

# Cotswold District Local Plan 2018 – 2031 Update

## Town and Country Planning (Local Planning) Regulations 2012

### Regulation 18 “Issues and Options” consultation/participation

#### Evidence Paper: Infrastructure

#### 1. Introduction

1.1 Infrastructure is the basic systems and services that a country or organisation uses in order to work effectively<sup>1</sup>. This includes systems such as energy, digital and water supply networks, wastewater treatment, transport, flood defences, education and health and social care. It also includes services such as play areas, open spaces, parks and green spaces, cultural and sports facilities and district heating schemes<sup>2</sup>. Wind turbines, solar farms and carbon capture and storage installations are also classified as infrastructure<sup>3</sup>.

1.2 This topic paper discusses the need to update the Council’s Infrastructure Delivery Plan and the Local Plan in light of new infrastructure requirements, the anticipated additional development resulting from the Local Plan partial update, as well as the need to make the Local Plan ‘green to the core’. It also discusses planning obligations, the Community Infrastructure Levy (CIL) and the infrastructure funding gap, as well as other considerations around how infrastructure can be paid for and delivered.

Infrastructure as a subject extends into several other Local Plan topic papers<sup>4</sup>. This topic paper does not seek to repeat infrastructure issues covered in other topic papers, although there is unavoidably some overlap.

#### 2. Objectives

2.1 Local Plan Objective 4 specifically refers to infrastructure. It aims to implement the Infrastructure Delivery Plan to maximise quality of life in the District.

2.2 Although Objective 4 remains sound, it could better describe how the Local Plan will deliver infrastructure. There are various Local Plan policies that cover infrastructure, which are discussed in Section 5 and Appendix 1. These go well beyond delivering infrastructure solely through the Infrastructure Delivery Plan.

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<sup>1</sup> Cambridge Dictionary - <https://dictionary.cambridge.org/dictionary/english/infrastructure>

<sup>2</sup> As identified by the [Planning Practice Guidance: Community Infrastructure Levy](#), which sets out the types of infrastructure that the Community Infrastructure Levy be spent on (Paragraph: 144 Reference ID: 25-144-20190901 - Revision date: 01.09.2019)

<sup>3</sup> NPPF (2021) Annex 3 - for the purpose of flood risk assessment

<sup>4</sup> These include the topic papers on Accessibility of New Housing Developments; Economy; Green Infrastructure; Health, Social and Cultural Wellbeing; Natural Capital & Ecosystem Services; Responding to the Climate Crisis; Sustainable Transport and Air Quality; and Water

2.3 Infrastructure is integral to sustainable development and there are opportunities through infrastructure delivery and retention to take action on climate change and help make the Local Plan green to the core.

2.4 Local Plan Objective 4 could be clarified and enhanced as follows<sup>5</sup>:

~~Through implementation of the IDP, m~~ **Maximise the quality of life and opportunities to take action on climate change** by maintaining and supporting the delivery of infrastructure, services and facilities needed to support local communities and businesses, **particularly through the implementation of the Infrastructure Delivery Plan.**

2.5 There are several other indirect references to infrastructure made by Local Plan objectives.

Objective 1d aims to “*Support the creation of new green infrastructure to enhance environmental quality and provide health benefits.*”

Objective 5a aims to Reduce car use by, amongst other things, “*supporting improvements in public transport and walking/ cycling networks.*”

2.6 No changes to these objectives are recommended by the findings of this evidence paper.

### 3. NPPF, NPPG and other material considerations

*National Planning Policy Framework (2021) (NPPF)*

3.1 Infrastructure (in one form or another) underpins the delivery of the economic, environmental and social objectives of sustainable development and is therefore fundamental to it<sup>6</sup>.

3.2 Local plans should:

- apply a presumption in favour of sustainable development, which includes promoting a sustainable pattern of development that seeks to align growth and infrastructure<sup>7</sup>.
- make sufficient provision for infrastructure, including transport, telecommunications, security, water supply, wastewater, flood risk, the provision of energy, as well as community facilities and green infrastructure<sup>8</sup>.
- look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure<sup>9</sup>. Although the Local Plan partial update is within the confines of the existing Local Plan period, it will take consideration of wider opportunities that extend beyond 2031. This is similar to the adopted Local Plan, which allocated a site where only 1,800 of the 2,350 dwellings were expected within the local plan period with the remainder following after 2031.

