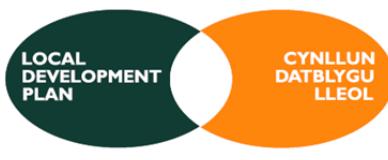


# Newport City Council

## Local Development Plan

Hearing Session 6: Transport; Other Infrastructure; Community Facilities

10am – Wednesday 9<sup>th</sup> April 2014



## **Main discussion matters**

### **1. Infrastructure funding and delivery; SP13 Planning Obligations.**

- i. **Does policy SP13 and its supporting text provide sufficient clarity and certainty as regards where development proposals will be subject to S106 obligations relating to infrastructure provision and where subject to Community Infrastructure Levy (CIL) (including timescale for adoption of a CIL charging schedule)? By what other means (if any) does SP13 intend that contributions will be sought?**
- 1.1 It is considered that the supporting text could be amended to provide greater clarity. The Council invites the Inspector to replace paragraph 2.44 and 2.45 with the following text:

'In order to mitigate the impact of development, S106 planning obligations will be sought to enhance the quality of the development, provide community benefits and infrastructure facilities. The Planning Obligations SPG will provide the framework and requirements for planning obligations for new developments. Although not exclusive, the Planning Obligations SPG will 'target' the provision of education services; highways and transportation services; leisure and recreation services; and affordable housing. The Council will negotiate planning obligations on a site-by-site basis where these are 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. As part of this process, the level of affordable housing provision will be set at a rate that reflects individual site viability, based upon 'open book' appraisals and potentially independent third party analysis.'

The Community Infrastructure Levy (CIL) system came into force in April 2010 and will potentially have implications on the range and nature of contributions sought through S106 planning obligations during the Plan period. Any such considerations would be accommodated through the preparation of Supplementary Planning Guidance. S106 planning obligations will continue to ensure that 'site specific' mitigation is sought to make a development acceptable in planning terms. Additionally, a separate CIL Regulation 123 List would identify infrastructure that addresses the 'broader' impacts of development. It is anticipated that a Pre-Draft Charging Schedule and Infrastructure Delivery Plan will be published in early autumn 2014, followed by adoption prior to April 2015.

Please note two limitations on the use of planning obligations post the adoption of CIL: Firstly, there will be no circumstances where a developer will pay CIL and S106 for the same infrastructure in relation to the same development; Secondly, planning obligations, from section 106 agreements, designed to collect pooled contributions from five or more developments may not be used to provide infrastructure which could be funded through a CIL.'

- 1.2 There is no intention to seek 'other' contributions, over and above S106 and CIL
- ii. **Does policy SP13 make sufficiently clear the range of matters that s106 obligations may be expected to cover; how development viability considerations will be taken into account; and how the LPA will prioritise between competing infrastructure considerations?**

- 1.3 The previous response proposes new supporting text to accompany SP13. This new supporting text provides greater clarity as to the range of matters s106 obligations will cover, with the addition of the following text:

'Although not exclusive, the Planning Obligations SPG will 'target' the provision of education services, highways & transportation services, leisure & recreation services and affordable housing. The Council will negotiate planning obligations on a site-by-site basis where these are 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'.

- 1.4 Development viability is a clear consideration for the Council. Negotiation is undertaken where it is necessary to make the development acceptable in planning terms and where it is not to the detriment of creating a sustainable development. In particular, Policy H4 is explicit in terms of the need to reflect the level of affordable housing provision at a rate that reflects individual site viability.

- iii. **Is the operation of policies CF2 and CF13 sufficiently clear? Are these policies intended to apply to all housing developments, including single dwelling applications? In the absence of CIL, how will this be operate in relation to s106 obligations, in the light of CIL Regulation 123?**

- 1.5 It is considered that both policies require some amendment in order that their operation is made clear. The Inspector is invited to amend the wording along the lines of the suggestion below.

- 1.6 Policy CF2 is not intended to apply to single dwellings, until the introduction of the Community Infrastructure Levy. The Council intend to implement the CIL during the plan period and therefore feel that setting a target in policy CF2 is inappropriate because the target associated with policy CF2 will change when CIL is adopted. To provide a clear and simple approach, the threshold where contributions will be sought has been detailed in Planning Obligations SPG. The SPG is to be re-adopted immediately upon LDP adoption, and the Council consider that this approach deals with the issue with sufficient clarity and certainty for developers.

