not only does this provide clarity for developers; it also creates a starting point for negotiations for the LPA.
- 5.6 Viability assessment is a growing problem for LPA's nationally, not least due to recession which has increased the tendency for developers to plead poverty when it comes to contributing towards infrastructure. A new (2010) draft revision of the DC Guidance Note suggests two ways of dealing with this:
- **'Line in the sand' approach** - sets a minimum level of contributions for all developments, whether or not viability is an issue. This can be set at a minimal level but does at least ensure some contribution while not putting an undue burden on schemes sufficient to reduce their coming forward

- **‘Claw back’** - clauses into S.106 agreements that provide for initially modest or zero contributions but make provision for later charges should the economic position improve. This can allow schemes to proceed where there are viability issues raised by a developer.

5.7 So far the Swindon system seems to be holding up well at appeal.

Chelmsford Borough Council

- 5.8 Chelmsford Borough Council adopted a Planning Contributions SPD on 7 April 2009. The SPD required all developments to make a reasonable financial contribution towards off-site community and strategic infrastructure, rather than just site-related infrastructure. The SPD was directly related to, and drew authority from existing DPDs.
- 5.9 Chelmsford’s principal goal was to identify what, where and when infrastructure was needed. Working with infrastructure providers, the council prepared detailed infrastructure trajectories that aligned infrastructure with housing trajectories. Consultants defined geographic areas called contributions zones. These showed where infrastructure was needed most to support and deliver development. The approach provided a link between site specific proposals and infrastructure needed in the nearby area – a bone of contention with some developers who had objected to paying for infrastructure not directly related to their development. A charging schedule was then applied for each of the contributions zones.
- 5.10 Chelmsford found that the simplest way to calculate contribution charges was by a per dwelling basis for residential development and a net additional floor space for commercial development. The Council held workshops with developers and main service providers. There was a significant level of support for the principles during the first stage of formal consultation. However, there were objections to some specific details of the proposed approach.
- 5.11 After the first round of formal consultation, the planning team addressed the objections in a revised consultation draft document. For example, there had been some concern that the general approach did not comply with government guidance. The revised draft made it clear that the scope of the SPD would be within the existing legislative framework rather than the proposed community infrastructure levy regime.
- 5.12 As noted above, there had also been concern that strategic infrastructure was not directly related to development sites. The revised draft provided more detailed justification for the geographic contribution zones.

Dover District Council

- 5.13 Dover District Council’s IDP is of interest because it has passed the test of inspection by the Planning Inspectorate (PINS) as part of the Examination of the council’s Core Strategy with flying colours. There are a number of lessons that can be learned.

- 5.14 For example, regarding the need for flexibility, the Inspector's report had this to say:

'Is the CS flexible?

The strategy relies on growth to support regeneration and provides a clear strategic direction. Flexibility is provided through robust infrastructure and project management planning which has identified contingencies for areas of strategic risk and possible interventions for project risks.'

- 5.15 Regarding the delivery schedule, while the Inspector attached importance to this, she laid greater weight upon evidence of commitment and mechanisms to keep things on track:

'Figure 5.1, the Operational Structure, shows how the Council will lead an implementation group comprising public, private and voluntary sectors, working alongside the Dover Pride Partnership. This group will manage delivery of the strategy by implementation providers from all sectors. The Critical Path (Figure 5.2), Strategy Planning (Figure 5.3) and Delivery Programme (Figure 5.4) give an overview of timing and of the relationship between the strategy's major component parts. Strategic areas of risk and contingency measures are identified in Figure 5.7, whilst Table 5.1 identifies the lead agencies, actions and timescales, funding, risks and possible interventions for each of the key development proposals.

'The proposals for monitoring the strategy are set out in Table 5.2 which provides clear objectives, indicators and targets for the plan period. The strategy is most vulnerable to the risk that the anticipated level of new employment does not come forward at the same rate as the large number of new homes proposed. However the Delivery Schedule recognises this risk and sets out possible interventions. Monitoring is implicit in the project management that will be carried out by the Implementation Group.'

- 5.16 It is clear that having a good IDP alone is however not enough. The IDP needs to be very much part of the LDF; a suite of documents working together in mutual support to deliver development and the infrastructure it requires. As such adequate and appropriate links between the IDP and both policies is essential. Perhaps the most significant facet of this relationship is the IDP acting as the focal point for the evidence base that supports development plan policies.

Stockton-on-Tees Borough Council

- 5.17 Stockton-On-Tees Council was under significant financial and time pressure when they came to do their IDP. Essentially they divided the infrastructure planning process in two – rapidly producing an outline document IDP for the core strategy, which they saw very much as a broad brush document, while reserving greater detail on infrastructure to a site allocations DPD. The work on the IDP was carried out by a single officer over 4 months as part of their normal duties. No outside work was commissioned as the data already existed.

"One of the main things learnt was not to be overambitious and to realise that you can really only work with what you have. You have to take a practical approach." (Rosemary Young, Spatial Planning manager, Stockton-on-Tees Borough Council).

Tunbridge Wells Borough Council

- 5.18 Another authority that adopted a streamlined approach to IDP production was Tunbridge Wells. The council had to produce an IDP quickly after objections to the weakness of infrastructure planning in their CS Submission draft emerged after submission. The Council focussed on doing the minimum necessary to satisfy the Planning Inspectorate; an attempt to demonstrate that there were no 'show-stoppers', rather than provide an in depth plan.
- 5.19 The bulk of the IDP was a thematic examination of infrastructure; needs and resources available, based on the Planning Delivery Template produced by the Planning Advisory Service (PAS). But the centre of the document was undoubtedly an implementation plan or schedule expressed as a table that set out who would provide infrastructure and when it would be provided.
- 5.20 The central schedule demonstrated that the Core Strategy did not place undue reliance on critical elements of infrastructure where funding was unknown and that there was a reasonable prospect of delivery. This was accepted by the Inspector as a valid approach.

West Devon Borough Council

- 5.21 West Devon's IDP was published in March 2010. It concentrates only on strategic sites (Okehampton and Tavistock) and is steered by an Infrastructure Delivery Group (IDG), which includes all major partners. In this form the IDP can support the Core Strategy, but will later evolve to include smaller sites, as they are added through a review process operated via the Sustainable Rural Communities toolkit.
- 5.22 Central to the IDP is a delivery schedule, which is organised first by strategic settlement, where each has its own chapter. Within these chapters maps show the location of the strategic sites at those locations. Infrastructure requirements (type and quantum) to enable these are then discussed under thematic 'infrastructure type' headings in a delivery schedule.
- 5.23 There are at least three things of interest to Wiltshire's IDP in the way that West Devon handled its plan. These items have been picked out by planning inspectors as being important components of a successful IDP.
- Phasing and timing
 - Priority
 - Risk
- 5.24 Phasing and timing were dealt with by coloured charts which set time along the horizontal axis and infrastructure requirements up the vertical axis. Columns were filled with colour at the point where the relevant infrastructure was to be delivered (the whole then forming a bar chart). Housing growth was then superimposed over this as annotated lines running as left-right trajectories over the chart. This had the

effect of showing how infrastructure requirements would be aligned with projected growth.

5.25 With regard to prioritisation, PINS inspectors have in the past criticised LPAs for creating mere wish lists when it comes to infrastructure planning. The West Devon schedule goes one step further than simply saying what is required, where, by whom it will be provided and at what cost. One column of the schedule differentiates each infrastructure requirement according to priority.

5.26 The categories are:

- **CRITICAL** - Infrastructure investment required to deliver the strategic vision, objectives and policy aims for Okehampton and Tavistock as set out in West Devon's Core Strategy. Critical requirements contribute to delivering the wider strategic aims of the Core Strategy rather than simply mitigating the essential impacts of development proposals;
- **ESSENTIAL** - Infrastructure requirements that have to be secured in order to enable the delivery of specific development proposals within the area;
- **NECESSARY** - Infrastructure requirements necessary to meet wider community needs. This means that development may be required to contribute towards them, as the new population will use these infrastructure assets;
- **DESIRABLE** - Investment that would enhance the effectiveness, efficiency and / or quality of infrastructure to meet the needs of the community – such as enhanced quality of life for new and existing residents

5.27 The categorisation reflects the categorisation used by Knight Frank in the South West Regional Infrastructure Study, commissioned by South West Councils, to inform infrastructure planning in the region. It reflects recent PINS decisions that show the need to demonstrate criticality of key infrastructure schemes to development delivery.

5.28 The West Devon IDP also deals well with another key issue, that of risk. This is important in identifying both 'show stoppers' and demonstrating to an inspector that contingency plans exist. This may be vital in gaining approval at a time when a great deal of uncertainty exists. Within the Delivery schedule risks have been identified (high, medium or low). This relates to the risk of failure to deliver a particular piece of infrastructure.

5.29 Where a piece of infrastructure has a 'low' risk it will have:

- An identified site
- An agreed scheme that is considered to be deliverable in terms of engineering
- An identified cost
- Identified and signed up funding providers
- Identified contractor/ work timetable planned/ works begun
- Wider political and community support

- 5.30 Where a piece of infrastructure has a 'medium' risk it may have only some of the above confirmed.
- 5.31 Where a piece of infrastructure has a 'high' risk there are doubts regarding the above key deliverability criteria.

Rushmoor Council

- 5.32 Rushmoor Council's Infrastructure Plan appears to have involved slightly greater resources, but was still focussed primarily on ensuring the soundness of the LDF's Core Strategy. It took pains to demonstrate that it had followed PAS guidance, using a schedule of the 'steps' approach with information at relevant point regarding actions by the council.
- 5.33 It therefore concentrated on providing background evidence as to the physical and social infrastructure likely to be needed in the Borough up to 2027 to support development of the Rushmoor Plan documents, particularly the Core Strategy.
- 5.34 The process involved establishing communication between infrastructure providers. Infrastructure was then considered thematically as issues relevant to the Core Strategy by means of tables. Everything as finally brought together in a central delivery schedule table that expressed the plan under the headings of; location, project, cost, lead agencies, funding sources and timing/ phasing.
- 5.35 Rushmoor was able to draw on data obtained by consultants (The Roger Tym Study: *'The Cost of Funding Growth in South East England'*) and the *Hampshire Community Infrastructure Study 2009* (although these did not provide information down to Borough Level). The Roger Tym study identified infrastructure requirements associated with delivering proposed housing and population growth in the period 2006 – 2026.

Thurrock Council

- 5.36 Perhaps nearer the other end of the complexity spectrum, Thurrock Council's Infrastructure Prioritisation and Implementation Programme Delivery Strategy took several years to produce and required the services of consultants. The resulting delivery schedule used a 'traffic lights' system to identify where facility capacity or quality are at a red/ amber/ green state.
- 5.37 The process began with a comprehensive assessment of the infrastructure requirements for development proposed in the local plan in terms of social, transport and utilities infrastructure. Providers were contacted and asked for information on baseline and future needs and costs using existing and projected population growth figures (translating household number into population by using average household size multiplied by the Borough's housing stock / allocation rather than ONS figures). A broad idea of the scale of new facilities was then obtained by applying a ratio of population threshold per service and facility. Using the ONS demographic data and

the housing trajectory, it has been possible to project alongside infrastructure needs and thereby identify when growth in population triggers the need for a new facility or infrastructure component.

- 5.38 The process took account of projected funding contributions from all sources, where known and the results used to express surplus, satisfactory or deficit levels of provision.
- 5.39 This work was variously undertaken via previous Colin Buchanan Infrastructure Deficit Studies for TBC during 2006, '07 and '08, culminating in a final comprehensive review during the summer of 2009. Service providers contacted include TBC departments, Building Schools for the Future, South West Essex Primary Health Care Trust, Essex Police, Essex Fire, East of England Ambulance Service NHS Trust and The Environment Agency.
- 5.40 Capital costs related to the provision of additional social infrastructure were obtained as far as possible from the various service providers, together with indicative costs from a series of sources including the Roger Tym and Partners (RTP) reports '*Costing the infrastructure needs of the south east counties*' (November 2004) and '*The cost and funding of growth in south east England*'. Analysis of revenue expenditure by service providers was undertaken by RMJM Consulting Limited on behalf of Colin Buchanan.

Surrey Council

- 5.41 Surrey Infrastructure Capacity Project (SICP) involved the county council, 11 districts and boroughs, and infrastructure providers working together to better meet the infrastructure demands that this new growth will require and address existing deficiencies. This was another 3 year project providing an audit of current infrastructure condition and capacity, and assessment of infrastructure requirements to meet projected growth, producing a set of costed strategic infrastructure schedules to form a blueprint for infrastructure provision. While the project was not being driven directly by the county LSP – Surrey Strategic Partnership – there were reporting, personnel and strategy links.

Conclusions

- 5.42 Most of the current or emerging IDPs examined had implicitly adopted a 'predict and provide' approach, attempting to provide infrastructure in line with anticipated housing growth in particular. However, it is also acceptable, especially in dealing with uncertainties, to include measures aimed at reducing demand and improving efficiency. For example measures to discourage car use might lead to infrastructure savings in transport and so on. Similarly, combining resources, including premises between providers could also create efficiency savings that could be re-directed to improve delivery.

- 5.43 A good IDP needs to be clearly related to core strategy and other development plan policies for many reasons, including:
- To ensure the deliverability of the core strategy vision and objectives
 - To make policy joined up, transparent and coherent
 - To provide a 'hook' to hang the IDP on and thus establish a strong basis for the IDP's own authority based on democratic process and well tested evidence base
 - To 'appeal proof' the authority for a charging regime based on the IDP
- 5.44 As can be seen from the above, both IDP and core strategy benefit from close interlinking, which needs to be clear and specific (i.e. dedicated CS policies relating directly to the IDP and any subsequent charging regime based on it).
- 5.45 It is clear that there have been as many different approaches to producing IDPs as there are LPA's producing them. Very broadly they can be divided into two camps - the 'belt and braces' approach, involving several year's work and often employing consultants, and the 'expediency' approach, where the IDP is given just sufficient resources to produce a workable document in support of the Core Strategy. It is probably fair to say that, as financial pressures have increased post-economic crash, so approaches have become more streamlined, a pragmatic approach that is being supported by the Government.
- 5.46 There are a number of common items;
- Most authorities follow the steps approach recommended by the PAS
 - All involve establishing working partnerships with infrastructure providers
 - All involve working closely with an established implementation organisation, such as a Local Strategic Partnership
 - Most consolidate an partnerships at a senior level by entrusting the project management of delivery to an Infrastructure Delivery Board
 - All contain a central schedule delivery schedule identifying quantum, costs, timetable and responsibilities.

6. What is the Community Infrastructure Levy (CIL)?

6.1 This chapter presents a summary of the new charge that local authorities can introduce on new development in their area; the Community Infrastructure Levy (CIL). It covers how local authorities can go about setting the rate(s) of CIL in their area, the procedure for doing so, how CIL will be applied in practice and, finally, clarifies the relationships between CIL and planning obligations, and CIL and the New Homes Bonus.