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<sup>5</sup> Note: ~~Strikethrough font~~ indicates text to be deleted and **bold font** indicates text to be added

<sup>6</sup> NPPF (2021) paragraph 8

<sup>7</sup> NPPF (2021) paragraph 11

<sup>8</sup> NPPF (2021) paragraph 20b-d

<sup>9</sup> NPPF (2021) paragraph 22

- be shaped by early, proportionate and effective engagement with infrastructure providers and operators<sup>10</sup> and seek to address potential barriers to investment, such as inadequate infrastructure<sup>11</sup>.
- set out the contributions expected from development, such as the levels and types of affordable housing provision required, along with other infrastructure. Such policies should not undermine the deliverability of the plan<sup>12</sup>.
- support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure<sup>13</sup>.

#### *Planning Practice Guidance (PPG)*

- 3.3 The government's standard method for calculating housing need<sup>14</sup> finds Cotswold District's housing need to be 490 dwellings per annum. A review of the adopted Local Plan found that if this figure were to become the annual housing requirement, additional sites would be needed that could deliver around 700-900 additional dwellings by 2031. The additional housing growth would likely require additional or enhanced infrastructure to support it.

#### *Community Infrastructure Levy Regulations (CIL)*

- 3.4 CIL was introduced by the government in 2010 as a mechanism to fund the infrastructure required to deliver Local Plan growth strategies..
- 3.5 The strategic element of CIL<sup>15</sup> can only be used to fund items that meet the following definition: "A charging authority must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area"<sup>16</sup>.
- 3.6 Cotswold District Council collects the Levy, although 15% (or 25% if there is a made neighbourhood plan) goes to the town or parish councils where the development has taken place. This is the non-strategic element of CIL.
- 3.7 From 2020, all local authorities are required to publish an Infrastructure Funding Statement (IFS)<sup>17</sup>. This document includes a statement of infrastructure projects that the council expects to be wholly or partly funded by CIL called 'The Infrastructure List'<sup>18</sup>. This can be a list of either specific projects or types of infrastructure. Cotswold District Council has opted for a list of specific projects based on the critical and essential infrastructure projects identified in the adopted Local Plan. The Council may also set aside an element of the

<sup>10</sup> NPPF (2021) paragraph 16c

<sup>11</sup> NPPF (2021) paragraph 82c

<sup>12</sup> NPPF (2021) paragraph 34

<sup>13</sup> NPPF (2021) paragraph 153

<sup>14</sup> Planning Practice Guidance: Housing and economic needs assessment (MHCLG, December 2020)

<sup>15</sup> CIL funds collected and spent by Cotswold District Council on the delivery the spatial development strategy

<sup>16</sup> CIL regulations 2010 (as amended) paragraph 56 (1)

<sup>17</sup> [Cotswold District Council Infrastructure spending and funding webpage](#)

<sup>18</sup> CIL regulations (paragraph 121A 1a)

strategic CIL fund (10%) to invite bids that would support the Council's Climate Emergency and Ecological Emergency Actions Plans.

3.8 CIL will partially replace planning obligations<sup>19</sup>. However, site specific obligations can still be sought to make otherwise unacceptable developments acceptable in planning terms<sup>20</sup>. Planning obligations can cover a range of subjects but are most often used to secure affordable housing, public open space and financial contributions towards infrastructure. They can only be sought where they are:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development<sup>21</sup>.

*Other material considerations*

3.9 Cotswold District Council declared a [Climate Change Emergency in July 2019 and an Ecological Emergency in July 2020](#)<sup>22</sup>. The Council's Corporate Plan (2020-2024) also seeks to make the Local Plan 'green to the core' and the delivery of infrastructure in the right place can serve to benefit multiple corporate aims. The corporate plan also seeks to deliver more genuinely affordable housing, particularly social-rented housing. There may be a trade-off between delivering infrastructure and delivering affordable housing.

3.10 The adopted Local Plan is informed by an Infrastructure Delivery Plan (IDP)<sup>23</sup>, which assesses the need for infrastructure improvements resulting from planned growth. The IDP identifies critical and essential infrastructure needed to support planned growth up to 2031, which forms the basis of Local Plan Policies SA1, SA2 and SA3. The IDP is now five years old and would benefit from being updated<sup>24</sup>.

3.11 Several major infrastructure projects are set to take place in Cotswold District.

- A417 Missing Link<sup>25</sup> - is a major national highway infrastructure project that would ease traffic congestion and would make it easier to travel between Cotswold District and Cheltenham and Gloucester. It would also likely increase the flow of traffic through Cotswold District. This may have a bearing on infrastructure requirements and impacts in the District.