- 1.7 Policy CF2 and supporting text in paragraph 9.14, are proposed to be amended as follows:

**CF2 Outdoor Play Space Requirement**

**PROVISION OF OPEN SPACE IN ACCORDANCE WITH THE FIELDS IN TRUST STANDARD (OR AS AMENDED) WILL BE SOUGHT TO SERVE ALL NEW HOUSING DEVELOPMENT, AND THE DEVELOPER WILL BE REQUIRED TO PAY A COMMUTED SUM TO COVER FUTURE MAINTENANCE.**

'The Planning Obligations SPG will require new housing development to provide site specific Open Space planning obligations, secured via S106 legal agreements or planning conditions. Wherever possible, provision should be made on site as an integral part of the development and in a location well related to the proposed residential properties. Where the site is too small to secure appropriate provision, or where a number of residential developments are proposed, consideration will be given

to combining their open space provision to form a larger, more useable and more manageable area in the locality which will be of direct benefit to the proposed developments. Alternatively, where some or all of the provision needs to be made off site, a financial contribution may be appropriate to allow facilities to be improved in a suitable location nearby; noting that planning obligations designed to collect pooled contributions from 5 or more developments may not be used to provide infrastructure which could be funded through a future CIL Regulation 123 List. In addition, commuted sums will be sought from developers where the maintenance of the open space is to be the responsibility of the Council. Upon adoption of a CIL, all single dwellings will be eligible for a CIL charge. Consequently, S106 planning obligations will no longer be sought for open space infrastructure that is identified in a CIL Regulation 123 List’.

- 1.8 The Inspector is invited to amend the supporting text of Policy CF13 in paragraph 9.52, as follows:

‘...The Council will seek S106 planning obligations, generated as a result of the associated development, towards the provision of additional education facilities for above sites i/ii/iii/iv...’

- 1.9 The Inspector is invited to add the following wording at the end of paragraph 9.56:

‘...It is anticipated that sites v/vi will be funded through a future CIL and/or other third party funding streams.’

- 1.10 The Council invites the Inspector to remove site vii, South of Percoed Lane, as noted in the Council’s response to Hearing Session 1.

- iv. **What evidence demonstrates that the key elements of infrastructure needed to successfully deliver the Plan can realistically be delivered through known public funding programmes together with infrastructure contributions through the development process?**

- 1.11 The key elements of infrastructure needed to successfully deliver the Plan include that which is associated with housing, new school sites, railway stations, major road schemes and a waste site, as set out in the Delivery and Implementation Paper (SD62). It is considered that the appropriate level of investment can be secured to deliver that infrastructure which is required to deliver the Plan, the delivery and sources of funding for each of these types of infrastructure is outlined below:

### ***Housing***

- 1.12 It is important to note that over 80% of the housing supply within the Plan already has consent, consent subject to s106, or has been implemented. Therefore the specific infrastructure necessary to deliver these houses has been or is in the process of being agreed through s106 legal agreements. Infrastructure necessary to deliver the 8 Housing Proposals (which do not have consent) is considered in this section.

#### ***a) Utilities***

Welsh Water notes that generally they can provide water supply and sewerage disposal to the housing proposals. They also note that sites will require an assessment to understand how a connection can be made and the level of capacity at the site.

The Mobile Operators Association did not raise any issues with the plans proposed allocations.

No comments from Western Power or Wales and West Utilities on the Plans proposals.

Developers will be required to satisfy the required level of improvements required to ensure the site is serviceable.

***b) Highways***

The provision of highways and/or improvements is calculated on a site by site basis. Any required road provision is required to meet the relevant adoption standards and agreed through a section 278 and/or section 106 agreements to be provided by the developer. Newport Highways have not raised any major issues with regard to the Proposals.

***c) Flood Defences***

Four of the eight Housing proposals are allocated in areas of flood risk and will therefore require flood mitigation works to be undertaken. The details of the required works are agreed on a site by site basis and will include measures such as land raising, established evacuation routes etc. The mitigation measures required will be conditioned and/or agreed through a section 106 agreement and are to be provided by the developer.