What is the Community Infrastructure Levy?

6.2 On 6 April, 2010, the Community Infrastructure Levy (CIL) came into force in England and Wales. It can be used to raise money from new development to fund a wide range of infrastructure. CIL can be charged by 'charging authorities', such as district and unitary councils who prepare development plans for their area, which are informed by infrastructure needs assessments.

6.3 CIL has several benefits, including:

- it is a tariff-based system
- the rate of CIL is set in consultation with the community and developers
- there is more certainty about expected contributions and where these are spent
- smaller building projects are included so it addresses the cumulative impact of development.

6.4 Payment of CIL is based on the following principles:

- all development impacts upon, or benefits from, new infrastructure
- those that gain financially from being granted planning permission should share this gain with the community
- it helps fund infrastructure to support the development

6.5 It is estimated that CIL will raise £1bn a year by 2016. The idea is that CIL will fill funding gaps after existing funding streams are taken into account. CIL is intended to fund new infrastructure or increase the capacity/ repair existing infrastructure. It is not intended to remedy pre-existing deficiencies, unless these are made more severe by the impact of new development. It is expected that the forthcoming Localism Act will make provisions for a 'meaningful proportion' of CIL monies to be given back to neighbourhoods for them to decide on what infrastructure it should be spent. There is an allowance of up to 5% to be spent on administration costs.

6.6 For a list of the types of infrastructure that CIL can be spent on, the starting place should be the wide definition of infrastructure in the Planning Act (2008). This includes transport, schools, health facilities, open space and flood defences. However, CIL is not meant to be spent on affordable housing. The Localism Act is

also expected to clarify that CIL can be spent on the ongoing costs of providing infrastructure.

- 6.7 There is some flexibility in how the money can be spent. CIL can be spent outside the local authority area. For example, charging authorities may pass CIL money to outside bodies, such as the Environment Agency, to deliver infrastructure benefiting their area. They may also pool funds with other charging authorities to fund sub-regional infrastructure. CIL can be used to backfill early funding provided by another funding body. The regulations also allow the Secretary of State to direct charging authorities to 'prudentially' borrow against future income from CIL.
- 6.8 CIL spending must be monitored and reviewed. A short report for the previous financial year must be on the charging authority website by 31 December, either as part of the council's Annual Monitoring Report (AMR) or as a separate document. The report needs to include the following pieces of information:
- how much CIL money has been received
 - how much is unspent
 - what infrastructure has been funded
 - how much has been spent on each type of infrastructure
 - how much has been spent on administration costs

What are charging schedules and how is the rate of CIL decided?

- 6.9 A charging schedule sets the rate(s) of CIL across a charging authority's area. This is a new document within the Local Development Framework (LDF) but is not part of the statutory development plan. An up-to-date development plan is needed to implement CIL but a draft plan is fine for a joint examination of a core strategy and a charging schedule.
- 6.10 The rate of CIL is decided using the infrastructure planning evidence base. This will indicate the funding gap between the total cost of the infrastructure needed to deliver development in the core strategy and the amount of already available funding. CIL may be spent on other infrastructure projects than those identified during the rate setting process, in order to provide flexibility.
- 6.11 Evidence of economic viability is very important to demonstrate at the examination of a charging schedule that the proposed rate of CIL balances the desirability of CIL funding against the economic viability of development. The expectation is that a limited number of sites are sampled in this process (potentially more if the intention is to set more than one rate of CIL) and to build upon earlier Strategic Housing Land Availability Assessment (SHLAA) work.
- 6.12 Charging authorities have the flexibility to set differential rates of CIL. However, these must be justified by the economic viability of development in different parts of the area. For example, a variation in land values between urban and rural areas, or different types of development in the area.

What is the policy process for setting the rate of CIL?

- 6.13 The process for preparing a charging schedule is similar to preparing a development plan document (DPD), such as a core strategy. There is provision for charging authorities to work together and prepare a joint charging schedule.
- 6.14 A specific level of public consultation is required on a charging schedule. Firstly, there must be an initial public consultation on a preliminary draft charging schedule. Then there must be a formal publication of a draft charging schedule for no less than a four week period of consultation. Anyone may request to be heard by the examiner (in public) during this period.
- 6.15 If a charging authority makes further changes to draft charging schedule after this formal publication period, any person may request to be heard by the examiner (in public) at examination during a further four week period but only on changes.
- 6.16 A charging schedule must be subject to a public examination by an 'independent person' appointed by the charging authority. The format of the examination is similar to that for DPDs. It is possible for a joint examination with a core strategy, or between collaborating charging authorities.
- 6.17 There are three potential outcomes of an examination into a charging schedule. These are:
- Approval
 - Rejection
 - Approval with specific modifications.
- 6.18 To be approved, the charging schedule must comply with regulations and the CIL rate must strike an appropriate balance given the evidence.
- 6.19 Changes expected in the Localism Act will limit the binding nature of the examiner's report on charging authorities. Examiners will only be able to ensure councils do not set unreasonable charges. Councils are required to correct charges that examiners consider unreasonable but they have more discretion on how this is done.
- 6.20 Following the successful examination of a charging schedule, it must be formally approved by the Full Council of a charging authority. Certain errors may be corrected up until six months after approval but the charging schedule must then be republished.
- 6.21 Charging schedules should be kept under review. There is no fixed end date. Charging authorities may formally resolve to stop charging CIL at any time through a resolution of the Full Council.

How will CIL be applied in practice?

- 6.22 CIL will be applied to most buildings that people normally use but not those people would not normally go into or else use intermittently. Neither will it be applied to structures such as pylons and wind turbines, nor on changes of use that do not involve an increase in floor space.
- 6.23 CIL will be charged in pounds per square metre on the net additional increase in floor space of any given development. It will be charged on new developments of 100 square metres or more, or on any additional dwellings.
- 6.24 To respond to changing market conditions, charging authorities will be required to apply an annually updated index of inflation, which is the All-In Tender Price Index of construction costs published by the Building Cost Information Service of the Royal Institute of Chartered Surveyors (RICS).
- 6.25 CIL will be charged on new builds permitted through all types of planning permission, which will identify the 'chargeable development' (i.e. the buildings liable for CIL) and the 'relevant land' (i.e. the land on which chargeable buildings will stand). CIL monies will usually be collected by a 'CIL collecting authority'. Exceptions include county councils collecting CIL on behalf of district councils on development for which they give planning permission.
- 6.26 CIL is payable on commencement of development (the definition is the same as in planning legislation). The collecting authority will issue a liability notice when planning permission is granted. The liability notice must set out the following pieces of information:
- the amount of CIL due for payment when development commences
 - the payment procedure
 - the possible consequences of not following this procedure
- 6.27 If a charging authority wishes to set its own CIL payment deadlines and/ or offer the option of paying by instalments, it must make the policy available on its website and in its principal offices. 28 days notice is required for any changes or withdrawal of the policy.
- 6.28 The landowner is primarily responsible for paying CIL. However, anyone can come forward and assume liability for paying CIL and must do so to benefit from payment windows (60 days) and the option to pay by instalments.
- 6.29 Charity and social housing development can benefit from 100% relief from CIL payments. Any relief must be repaid if development no longer qualifies within a seven year period after development commences. The charging authority's relief policy must be published on their website.

- 6.30 There are exceptional circumstances in which a charging authority can offer relief from CIL payments, such as when a specific scheme cannot afford to pay. However, it must first give notice publicly of its intention to offer relief in such circumstances. Charging authorities can consider CIL relief claims on a case-by-case basis if a section 106 agreement is in place, the cost of complying with this is greater than the CIL charge (and paying the full charge would have an unacceptable impact on the development's economic viability), and it does not constitute notifiable state aid.
- 6.31 If, for example, the most suitable land for infrastructure is within the ownership of the party liable for payment of CIL, then transfers of land are acceptable as a payment 'in-kind' for the whole or part of the CIL charge. However, this is only if the intention is to use the land for the provision of infrastructure to support development in a charging authority's area. This must be agreed before development commences. An independent valuer will determine the 'open market value' to identify how much CIL is off-set. The timescales are the same as for cash payments.
- 6.32 There is a sliding scale of measures to enforce the payment of CIL, as follows:
- guidance information included with the initial liability notice
 - proportionate enforcement measures, such as surcharges on late payments
 - persistent non-compliance measures, such as CIL Stop Notices, asset seizure and prison sentences

What is the relationship between CIL and Section 106 agreements?

(a) Tightening up of Section 106 agreements to make them more directly related to specific developments

- 6.33 From 6 April, 2010, it has been unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged CIL, whether or not CIL is being charged locally, if the obligation does not meet all of the following three tests:
- necessary to make the development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development
- 6.34 In effect, these changes make the policy tests in Circular 5/05 Planning Obligations legal requirements for development capable of being charged CIL. For all other developments (i.e. those not capable of being charged the levy), the policy in Circular 5/05 will continue to apply.

(b) No 'double-charging' for infrastructure through both CIL and Section 106 Agreements

- 6.35 Where a local authority states that it wishes to fund an item, or type, of infrastructure through CIL, then it cannot ask for contributions through planning obligations towards that same item, or type, of infrastructure.
- 6.36 Local authorities must publish on their website a list of infrastructure projects, or types of infrastructure, that it intends to be funded, wholly or in part, by CIL.
- 6.37 If a local authority does not publish such a list, then this will be taken to mean that it was seeking to use CIL to fund any type of infrastructure capable of being funded by CIL. As a result, the local authority could not seek contributions through planning obligations towards any infrastructure capable of being funded by CIL.
- 6.38 A local authority can update its published list of infrastructure projects, or types of infrastructure, by simply amending the list on the website.

(c) Limiting pooled Section 106 contributions towards infrastructure capable of being funded by CIL

- 6.39 When a local authority begins charging CIL, or after 6 April, 2014, CIL regulations limit the ability to pool contributions from more than one Section 106 agreement towards infrastructure that is capable of being funded by CIL.
- 6.40 Pooled contributions for an item, or type, of infrastructure that local authorities do not intend to fund through CIL (but that CIL regulations state is capable of being funded by CIL) may be sought from up to five separate planning obligations.
- 6.41 To determine whether five separate planning obligations have already been entered into for a specific infrastructure project or type of infrastructure, local authorities must take into account Section 106 agreements that have been entered into since 6 April, 2010.
- 6.42 For infrastructure that is not capable of being funded by CIL, such as affordable housing, local planning authorities are not restricted in terms of obligations that may be pooled but must have regard to wider policies set out in Circular 5/05.

What is the New Homes Bonus and what is its relationship to CIL?

- 6.43 The New Homes Bonus commenced in April 2011 and will match fund the additional council tax raised for new homes and empty properties brought back into use, with an additional amount for affordable homes, for the following six years.
- 6.44 The final allocations for Year One (2011/12) of the New Homes Bonus were published on 4 April, 2011. The amount of grant payable in Year One to Wiltshire

Council was **£1,841,402**⁹, with a total payment over six years amounting to £11,048,412¹⁰.

- 6.45 The purpose of the New Homes Bonus is to encourage local authorities and communities to welcome growth. It will do this by providing them with the means to mitigate against the strain on public services and amenities from increasing housing development and population growth. In so doing, the New Homes Bonus will ensure that the economic benefits of growth are returned to the local authorities and communities where growth takes place.
- 6.46 The Government estimates that the New Homes Bonus will bring roughly £9,000 for an average Band D property, over six years, for each additional home built¹¹. It will also provide an additional £350 for each affordable home for the following six years. This means that the bonus available for an affordable home will be up to 36 per cent more than for a similar market home¹².
- 6.47 The Government has set aside almost £1 billion over the Comprehensive Spending Review period for the scheme, including nearly £200 million in 2011-12 (Year 1) and £250 million for each of the following three years. Funding beyond those levels will come from formula grant.
- 6.48 The New Homes Bonus will work within the existing planning framework for making planning decisions. The intention is not to encourage housing development that would be inappropriate in planning terms.

⁹ This includes empty homes but not affordable homes. The affordable homes enhancement of £350 per home will be paid the following April. So, the enhancement for affordable homes delivered between April 2010 and April 2011 will start to be paid alongside the main grant payments for Year Two.

¹⁰ New Homes Bonus Calculator: Final Allocations, available at [<http://www.communities.gov.uk/housing/housingsupply/newhomesbonus/>]. Accessed 05 October, 2011.

¹¹ Speech by the Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government, *Home Builders Federation 'One Year On' Conference*, Savoy Place, London, 31 March, 2011.

¹² Written Statement by the Rt Hon Grant Shapps MP, Minister for Housing and Local Government, *New Homes Bonus*, 17 February, 2011.

7. What are the community's aspirations?

- 7.1 It is important that the aspirations of the community inform the development of the core strategy. This chapter summarises these aspirations, which were gleaned in part from an in-depth study of community plans in Wiltshire undertaken by the Spatial Planning Team in 2010/2011¹³. In total, the study examined 88 individual documents, which is likely to be most, if not all, of the electronically published data on community level plans in Wiltshire. While it is known that a few more documents are already in production but not yet published, it is fair to assume that the overall body of data is likely to be representative of community opinion, especially in the rural areas.
- 7.2 Previous consultations on the Wiltshire Core Strategy and, prior to Wiltshire becoming a unitary authority, the individual district council core strategies, also yield some valuable information on community aspirations.

Community plans

- 7.3 The study of community plans in Wiltshire looked at a total of 88 individual documents, including all 22 community area plans, 39 parish plans and 27 village design statements. All community area plans have been published on the Wiltshire Council website and cover the whole of the county. There are parish plans or village design statements for 66 parishes, which is 27% of the total number of parishes. The percentage of the county covered by parish plans will be higher, since some parishes have combined resources to create single plans covering several parish areas. This is likely to be most, if not all, of the electronically published data on community level plans in Wiltshire. It is known that a few more such documents are already in production but not yet published. However, the overall body of data is likely to be representative of community opinion, especially in the rural areas.
- 7.4 The study of community plans in Wiltshire looked at a total of 88 individual documents, including all 22 community area plans, 39 parish plans and 27 village design statements. This is likely to be most, if not all, of the electronically published data on community level plans in Wiltshire. It is known that a few more such documents are already in production but not yet published. However, the overall body of data is likely to be representative of community opinion, especially in the rural areas.

Community area plans

- 7.5 The 22 community area plans, covering 100% of Wiltshire, tell us that, overall, people enjoy living in Wiltshire and would quite like to remain here. However, in order to do so, they require the infrastructure to sustain a potentially good quality of life that is comparable with modern standards elsewhere. The clear preference for living in such

¹³ Wiltshire Council, *Wiltshire Town & County Themes: An analysis of community needs and aspirations from community area plans, parish plans & village design statements (with particular reference to infrastructure issues)*, (February, 2011).

a dispersed settlement pattern brings many challenges, such as the provision of local services and facilities. This is also true for transport, with the need for easy movement but, at the same time, reducing the undesirable consequences of increased car use. People are happy to take on more responsibility for their communities, the plans suggest, but need sufficient infrastructure for a more self-sustaining pattern of life. *Table 6.1* lists the main infrastructure-related concerns from community area plans.

