



Local Development Framework **CORE STRATEGY** Published Version



Shaping the Future of Sedgemoor 2006-27

May 2013

(Adopted September 2011)

4 Major Infrastructure Projects

Major Infrastructure Projects

Context

4.1 For the purposes of the Core Strategy, Major Infrastructure Projects (MIP's) are those infrastructure projects that would require Environmental Impact Assessment (EIA) as set out in Schedules 1 and 2 of the EIA Regulations 1999 (except predominantly residential schemes), and include those defined as Nationally Significant Infrastructure Projects (NSIP's) in the Planning Act 2008. Where associated or ancillary development is related to the construction or operation of a MIP, these proposals will also fall under the same definition.

4.2 Legislation in the Planning Act 2008 provides that NSIP are of such potential importance to the UK that a different consenting process to the "normal" grant of planning permission by the local planning authority is established. The primary planning policy relating to the consent of NSIP's is to be found in the generic and specific National Policy Statements (NPS).

4.3 Potential MIPs (with some likely to be NSIP's) which are either located within Sedgemoor or are likely to affect Sedgemoor within the Core Strategy plan period, include:

- New Nuclear Power Station at Hinkley Point C.
- New 400kV Electricity Transmission Circuit between Hinkley Point and Seabank (near Bristol).
- Steart Coastal Management Project.
- Cheddar Reservoir extension.
- Energy generation at Puriton Energy Park.
- Severn Tidal Power – Although there are no currently active plans, this project is subject to review and new proposals for Severn Tidal Power may emerge during the timeframe of the Core Strategy.

4.4 Relevant NPSs will set out the national case in principle for NSIPs and provide a national policy framework for the consideration of proposals by the Major Infrastructure Planning Unit of the Planning Inspectorate (the successor body to the Infrastructure Planning Commission), with the final decision to grant permission being made by Government Ministers.

4.5 NPSs set out in the context of the particular type of NSIP explain how the proposals will be assessed. For example, the Revised Overarching National Policy Statement for Energy (EN-1), published in June 2011, explains how applications for development consent for large scale energy projects will be examined and determined. In accordance with legislation, the IPC, its successor or the Secretary of State must determine applications in accordance with any relevant NPS, except in specified circumstances, The Assessment Principles note that the IPC should take into account national, regional and local benefits, and adverse impacts including local impacts, and that it should have regard to any local impact report submitted by a relevant local authority. In reaching a decision it is stated that; "if the IPC is satisfied that the adverse impacts identified (including any cumulative impacts) outweigh the benefits of the proposed development (taking into account measures to avoid, reduce or compensate for those adverse impacts), consent should be refused".

4.6 Although NPSs are not part of the statutory development plan, local planning authorities will clearly need to have regard to these when preparing their plans at a local level.

4.7 Sedgemoor District Council will continue to play an important role as a statutory consultee in relation to NSIP applications, including producing a Local Impact Report when affected by the NSIP application.

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4.8 In this Chapter of the Core Strategy, where "impacts" are referred to, these can be positive and negative impacts and where "mitigation" is referred to this can, where appropriate, include "compensation" where this is consistent extant government policy advice (currently Circular 05/05 that contains the relevant policy approach to planning obligations relating to NSIPs). The completion of a Habitats Regulations Assessment will be required where a project is likely to give rise to significant effects upon a Natura 2000 site; this may give rise to mitigation or compensation requirements under the provisions of the Habitats Directive.

Approach

4.9 This chapter of the Core Strategy deals both with those MIPs where Sedgemoor District Council is the local planning authority, and NSIPs, where the Council is a statutory consultee. Because NSIPs are subject to a separate planning process within the national planning regime, the Core Strategy does not set any policies, tests or requirements for the IPC/MIU/ Secretary of State to apply in deciding whether any element of the development comprised in an application for development consent is acceptable, nor the basis on which any such application should be approved. Accordingly, the Core Strategy does not have the same status for decision making by the IPC/MIU as it does for decisions under the Town and Country Planning Act 1990, where the Council is the determining authority. However, the Planning Act 2008 at Section 104(2)(b)and(d) states that the IPC/MIU/Secretary of State must have regard to any Local Impact Report [LIR] together with any other matters they think are both important and relevant to their decision. This chapter of the Core Strategy will inform the LIR to be submitted by the Council to the IPC/MIU/Secretary of State in connection with the determination of any application for development consent.