***d) Education***

The provision of educational need is calculated on a site by site basis. If there is a deficit of educational capacity at schools that serve the development, contributions will then be requested from developers through a section 106 agreement. School capacity is considered at the date on which the planning application is submitted.

***e) Open Space and Recreation***

The provision of environmental space requirement is calculated on a site by site basis. If there is a deficit of open space or play space that serve the development, sites and/or contributions will then be requested from developers through a section 106 agreement.

***School Sites***

- 1.13 Allocations CF13 i) – iv) have been identified to meet the educational needs of the associated regeneration sites. The schools will be delivered through S106 agreement and will be funded entirely by developer(s). The Council is confident over the delivery of these regeneration sites, as set out in their submission to Hearing Session 3.

<b>Site Name</b>	<b>Expected Phase of Delivery</b>	<b>Source of Funding</b>	<b>Supporting information</b>
Former Whitehead Works	2011-2021	Private Developers, through section 106 agreement and potentially through NCC funds.	Policy EM2(viii), paragraph 6.23 notes the need for a primary school on site as part of the development. This is because there is a deficit in primary school places in the local catchments. Contributions for the school have also been secured from the developer of H1(14) Monmouthshire Bank Sidings through a signed Section 106.
Former Novelis Site	2011-2021	Private Developer, through section 106 agreement	Signed Section 106 to provide a primary school on site which will be provided by the developer and transferred to the Council.
Glan Llyn	2016-2026	Private Developer, through section 106 agreement	Signed Section 106 to provide two primary schools on site which will be provided by the developer and transferred to the Council.
Llanwern Village	2011-2021	Private Developer, through section 106 agreement	Signed Section 106 to provide a primary school on site which will be provided by the developer and transferred to the Council.

- 1.14 There are two allocations within the Duffryn area of Newport. Duffryn currently has a primary and secondary school. These schools are dated and in need of remodelling. The two allocations within the Plan allow for this to happen overtime. The remodelled schools are not required to support the growth within the LDP, but instead are necessary to rejuvenate tired buildings and will also help to regenerate the area. The sources of funding are likely to be predominantly Welsh Government and the Council's own corporate budget. Providing the remodelled schools also increase capacity to cater for future growth, income from the future Community Infrastructure Fund could also be used.
- 1.15 The Council has reconsidered the allocation CF13 vii) Percoed Lane, and invites the Inspector to remove the site from the Plan, as discussed in Council's response to Hearing Session 1.

### ***Railway Stations***

- 1.16 The delivery of each of the proposed railway sites is discussed in the response to question 3 below. The funding is to be sourced from the Welsh Government because Local Authorities cannot deliver such sites.

### ***Major Road Schemes***

- 1.17 The delivery of each major road scheme sites is discussed in more detail in question 2 below.

<b>Site Name</b>	<b>Source of Funding</b>	<b>Supporting Information</b>
M4 Junction 28	<ul style="list-style-type: none"><li>• Welsh Government</li></ul>	Welsh Government has recently advertised for Expression of Interest by 28 March 2014
Queensway (Eastern Extension of SDR)	N/A	Scheme has been completed.
Duffryn Link Road (Western Extension of SDR)	<ul style="list-style-type: none"><li>• Newport City Council</li><li>• Welsh Government</li><li>• Community Infrastructure Levy</li></ul>	The road is required to ease current congestion and serve the development of the Duffryn employment site and associated railway site. Possible site within the South Wales Metro system.
Old Green Roundabout Remodelling	<ul style="list-style-type: none"><li>• Newport City Council</li><li>• Welsh Government</li><li>• Community Infrastructure Levy</li></ul>	This scheme was confirmed as a priority in the South East Wales Transport Alliance (SEWTA) Regional Transport Consortium for schemes over £1m. It is also a possible site within the South Wales Metro system.
North - South Link in Eastern Expansion Area	<ul style="list-style-type: none"><li>• Private Developer</li></ul>	Developers at Glan Llyn and Llanwern Village have agreed to provide the North South Link as outlined in their signed section 106 agreements.

### ***Waste***

- 1.18 There is one site safeguarded for waste disposal purposes at Docks Way. The site is currently in operation and used as a waste disposal site by the Council.