- 7.6 Community plans clearly suggest that people enjoy living in the towns and villages of Wiltshire. What they are asking for are the services and facilities to enable them to continue living there and improve their quality of life. The focus of the community plans is on local, neighbourhood issues, such as antisocial behaviour and the lack of shops. These have a direct impact upon the ability to live in an area and the enjoyment of it.
- 7.7 More strategic issues, such as health and education, occur less frequently in community plans. This may also be because Wiltshire is a relatively healthy county and has an education system scoring highly on independent measures of success. The main concerns with health and education relate to access, which is a transport issue. Education issues relate to lifelong learning, rather than schools and colleges.
- 7.8 The milder tone of community plans contrasts with more forceful comments made during the Wiltshire 2026 consultation, in 2009, on the Wiltshire Core Strategy. This undoubtedly has something to do with the differences between the two documents. Community plans are owned by the communities themselves and take a positive and proactive stance. Wiltshire 2026, on the other hand, provided a platform for a wider range of grievances to be aired. However, it may well be that people's experience is that infrastructure is getting worse and/ or their aspirations may be increasing. Certainly, population pressure has been increasing since public consultation started on the community plans, in 2003. Census projections suggest that Wiltshire's population increased by 16,100 between 2003 and 2009, when public consultation on Wiltshire 2026 took place. In any case, infrastructure prompted the most comments in Wiltshire 2026.

Topic	Concerns	Percentage of community plans examined in which mentioned
Transport	Poor access to public transport, high cost and co-ordination of services to local needs.	100%
	High rural traffic levels and congestion due to need to travel for most goods and services. No intention of changing from dependence on the private car, even if public transport improved. However, there is a desire for improving the ease of use of cars, as well as for reducing the necessity for use through improving self containment.	

Community	Lack of entertainment and recreation resulting in low level youth crime and boredom.	100%
Vitality of centres	Lack of retail critical mass making centres unviable for complete local or 'one trip does it all' shopping.	77%
	Degraded urban environment discouraging investment and lowering morale – again encouraging travel.	
Health	Provision of permanent local or mobile services.	68%
ICT	Better access and quality of service for broadband, Wi-Fi and mobile phone.	55%
Education	Main concerns with lifelong learning / employment related access rather than schools.	41%
Environment	Balancing human needs with ecologically viable habitats was a central theme as was better access to recycling facilities.	36%
Economy	Local employment, potentially in tourism was something the community felt should be encouraged.	18%
Flooding	The defence of properties at risk was mentioned.	14%
Military	A very small response indicated that the re-balancing of some communities was sought.	5%
Utilities	A very small response indicated concern at sewerage infrastructure, especially in relation to new development.	5%

Table 7.1 – Main infrastructure issues raised in community area plans

Parish plans

- 7.9 All 39 published parish plans, covering some 16% of the total number of 243 parishes in Wiltshire. However, the percentage of the county covered by parish plans will be higher since some parishes have combined resources to create single plans covering several parish areas. Parish plans share a number of key themes. Most parishes felt they had a good quality of life but were seeing key infrastructure being eroded, under threat or in need of modernising. A common desire exists among parishes to be independent and take action themselves to solve everyday problems. They simply want external support, in the shape of advice, assistance or funding, to be able to do so. This chimes with the Localism agenda of the present Government.
- 7.10 Improvements to local facilities are necessary as much for strengthening communication, social ties and community cohesion, as for access to goods and services. There is also considerable concern for environmental issues, such as reducing waste and encouraging recycling, caring for the countryside and wildlife and generating renewable energy. Economic issues are important to some parishes. However, there is an ambivalent attitude towards supporting local employment. It is good for reducing travel and saving time but bad for increasing local traffic levels. *Table 7.2* lists the main infrastructure-related concerns from parish plans.
- 7.11 A total of 39 parishes possessed electronically published plans, some 16% of the total number of 243 parishes in Wiltshire. They covered a broad range of issues such

as transport and community, similar to community plans but with an even more local and rural focus (see Table 7.2). The quality of the natural and social environment became a recurring feature. To some extent, this is a logical focus. In rural settlements, small and specific issues, such as the fate of the local pond or wood, are likely to be high on the agenda. Health and education tended to be seen as being delivered at a more strategic level and, thus, of less relevance to a parish plan.

- 7.12 The purpose of parish plans seems to be as practical vehicles for positive change, rather than mechanisms to express more political concerns. This probably explains why responses to the public consultations on the parish plan took on a softer tone in comparison to responses to Wiltshire 2026. Communities reflected in parish plans seem to be most content and happy with their lives, in comparison to both community plans and Wiltshire 2026. This may reflect the pleasures of rural life, or it may be that the majority of plans were produced by more affluent and larger parishes. All community areas have a plan, whereas only 16% of parishes have one.

Topic	Concerns	Percentage of parish plans examined in which mentioned
Transport	Road safety the major concern but public transport improvements also sought.	100%
	Acceptance that car use is inevitable in rural areas. Better maintenance and safety of roads and parking. People want to travel by car but travel less.	
Community	Leisure and recreation issues important.	100%
	Address antisocial behaviour through provision of better youth facilities, as much as enforcement.	
Environment	Better recycling facilities.	95%
	Concern about wildlife habitats, green space and green infrastructure.	
	Problems of dog mess and litter. Fly tipping at the edge of villages is a problem.	
	Concern about localised flooding – poor road and field drainage infrastructure.	
Vitality of centres	Interest in establishing community renewable energy schemes.	
Health	More local services and facilities, e.g. retail, health and education facilities, to improve centre vitality, increase community cohesion and reduce need to travel.	69%
	Better access to health facilities, including proximity, opening hours and public transport links.	
	Lack of local NHS dentistry big concern.	
Education	More support and infrastructure for older and disabled people living in their communities.	54%
	Improve local access to adult (and, to a lesser extent, pre-school) education.	54%

Topic	Concerns	Percentage of parish plans examined in which mentioned
ICT	Improve broadband speed and coverage, with public access points, such as internet cafes.	33%
	Upgraded mobile network quality.	
Economy	Demand for land and facilities to support local employment but concern about resultant traffic levels	23%
Utilities	Need to expand water, sewerage, gas and electricity networks.	10%

Table 7.2 – Main infrastructure issues raised in parish plans

Village Design Statements

- 7.13 Villages design statements, 27 of which were analysed in this study, focus on design and appearance of settlements and, thus, have less to say about infrastructure issues than both community and parish plans. Nevertheless, transport is still a key issue but environmental issues are much more prominent (*see Table 7.3*). Other issues, such as the community, health and education (with arguably less pertinent design implications) fall way down the list.
- 7.14 The ethos behind the village design statements is similar to that behind community and parish plans. They also recognise their way of life is good but that the infrastructure needed to sustain this is being eroded, under threat or needs modernisation. Most villages prefer to be independent and not have some external agency take over and deliver what is required. Instead, what they actually desire is help and advice in delivering localised facilities to continue their already good quality lifestyle. *Table 7.3* lists the main infrastructure-related concerns from village design statements.

Topic	Concerns	Percentage of village design statements examined in which mentioned
Transport	Road safety again the major concern. Pedestrians and cyclists travelling along country roads. Major road crossings and junctions. Speed the main issue, with calls for 20 and even 10mph limits.	100%
	Car use a necessity, due to inadequate public transport and narrow range of local facilities. Negative impact of wasted travel time and congestion. Improve car travel experience with better road maintenance and junction improvements. However, desire to reduce car use.	
	Improved parking at key facilities, e.g. schools. Effect on narrow rural	

Topic	Concerns	Percentage of village design statements examined in which mentioned
	roads.	
Environment	Preserve and enhance rural environment, in terms of biodiversity and human access.	96%
	Reduce negative impacts on environment, such as waste and litter, noise and light pollution.	
	Localised storm flooding of roads. Better maintenance of rivers and streams and drains.	
Vitality of centres	Infrastructure should not adversely affect area aesthetically, e.g. place cables underground.	93%
	Good quality street furniture.	
	Regeneration projects to remove eyesores or improve access to/enhance local features.	
Community	Improvement of leisure and recreation facilities.	63%
Economy	More land and premises for local employment but concerns about extra traffic generation.	26%
ICT	Upgrade broadband, tv and mobile services to improve sustainability of settlements.	26%
Utilities	Some existing infrastructure inadequate, under strain or not able to cope with further development.	22%
Education	Increased lifelong learning opportunities.	15%
Health	N/A	0%

Table 7.3 – Main infrastructure issues raised in village design statements

Conclusions

7.15 There is plenty of evidence to suggest that people care about their communities at all levels, from the wider community area down to individual villages. They care about their way of life, how their surroundings look, and about the wider environment and the infrastructure needed to make it work. Local people are willing and able to take action to solve everyday problems and need only the advice, assistance or funding to enable them to do so. All the plans espouse a potent combination of local knowledge plus specialised external support, something that may not have been fully explored in the past. This bodes well for the Localism agenda.

Core Strategy consultations

7.16 North Wiltshire, Kennet, Salisbury and West Wiltshire District Councils together with Wiltshire County Council were unified into the new unitary authority, Wiltshire Council, in April, 2009. During 2010, the Spatial Planning Team undertook a review

of responses to all of the former district councils' core strategy consultations¹⁴. Shortly prior to unification, three of the former district councils undertook to combine their core strategy processes. This became known as the Wiltshire Core Strategy. Salisbury District Council continued its own core strategy process, which became known as the South Wiltshire Core Strategy, because this was more advanced and the district also faced acute housing pressure. Both the Wiltshire and the South Wiltshire Core Strategies will be amalgamated at a later stage, with the intention of creating one core strategy for the whole of Wiltshire.

North Wiltshire Core Strategy consultations

7.17 The following tables summarises infrastructure related comments from consultations on the North Wiltshire Core Strategy. An initial *Issues and Options* consultation took place between February and April, 2006, with a second *Issues and Options* consultation occurring between May and July, 2007. *Table 7.4* lists general infrastructure related comments from the two consultations and *Table 7.5* lists area-specific comments.

Issues	Comments
Existing infrastructure	Low levels of dissatisfaction with access to services/ facilities and infrastructure quality.
Timing	Infrastructure should be provided in advance or at the same time as development
Transport	Roads, public transport and sustainable alternatives already overloaded or inadequate.
	Little realistic alternative to the car.
	Improvements will be needed to accommodate the scale of proposed development.
Education	Facilities often oversubscribed and require long travelling distances.
Water resources	Concern about capacity of water and sewerage network to serve further development.
Town centre regeneration/ vitality/ retail	Desire for better quality shops and greater variety in Chippenham.
	Dissatisfaction with existing provision higher in smaller outlying centres.
	Lack local shops in smaller settlements increases traffic between towns and villages.
Health	Existing dental and GP surgeries oversubscribed.
	Poor public transport access to health facilities.
	Expansion of health facility provision needed to cope with new development.
Leisure	More extensive gym/ pool/ sporting facilities at both local and regional level.
ICT	Opinion divided as to whether specific planning needed to improve electronic infrastructure.

Table 7.4 – General infrastructure issues raised through consultations on the North Wiltshire Core Strategy

¹⁴ Wiltshire Council, *Developing Wiltshire's Infrastructure Delivery Plan: Infrastructure comments and aspirations from the LDF consultations of Wiltshire's former district councils and a comparison with results from Wiltshire 2026*, (November, 2010).

Town	Concerns
Chippenham	Improve retail offer to reduce leakage to outside retail centres
	Improve public transport/ cycle linkages within town
	Need theatre/ performing arts centre
	Concern over future of Chippenham hospital
Calne	Transport significant concern; potential long-term opportunity for eastern distributor road, focus on walking and cycling links
	Town centre regeneration
	Improve quality of streets to make town more attractive
	Need more facilities, e.g. leisure centre, hotel, public spaces
Malmesbury	Public transport inadequate
	Inadequate car parking in town centre a real problem

Table 7.5 – Area-specific infrastructure issues raised through consultations on the North Wiltshire Core Strategy

Kennet Core Strategy consultations

7.18 The following tables summarises infrastructure related comments from consultations on the Kennet Core Strategy. An initial *Issues* consultation took place between March and April, 2007, with a second *Spatial Options for Future Development* consultation occurring between May and June, 2008. *Table 7.6* lists general infrastructure related comments from the two consultations and *Table 7.7* lists area-specific comments.

Issues	Comments
Quality of existing infrastructure	Often poor and inadequate. Need better infrastructure to cope with development.
Timing	Phasing of infrastructure with development is crucial.
Transport	Congestion an issue. Support for reducing the need to travel and for all development to contribute towards transport.
	Better public transport facilities within and between towns and villages.
	Inadequate parking in town centres.
Community facilities	More youth facilities needed, especially in towns
Water resources	Fears that water infrastructure lacks the capacity to cope with new development.
Town centres	Town centres becoming dormitories due to lack of retail and other facilities.
Health	Waiting times to see GPs too long.
	Lack of medical facilities.
Green infrastructure	Green areas in towns and on edges have been lost to development.

Table 7.6 – General infrastructure issues raised through consultations on the Kennet Core Strategy

Town	Concerns
Devizes	On key bus route network with potential for improved provision.
	Infrastructure inadequate to support more housing.
	Protect historic character of town and retain independent shops.
	Traffic is a major problem.
	Loss of key facilities, such as maternity unit, casualty, police station, post offices, and magistrates court.
Ludgershall	Need purpose built leisure facilities for the young and old.

Table 7.7 – Area-specific infrastructure issues raised through consultations on the Kennet Core Strategy

Salisbury/ South Wiltshire Core Strategy consultations

7.19 Table 7.8 and Table 7.9 summarise infrastructure related comments from consultations on the Salisbury District/ South Wiltshire Core Strategy. An initial *Our Place in the Future* consultation took place between July and October, 2007. A second *Preferred Options* consultation took place between February and April, 2008, followed by a third *Revised Preferred Options* consultation between September and October, 2008. Finally, a consultation on the *Proposed Submission Draft* took place between July and September, 2009.

Issues	Comments
Quality of existing infrastructure	Existing infrastructure inadequate and unable to support new development.
	Need review of existing infrastructure and an infrastructure delivery plan.
Timing	Certain infrastructure, e.g. utilities, should be in place before development commences.
Transport	Developments must be supported by affordable, integrated and sustainable transport systems. Current public transport system too fragmented and expensive.
	Roads inadequate and poorly maintained. Improvements to cope with new development.
Leisure and recreation	More youth facilities needed, especially in rural areas.
	More green space/ recreation areas needed, as modern houses do not have large gardens.
Water resources	Water shortage. Wessex Water extracting from both Rivers Avon and Wyle, and from deep boreholes. Leads to low rivers and this affects wildlife.
Town centres	Need good retail provision to keep places alive, e.g. a good quality local shop.
Health	Insufficient infrastructure to care for a growing elderly population.
Education	Concern that not enough school places to cope with children who live in new development.