4.10 In relation to NSIP's, applications for NSIP's will be examined by the Major Infrastructure Planning Unit (MIU) and a decision made by the Secretary of State. Local authorities will only be the decision maker for any elements of associated or ancillary or related development for which applications are made to the local planning authority. National Policy Statements will provide the national policy framework for decision making for NSIP's, but the MIU will also take account of other matters that it thinks are both important and relevant to its decision. In this respect, the Council considers it appropriate to explain the approach that it will take in undertaking its role as planning authority when consulted upon such an application. The chapter deals with both roles of the Council in relation to MIP and with development that is associated with, ancillary to, or related to a MIP, so that the terms of this chapter therefore will help inform:

1. The promoter's understanding of how the local authority considers a NSIP should be brought forward in the local context, including in relation to any associated, ancillary or related development proposals of an NSIP project. This is to help assist a NSIP promoter when preparing a development consent order application to be made to the MIU.
2. The preparation of a Local Impact Report by the Council in relation to the NSIP to be submitted to the MIU by the Council. This Local Impact Report will assist the MIU in the examination of the NSIP. The Local Impact Report will help identify potential local impacts and possible mitigation and compensation sought by the Council to address impacts of the NSIP and any associated or ancillary or related development which is part of the development consent order application. The determination of any associated or ancillary or related development proposals which are not part of a development consent order application for a NSIP but are related to the NSIP and are applied for to the Council as local planning authority.
3. The formulation of the Council's response on matters on which it is consulted by other authorities who would be host authorities for NSIP projects.

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Policy MIP1: Major Infrastructure Proposals

4.11 Policy MIP1: Major Infrastructure Proposals, sets out the approach that the Council will take in responding to major infrastructure applications either as determining authority or as a statutory consultee:

Policy MIP 1

Major Infrastructure Proposals

In responding to major infrastructure proposals as a consultee or decision maker the Council will consider applications against the relevant national planning policy and the strategy and relevant policies of the development plan. The objective from the Council's perspective is that such proposals should, where possible, contribute positively to the implementation of the spatial strategy and meet the underlying objectives of the plan. However, the Council will seek to adopt an approach which is consistent with relevant NPS and take into account operational requirements of the MIP.

For a NSIP the Council will take into account through the preparation of a Local Impact report, how proposals through their formulation and implementation, avoid or minimise adverse impacts or harm to local places, communities and businesses and maximise local benefits wherever possible. Where the Council is the decision maker, these matters will be taken into account through the planning application process.

In all cases the Council will also assess where appropriate how the consideration of alternatives has informed the proposals.

The Council will consider the benefits and impacts of a proposal having regard to direct, indirect, secondary and cumulative benefits and impacts, and benefits and impact interactions. This assessment will include the construction, operation and decommissioning (including restoration) stages of the project. It will also have regard to reasonably foreseeable development proposals in the local area, including other infrastructure projects and employment and residential development.

Depending upon the scale and nature of the proposals, in order to present sufficient information for the the Council to undertake the assessment it may request the preparation of delivery plans identifying measures to be taken to maximise benefits, to avoid and minimise impacts, and to mitigate and compensate for impacts, with respect to matters such as the economy, climate change, the environment, transport and movement, housing, local communities (including safety, health, leisure and general well-being) council services, and education where this is justified by reference to national policy.. The management or delivery plans should identify the systems and resources that will be used to implement the proposed measures.

Delivery

4.12 The additional cost burden of MIPs on the Council will be assessed and the Council may request promoters to enter into Planning Performance Agreements and Service Level Agreements as appropriate.

4.13 Pre-application consultation by promoters with local communities in Sedgemoor, statutory consultees and the local authority will be encouraged.

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4.28 The accommodation requirement that will arise during the construction of Hinkley Point C is a particular issue for the Council in the context of the spatial plan for the Core Strategy. A relatively rapid influx of large numbers of workers to the area is expected during this period. The Council considers it important that temporary or permanent accommodation is consistent with the overall plan objectives and does not prejudice the delivery of the spatial strategy. The Council wishes to see an accommodation strategy agreed between the promoter and the Council, together with other parties if appropriate.