## **2. SP16 Major road schemes - timing/delivery and safeguarding.**

- i. What evidence demonstrates that the major road schemes listed in policy SP16 will all be delivered within the lifetime of the Plan? Is funding assured for all of the schemes identified?**
- 2.1 The major road schemes identified in Policy SP16 are expected to be delivered within the Plan period. An update for each of the schemes is set out below:
  - i) M4 Junction 28. This is a Welsh Government scheme that has recently been advertised for Expression of Interest by 28 March 2014. Construction start date has been indicated for April 2016.
  - ii) Eastern Expansion of the Southern Distributor Road (SDR). This scheme has been completed by the Welsh Government and is open to traffic.
  - iii) Duffryn Link Road (Western Extension of SDR). This road is required to alleviate the congestion on M4 Junction 28 Tredegar Park. It will link the SDR with Cardiff Road serving the east Newport business and industrial area in the Cleppa Park area. It will also serve the proposed Coedkernew Railway station identified in the SEWTA Rail Strategy and is being considered as a possible strategic park and ride site by the Welsh Government's Metro and New M4 Teams for implementation post 2015.
  - iv) Old Green Roundabout Junction Remodelling. The existing roundabout is over capacity during the peak traffic hours and is perceived as a barrier to walking, cycling and public transport access into the city centre. This was confirmed as a priority in the South East Wales Transport Alliance (SEWTA) Regional Transport Consortium for schemes of over £1m. The remodelling was identified in several reports including the [City Wide Strategy 2004](#), [Old Green Implementation Study 2006](#), and the [Transport City Wide Transport Strategy refresh in 2011](#) (please click on hyperlinks to view actual studies). This is under consideration by the Welsh Government Metro Team for implementation post 2015.
  - v) The North/South Link was identified in the [East Newport Development Plan Transport Appraisal 2004](#), the [Newport Eastern Expansion Area Transport Appraisal of UDP Options Phase 2 Review January 2007](#), and the [East Newport development Framework Plan supplementary planning Guidance February 2007](#) (Please click on hyperlinks).

The Welsh Government Metro team is considering the North/South Link for funding to commence design work and the New M4 Team identified it as a Complementary Measure to its proposed Black Route in the recent public consultation.

The link has been identified as important in facilitating a circular route for bus services as well as vehicular access to the proposed Llanwern Railway Station from the Llanwern Village Expansion Area (1,100 dwellings), Llanwern Steelworks Regeneration site (4,000

dwellings and business/industrial area at Glan Llyn) and the existing south west residential areas of the City and south west Monmouthshire (Magor).

The Alternative Site stage proposal for a pedestrian/cycle link instead of a road link would not provide adequate sustainable access to the new station or proposed park and ride facility. Vehicular access to the station is proposed directly off the north/south link.

- A financial contribution of £5m has been secured by Section 106 contribution from the Llanwern Village Expansion developer for the construction of the bridge. The trigger for commencement of payment is anticipated within the next financial year with completion of the scheme within 5 years. The Section 106 sets the trigger for the first £500,000 towards North-South Link upon the later of Commencement of Development or 28 days of receipt of written notification from the Council. The remaining North-South Link contributions are to be paid in instalments upon receipt of invoices within a 10 year period. The complete construction is to be within 12 months of payment of the final instalment. The Repayment of any unspent or unallocated contributions is to be made at the date 3 years from the final instalment.

**Is there a sound rationale for the proposed north-south link within the Eastern Expansion Area (SP16(v))? Would the suggested alternative of a pedestrian/cycle link more appropriately meet the needs of the area? How would the north-south link be funded and delivered (and within what timescale)?**

2.2 Please see above response in paragraph 2.1 bullet v).

### **3. T1 Rail proposals – deliverability and funding.**

- i. **What evidence demonstrates that the rail proposals listed in policy T1 will all be delivered within the lifetime of the Plan? Is funding assured for all of the schemes identified?**

3.1 Rail is devolved to the Welsh Government such that Local Authorities cannot deliver any schemes. The following new stations have been identified in different studies.