Table 6.8 – General infrastructure issues raised through consultations on the Salisbury District/ South Wiltshire Core Strategy

Town	Concerns
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Amesbury	New secondary schools needed.
Barford St Martin	Local facilities, e.g. health, retail, inadequate to support new development.
Harnham	Traffic congestion a big problem, precludes new development.
Hindon	New development requires extra infrastructure, e.g. health and transport
Mere	Existing infrastructure can only support modest development, lacks employment, efficient transport system and youth facilities.
	Transport problems, such as traffic congestion and parking.
Old Sarum	Infrastructure unable to cope with new development.
Salisbury	Infrastructure unable to cope with new development.
	Keep adequate parking for shoppers.
	New residential development will ensure essential facilities maintained.
Shrewton	Need new primary school to cope with new development.
	Existing problems with maintaining the electricity supply.
	Difficulty in getting hold of gas, oil and LPG gas.
	Exits onto A360 dangerous. Additional access points onto this road increase problem. Need a bypass.
	Increase in police presence needed.
	More youth facilities needed.
	Public transport system inadequate to meet community needs.
	Local facilities unable to support new development.
Tisbury	Existing schools at capacity. New schools needed.
	No piped gas. All heating transported on narrow, minor roads.
	Car parking in village inadequate to cope with new development.

Table 7.9 – Area-specific infrastructure issues raised through consultations on the Salisbury District/ South Wiltshire Core Strategy

West Wiltshire Core Strategy consultations

7.20 The following tables summarises infrastructure related comments from consultations on the West Wiltshire Core Strategy. An initial *Issues* consultation took place between April and July, 2007. A second *Issues and Options* consultation took place between December, 2007 and February, 2008.

Issues	Comments
Health	Dispersed and inadequate health care facilities with poor public transport connections.
	Healthcare provision should be coordinated with other infrastructure planning, not in isolation.
Transport	Support for transport strategy based around A350.
	Divided over whether priority should be given to the car or other, more sustainable transport modes.

	Traffic congestion an issue, so support for reducing the need to travel and for new development to contribute towards transport infrastructure.
Green infrastructure	Preserve existing green infrastructure and ensure adequate provision in new development for human use and to protect and enhance biodiversity.
	Support for green corridors, particularly Kennet & Avon Canal, and recognition of benefits for human access and biodiversity.
Gypsies and Travellers	Adequate infrastructure, i.e. pedestrian and cycle links, plus public transport, in place prior to occupation of site.
Leisure	More opportunities for informal and formal recreation and sport, e.g. playing fields and allotments.
Town centres and retail	Retain existing town centre areas but introduce new traffic management measures and environmental enhancements to improve the retail environment.

Table 7.10 – General infrastructure issues raised through consultations on the West Wiltshire Core Strategy

Town	Concerns
Bradford-on-Avon/ Westbury	Support for introducing new traffic management measures and environmental enhancements to improve the retail environment.

Table 7.11 – Area-specific infrastructure issues raised through consultations on the West Wiltshire Core Strategy

Conclusions

- 7.21 These earlier consultations share similar themes with the later Wiltshire 2026 consultation. Namely the feeling that the existing infrastructure is inadequate and the recognition that infrastructure provision needs to be better planned and delivered in the future. Infrastructure is indeed a significant issue in these consultations but, by Wiltshire 2026, it has become the dominant issue. This may be due to the perception of a worsening situation, or that there are increasing aspirations. The scope of infrastructure demands has widened since these consultations. For instance, in Wiltshire 2026, green infrastructure and electronic infrastructure are more prominent themes.
- 7.22 The tone of responses is different too. There is the sense of increasing frustration and dissatisfaction with existing infrastructure. Indeed, there is a greater tendency for perceived infrastructure problems to be given as a reason for objecting to development. The implications for the new Localism Agenda are serious. Communities will need to be satisfied with infrastructure provision in relation to specific schemes if their support is to be forthcoming. Overall, the responses can be seen as a strong mandate for the production of the emerging Infrastructure Delivery Plan (IDP). They underline its key importance, not only in delivering the overall vision for Wiltshire but in overcoming objection and securing community support for the core strategy.

Wiltshire 2026

7.23 The Wiltshire 2026 consultation, during the autumn/ winter of 2009, became the first consultation on the Wiltshire Core Strategy, drawing together, with the exception of Salisbury, the previous district council core strategy processes. The following tables are a summary of the comments on infrastructure issues that came out of the Wiltshire 2026 consultation. This is initially broken down by community area, with some analysis and general conclusions at the end.

Chippenham

Community area	Infrastructure type	Main issues
Chippenham	Transport	Town centre congestion
		Lack of parking
		Objection to proposed new link road
	Community facilities	Need provision of cultural, leisure and health facilities
	ICT	Need improved broadband provision

Table 7.12 – Infrastructure issues raised by the Chippenham Community Area

Trowbridge

Community area	Infrastructure type	Main issues
Trowbridge	Town centre regeneration	Rundown town centre
		Improve retail experience
		Pessimism from past experience of failed schemes
	Transport	Better pedestrian and cyclist connections
		Improved train service
		Congestion at Yarnbrook roundabout
	Community facilities	Need leisure, recreation and cultural facilities (e.g. cinema, library)
		New schools (especially an additional secondary school on the east side of town)
		Need medical facilities, especially GP and dentist

		surgeries
	Green infrastructure	Need to make the town 'greener' and establish green infrastructure links and resources
	Timing of infrastructure delivery	Infrastructure should be provided in advance or at same time as development
	Scale of growth	Growth supported as a means of securing needed infrastructure improvements
		Challenging given scale of growth proposed and poor state of town's infrastructure

Table 7.13 – Infrastructure issues raised by the Trowbridge Community Area

Bradford-on-Avon

Community area	Infrastructure type	Main issues
Bradford-on-Avon	Transport	Create pedestrian priority and improve road safety
		Improve facilities for cyclists
		Improve public transport links
		Re-open Holt Station
		Provide more parking
		Consider introducing electric vehicles
		Concerns about road safety on Holt Road
		Need for more train services
		Improve bus services
	Community facilities	Need to provide and refurbish community facilities
		Increase capacity of education and health facilities to cope with growth
	Retail	Perceived loss of shops and need to improve retail offer
	Green	Improve rural/ urban links

	infrastructure	Upgrade public open space
	Water management	Flood risk from river and new development needs to be assessed and appropriate infrastructure put in place
	Climate change	Consider making Bradford on Avon a local exemplar for community action on climate change

Table 7.14 – Infrastructure issues raised by the Bradford-on-Avon Community Area

Calne

Community area	Infrastructure type	Main issues
Calne	Transport	Town centre traffic congestion
		Potential eastern distributor road
		Improve access to town centre and key facilities by bus, cycling and walking
	Town centre regeneration	Need to regenerate town centre
	Community facilities	Improve leisure facilities
	Retail	Improve retail facilities
	Timing of infrastructure delivery	Infrastructure needs to be provided in a timely manner and in phase with new development

Table 7.15 – Infrastructure issues raised by the Calne Community Area

Corsham

Community area	Infrastructure type	Main issues
Corsham	Transport	Poor frequency of public transport
		Reopen railway station
		More sustainable transport links to outlying settlements
	Community facilities	Expansion of community facilities in-step with development would improve self-containment and sustainability of town

	Town centre regeneration	Town centre facilities and shops need to be improved and expanded
	Climate change	Renewable energy generation should be explored

Table 7.16 – Infrastructure issues raised by the Corsham Community Area

Devizes

Community area	Infrastructure type	Main issues
Devizes	Transport	Town centre congestion
		Housing growth should be matched with employment to reduce travel
	Community facilities	Recent losses in health and police facilities
	Water management	Doubts over sewage treatment capacity to cope with growth
	Retail	Need car parking to match increase in town centre retail offer
	Green infrastructure	Improve green infrastructure and open space
	Timing of infrastructure delivery	New infrastructure should be in place before homes occupied

Table 7.17 – Infrastructure issues raised by the Devizes Community Area

Malmesbury

Community area	Infrastructure type	Main issues
Malmesbury	Transport	Town centre congestion
		Lack of parking
	Community facilities	Schools oversubscribed
	Town centre regeneration	Facilities, including leisure, need improving (especially evening economy)
	Water management	Water infrastructure and flooding issues

	Green infrastructure	Improve green infrastructure links
	Historic environment	Historic core of town felt to preclude further development

Table 7.18 – Infrastructure issues raised by the Malmesbury Community Area

Marlborough

Community area	Infrastructure type	Main issues
Marlborough	Transport	Need new road plan for Salisbury Road area
		New road needed through preferred option to A345/ need drop off point for school
		School transport issues, need non-car alternatives
		HGV traffic a problem in the town
		Encourage sustainable transport
	Water management	Water abstraction needs to be protected from development in Inner Source Protection Zone
Community facilities	Need new healthcare facilities to accompany development	

Table 7.19 – Infrastructure issues raised by the Marlborough Community Area

Melksham

Community area	Infrastructure type	Main issues
Melksham	Transport	Poor train frequency, only 2 a day
		Improve pedestrian and cycling links
		Concerns about highway capacity on A350
	Town centre regeneration	Lack of town centre parking, including for lorries
		Poor quality environment
		Inadequate retail choice

	Community facilities	Need more leisure facilities, especially for young people
		Need better healthcare facilities
	Water management	Need bigger sewage treatment facility away from town
	Wilts & Berks Canal	Support for restoration, subject to agreement over route
	Timing of infrastructure delivery	Infrastructure should be in place before new development

Table 7.20 – Infrastructure issues raised by the Melksham Community Area

Pewsey

Community area	Infrastructure type	Main issues
Pewsey	Transport	Poor quality of public transport
		Poor road quality
		HGV traffic a problem in the town
	Community facilities	Some local schools oversubscribed, e.g. Bedwyn
	Water management	Flood and drainage issues by flood zone south of Pewsey
	Timing of infrastructure delivery	Infrastructure needs to be there before new development

Table 7.21 – Infrastructure issues raised by the Pewsey Community Area

Tidworth

Community area	Infrastructure type	Main issues
Tidworth	Transport	Lack of buses in the outlying villages
		Tidworth may need a town bus
		Development needs to have access to bus services

		Rail freight potential for Ludgershall
		Capacity concerns over A303 regarding development at Tidworth
	Community facilities (Education)	Education facilities are inadequate
		Schools struggle to cope with dynamic military population
		Need a new primary school
		Put in school provision before housing
		Need more flexible prediction / planning mechanisms for identifying demand for educational facilities / buildings
		School hall is fully booked from 7am to 9pm daily and cannot cater for more activities so demand goes unmet
	Community facilities (Health)	Need better access to medical services – ambulance, dentists, doctors; PCT need to expand service. New services in Devizes are difficult to access, especially without the car.
		PCT / school link to provide medical services jointly
	Community facilities (Leisure)	Leisure and recreational facilities currently inadequate
	ICT	Broadband improvements needed to encourage homeworking
	Water management	Capacity of water treatment and sewerage in infrastructure in relation to development at Ludgershall (Southern Water)
	Timing of infrastructure delivery	Infrastructure needs to be provided prior to development

Table 7.22 – Infrastructure issues raised by the Tidworth Community Area

Warminster

Community area	Infrastructure type	Main issues
Warminster	Community facilities	Need new primary and, possibly, secondary school for additional houses
		New fire and ambulance stations, currently in need of

		improvement
		Need full time police station
		Lack of youth facilities
	Water management	Water phosphate concentration issue affecting River Avon SAC
		Improved sewage treatment facilities
		Main sewers should be provided in Sutton Veny
	Transport	Lack of town centre parking
		Need high quality pedestrian and cycling network within any new development, including links with town centre, to reduce car use

Table 7.23 – Infrastructure issues raised by the Warminster Community Area

Westbury

Community area	Infrastructure type	Main issues
Westbury	Transport	Encourage more sustainable transport, such as walking, cycling and public transport
		More integrated transport system
		Need rail crossing and strengthening of existing bridges
		Accessibility of potential relocation of Matravers School to edge of centre site
		More use made of Westbury railway station, particularly improving connections with the rest of town (additional stop at White Horse Business Park)
	Community facilities	Expansion and possible relocation of GP surgery
		Provision of community care for ageing population
		Obstetric services for increasing childbearing population
	Town centre	Improve range of services and facilities within Westbury, including community and cultural facilities, possibly in multi-

	regeneration	service centres
		Improved facilities for shopping and young people
	Timing of infrastructure delivery	Infrastructure must be provided ahead of, or in phase with, development

Table 7.24 – Infrastructure issues raised by the Westbury Community Area

Wootton Bassett & Cricklade

Community area	Infrastructure type	Main issues
Wootton Bassett & Cricklade	Transport	Heavy and probably irreversible reliance on the private car in rural areas
		Need to improve public transport, including school transport
		Capacity of Junction 16 of the M4
	Town centre regeneration	Dormitory role exacerbated by poor facilities, encourages people to drive to Swindon
	Community facilities	Schools are inadequate
		Lack of leisure and cultural facilities
	ICT	Broadband technology could help cut travel but needs to be upgraded
	Water management	Current sewage works need upgrading and water capacity checking
Timing of infrastructure delivery	Infrastructure needs to be in place prior to significant development	

Table 7.25 – Infrastructure issues raised by the Wootton Bassett & Cricklade Community Area

Analysis

7.24 Infrastructure issues were some of the most resonant amongst respondents to Wiltshire 2026, and generated a large number of comments. There was a feeling that most past development has been infrastructure poor, and that, as a consequence infrastructure, of all types, is now frequently overstretched. Concern over already inadequate infrastructure was also a major factor in motivating respondents who were opposed to more growth. Essentially, the argument was; 'If what we have doesn't work properly, how can we accommodate any more growth?' Getting the

community on board with strategic site selection and indeed the overall Vision may therefore necessitate dealing thoroughly and satisfactorily with this issue.

7.25 With existing infrastructure problems in view, many people felt that the timing and phasing of new infrastructure was critical – this had to be either in advance of or at the same time as any new development.

7.26 Infrastructure was seen not only as key for individual settlements or developments, but also for the wider, strategic picture across Wiltshire. The overall spatial strategy was accepted – steering most growth into existing centres to improve self containment, encourage critical mass and thence reduce the need to travel. However, the perceived infrastructure needs seemed too great for the resources available, and threaten the credibility of the overall strategy and vision. Without more certainty and clarity over delivery of infrastructure, some felt a lack of confidence in the ability of the strategy to achieve its aims.

7.27 The following tables break down the main infrastructure issues raised during the Wiltshire 2026 consultation by type of infrastructure.