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<sup>19</sup> A planning obligation is a legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal

<sup>20</sup> NPPF (2021) paragraph 55

<sup>21</sup> Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

<sup>22</sup> <https://www.cotswold.gov.uk/environment/climate-action/cotswold-climate-and-ecological-emergencies/>

<sup>23</sup> Cotswold District Council Infrastructure Delivery Plan (Arup, April 2016)

<sup>24</sup> The extant IDP assesses the need for the following types of infrastructure resulting from the Local Plan growth strategy: community and culture; education; emergency services; flood management; healthcare; open space, sport and recreation; transport; and water supply and waste water.

<sup>25</sup> Further information on the A417 Missing Link project can be accessed here:

<https://highwaysengland.co.uk/our-work/south-west/a417-missing-link/>

- RAF Fairford upscaling - The USA Air Force plans to relocate its Rivet Joint mission<sup>26</sup> to RAF Fairford. This would increase the number of personnel based within and around the air base and may have additional localised infrastructure requirements.
- The South East region will soon have water supply deficit. Possible solutions include supplying water from the River Severn catchment, with the supply infrastructure passing through Cotswold District.<sup>27</sup>

#### 4. Background evidence and Sustainability Appraisal – setting out the issues

4.1 Since the adoption of the Local Plan, several important issues regarding critical and essential infrastructure in the District have arisen. For example:

- Gloucestershire County Council increased their pupil yield forecasts and there is now a requirement for a new primary school in Moreton-in-Marsh. Other school extensions or new schools may also be required.
- Two key junctions in Moreton-in-Marsh town centre are now reported to be at capacity<sup>28</sup>. Further assessment is needed, but these junctions may constrain further development unless a solution is found.
- There has been difficulty finding a suitable site for the new doctor's surgery in Tetbury<sup>29</sup>. There is now a risk that Tetbury could lose its doctor's surgery if a suitable site is not found.

4.2 Some wastewater treatment facilities are reported to be at or near capacity. Further detail is provided in the Water topic paper but this issue will need to be reassessed in an updated Water Cycle Study. There is case law that water management companies must provide such facilities to enable development to take place. However, the timing and location of new water treatment infrastructure may have a bearing on when sites can be delivered.

4.3 Cotswold District does not benefit from a large surplus of brownfield land within or adjacent to the larger settlements, where some items of required infrastructure could easily be located. Furthermore, the few sites that are available and that may be suitable typically have option agreements for housing development. Notwithstanding this, the deliverability of development sites can be undermined by a lack of one or more types of infrastructure, such as a lack of school place capacity or health care facilities. It can be in a developer's interest to assist. The allocation of additional land in the Local Plan for housing or other types of development may therefore provide opportunities to deliver required infrastructure on-site.

4.4 Historically, highway capacity issues have typically been resolved with upgrades to the road network. However, vehicle transport is a leading contributor of greenhouse gas emissions and air pollution. There are also limitations on whether highway upgrades are possible in some locations. Furthermore, health and wellbeing can be improved through active travel, such as walking and cycling, and such initiatives can be less costly than upgrading or building roads. For all these reasons, highway upgrades and new road building should be considered

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<sup>26</sup> The Rivet Joint is a type of military airplane

<sup>27</sup> The Water topic paper covers this in more detail

<sup>28</sup> The A429 (High Street)/A44 (Oxford Street) junction and the A429 (High Street)/A44 (Bourton Road) junction

<sup>29</sup> The doctor's surgery is identified as a critical and essential infrastructure requirement by Local Plan Policy SA1

as a last resort, and improvements to sustainable transport infrastructure and services should be considered first. The IDP will be updated on this basis.