- a) Llanwern Station. This station was identified in the 2006 Rail Study and subsequent SEWTA Rail Strategy. Access to the station will be provided by utilising Section 106 funding from the Llanwern Village expansion developer. The station is supported by the SEWTA Rail Strategy and is being considered by the Welsh Government Metro Team for implementation post 2015. Grip 3 Study, Options Selection, has been signed off by Network Rail. The Guide to Railway Investment Projects (GRIP) describes how Network Rail manages and controls projects. The GRIP lifecycle stages are appended for information.
- b) Caerleon Station. This station is supported by the SEWTA Rail Strategy and is being considered by the Welsh Government Metro Team for implementation post 2015. Grip 3 Study, Options Selection, will be completed by the end of the current financial year.

- c) Coedkernew Station. This station is supported by the SEWTA Rail Strategy and is being considered by the Welsh Government Metro Team as a strategic park and ride site for implementation post 2015.
- d) Pye Corner Station. Planning permission has been granted. Construction to commence May 2014 with completion in December 2014.
- e) The remainder of the proposals are to promote and safeguard rail aspirations in line with the emerging Welsh Government Metro aspirations.
- f) An extract from the South East Wales Integrated Transport Task Force April 2013 has been appended for information although the prioritisation of schemes is currently being taken.

#### **4. Other matters.**

- i. **Does policy SP12 Community Facilities need to explicitly state that in appropriate circumstances community facilities could be accommodated outside the settlement boundary?**
  - 4.1 The policy does allow for development outside the settlement boundary if it is considered a sustainable location. The facility would need to support rural communities and it is therefore considered that the most appropriate locations would be within or adjacent to existing settlements, because these areas would be more accessible for public transport, utilities etc.
  - 4.2 The Inspector is invited to add the following clarification in paragraph 2.41 supporting text:  
  
 'Such facilities need to be accessible by a choice of transport modes and should be situated within or adjacent to the defined urban and village settlements or the community which the facility is serving'.
- ii. **What certainty exists that all of the measures listed in SP15 Integrated Transport will be implemented within the Plan period? Should the policy say that integrated transport will be "pursued", rather than "implemented", given the extent of control over these matters?**
  - 4.3 The policy does not set out a number of transport schemes that are to be implemented but notes those types of integrated transport schemes that the Plan will support. The objective of the policy is to improve transport schemes in line with regional and national policies.
  - 4.4 The proposed rewording of the policy is considered appropriate, and would therefore read:

**INTEGRATED TRANSPORT WILL BE PURSUED IN LINE WITH THE REGIONAL TRANSPORT PLAN, INCLUDING: .....**

The supporting text will remain and is considered to support this new policy wording.

**iii. Is the wording of policy T4 Parking sufficiently detailed to stand as a land use policy? Does it provide an adequate level of clarity and certainty to prospective developers?**

- 4.5 It is considered that the policy could be amended to provide more detail as to the need for developers to provide various levels of parking depending on the location. Proposed wording for the policy is set out below:

**DEVELOPMENT WILL BE REQUIRED TO PROVIDE APPROPRIATE LEVELS OF PARKING, WITHIN DEFINED PARKING ZONES, IN ACCORDANCE WITH ADOPTED PARKING STANDARDS.**

- 4.6 It is not considered necessary or appropriate to fully detail the Council's adopted parking standards within Policy T4. This would make the policy unnecessarily wordy and complex. Such detail is best contained within Supplementary Planning Guidance (SPG). The existing adopted SPG would be reviewed and adopted immediately to coincide with adoption of the LDP to avoid a policy void or uncertainty for developers.

**iv. In the light of policy T8, should the All Wales Coast Path be identified on the LDP Proposals Map?**

- 4.7 In order to provide clarity, for Policy T8, it would be appropriate for the All Wales Coast Path to be identified on the Proposals Map.

**v. Is proviso ii) of policy CF1 (protection of recreational facilities) sufficiently clear? Whose long term requirements does this refer to and how is this determined?**

- 4.8 It is agreed that the current wording for criterion ii) could be improved. New wording is proposed to the policy and supporting text:

**ii) THE LAND OR BUILDING(S) IS SURPLUS TO REQUIREMENTS**

To meet criterion ii) developers will be required to evidence that the land or building(s) is surplus to requirements. This can be done by utilising the Council's Assessment of Outdoor Play Space and site specific assessment of need.