(a) Transport

Topics	Issues
Traffic congestion	Road network will not be able to support the extra traffic that the growth proposed will generate
Inadequate alternatives to the car	Sustainable transport modes don't provide a viable alternative to the car due to Wiltshire's dispersed settlement pattern and the inadequacy of the existing infrastructure
Key junction/ road hotspots	e.g. the A350 at Chippenham, the A303 near to Tidworth and Ludgershall, the M4 near Wootton Bassett and Cricklade
Lack of parking	Lack of free and adequate car parking was seen as a damaging issue for many market towns, and has led to people driving further away
Increase self-containment of settlements	Travel will only be reduced if the sustainability of existing settlements is improved

Table 7.26 – Transport related issues raised during the Wiltshire 2026 consultation

(b) Community facilities

Topics	Issues
Education	Existing schools oversubscribed and new ones needed to cope with extra growth
	Location of some schools not ideal for where new development is planned
Health	Existing facilities often at or near to capacity
	Concentrating health care facilities into fewer 'hubs' forces a geographically scattered population such as in Wiltshire to travel further; difficult if relying on public transport
Water management	Supply, drainage (including sewerage and flooding) key constraint in many areas, particularly Tidworth and Ludgershall, Warminster and Chippenham
Need other community infrastructure	Leisure and sports facilities
	Cultural facilities (e.g. museums and theatres)
	Retail choice and quality
	Village halls
	Pubs and post offices
	Employment (e.g. business parks, better broadband)

Table 7.27 – Community facilities related issues raised during the Wiltshire 2026 consultation

(c) Water management

Topics	Issues
Water management	Supply, drainage (including sewerage and flooding) key constraint in some areas, such as Tidworth and Ludgershall, Warminster and Chippenham

Table 7.28 – Water management related issues raised during the Wiltshire 2026 consultation

(d) Green infrastructure

Topics	Issues
Provision of green infrastructure	Environmental benefits for biodiversity and as recreational and spiritual resources for the community

Enhance public access to open space	Enhancement of public access to woods/ parks/ lakes/ river meadows for human use as well as ensuring adequate habitat for flora and fauna
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Table 7.29 – Green infrastructure related issues raised during the Wiltshire 2026 consultation

(e) Delivery and timing of infrastructure

Topics	Issues
Delivery plan	Need clear infrastructure plan, especially for growth occurring towards beginning of plan period
	Delivery plan should set out what is needed, where, at what cost, and who is responsible
	Underpinned by evidence base, including financial viability testing
Partnership working	Partnership working between the council and other service providers needed
Phasing and timing	Infrastructure should be provided in advance of, or at the same time as, development

Table 7.30 – Delivery and timing of infrastructure related issues raised during the Wiltshire 2026 consultation

Conclusion

- 7.28 Wiltshire 2026 showed that Wiltshire people were concerned about infrastructure issues; were frustrated about current deficiencies, concerned at the implications of future growth and wanted the Council to take a lead in co-ordinating provision. They wanted more certainty and transparency and wanted to see more detail in a dedicated, publicly available infrastructure plan. All of which is a strong mandate for the forthcoming Wiltshire Infrastructure Delivery Plan.
- 7.29 The key issue for many was transport, which partly reflects the challenges posed by Wiltshire’s scattered settlement pattern. However, congestion and parking problems within town centres was also a common complaint. New and improved public transport infrastructure was seen as the answer, together with targeted road improvements and there was a strong ‘vote’ for better cycling and pedestrian facilities.
- 7.30 Education, health and water related infrastructure were also important issues for Wiltshire’s communities, with existing facilities being seen as inadequate and sometimes hard to access. There was concern that the situation would grow worse for residents if new development was permitted without properly addressing these capacity and accessibility issues first.

- 7.31 Community aspirations also seem to be rising, with a general sense of frustration evident at how things presently are and a desire for better provision of mainstream infrastructure such as schools and medical facilities. The scope of what people want is also widening, for example green infrastructure and community facilities such as shops, libraries and village halls were all common aspirations, and other facilities such as museums and cinemas were mentioned too, as were renewable energy and better broadband. These things were felt to be important in building not just housing estates but real communities.
- 7.32 A considerable number of respondents clearly made the connection between good quality community infrastructure being essential in order to retain a critical mass necessary to make a settlement self contained and allow it to function as a genuine community. The same individuals often made the link between this kind of spatial sustainability and both successfully reducing the need to travel and cutting CO2.
- 7.33 The community has serious concerns about infrastructure and expects the Council to take the lead in co-ordinating and ensuring timely provision. There is strong support for an Infrastructure delivery plan, but significant pessimism as to how much can be achieved with the current resources of either public or private sectors. There is general agreement however that such a plan needs to be well informed by up to date research.
- 7.34 It is not exaggerating to say that such an IDP could either make or break the credibility of the core strategy. The strength of the core strategy will be enhanced if the IDP increases transparency, certainty and, most of all, the delivery of infrastructure. If not, then the credibility of both the core strategy and Wiltshire Council as a local planning authority will be cast in doubt.

Developer contributions

- 7.35 *Table 7.31* summarises the community aspirations in relation to securing developer contributions from new development. This also includes comments made by developers during the core strategy consultations.

Comments
Developers should contribute towards enhancing infrastructure services and facilities in the areas they propose to build development
There should be a policy clarifying what was expected of developers in terms of planning gain
Contributions should only be sought when the development creates a demand for such provision and which would not currently be met by existing facilities
The council must not require developers to meet existing shortfalls, or demand facilities that would not serve the proposed development
Charges for developer contributions should be based on sound evidence

Comments
<p>General support for developers funding significant elements of infrastructure, including:</p> <ul style="list-style-type: none"> • Facilities for young people • Fire hydrants • Water conservation and recycling • Wilts & Berks Canal restoration • Cemetery expansion space • Affordably priced shop/ post office • Good quality landscaping • First aid station within every centre of population (minor injuries unit) • Facilities for the elderly, e.g. sheltered housing • Facilities for skills development in a practical environment • Green infrastructure • Discreet street lighting • CCTV (from commercial developments) • ITC trunking provision • Cultural infrastructure (arts facilities) • Car parking spaces
Feeling that developer contributions have been low bearing in mind the level of profit made on new development
Suspicion that developers are reluctant or unable to pay for the cost of new, or improving existing, infrastructure
Feeling that developers should foot some of the infrastructure bill but, with respect to the major settlements of Chippenham and Trowbridge, there was uncertainty over whether this was possible in view of the scale of development being envisaged for the towns
Belief that developers should pay back to the community some of the financial benefits of development
Doubts expressed that developer contributions would not be a secure and satisfactory funding stream
Perception that there is a general lack of clarity of funding mechanisms for the core strategy needs to be addressed, particularly a more formal and transparent system for developer contributions and other funding sources
Concern that there might be a lack of a public sector budget for infrastructure provision and a private sector unable to meet the bill

Table 7.31 – Summary of comments raised in community plans and core strategy consultations relating to securing developer contributions from new development

Analysis

7.36 Respondents demonstrated an awareness of infrastructure funding sources in both previous district core strategy consultations and Wiltshire 2026. However, the debate was keener and more extensive in the later process. In the district core strategy consultations, some respondents felt that developers had failed to contribute sufficiently in the past. There was an even stronger mandate in Wiltshire 2026 for developer contributions, but this was tempered by a realistic (i.e. downbeat) outlook

regarding the economy and a feeling that the task was so great that increased investment, together with better planning and co-ordination was also required from the relevant public sector providers.

- 7.37 It was accepted that new development could (and should) help fund infrastructure to benefit the community generally. It was seen as appropriate for developers to pay so that the community could secure some benefit and the overall quality of life in the area be improved. There was a strong desire to put right the errors of the past, and a recognition that planning could secure some benefit from developers in providing infrastructure as the 'price' of development. However, there were also significant doubts as developers themselves were concerned at the fairness of the deal and with the cost / viability implications.
- 7.38 The need for transparency in terms of where funding was to come from, and a clearly set out tariff were also frequent themes. Developers were expected to contribute towards infrastructure, broadly and not simply in relation to a particular development, but doubts were expressed as to how far they would be able to fund this, especially in the current economic climate. Some developers felt that onerous infrastructure requirements could make some needed development unviable. An infrastructure delivery plan should set out what is needed, where, at what cost and who is responsible. This should be backed by research including financial viability testing to ensure that it is realistic.

Conclusions

- 7.39 In terms of paying for infrastructure in Wiltshire, many respondents felt that a proportion of the cost should be met by developers. Interestingly, this applied not only to infrastructure directly related to the development, but to infrastructure more generally in the community on which the development could be expected to place a burden. Further even than this, some comments implied that developers should be expected to make a net benefit to the community simply by virtue of being allowed to build.
- 7.40 The view of development as a mean for delivering infrastructure was cautiously accepted, and the idea that larger developments would facilitate larger scale infrastructure projects was understood. However, there were doubts as to whether private sector funds would be able to address all community needs in this way.
- 7.41 For their part, developers who responded generally accepted the need for them to make contributions towards infrastructure, but argued that infrastructure contributions should be related to the development and should not be onerous to the extent that they made development unviable. One developer stressed that evidence should be provided to justify such contributions and, importantly, this should include viability testing.

Wiltshire Core Strategy Consultation Document

7.42 Between 13 June and 8 August, 2011, the council undertook a public consultation on the Wiltshire Core Strategy Consultation Document, which included Core Policy 3 – Infrastructure Requirements. The following chapter summarises the comments made in relation to infrastructure and developer contributions.

Summary of comments

7.43 A number of comments were made in relation to how the policy proposes to secure developer contributions towards the funding of new infrastructure. These have been summarised and grouped under the following categories:

- a) Infrastructure needs and delivery
- b) Viability assessments
- c) Deferral of developer contributions
- d) Prioritisation of infrastructure types
- e) Community Infrastructure Levy (CIL)
- f) Other comments

(a) Infrastructure needs and delivery

7.44 Many comments were made in relation to how the policy proposes to ensure the delivery of new and improved infrastructure to support development. The following points are a summary of those comments:

- The timing of infrastructure delivery needs to be in advance, or in time with, development
- There needs to be consultation on infrastructure requirements with communities, infrastructure service providers, developers and other organisations
- There should be partnership working with other local authorities, especially Swindon, to deliver infrastructure outside or crossing the county boundary. However, there were some doubts whether the council has the will or resources to do this properly.
- Lack of reference to green infrastructure in Core Policy 3 and supporting text, only included as 'place-shaping', existing green infrastructure needs to be projected, green infrastructure can bring other benefits, e.g. flood alleviation, sustainable urban drainage
- Address the cumulative impact of development upon infrastructure; smaller developments create a need for infrastructure but are not sufficient, in themselves, to fund it (*e.g. primary school provision in Malmesbury*)
- Need to protect existing facilities, particularly if they are well-located for community use, and address the need to improve existing infrastructure
- Protect existing routes and planned regeneration routes of canal networks in the local development plan

- Address infrastructure needs of smaller settlements that are peripheral or act as gateways to larger settlements in which the majority of development is taking place
- There needs to be some recognition of the ability of communities themselves to deliver certain types of infrastructure
- Infrastructure Delivery Plan/ Schedule not available during consultation on Wiltshire Core Strategy
- Additional core policy to support provision of infrastructure by utility providers more generally
- Additional core policy to support provision of water/ sewerage infrastructure

(b) Viability assessments

7.45 In general, there was widespread support for independent viability testing in the event of concerns that infrastructure requirements may render a development unviable. There was, however, concern over whether viability assessments can be truly independent if they are to be funded by the developer. The suggestion was made that the council must dictate the terms of reference. Some felt that economic viability must be assessed at the outset and that more should be done to hold developers to agreements to deliver the required infrastructure.

7.46 Independent viability testing was viewed as essential to ensure that new homes and jobs are delivered and that too onerous infrastructure requirements do not put a brake on new development. This is seen as being in line with the presumption in favour of sustainable development, as emphasised in the draft National Planning Policy Framework (NPPF). It was argued that there needs to be recognition that development may not be able to provide the full range of contributions being sought. An 'open book' approach to viability assessment had some support.

(c) Deferment of developer contributions

7.47 There was a mixed response to the provision for developers to defer part of the required infrastructure contributions. On the one hand, many opposed deferment, arguing that development should not be allowed to proceed unless all of the required infrastructure can be provided. Infrastructure would still be required by the future inhabitants of new development, even if developers were unwilling to pay for it because it is not directly related to the development. They called for a firm commitment to providing infrastructure before planning permission is granted.

7.48 However, some developers argued that deferment of infrastructure contributions may not always be appropriate because development cannot always fund all infrastructure required. Deferring contributions should not be automatic in cases where infrastructure contributions are proven to render the development unviable but instead as an option in individual cases. It was suggested that "at the present time" should be omitted from the sentence beginning "Independent viability testing" A few also welcomed the flexibility inherent in being able to defer developer contributions. The point was also raised about the need to consider negotiated

infrastructure requirements (with regard to deferment and prioritisation), i.e. does prioritisation apply only when a deferment is agreed?

(d) Prioritisation of infrastructure

- 7.49 Many responses questioned how the order of priority had been reached. Some argued that this 'hierarchy' should be removed as it would not be appropriate in every circumstance. All types of infrastructure should have equal priority, since Planning Policy Statement 12 states that a core strategy should be supported by evidence of physical, social and green infrastructure needed as a result of new development. Others supported the prioritisation of infrastructure requirements but also suggested that flexibility was needed on a case-by-case basis in order to deliver essential and place-shaping requirements. The concern was that community and environmental infrastructure, currently listed under place-shaping infrastructure, would be sidelined by demands for critical and essential infrastructure.
- 7.50 However, some responses appreciated the rationale behind the order of prioritisation. Critical infrastructure, i.e. access roads and utilities, need to be delivered in order for any development to commence. Essential infrastructure, i.e. schools and health facilities, can be delivered after development has started but are fundamental to support the community. There is less pressure on timing for place-shaping infrastructure, such as libraries and public art, but these requirements are necessary in order to achieve a truly sustainable community. In any case, it was suggested that both critical and essential infrastructure should be delivered in phase with housing and employment development.
- 7.51 Other comments on the prioritisation of infrastructure types included the criticism that the list read like a 'shopping list' of requirements that may prevent development coming forward. However, what the policy is actually saying is that where a requirement for a certain type of infrastructure is necessary to deliver the development, this is the order in which they will be delivered and, in the event of competing demands, developer contributions sought. It was also suggested that a full list of infrastructure items be included in the list of priorities and to specify minimum standards of provision for each infrastructure type. However, the Infrastructure Delivery Plan will set out, on a community area/ strategic site basis, details about the infrastructure projects necessary to deliver the Core Strategy. The intention of the prioritisation list was not to be exhaustive and, also, to recognise that there is a broad range of infrastructure types; in fact, the evolution of modern technology may give rise to more. In any case, a contribution towards every type of infrastructure is unlikely to be required for any one development.

(e) Community Infrastructure Levy (CIL)

- 7.52 There was concern over how communities would benefit from CIL monies raised through development in their area. Some argued that CIL should be spent within and administered by parishes where the development takes place. Others argued that the involvement of local area boards in distributing or spending CIL would be too cumbersome.