4.29 Construction workers are likely to be housed through a combination of the use of private owner occupied and rented housing, tourism accommodation and purpose built campus development provided by the promoters of Hinkley Point C. There will be a need to increase the stock of suitable accommodation to match the additional requirements from an influx of construction workers for the project. Whilst recognising the functional needs of the promoter, in this regard the Council is concerned:

1. To ensure that the impact on the private rented housing market from the demand arising from construction workers should not unreasonably limit the access to this form of housing for others in the community who rely on this source of accommodation.
2. As part of the accommodation strategy for the Hinkley C proposals, the Council encourages wherever possible investment in schemes already allocated or identified for accommodation development in the Local Development Framework in any event.
3. To ensure that there is no significantly adverse diversion of tourism accommodation from its existing purpose as that could harm the interests of others involved in the tourism industry in the area and too great a diversion might be to the detriment of this part of the local economy. It is also recognised that there may well be positive benefits in terms of additional tourism-related accommodation investment.
4. That the investment inherent in accommodating project construction workers to provide a significant long lasting benefits which help the delivery of the overall spatial strategy for Bridgwater as far as possible. This would ideally include developing sites for permanent residential and mixed use development that are already identified for these purposes.

Policy MIP2 Hinkley Point C Associated and Ancillary Development

4.30 Policy MIP2 below sets out the principles that the Council will take into account in responding (either as statutory consultee or decision maker) to the proposals for associated or ancillary or related development related to Hinkley Point C:

Policy MIP 2

Hinkley Point C Associated and Ancillary Development

In responding to proposals for development associated with or ancillary or related to the Hinkley Point C project where the Council is the decision maker, the Council will take into account through the planning application process the degree to which the proposals achieve the outcomes set out at (a) to (f) below.

In responding to proposals for development associated with, or ancillary or related to the Hinkley Point C project which are subject to an application to the IPC/MIU/Secretary of State for development consent as an NSIP, and the Council is not the determining authority, the Council will, subject to the influence of any overriding national imperative, or specific operational requirement, take into account the same considerations in the preparation of a Local Impact Report.

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(a) Accommodation proposals on a range of sites, primarily at Bridgwater, where there is greater access to services and public transport and the greatest potential for integration as part of the spatial strategy.

(b) A comprehensive package of measures to avoid, minimise and then mitigate adverse impacts on the transport network arising from the movement of people, goods and services and any other associated transport movements, including multi-modal transport solutions and public realm investment that encourage travel by public transport, walking and cycling. Highway safety for all users should be maintained and where possible improved. Transport services should be inclusive and accessible to the community where practicable and proposals should also make an appropriate positive contribution towards the delivery of Somerset's Future Transport Plan 2011-26, the Future Transport Strategy for Bridgwater, Taunton and Wellington, the Sedgemoor Infrastructure Delivery Strategy and the Bridgwater Vision.

(c) Meeting the accommodation needs of the temporary workforce in a way that does not have an unreasonable adverse effect on the housing market, including the ability of those on low incomes to access the private rented sector, affordable housing and other housing services. Proposals to provide for the accommodation requirements of temporary construction workers should wherever possible make a positive contribution to the long term housing and affordable housing objectives in Sedgemoor.

(d) Appropriate community facilities, where it is necessary to meet additional demand generated by the project. These facilities such as retail outlets, and healthcare, sports and leisure facilities, should be designed and located so that, wherever possible, they serve the general community and help contribute to the achievement of cohesive and sustainable communities with long lasting benefits. Where there would be additional impacts or demands on leisure facilities the Council will seek appropriate contributions for off-site facilities consistent with extant national policy advice.

(e) The delivery of education, employment and training opportunities connected with the project for the local community. Proposals should be supported wherever possible by procurement, education, employment, training and recruitment strategies, agreed with the Council at an early stage of project development. Where proposals have an educational or training and skills long lasting benefit, the detailed design of any property asset should be agreed with the end user and details of the transfer or agreed provision mechanism included in planning or development consent obligations.

(f) The delivery of investment in infrastructure, buildings and green infrastructure that would have long lasting benefits, contributing to creating attractive, prosperous and safe communities, as well as serving the needs of the development.

Delivery

4.31 The additional cost burden of MIPs on the Council will be assessed and the Council may request promoters to enter into Planning Performance Agreements and Service Level Agreements as appropriate.

4.32 The Council may request delivery plans where appropriate to ensure action results in tangible investment and improvement for local places and communities as part of any related conditions, requirements or obligations.