**Appendix 1 - Guide to Railway Investment Projects (GRIP) lifecycle stages**

# Guide to Railway Investment Projects (GRIP)

- GRIP 1 = Output Definition
- GRIP 2 = Pre-Feasibility
- GRIP 3 = Options Selection
- GRIP 4 = Single Option Development
- GRIP 5 = Detailed Design
- GRIP 6 = Construction, Testing & Commission
- GRIP 7 = Scheme Handback
- GRIP 8 = Project Close-Out





## The Guide to Railway Investment Projects (GRIP)

### What is GRIP?

The Guide to Railway Investment Projects (GRIP) describes how Network Rail manages and controls projects that enhance or renew the national rail network. It covers the project process from inception through to the post-implementation realisation of benefits. Strategic processes for identifying, evaluating, filtering and prioritising investment needs, or the initial development of the outline business case for a project prior to its inception are dealt with elsewhere.

Network Rail has developed this approach to managing investment projects in order to minimise and mitigate the risks associated with delivering such projects on an operational railway. The approach defines the investment project lifecycle, key products and controls that are mandatory when undertaking network investment schemes. To see a description of each project lifestyle stage, [click here](#).

### Who must comply with the Guide?

All 'investment' projects must comply with the Guide to Railway Investment Projects. An 'investment' project is defined as:

- capital expenditure over £25k for renewals, enhancements, capex improvements and 3rd Party funded projects - including asset protection works
- non-recurring project opex expenditure with a cost greater than £250k.

The Guide to Railway Investment Projects includes the Investment Regulations, which set out when in the lifecycle projects must obtain funding authority. The guide replaces the Project Control Manual for these projects and supplements the Integrated Planning Manual for renewals projects. The Guide to Railway Investment Projects and Investment Regulations exclude property development, day-to-day operating expenditure and maintenance.

### How does this relate to signalling renewals?

The Guide includes a Signalling Renewals Development Manual that defines and describe the products specific to the development and delivery of signalling renewal projects at each stage of the investment lifecycle. To see a table showing the products required throughout the investment lifecycle, [click here](#).

[Back to the top](#) | [GRIP Process](#) | [GRIP Lifecycle](#) | [GRIP Products](#)

[close window](#)



## The GRIP lifecycle stages

### Investment projects are managed in discrete stages

The investment stages within the lifecycle reflect the significant business and technical milestones in the project's development and delivery.

There are eight stages in the lifecycle:

1	Output Definition	Establishes the scope of the investment in terms of the incremental network capability required by the investment's "client". This is described in terms such as journey time, capacity, loading gauge etc. It may also require the scoping of asset renewal.
2	Pre-feasibility	<p>Ensures that asset condition, safety or standards requirements are identified and included in the scope of the investment.</p> <p>Ensures that investment is aligned with organisational strategy and contributes to targets.</p> <p>Identifies the constraints on the network that prevent the delivery of the client's outputs and defines the incremental capability that must be delivered by the investment.</p> <p>Provides confirmation that the outputs can be economically delivered by addressing the identified constraints.</p>
3	Option Selection	<p>Develops options for addressing the identified constraints and delivering the required incremental network capability.</p> <p>Assesses the options and selects the most appropriate one, together with confirmation that the outputs can be economically delivered.</p>
4	Single Option Development	Develops the selected single option to the point of engineering scope freeze and in sufficient detail to allow finalisation of the business case and scheduling of implementation resources.
5	Detailed Design	Produces a complete and robust engineering design that allows risks, costs, timescales, resources and benefits to be fully understood prior to commitment to implement.
6	Construction, Test and Commissioning	Delivers the asset change / renewal to the appropriate specification and provides confirmation that the asset and system work in accordance with their design and that they deliver the incremental network capability.
7	Scheme Handback	Transfers asset responsibility from the project contractor back to the operator and maintainer and brings the asset into beneficial use.

**8 Project Close Out**

Ensures that the project is closed out in an orderly manner with updated asset management information, capitalised assets, settled contractual accounts and any contingencies and warranties are put in place. Logging up and other funding arrangements finalised and assumed business benefits are captured in the Business Plan.

[Back to the top](#) | [Back to GRIP intro](#)

[close window](#)

**Appendix 2 - Extract from the South East Wales Integrated Transport Task Force April 2013**

# South East Wales Integrated Transport: Potential Future Network