- 7.53 It was pointed out there needs to be some reference to national planning policy, specifically Circular 05/05 and the CIL Regulations (2010). There also needs to be some clarification of the role of the New Homes Bonus in relation to CIL. Some responses called for more detail on the mechanisms for charging and distributing CIL. However, national policy and guidance is already available on CIL and the council will shortly be preparing and, in due course, consulting upon a CIL Charging Schedule, which will set out the rate(s) of CIL to be charged on new development.
- 7.54 Specific points were also raised about the need to open any future consultation on CIL to the general public and not just infrastructure providers and community groups. Also, funds received from developers through s106 or CIL should be transparently monitored and recorded. Any requirements through CIL, or s106 for that matter, should be supported by evidence of need.
- 7.55 There is a need to clarify what is meant by 'indirect' infrastructure. Concerns were raised about whether this is compliant with the CIL Regulations (2010). Also, what is meant by "where appropriate" in terms of indirect infrastructure. Perhaps, said some responses, there is also a need to distinguish between the requirement for developers to provide direct infrastructure and the potential for the developer to contribute towards indirect infrastructure. Distinguish, as well, between CIL and site-specific requirements over and above CIL (otherwise risk harming ability to seek CIL for cumulative impacts of development. Some clarification was requested as to what is meant by CIL being used to fund "strategic infrastructure that will serve a wider area".
- 7.56 It was also suggested that there is a need to reword the policy so that CIL is regarded as a "complementary" source of funding, not a "further" source of funding. CIL should be an alternative source of funding, not a duplicate, in light of restrictions on s106 agreements to prevent double-charging for the same item/ type of infrastructure through both CIL and s106.

(f) Other comments

- 7.57 More general comments were received, including the request that the overall level of developer contributions needs to rise to ensure sufficient future gain from new development. In addition, there was concern that all development should contribute towards the necessary infrastructure, even when this is located outside the local authority boundary. Indeed, it was suggested that pooling of contributions may assist with cumulative and cross-boundary impacts. Core Policy 3 should also define how "full regard" will be paid to the Infrastructure Delivery Plan and Schedules, said some responses.

8. What are the policy options?

8.1 The process of developing policy options follows guidance from the Planning Advisory Service¹⁵. This approach has four separate stages, as shown below and in *Figure 8.1*.

- Identifying the issues
- Identifying the options
- Identifying the preferred option
- Identifying the submission DPD policy

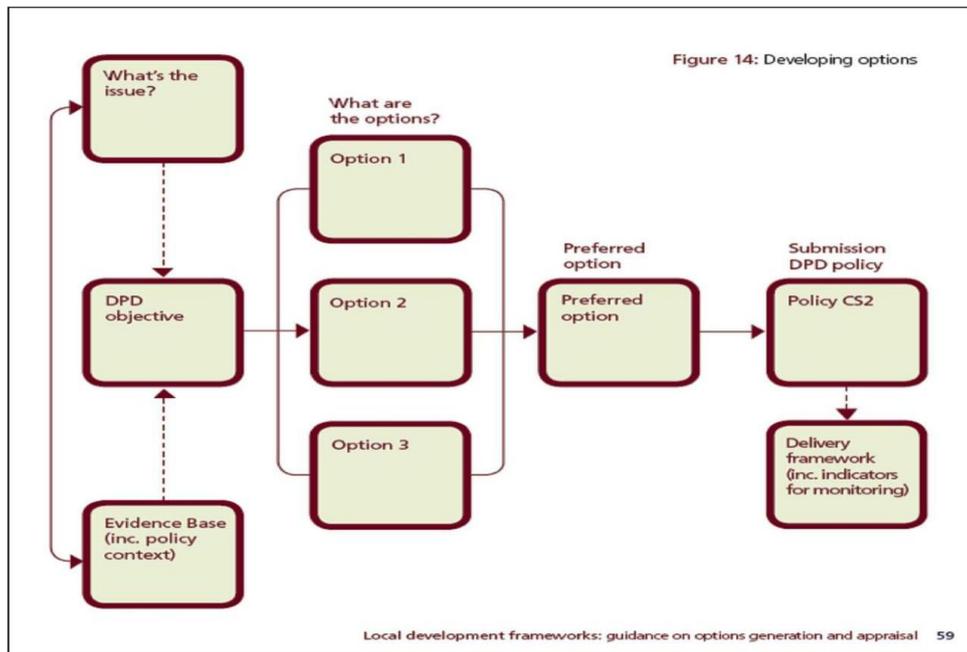


Figure 8.1 – Developing policy options

Stage 1 - identifying the issues

8.2 The anticipated level of growth within Wiltshire will increase demand on local infrastructure and social facilities. The Core Strategy will need to ensure that infrastructure and service requirements are appropriately secured and implemented.

DPD objective

8.3 The strategic objective in the Wiltshire Core Strategy directly related to infrastructure is **"Strategic objective 9: to ensure that infrastructure is in place to support our communities"**.

¹⁵ Planning Advisory Service, *Local Development Frameworks: Guidance on options generation and appraisal*, (October, 2009), p.59.

Evidence base (including policy context)

8.4 The following key challenges have been identified through an analysis of the evidence base, which includes infrastructure needs identified through discussions with service providers, community aspirations and policy requirements.

Key challenges – infrastructure delivery



Figure 8.2 – Key challenges – infrastructure delivery

Key challenges – developer contributions



Figure 8.2 – Key challenges – infrastructure delivery

Stage 2 - identifying the options

- 8.5 In terms of infrastructure delivery, the Core Strategy must be accompanied by evidence of what infrastructure is needed, how much it will cost, when it will happen, who will pay for it and who will deliver it. If there is no such infrastructure delivery plan, the Core Strategy will be found unsound. There is no alternative option at this stage.
- 8.6 There are three policy options that have been considered in relation to developer contributions:
- **Policy option 1:** The Status Quo: continue with the existing approach to securing planning obligations
 - **Policy option 2:** A Broader, more consistent approach to section 106 planning obligations but do not adopt the Community Infrastructure Levy (CIL)
 - **Policy option 3:** Adopt CIL (plus Option 2)
- 8.7 Policy options 1, 2 and 3 are assessed in *Tables 8.1, 8.2 and 8.3* respectively.

Policy option 1: The Status Quo - continue with the existing approach to securing planning obligations

Policy option	SA outcome	Conformity with national policy regulations	Deliverability		Community aspirations met	Other	Conclusion
			Pros	Cons			
<p>1. The status quo</p> <p>The council continues to seek planning obligations from the areas it currently obtains obligations - - and in the same way – on a negotiated site-by-site approach that varies between former district council areas.</p>	TBC	<p>Yes, although the expectation is that existing “saved” policies should be replaced by new policies within development plan documents, such as the Core Strategy.</p> <p>Even if “saved” policies are replaced by a similar policy in the Core Strategy, this option essentially continues with the thrust of the existing policies, with the same limited range of infrastructure</p>	<p>Continuing “key” types of infrastructure, such as education and transport continue to receive developer contributions. Many of these were provided by the former county council and, therefore, there was already in existence a standard approach across the county.</p>	<p>Covers a limited range of infrastructure</p> <p>Severe restrictions on pooled contributions to wider local, sub-regional and regional infrastructure</p> <p>Differences in approach between former district council areas leads to uneven infrastructure provision across the county and</p>	<p>No. Some infrastructure needs will not be met, either through omission, because they are not site-specific, or because the relevant policies will be open to challenge because of an inadequate evidence base. It is also unlikely that this policy option will reflect community priorities.</p>	<p>Mostly negative effects.</p>	<p>Not recommended.</p>

Policy option	SA outcome	Conformity with national policy regulations	Deliverability		Community aspirations met	Other	Conclusion
			Pros	Cons			
		types and the variation in approach to negotiating s106 agreements, whether by former district area or by individual planning officers.		unfairness/ uncertainty for both the community and developers Cumulative impact of smaller developments not addressed Some existing policies are relying on an inadequate evidence base Relies on existing policies continuing to be "saved"			

Table 8.1 – Policy Option 1: The Status Quo - continue with the existing approach to securing planning obligations

Policy option 2:

A Broader, more consistent approach to section 106 planning obligations but do not adopt the Community Infrastructure Levy (CIL)

Policy option	SA outcome	Conformity with national policy regulations	Deliverability		Community aspirations met	Other	Conclusion
			Pros	Cons			
<p>2. Broader and more consistent approach to planning obligations</p> <p>The council maximises opportunities to obtain planning obligations by seeking to meet a wider range of infrastructure needs and by adopting a uniform approach to obtaining section 106 planning obligations across Wiltshire, which is based upon infrastructure requirements set out in the Wiltshire Core Strategy and pursued</p>	TBC	Yes, this option is essentially one which broadens the scope of s106 and applies it consistently across the county but does not adopt the Community Infrastructure Levy (CIL), which is in any case optional.	<p>Much broader scope for consideration of infrastructure needs</p> <p>Continuing uncertainty over Community Infrastructure Levy (CIL) regulations (e.g. will it now be expected to fund affordable housing?), which is not compulsory in any case.</p>	<p>After 2014, or upon adoption of a CIL Charging Schedule, local authorities will no longer be able to pool more than 5 planning obligations to a single project which could be funded by CIL. This will make it impossible to have a tariff system based on s106 agreements.</p> <p>This option would, therefore, result in:</p>	No, while a wide range of infrastructure types would be included in this option, some infrastructure needs will not be met because they are not site specific and benefit a wider area. Section 106 agreements are severely limited in terms of what can be achieved by pooled contributions.	More negative than positive, due to the severe restrictions placed on s106 agreements in terms of what they can and cannot fund.	Not recommended.

Policy option	SA outcome	Conformity with national policy regulations	Deliverability		Community aspirations met	Other	Conclusion	
			Pros	Cons				
by a centralised project team approach across the county to negotiations (as opposed to individual negotiations with different planning officers)			<p>Consistent approach to negotiating planning obligations across Wiltshire because of centralised project team approach to all s106 negotiations.</p>	<p>Severe restrictions on pooled contributions to wider local, sub-regional and regional infrastructure</p> <p>Uncertainty/ unfairness for developers as developer contributions still negotiated on a site-by-site basis</p>				
			<p>Based upon an up-to-date infrastructure planning evidence base and delivery plan</p>					

Table 8.2 – Policy Option 2: A Broader, more consistent approach to section 106 planning obligations but do not adopt the Community Infrastructure Levy (CIL)

Policy option 3: Adopt the Community Infrastructure Levy (plus Option 2)

Policy option	SA outcome	Conformity with national policy regulations	Deliverability		Community aspirations met	Other	Conclusion
			Pros	Cons			
<p>3. Introduce the Community Infrastructure Levy (CIL)</p> <p>(plus Option 2)</p> <p>The council prepares a CIL Charging Schedule to allow more scope for collecting pooled contributions to local, sub-regional or regional infrastructure than would be allowed for under the restrictions on planning obligations due to come into force by 2014 or upon adoption of a Charging</p>	TBC	Yes, the Government's preferred approach to funding infrastructure that is not site-specific.	Less restrictions on collecting pooled contributions towards local, sub-regional or regional infrastructure than under s106 agreements alone.	Continuing uncertainty over Community Infrastructure Levy (CIL) regulations (e.g. will it now be expected to fund affordable housing?)	Yes, current indications from the emerging Localism Bill are that neighbourhoods will be allocated a proportion of CIL raised in their area for them to decide how it is spent. This could fund small, local projects, or contribute towards wider schemes.	Mostly positive effects, given the greater flexibility for pooled contributions, ability for community to have a say in how some of the money is spent, and more predictable mechanism of a tariff-based approach.	Recommended
			Only option for a tariff-based system, providing certainty and	CIL Charging Schedule must undergo a rigorous			

Policy option	SA outcome	Conformity with national policy regulations	Deliverability		Community aspirations met	Other	Conclusion
			Pros	Cons			
Schedule by the local authority, whichever is sooner.			consistency to developers.	consultation and examination process, similar to a DPD such as the Core Strategy, which could potentially be a lengthy and costly process.	local, sub-regional or regional infrastructure.		
			Based on an up-to-date infrastructure planning evidence base and delivery plan.	Risk that the rate of CIL set could make some development unviable in the current economic climate.			
			Viability addressed at an early stage during preparation of the				

Policy option	SA outcome	Conformity with national policy regulations	Deliverability		Community aspirations met	Other	Conclusion
			Pros	Cons			
			CIL Charging Schedule				
			Ability to set different levels of CIL to different geographical areas (e.g. urban and rural) and for different types of infrastructure (e.g. residential and commercial), where justified by a viability assessment.				

Table 8.3 – Policy Option 3: Adopt the Community Infrastructure Levy (plus Option 2)

Stage 3 – identifying the preferred option

What is the preferred option?

8.8 The preferred policy option is for a broader and more consistent approach to section 106 planning obligations, coupled with the introduction of the Community Infrastructure Levy (CIL) through the adoption of a Charging Schedule.

Why has this option been selected?

8.9 The reasons for selecting this option as the preferred option are as follows:

- More flexibility in asking for pooled contributions towards local and strategic infrastructure with more than site-specific importance
- Communities to get a say in how some of the money raised from CIL is to be spent
- Wider range of infrastructure types can become eligible for developer contributions
- Uniform approach to negotiating of section 106 planning obligations across the council by utilising a centralised project team approach to negotiations, involving all the relevant parties
- Viability addressed at an early stage during preparation of the CIL Charging Schedule
- Ability to set different levels of CIL to different geographical areas (e.g. urban and rural) and for different types of infrastructure (e.g. residential and commercial), where justified by a viability assessment.
- Based on an up-to-date infrastructure planning evidence base and delivery plan.
- Only option for a tariff-based system, providing certainty and consistency to developers.

8.10 In addition, the council will produce, in partnership with other service providers, an Infrastructure Delivery Plan (IDP), which will set out what infrastructure is needed to deliver development proposed in the Wiltshire Core Strategy, how much it will cost, when it will be delivered, who will pay for it, and who will deliver it.

8.11 The IDP will also address a number of issues relating to the infrastructure delivery process, including:

- Monitoring and review

- Risks and contingency planning
- Governance
- Funding and delivery mechanisms
- Opportunities for co-location and multi-functional use of services and facilities

8.12 The IDP will accompany the submission draft Wiltshire Core Strategy, which will undergo a public consultation in early 2012.

Stage 3a: the preferred option – draft Core Policy 3

8.13 Draft Core Policy 3 and the supporting text develop the preferred option and attempt to answer the challenges listed above. This version of Core Policy 3 appeared in the Wiltshire Core Strategy Consultation Document, which went out for a public consultation between June and August, 2011. The paragraph numbers are from the aforementioned consultation document.

