

Identifying the infrastructure needed to support housing delivery

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overview

- planning as delivery
- Developing infrastructure plans
- Understanding utilities and highways requirements for new development
- Establishing how infrastructure will be delivered – the use of CIL and s10

Planning as delivery

- Role of planning to be engaged in the **implementation** and realisation of plans
- Role of the **public sector** to lead on this
- Importance of public sector **land** holdings and the way that they are managed
- Need to adopt a proactive **patient investor** approach like Crown or Grosvenor Estates
- Public sector needs **proactive** approach to places where no land ownership – place making, briefs, master plans, planning consents

Developing infrastructure delivery plans

‘This means that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and **infrastructure requirements**, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development’

Procedural Practice in the Examination of Local Plans 2016

Soundness: Positively Prepared p48

Reminder of what NPPF says about infrastructure (1) principles

- Important in plan making (157; 153)
- Positive delivery (17,162, 173, 177, 182)
- Strategic priorities (155; 162)
- Sustainable delivery (7)
- Work with business (160)
- Overcome infrastructure as a barrier (21)
- Identify infrastructure priorities (21)
- Prepare investment/infrastructure plan with partners (31, 162, 179-181)

Reminder of what NPPF says about infrastructure (2) quality and capacity

- Transport (31, 33, 131, 162)
- Water supply (156, 162)
- Wastewater (162)
- Utilities (162)
- Waste (5, 156, 162)
- Floodrisk (156, 162)
- Sport and rec (28, 171)
- Cultural (7, 17, 28, 70, 156)
- Health and Social care (7, 156, 162, 171)
- education (162)
- Energy (156, 162)
- Telecomms (162)
- Green (99, 114)
- Minerals (142, 147)
- Community facilities (7, 28, 70, 155, 171)

Reminder of what NPPF says about infrastructure (3) how

- Through partnership (31, 162, 179-181)
- Through delivery plan
- Site identification and protection (41)
- Design (65)
- Climate change (93, 94, 97, 99)
- Adopt local standards (174)
- Across boundaries (117, 156, 159, 178-181)

Draft NPPF March 2018 – infrastructure content

- Excludes NSIPs
- NIC and Government statements may be material considerations
- identifying and coordinating the provision of infrastructure is a key economic objective of the plan (8)
- Requires early engagement with infrastructure providers (6)

Draft NPPF 2018 cont

- **Strategic policy requirements** include ‘infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)’ (20) and
- **community facilities** (such as health, education and cultural infrastructure (20)
- **climate change** mitigation and adaptation, and conservation and enhancement of the natural, built and historic environment, including landscape and green infrastructure (20)

Draft NPPF cont

- Strategic policies Should look ahead for 15 years and take opportunities from new infrastructure development (22)
- Should be cooperation with infrastructure providers at the strategic level (27) and should have joint working where possible (28)
- **Local plans** should include provision for infrastructure for specific and NP areas (30)
- On **contributions** should be affordable housing first then infrastructure (34)

Draft NPPF cont

- Infrastructure issues should be resolved at **pre-app** stage as far as possible (42)
- New housing development should take account of **existing and planned** infrastructure investment from all sectors (73)
- **Barriers** to investment such as poor infrastructure should be identified (83)
- **Green** infrastructure important for healthy lifestyles (92)
- **Transport** should be considered at earliest stages of plan making including existing and planned (103)

Draft NPPF cont

- Sites to protect critical infrastructure development should be safeguarded (105)
- Should have local **cycling and walking** infrastructure plans (105)
- For larger scale infrastructure, take into account whether or not is likely to be an **NSIP** (105)
- Consider issues related to **communications** infrastructure (section 10)
- Relate increased **densities** with infrastructure requirements (122)

Draft NPPF cont.

- **Green Belt** and local infrastructure provision (145)
- **Climate change and resilience** of infrastructure should be considered (148)
- **New development** should use green infrastructure to support resilience (149)
- Should support new and low carbon forms of **energy** (150)
- Consider infrastructure that needs to be relocated away from **coast** (165)
- Maintain and strengthen green **habitats** infrastructure (168)

Draft NPPF cont

- Green infrastructure should contribute to **air quality** improvements (179)
- **Minerals** and their contribution to infrastructure provision (section 17)

How important is an infrastructure delivery plan for local plan?

- Approx 24 local plans adopted in 2016 according to PINS
 - Checked each re IDP – common features
 - Recent IDP
 - Integrated new and existing requirements
 - Integrated funding sources
 - Where none – mods commit to preparing

IDP practice in local plans adopted in 2017

What I did:

- Reviewed all plans adopted in 2017 by 31 October using PINS list apart from Tewkesbury (couldn't find) and Swale (couldn't open IDP as password protected on web site)
- Reviewed Inspector's Report for references to the IDP and infrastructure
- Reviewed IDP
- Summarised main common issues and current practice

Which plans did I review?