- 4.5 It is normal for local authorities to have an infrastructure funding gap (this is the gap between the cost of identified critical and essential infrastructure and how much money is expected to be generated from CIL). Indeed, CIL can only be adopted if there is an infrastructure funding gap. The funding gap is made up by S106 agreements, grants and other funding sources. Around a quarter of the funds needed to deliver the required critical and essential infrastructure are expected from CIL alone, although CIL funds can be used as leverage to secure other funding.
- 4.6 Experience from some developments has identified an issue with the timing of infrastructure delivery, which the Local Plan could improve with further clarity. For example:
- public transport services and infrastructure enabling walking, cycling and public transport is often not “triggered” to be delivered until a certain proportion of new homes are occupied. This is problematic, as numerous studies<sup>30</sup> show that moving house constitutes a rare opportunity for people to review and re-set transport habits. If sustainable travel opportunities are not available at the point of occupation, new residents drive by necessity and the opportunity to initiate a more sustainable behaviour is lost.
  - studies and guidance such as “Manual for Streets 1 and 2” (DfT, DCLG) demonstrate clearly that walking and cycling become more attractive choices when they offer time or convenience advantages over car use. An important way of achieving this is through “filtered permeability”, or providing preferential or additional routes for pedestrians and cyclists to and through a development site. However, in many new, large developments, the location of perimeter access points sometimes becomes fixed before consideration has been given to maximising walking and cycling opportunities, limiting opportunities to deliver suitable routes during detailed design phases. If site design briefs were provided within site allocation policies, it could be easier to deliver effective walking and cycling infrastructure and a modal shift away from private vehicle.
  - the installation of some infrastructure can be much easier and cost-effective if it is done as part of a development, rather than after development has taken place. Examples of this include the provision of charging infrastructure for electric vehicles or bus stops with real time travel information (a target in Gloucestershire County Council’s recent Bus Service Improvement Plan).
- 4.7 The viability assessment that underpinned the Local Plan policies was prepared with the evidence that was available at the time. The assumptions used were understandably cautious and conservative. Cotswold District Council’s and Gloucestershire County Council’s monitoring of S106 agreements and CIL, through Infrastructure Funding Statements, provide new evidence that can be used to inform the IDP, the Local Plan viability assessment. This can be used to help set the future CIL rate in Cotswold District. Linked to this, other factors

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<sup>30</sup> e.g. Bamberg, S. (2006) Is a Residential Relocation a Good Opportunity to Change People’s Travel Behavior? Results From a Theory-Driven Intervention Study

such as the increased cost of materials, labour and other development costs also need to be assessed and factored in.

- 4.8 — Cotswold District Council is not the delivery body for nearly all critical and essential infrastructure projects. Gloucestershire County Council, as the lead education, highways and transport authority, delivers most items, although some infrastructure is delivered by other providers. Infrastructure delivery is a Duty to Cooperate issue. A Memorandum of Understanding may be required with infrastructure providers to set out how and when infrastructure will be delivered.

## **5. Current Local Plan Policy and the Community Infrastructure Levy**

### *Local Plan Policy*

- 5.1 The adopted Local Plan contains various policies within the sphere of 'infrastructure', a broad summary of which and further commentary are provided in Appendix I.
- 5.2 In relation to the scope of this evidence paper, Policies SA1-SA3 identify 'critical and essential infrastructure' needed to support planned growth in the adopted Local Plan<sup>31</sup>. This includes new doctor's surgeries; flood management schemes; highway upgrades; sustainable transport projects; and education facilities. Some items of infrastructure have now been / are set to be delivered and are no longer included within the list of projects identified in the IFS. The infrastructure requirements may also have changed in some instances. It is anticipated that the Local Plan partial update will include some additional growth, which would have additional infrastructure requirements. The Local Plan is also being reviewed within the scope of making it green to the core, which includes its infrastructure policies. Policies SA1-SA3 may therefore require updating.
- 5.3 Policy INF1 covers infrastructure delivery more generally - not just critical and essential infrastructure. This ensures that developments are only permitted where infrastructure requirements identified to make proposals acceptable in planning terms can be met. Infrastructure needs must be secured through planning obligations. The policy also covers the ongoing maintenance of infrastructure and confirms that infrastructure delivery is linked to viability. This policy remains sound.

### *Community Infrastructure Levy*

- 5.4 Cotswold District Council adopted CIL in August 2018 and implemented the charge on 1 June 2019. CIL funding takes time to accrue and CIL will not be able to meet all demands placed on it at once. The CIL rate may need to be updated to take account of the updated Whole Plan viability appraisal, as well as to take account of Council priorities.
- 5.5 The IFS includes a list of infrastructure projects that Cotswold District Council expects to be wholly or partly funded by CIL. As it is an evidence-based list, the projects on it need to be updated along with updates to the Cotswold District Infrastructure Delivery Plan. External plans and strategies, such as Gloucestershire County Council's Local Transport Plan

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<sup>31</sup> Listed in Local Plan policies SA1, SA2 and SA3

and Cotswold District Council's climate and ecological emergencies, may also influence the projects on the list and /or the spend and allocation of CIL funding.