Delivering infrastructure requirements to support development

- 4.28 An appropriate and balanced mix of new development is essential for the long term prosperity of Wiltshire. The Core Strategy shapes where new development should be located and also manages the pressure relating to speculative proposals through policy. It will provide new homes, jobs, services and thereby drive forward social, economic and environmental objectives. The impact of development on local communities and the fabric of the existing built and natural environment is an important consideration. Managing this impact involves protecting existing infrastructure and securing the timely investment of new infrastructure.
- 4.29 The council will work in partnership with infrastructure providers and neighbouring authorities to ensure that new or improved infrastructure, including that listed in the Infrastructure Delivery Plan and Schedule, is delivered prior to, or in conjunction with, new development.
- 4.30 The timely delivery of new infrastructure to support development proposals must be secured. In order to achieve this aim, the council will work with developers to prepare robust infrastructure delivery plans to support the master planning of strategic sites within the Core Strategy and/or planning applications. The delivery plan will need to be in place prior to the commencement of development and must be agreed by the council, other relevant infrastructure providers and developers. The scope of such plans will cover among other things: funding, phasing, accessibility and impact on the surrounding area.
- 4.31 In addition to managing the provision of the new infrastructure requirements of development proposals, the importance of the investment plans of infrastructure providers should be recognised. It will be important that all new development proposals build safeguards into schemes to protect and enhance a range of services and facilities, including¹⁶: bus corridors, telecommunications equipment (particularly high speed broadband infrastructure), electricity power lines, high pressure gas mains, educational facilities, health facilities, flood protection measures, groundwater source protection areas, reservoirs, water treatment infrastructure, waste water treatment works and the council's waste collection services.

¹⁶ This list should not be read as exhaustive.

- 4.32 Existing physical, social and green infrastructure will be protected, unless there is evidence that it is no longer needed or that alternative provision is made elsewhere. To encourage the most effective use of existing and new infrastructure, co-location and multi-functional use of services and facilities will be supported in accordance with other policies of the Core Strategy. The provision of new or improved infrastructure will be positively supported, particularly where opportunities arise through redevelopment or regeneration in sustainable locations, provided that this has no detrimental impact on the environment and contributes towards mitigation and adaptation to climate change.

Securing the delivery of infrastructure

- 4.33 Where new development proposals require the delivery of infrastructure, priorities will be set to manage competing demands. The order of prioritisation is set out below, but the indicative list of infrastructure typologies should not be viewed as exhaustive.

1. Critical infrastructure (including but not limited to):

- sustainable transport measures
- water, sewerage and electrical utilities and connecting services
- flood alleviation and sustainable urban drainage schemes
- telecommunications facilities including super-fast broadband connectivity services to serve local communities and the business community.

2. Essential infrastructure (including but not limited to):

- affordable housing
- education
- healthcare facilities
- emergency services
- waste management, recycling and collection facilities.

3. Place shaping infrastructure (including but not limited to):

- community safety in the public realm
- maintenance and improvement of the county's heritage assets, including the storage of archaeological remains
- leisure and recreation provision
- open space and green infrastructure
- town centre management schemes
- employer engagement and training schemes
- cultural and community facilities
- libraries
- public art and streetscape feature.

Core Policy 3 - Infrastructure requirements

All new development will be required to provide for the necessary direct and, where appropriate, the in-direct infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered either directly or through an appropriate financial contribution. In ensuring the timely delivery of infrastructure development, proposals will need to demonstrate full regard has been paid to the Infrastructure Delivery Plan and Schedule. In the event of competing demands for infrastructure provision, developer contributions will be sought in the following order of priority:

1. critical infrastructure
2. essential infrastructure
3. place shaping infrastructure

Agreement between the council, other relevant infrastructure providers, the community and developers over the extent and amount of developer contributions will be sought prior to the granting of planning permission.

Independent viability testing, funded by the developer, will be required in the event of concerns that infrastructure requirements may render the development unviable at the present time. Should a deferment of a part of the developer contributions be agreed to as a result, the council will:

- prioritise seeking developer contributions as outlined above, and
- use an appropriate mechanism to defer part of the developer contributions requirement to a later date, as agreed by all parties.

The council will work with infrastructure providers, local communities and other key stakeholders to develop a Community Infrastructure Levy (CIL) Charging Schedule, as a further source of funding for improvements in local and strategic infrastructure.

Delivery responsibility

This policy will be delivered by:

- The direct provision of facilities and services by the council and its public and private sector partners, reflected in the Infrastructure Delivery Plan.
- The development management process.
- Utilising developer contributions to provide enhancements to facilities and services.
- Liaison through the Area Boards with, town and parish councils and appropriate local stakeholders to identify community infrastructure requirements, help establish local priorities as well as develop / implement mechanisms for administering monies collected through Community Infrastructure Levy CIL and planning obligations in accordance with national and council policies.
- Partnership work with infrastructure providers and other stakeholders, largely through the Infrastructure Delivery Board, to identify requirements for and to facilitate appropriate community infrastructure development.
- Planning conditions and planning obligations (largely through section 106 agreements) will be sought to mitigate the direct impact(s) of development, secure its implementation, control phasing where necessary, and to secure and contribute to the delivery of infrastructure made necessary by the development. The council will prepare a supplementary planning document that will provide more detail about its approach to securing developer contributions.

The Community Infrastructure Levy (CIL), upon adoption of the Charging Schedule, will be used to pool developer contributions towards local and strategic infrastructure that will serve a wider area than any one development in particular.

Stage 3b: the preferred option – revised Core Policy 3

8.14 Draft Core Policy 3 and the supporting text were revised in light of feedback received during the consultation on the Wiltshire Core Strategy, between June and August, 2011. A schedule of changes to the draft Core Policy 3 was drawn up and this was used to write a revised version of the policy. Both the schedule of changes and the revised Core Policy 3 can be found below.

Schedule of Changes

8.15 The changes to be made to Draft Core Policy 3 as a result of consultation feedback are as follows:

1. Add “**of comparable quality and accessibility**” after “... alternative provision ...” to sentence beginning “Existing infrastructure will be protected, unless there is evidence that it is no longer needed or that alternative provision is made elsewhere.
2. Merge the critical and essential categories of infrastructure provision
3. Change the reference to “direct” and “indirect” infrastructure to “on-site” and “off-site” infrastructure to clarify the meaning of this sentence.
4. Add a reference to national planning policy, i.e. Circular 05/05 and the CIL Regulations (2010)
5. Clarify that the viability assessment will be undertaken by an **independent third party on terms agreed by the council and funded by the developer**.
6. Include requirement for an “open book” approach
7. Remove reference to “at the present time” in relation to development being unviable to reflect that development may not be able to fund the full range of infrastructure at any time.
8. Include a requirement for the independent viability assessment to prove that the development is unviable before any flexibility is introduced
9. Substitute “may” for “will” in relation to deferring part of the developer contributions requirement to emphasise that this is an **option** open to the council in this situation
10. Include a requirement for all critical/ essential infrastructure requirements to be met before planning permission is granted
11. Clarify that the council intends to charge CIL

12. Clarify that consultation on a CIL Charging Schedule will involve local communities, infrastructure providers, developers and other key stakeholders
13. Clarify the relationship between section 106 funding for infrastructure and CIL
14. Reference the New Homes Bonus and its relationship to funding infrastructure
15. Clarify the scope of CIL funding for infrastructure

Revised Core Policy 3 and supporting text

- 8.16 The revised version of Core Policy 3 and supporting text, following the changes made as listed above, is as follows.

Delivering infrastructure requirements to support development

- 4.28 An appropriate and balanced mix of new development is essential for the long term prosperity of Wiltshire. The Core Strategy shapes where new development should be located and also manages the pressure relating to speculative proposals through policy. It will provide new homes, jobs, services and thereby drive forward social, economic and environmental objectives. The impact of development on local communities and the fabric of the existing built and natural environment is an important consideration. Managing this impact involves protecting existing infrastructure and securing the timely investment of new infrastructure.
- 4.29 The council will work in partnership with infrastructure providers and neighbouring authorities to ensure that new or improved infrastructure, including that listed in the Infrastructure Delivery Plan and Schedule, is delivered prior to, or in conjunction with, new development.
- 4.30 The timely delivery of new infrastructure to support development proposals must be secured. In order to achieve this aim, the council will work with developers to prepare robust infrastructure delivery plans to support the master planning of strategic sites within the Core Strategy and/or planning applications. The delivery plan will need to be in place prior to the commencement of development and must be agreed by the council, other relevant infrastructure providers and developers. The scope of such plans will cover among other things: funding, phasing, accessibility and impact on the surrounding area.
- 4.31 In addition to managing the provision of the new infrastructure requirements of development proposals, the importance of the investment plans of infrastructure providers should be recognised. It will be important that all new development proposals build safeguards into schemes to protect and enhance a range of services and facilities, including¹⁷: bus corridors, telecommunications equipment (particularly high speed broadband infrastructure), electricity power lines, high pressure gas mains, educational facilities, health facilities, flood protection measures, groundwater source protection areas, reservoirs, water treatment infrastructure, waste water treatment works and the council's waste collection services.

¹⁷ This list should not be read as exhaustive.

- 4.32 Existing physical, social and green infrastructure will be protected, unless there is evidence that it is no longer needed or that alternative provision of comparable quality and accessibility is made elsewhere. To encourage the most effective use of existing and new infrastructure, co-location and multi-functional use of services and facilities will be supported in accordance with other policies of the Core Strategy. The provision of new or improved infrastructure will be positively supported, particularly where opportunities arise through redevelopment or regeneration in sustainable locations, provided that this has no detrimental impact on the environment and contributes towards mitigation and adaptation to climate change.

Securing the delivery of infrastructure

- 4.33 Where new development proposals require the delivery of infrastructure, priorities will be set to manage competing demands. The order of prioritisation is set out below, but the indicative list of infrastructure typologies should not be viewed as exhaustive.

Essential infrastructure (including but not limited to):

- sustainable transport measures
- water, sewerage and electrical utilities and connecting services
- flood alleviation and sustainable urban drainage schemes
- telecommunications facilities including super-fast broadband connectivity services to serve local communities and the business community.
- affordable housing
- education
- healthcare facilities
- emergency services
- waste management, recycling and collection facilities.

Desirable infrastructure (including but not limited to):

- community safety in the public realm
- maintenance and improvement of the county's heritage assets, including the storage of archaeological remains
- leisure and recreation provision
- open space and green infrastructure
- town centre management schemes
- employer engagement and training schemes
- cultural and community facilities
- libraries
- public art and streetscape feature.

Core Policy 3 - Infrastructure requirements

All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal, in accordance with Circular 05/05 and the Community Infrastructure Levy (CIL) Regulations (2010). Infrastructure requirements will be delivered either directly or through an appropriate financial contribution. In ensuring the timely delivery of infrastructure development, proposals will need to demonstrate full regard has been paid to the Infrastructure Delivery Plan and Schedule. In the event of competing demands for infrastructure provision, developer contributions will be sought in the following order of priority:

- Essential infrastructure
- Desirable infrastructure

Agreement between the council, other relevant infrastructure providers, the community and developers over the extent and amount of developer contributions will be sought prior to the granting of planning permission.

A viability assessment, undertaken by an independent third party but on terms agreed by the council and funded by the developer, will be required in the event of concerns that infrastructure requirements may render the development unviable. This will involve an 'open book' approach. If the independent viability assessment proves that the development is unable to fund the full range of infrastructure requirements then, the council:

- will prioritise seeking developer contributions as outlined above, and
- may use an appropriate mechanism to defer part of the developer contributions requirement to a later date, as agreed by all parties, and
- will refuse planning permission unless all essential infrastructure requirements are met.

The council intends to charge CIL and will consult with local communities, infrastructure providers, developers and other key stakeholders to prepare a CIL Charging Schedule, which will set out the rate(s) of CIL to be charged on new development. Whereas section 106 agreements will, upon adoption of a CIL Charging Schedule, be restricted to funding mainly site-specific infrastructure and affordable housing, CIL will be used to pool contributions towards local and strategic infrastructure that will benefit a wider area than any one development in particular.

The New Homes Bonus commenced in April, 2011, and will match fund the additional council tax raised for new homes and empty properties brought back into use, with an additional amount for affordable homes, for the following six years. The purpose of the New Homes Bonus is to encourage local authorities and communities to welcome growth by providing them with the means to mitigate against the strain on public services and amenities from increasing housing development and population growth. The New Homes Bonus will work within the existing planning framework for making planning decisions.

Delivery responsibility

This policy will be delivered by:

- The direct provision of facilities and services by the council and its public and private sector partners, reflected in the Infrastructure Delivery Plan.
- The development management process.
- Utilising developer contributions to provide enhancements to facilities and services.
- Liaison through the Area Boards with, town and parish councils and appropriate local stakeholders to identify community infrastructure requirements, help establish local priorities as well as develop / implement mechanisms for administering monies collected through Community Infrastructure Levy CIL and planning obligations in accordance with national and council policies.

- Partnership work with infrastructure providers and other stakeholders, largely through the Infrastructure Delivery Board, to identify requirements for and to facilitate appropriate community infrastructure development.
- Planning conditions and planning obligations (largely through section 106 agreements) will be sought to mitigate the direct impact(s) of development, secure its implementation, control phasing where necessary, and to secure and contribute to the delivery of infrastructure made necessary by the development. The council will prepare a supplementary planning document that will provide more detail about its approach to securing developer contributions.
- Upon adoption of the Community Infrastructure Levy (CIL) Charging Schedule, CIL will be used to pool developer contributions towards a wide range of new and improved infrastructure necessary to deliver new development.

Stage 4 - the submission DPD policy

8.17 Following a process of internal review, draft Core Policy 3 was finalised prior to the publication of the submission draft of the Wiltshire Core Strategy, in February 2012. The final policy wording and supporting text is included below.

Delivering infrastructure requirements to support development

An appropriate and balanced mix of new development is essential for the long term prosperity of Wiltshire. The Core Strategy shapes where new development should be located and also manages the pressure relating to speculative proposals through policy. It will provide new homes, jobs, services and thereby support social, economic and environmental objectives. The impact of development on local communities and the fabric of the existing built and natural environment is an important consideration. Managing this impact involves protecting existing infrastructure and securing the timely investment of new infrastructure.

The council will work in partnership with internal and external infrastructure providers; neighbouring authorities; and the Local Enterprise Partnership to ensure that new or improved infrastructure, including that listed in the Infrastructure Delivery Plan and Schedule, is delivered prior to, or in conjunction with, new development.

The timely delivery of new infrastructure to support development proposals must be secured. In order to achieve this aim, the council will work with developers to prepare robust infrastructure delivery plans to support the overall master planning of strategic sites within the Core Strategy and/or planning application process. The delivery plan will need to be in place prior to the commencement of development and should be agreed by the council, other relevant infrastructure providers and developers. The scope of such plans will cover among other things: funding, phasing, accessibility and impact on the surrounding area.

In addition to managing the provision of the new infrastructure requirements of development proposals, the individual investment plans of infrastructure providers should be recognised and fully considered. It will be important that all new development proposals build safeguards into schemes to protect and enhance appropriate services and facilities, including: bus corridors, telecommunications equipment (particularly high speed broadband infrastructure), electricity power lines, high pressure gas mains, educational facilities, health facilities, flood protection measures, water treatment infrastructure, waste water treatment works and waste collection and management services.