- Adur
- Camden
- Canterbury
- Coventry
- Ipswich
- Kingston-upon-Hull
- Luton
- Maidstone
- Maldon
- North Kesteven
- North Tyneside
- Stevenage
- Warwick

Inspector's reports – points to note

- Each Inspector picked up different points and these presumably related (in part) to the proposals in the plan
- Some only focussed on CIL, some only on major development sites

2017 Adopted Local Plans Examiners' Reports – comments/ issues raised on infrastructure

- Majority mentioned the importance of the role of infrastructure **providers' groups/engagement** as part of the process for preparing the IDP and this seemed to be a primary principle to be established
- Keeping **meetings** log and diary
- All Inspectors mentioned the **IDP** in their reports
- Majority of reports had a defined infrastructure **issue**
- In a number of reports, infrastructure was an issue to consider in the **duty to cooperate**

2017 Adopted Local Plans Examiners' Reports – comments/ issues raised on infrastructure continued

- The role of infrastructure in achieving **delivery and deliverability** was important in all reports
- Links to the delivery of other **Council strategies** mentioned as being positive point about IDP
- **Range** of infrastructure issues in each report varied including transport, water, social and community, air quality, green, electric vehicle charging points , health, drainage

2017 Adopted Local Plans Examiners' Reports – comments/issues raised on infrastructure continued

- Where IDP too general, Inspector had requested more **detail** of categories, timing and phasing
- Inspector required inclusion of **Council's role** in infrastructure delivery
- Where **master planning** being used as part of Local Plan, Inspector required specific infrastructure requirements as part of this
- Reinforced need for certainty for **first five year** period as in NPPF

2017 Adopted Local Plans Examiners' Reports – comments/ issues raised on infrastructure continued

- One Inspector required inclusion on infrastructure **trigger** points on major developments
- One inspector criticised the failure to include infrastructure delivery **standards for new development**
- In one report, Inspector wanted evidence of Infrastructure **capacity**
- A number of infrastructure issues were included in the Inspector's **major modifications**

observations

- Published **outside** the text of the plan
 - **Up to date** or have to re consider
 - Most appear to have been done **in-house**
 - Mostly organized by **topic** – few by location
- Those that focus entirely on **estimates** of future reqs for new dev have had to replace
- High reliance in some on CIL and s106 that suggest lack of **engagement with providers** – again need to go back

Preparing infrastructure plans

1. Development in existing areas
2. Development in rural areas
3. Development on greenfield land

1. Development in existing areas

- Assessment of **existing capacity**
- Selection of sites where more capacity as first **priority**?
- Consider capacity in **neighbouring** local authorities
- Consider how capacity can be **shuffled** eg schools
- Consider how existing capacity could be **reconfigured**
eg if need primary school and capacity in secondary school, put primary in secondary

cont

- Use shops and other existing facilities for **interim provision** eg health, child care prior to completed development
- Consider **cumulative impact** of population growth for cultural and leisure facilities
- Consider **demographic change** and housing stock
- Include **delivery partners** own forward capital programmes

2. Development in rural areas

- Consider **location** of services
- Adopt **local standards** of access to services definition as NPPF
- **Apply** this and use to select and determine quality of sites
- Consider benefits of additional population to **providing/maintaining** local services eg schools, shops, health

Development on greenfield land

- Adopt **local standards** against which to determine infrastructure requirements as part of local plan ie ahead of development if possible
- Assume that **developers** will want to build facilities rather than provide funding or affordable housing
- Assume **councillors** will want developers to provide facilities rather than affordable housing

Cont.

- Consider **density and access** issues in all negotiations
- LA should discuss utility requirements very early to see whether companies want to undertake some **development** on their land at the same time that would cross fund services
- Discuss whether LA wants to take a **partnership** stake in the development, be funded to provide services and then take an income stream from rent

Types of infrastructure: 1 nursery and day care provision

- Don't forget **local needs** in new development
- **Larger houses** specially adapted can provide day nurseries
- Will we need similar local day care facilities for **older people** in the future?
- **Local authority** could take ownership and rent out to providers to obtain income stream (s1-7 2011 Localism Act)

Type of infrastructure: 2. schools

- Most popular with **developers** – cheaper and liked by neighbouring residents
- Most popular with **education** departments as CIL and s106 funding not counted in DfE returns
- Look at reconfiguring **existing capacity** and school closures
- **Can locate a school in any building** – does not have to be purpose built or have playing fields – can be in an office, retail, former hospital – doesn't just apply to free schools

Schools cont

Funding

- This is where to find out how much money each la is receiving for capital expenditure
- <https://www.gov.uk/government/publications/capital-allocations>
- These are the rules for the funding – no mention of developers’ contributions
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/498827/Condition_funding_methodology_for_2015_to_2018_-_updated_explanatory_note_for_2016-17.pdf
- Letter from Brandon Lewis exhorting local authorities but not requiring https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506816/160209_Letter_on_school_funding.pdf

Health

- First action to review needs in **Joint Strategic Needs Assessment** for local area
- Look at local **Well Being** strategy
- Speak with Clinical Commissioning Group (CCG) about their views on **existing provision**
- Speak with **NHS Property Services** – landlord, provider and funder for health facilities
<http://www.property.nhs.uk/what-we-do/>

Health cont

- Be careful about accepting health buildings/facilities from developers as service **requirements change very rapidly**
- Would be better for local authority to accept **land** that it may then rent to health providers or use in swap for later better location
- Remember **competition** between primary and secondary health care for budgets and provision
- Remember all health providers set up as **businesses** including GPs

Using s106 and CIL

- Would always suggest receiving **land** rather than buildings or funding
- This adds to local authority's **portfolio**, increases its **assets** and opportunities to generate **income** stream
- Also provides future **flexibility** about land use
- Would never accept requirements for **school or health buildings** as they will be funded by other agencies and crowding out housing and green space provision
- Focus on affordable/shared ownership **housing** provision on site
- Use this funding for infrastructure **not funded** ie open space and public realm, cycleways

Conclusions

- Always work with **infrastructure providers** and learn how they make assessments and what they are proposing
- Talk to **utilities** early
- Think about the **local authority's** own role in development
- Look at **existing capacity** first
- Don't always assume that should provide **new**
- Don't assume that local authority or developers should fund schools and health – **national services**
- Ensure **DM** using IDP as a basis for negotiation