## **6. Potential Policy Responses**

- Option 1 - increase or decrease the CIL rate taking account of new evidence, such as Infrastructure Funding Statements and an updated Whole Plan Viability Assessment.
- Option 2 - Deliver more genuinely affordable housing, particularly social rented housing, or seek higher contributions towards bridging the infrastructure funding gap.
- Option 3 - Allocate additional sites within the Local Plan in order to secure on-site delivery of required critical or essential infrastructure items. The provision of such items could be a determining factor in which sites are allocated.
- Option 4 - expand the infrastructure policy to provide clarity on the timing and location of infrastructure delivery. This could also be set out in site design briefs included in site allocation policies.



## Appendix I - Summary of Local Plan policies that relate to Infrastructure

- Policies SA1, SA2 and SA3 identify ‘critical and essential infrastructure’ needed to support planned growth<sup>32</sup>. This includes new doctor’s surgeries; flood management schemes; highway upgrades; sustainable transport projects; and education facilities.
- Policies S1 and S4-S19 identify non-strategic (local) infrastructure projects, which include allotments; burial grounds; car parks; community centres; new bus routes; new or improved public or natural open spaces and parks; public realm enhancements; new or improved pedestrian and cycle paths; swimming pool restoration; and a youth shelter. These items may be reviewed by the IDP update and are typically set out within Neighbourhood Plans.
- Policy S1 includes a new decked car park for Cirencester town centre. This is an integral part of the strategy for Cirencester town centre (Policy S3), which is being reviewed as part of the Cirencester Town Centre Framework Masterplan.
- Policy S2 includes various items of infrastructure required as part of the Chesterton strategic site in Cirencester.
- Policy S3 includes strategy that oversees infrastructure within Cirencester town centre, including the redevelopment of the town centre car parks and a public transport interchange in the Southway - Forum area. This strategy is being reviewed as part of the Cirencester Town Centre Framework Masterplan.
- Policy INF1 covers infrastructure delivery. This requires developments to meet identified infrastructure requirements to make them acceptable in planning terms. Infrastructure needs must be secured through planning obligations. It also covers the ongoing maintenance of infrastructure and confirms that infrastructure delivery is linked to viability.
- Policy INF2 supports the retention of, and the provision of new, social and community infrastructure. This includes healthcare/social service facilities; community safety and emergency services; education and training facilities; community halls/hubs, including places of worship and youth provision; cultural facilities; waste management, collection, recycling and disposal services; local shops, meeting places, and pubs; sports facilities and public / natural open spaces; and parks, gardens, allotments and amenity open space together with natural or semi-natural green spaces such as disused canals or railway lines.
- Policy EN3 protects Local Green Spaces, which are a type of social and community infrastructure.
- Policy INF3 covers sustainable transport, which includes various types of infrastructure, which are discussed further in the Sustainable Transport topic paper.
- Policy INF5 covers parking provision. Local Plan Appendix F provides parking standards and guidance that new developments must accord with. This, and the cycle parking standards, may need updating to reflect new guidance on the provision of electric vehicle charging, shared vehicle spaces, etc.

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<sup>32</sup> Listed in Local Plan policies SA1, SA2 and SA3

- Policy INF7 covers Green Infrastructure, which is discussed further in the Green Infrastructure topic paper.
- Policy INF8 covers water management infrastructure, which is discussed further in the Water topic paper.
- Policy INF9 oversees new telecommunications infrastructure. It also deals with broadband speed but only for sites allocated in the Local Plan, as opposed to all development sites. This issue is discussed further in the Economy topic paper.
- Policy INF10 covers low carbon and renewable energy development. This is discussed further in the Renewable Energy topic paper.
- Policy SP2 covers Cotswold Airport and supports employment-related uses that are compatible with the use of the land as an airport. This is discussed further in the Economy topic paper.
- Policy SP3 protects the route of the Severn and Thames Canal and supports development for its reuse as a canal. This is social and community infrastructure but, since the adoption of the Local Plan, it has emerged that the canal may also have inter-regional strategic importance with supplying water to the South East. This policy remains sound, although a consequential change to the reasoned justification may be helpful to highlight the additional benefit.
- Policy SP6 protects the route of the former Cheltenham to Stratford-upon-Avon railway line and supports its reuse as a railway. This is part of a heritage railway, which is an important tourist destination and is also social and community infrastructure. However, the route is capable of being upgraded to a double track main line that has potential to be used once again and an important inter-regional transport link.