Existing community services and facilities will be protected in line with Core Policy 49 and existing green infrastructure will be protected in line with Core Policy 52. To encourage the most effective use of existing and new infrastructure, co-location and multi-functional use of land and buildings for services and facilities will be supported in accordance with other policies of the Core Strategy. The provision of new or improved infrastructure will be positively supported, particularly where opportunities arise through redevelopment or

regeneration in sustainable locations, provided that this has no detrimental impact on the environment and contributes towards mitigation and adaptation to climate change.

Securing the delivery of infrastructure

Where new development proposals require the delivery of infrastructure, priorities will be set to manage competing demands. The broad categories of prioritisation (ie essential infrastructure will be afforded the highest priority) are set out below, but the indicative list of infrastructure typologies should not be viewed as exhaustive, nor as being conveyed in a particular order of preference.

Infrastructure Priority Theme 1:

Essential infrastructure (including but not limited to):

- sustainable transport measures
- water, sewerage and electrical utilities and connecting services
- flood alleviation and sustainable urban drainage schemes
- telecommunications facilities including fibre optic super-fast broadband connectivity services to serve local communities and the business community.
- education
- healthcare facilities
- emergency services
- waste management services such as recycling and collection facilities.
- Specific projects needed to ensure compliance with the Habitats Regulations

Infrastructure Priority Theme 2:

Place-shaping infrastructure (including but not limited to):

- community safety in the public realm
- maintenance and improvement of the county's heritage assets, including the storage of archaeological remains
- leisure and recreation provision
- open space and green infrastructure
- town centre management schemes
- employer engagement and training schemes
- cultural and community facilities
- libraries
- public art and streetscape feature
- cemetery provision.

The broad prioritisation of infrastructure provision has been designed to ensure that development proposals present solutions to address **essential** requirements first and then **place shaping** items next. This should not be taken to imply that place-shaping infrastructure is of lesser importance rather that the precise timing of providing it is not critical to the phasing of development. It may also be the case that a particular infrastructure project might deliver multiple benefits. For example, a new landscaped pedestrian footpath

or cycleway could deliver sustainable transport, green infrastructure and recreation improvements.

Every proposal will be dealt with on its merits and influenced by the detail presented in the council's Infrastructure Delivery Plan and Schedule. These requirements will be sought in addition to other costs associated with development, such as affordable housing, on-site utilities infrastructure and transport access requirements.

The council will seek to ensure that the cost of providing necessary infrastructure will be met through the appropriate use of Planning Obligations and, once finalised and adopted, the Community Infrastructure Levy (CIL). All such financial contributions will be registered and monitored to ensure that developers and local communities can see when and how money is spent in relation to infrastructure provision. Agreement between the council, other relevant infrastructure providers, the community and developers over the extent and amount of developer contributions will be sought through the planning application process.

The council intends to charge CIL and will consult with local communities, infrastructure providers, developers and other key stakeholders to prepare a CIL Charging Schedule, which will set out the rate(s) of CIL to be charged on new development. Whereas section 106 agreements will, upon adoption of a CIL Charging Schedule, be restricted to funding mainly site-specific infrastructure and affordable housing, CIL will be used to pool contributions towards local and strategic infrastructure that will benefit a wider area than any one development in particular.

The council will also aim to secure funding from other streams. For example, the New Homes Bonus, which commenced in April 2011, is the match funding by central government of the additional council tax raised on new homes and empty properties brought back into use, with an additional amount for affordable homes, for the following six years. Money raised through the New Homes Bonus scheme could be utilised by the council to offset the cost of delivering public services and amenities with the overall aim of mitigating against the impact from increasing housing development and/ or population growth.

Core Policy 3 - Infrastructure requirements

All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and / or through an appropriate financial contribution prior to, or in conjunction with, new development. In ensuring the timely delivery of infrastructure, development proposals must demonstrate that full regard has been paid to the councils Infrastructure Delivery Plan and Schedule and all other relevant policies of this plan. Joint working with adjoining authorities will be encouraged to ensure that wider strategic infrastructure requirements are appropriately addressed.

In the event of competing demands for infrastructure provision, developer contributions will be sought in the following order of priority:

1. Essential infrastructure
2. Place-shaping infrastructure

All proposals for new development should be supported by an independent viability assessment. If the viability assessment adequately demonstrates that development proposals are unable to fund the full range of infrastructure requirements, then the council will:

- prioritise seeking developer contributions in the order set out above, and
- use an appropriate mechanism to defer part of the developer contributions requirement to a later date, as agreed by all parties.

Glossary

A guide to the terminology used in this document.

Glossary of Terms	
Annual Monitoring Report (AMR)	Part of the local development framework, the annual monitoring report assesses the implementation of the local development scheme and the extent to which policies in local development documents are being successfully implemented.
Area of Outstanding Natural Beauty (AONB)	A landscape area of high natural beauty which has special status, and within which major development will not be permitted, unless there are exceptional circumstances. Designated under the 1949 National Parks and Access to the Countryside Act.
Biodiversity Action Plan (BAP)	Published in 1994, this was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. UK BAP Priority Habitat is a list of 65 habitats highlighted as priorities for conservation. The priority habitats cover a wide range of semi-natural habitat types that are judged to be particularly important for biodiversity conservation, and are recognisably distinct within the broad habitats of the UK.
Charging schedule	If a local authority wishes to introduce the community infrastructure levy (CIL) on new development, it must first prepare a charging schedule, which sets out the amount of CIL it will charge. A charging schedule must undergo a rigorous consultation and examination process, similar to a development plan document (DPD) such as the core strategy.
Communities and Local Government (CLG)	Government department for planning and local government.
Community Infrastructure Levy (CIL)	The community infrastructure levy (CIL) is a new levy that local authorities can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the council, local community and neighbourhoods want.
Core Strategy	A core strategy sets out the long term spatial vision for the local planning authority area, as well as the spatial objectives and the strategic policies to deliver that vision. A core strategy has the status of a development plan document.
County Wildlife Site (CWS)	Areas of land of recognised value for wildlife, which fall outside the legal protection given to Sites of Special Scientific Interest (SSSI). The Wiltshire Wildlife Sites Project identifies, designates and monitors CWSs and, to date, over 1,500 such sites in have been designated in Wiltshire.

Development Plan	A development plan consists of the relevant regional spatial strategy (or the spatial development strategy in London) and the development plan documents contained within its local development framework.
Development Plan Documents (DPDs)	Development plan documents consist of spatial planning documents that are subject to independent examination. Together with the relevant regional spatial strategy these form the development plan for a council area for the purposes of the Planning and Compulsory Purchase Act 2004. They can include a core strategy, site specific allocations of land, area action plans (where needed) and other documents deemed necessary by the council to deliver the spatial strategy in a justified and effective manner.
E C Directive	A European Community legal instruction, which is binding on all Member States, but must be implemented through legislation of national governments within a prescribed timescale.
Flood Risk Assessment	An assessment of the risk of flooding to the development being proposed and its possible effects on flood risks elsewhere in terms of its effects on flood flows, flood storage capacity and run-off.
Greenfield site	A site previously unaffected by built development.
Evidence base	An evidence base is the evidence that any development plan document, especially a core strategy, is based on. It is made up of the views of stakeholders and background facts about the area.
Examination in Public (EiP)	An independent examination of draft plans.
Front loading	Front loading is the idea that a strong emphasis needs to be placed upon work at the early stages of the plan making process, so that the later stages will run more smoothly.
Green Infrastructure	Green infrastructure is the physical environment within and between cities, towns and villages, specifically the network of open space, waterways, woodlands, green corridors and open countryside.
Highways Agency	An executive agency, part of the Department for Transport in England.
Infrastructure Delivery Plan (IDP)	The infrastructure delivery plan (IDP) is a separate document that accompanies the core strategy and sets out what infrastructure is needed to deliver the proposed development, how much this infrastructure will cost, where the funding will come from and who will deliver it.
Local Area Agreement (LAA)	Agreements between local partners and central government.
Local Development Document (LDD)	Local development document is the collective term in the Planning and Compulsory Purchase Act for the development plan documents, the supplementary planning documents, and the statement of community involvement.

Local Development Framework (LDF)	The local development framework is the name for the portfolio of local development documents consisting of development plan documents, supplementary planning documents, a statement of community involvement, the local development scheme and annual monitoring reports. Together these documents provide the framework for delivering the spatial strategy for a council area and may also include local development orders and simplified planning zones.
Local Development Scheme (LDS)	The local development scheme sets out the programme for preparing local development documents.
Local distinctiveness	Local distinctiveness is the physical, environmental, economic or social factors that characterise an area (and most likely a combination of all four), as well as how an area interacts with others.
Local Planning Authority	The local authority or council that is empowered by law to exercise planning functions for a particular area of the UK.
Local Strategic Partnership (LSP)	A local strategic partnership is a partnership of stakeholders who develop ways of involving local people in shaping the future of their neighbourhood in how services are provided. They are often single, multi-agency bodies which aim to bring together locally the public, private, community and voluntary sectors.
Major development	The term 'major development' is taken to be as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2000.
Natural England	A non-departmental public body responsible for ensuring that England's natural environment is protected and improved.
Planning Inspectorate (PINS)	The government agency responsible for scheduling independent examinations.
Planning obligations (section 106 agreements)	Section 106 (s106) of the Town and Country Planning Act 1990 is the legal basis upon which a local authority can enter into a legally binding agreement, or planning obligation, with a landowner in association with the granting of planning permission. This obligation is called a section 106 agreement. These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. They have been used to support the provision of services and infrastructure, such as highways, recreational facilities, education, health and affordable housing.
Planning Policy Guidance note (PPG)	Government policy statements on a variety of issues that are material considerations in determining planning applications.
Planning Policy Statement (PPS)	Guidance documents which set out national planning policy. They are being reviewed and updated and are replacing PPGs.

Proposals map	A proposal map is an illustration on a base map, reproduced from or based upon a map base to a registered scale, of all the policies contained in development plan documents. It must be revised as each new development plan document is adopted and it should always reflect the up to date planning strategy in the area. Proposals for changes to the adopted proposals map accompany submitted development plan documents in the form of a submission proposal map.
Public Rights of Way (PRoW)	PRoWs are highways that allow the public a legal right of passage.
Regional Spatial Strategy (RSS)	A regional level planning framework for the regions of England, outside London where spatial planning is the responsibility of the Mayor. They were introduced in 2004. Their revocation was announced by the new Conservative/Liberal Democrat government on 6 July 2010. On 10th November 2010 Mr Justice Sales ruled in the case of Cala Homes (South) Ltd v Secretary of State for Communities and Local Government that The Secretary of State for Communities and Local Government was not entitled to use the discretionary power to revoke regional strategies contained in s79(6) of the Local Democracy, Economic Development and Construction Act 2009 to effect the practical abrogation of the regional strategies as a complete tier of planning policy guidance.
Regulations	The regulations refer to the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended).
Saved plan	Those policies within the adopted Local Plan and Structure Plan that have been saved beyond the expiry date by the Secretary of State.
Scheduled Monument (SM)	These are archaeological sites or historic buildings considered to be of national importance by the government. The current legislation, the Ancient Monuments and Archaeological Areas Act 1979, supports a formal system of Scheduled Monument Consent for any work to a designated monument. Scheduling is the only legal protection specifically for archaeological sites.
Site of Special Scientific Interest (SSSI)	This is a conservation designation denoting a protected area in the UK. SSSIs are the basic building blocks of site based nature conservation legislation including the very best wildlife and geological sites, as designated by Natural England. There are over 4,100 SSSIs in England, covering approximately 8% of the country's land area.
Site specific allocations	Allocations of sites for specific of mixed uses or development to be contained in development plan documents. Policies will identify any specific requirements for individual purposes.
Soundness	Soundness means founded on a robust and credible evidence base and the most appropriate strategy when considered against the reasonable alternatives. For something to be sound is must also be deliverable, flexible and able to be monitored.

Source Protection Zone (SPZ)	These are groundwater sources used for public drinking water supply. These zones show the risk of contamination from any activities that might cause pollution in the area. The closer the activity, the greater the risk. The SPZ maps show three main zones (inner, outer and total catchment) and a fourth zone of special interest.
Special Area of Conservation (SAC)	Designation made under the Habitats Directive to ensure the restoration or maintenance of certain natural habitats and species some of which may be listed as 'priority' for protection at a favourable conservation status.
Special Landscape Area (SLA)	A non-statutory landscape designation as defined by the local authority.
Special Protection Area (SPA)	Designations made under the EC Directive 79/409 on bird conservation (The Birds Directive), the aim of which is to conserve the best examples of the habitats of certain threatened species of bird the most important of which are included as priority species.
Stakeholder	Anyone who is interested in, or may be affected by the planning proposals that are being considered.
Statement of Community Involvement (SCI)	The statement of community involvement sets out the standards which authorities must achieve in involving local communities in the preparation of local development documents and development management decisions.
Strategic Environment Assessment (SEA)	A strategic environment assessment is a generic term used to describe environmental assessment as applied to policies, plans and programmes. The European SEA directive (2001/42/EC) requires a formal environmental assessment of certain plans and programmes, including those in the field of planning and land use.
Strategic Housing Land Availability Assessment (SHLAA)	A survey of the sources of potential housing supply, and assessment of delivery criteria to provide an assessment of potential deliverable supply.
Strategic Housing Market Assessment (SHMA)	A survey to find out housing need and demand.
Strategic Road Network (SRN)	The Highways Agency is responsible for operating the SRN in England which consists of most motorways and significant trunk A roads.
Strategically Significant Cities and Towns (SSCTs)	Those settlements which play a critical strategic role either regionally or sub-regionally, as identified in the draft RSS (intended for revocation).
Supplementary Planning Documents (SPDs)	Supplementary planning documents provide supplementary information about the policies in development plan documents. They do not form part of the development plan and are not subject to independent examination.

Sustainability Appraisal	A sustainability appraisal is a tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic factors), and are required in the Act to be undertaken for all local development documents.
Sustainable development	Development which is sustainable in that it meets the needs of the present without comprising the ability of future generations to meet their own needs.
Sustainable Urban Drainage System (SuDs)	These involve a sequence of management practices and control structures designed to drain surface water in a more sustainable fashion than some conventional techniques.
Sustainable Community Strategy (SCS)	A sustainable community strategy sets out the strategic visions for a place and provides a vehicle for considering how to address difficult issues such as the economic future of an area, social exclusion and climate change. It is a vision document which needs to be aligned with the core strategy, as with the vision document for the local development framework.
Wiltshire and Swindon Structure Plan 2016	Forms part of the currently adopted development plan, and will be replaced by development plan documents such as the Wiltshire Core Strategy.
World Heritage Site (WHS)	A cultural, natural or historical site of outstanding universal value designated by the UNESCO World Heritage Site Committee.