

Portsmouth City Council's Response to the Inspectors' questions for Matter 12 Infrastructure policies



Matter 12: Infrastructure policies

Issue: Whether the Plan has been positively prepared and whether it is justified, effective, and consistent with national policy in relation to infrastructure, highway and parking, public realm, communications and community and leisure policies in Chapter 10 of the Plan.

This issue includes detailed consideration of policies PLP47 to PLP49, and PLP51 and PLP52.

PLP47: Movement and Transport

- 1) **Is it sufficiently clear when and how each part of the policy is intended to apply to development proposals and are any intended requirements proportionate for different types and scales of development?**

12.1.1 Yes. The purpose of the policy is to promote sustainable transport options. The criteria are therefore applicable to all types of development which have transport implications, from parking and access requirements to traffic generation. Where specific thresholds apply, this is referenced (criterion 5). Criteria 6 and 10 apply "where relevant" reflecting that these are more likely to be relevant at a strategic scale and may not be applicable to localised development.

- 2) **Is the policy otherwise positively prepared, justified, effective and consistent with national policy?**

12.2.1 Yes. The policy is evidenced by the Strategic Transport Assessment (IN01 - IN05), the Portsmouth Transport Strategy (LTP4) (IN08) and the Local Cycling and Walking Infrastructure Plan (LCWIP) (IN09). Paragraphs 2.2 - 2.4 of the Statement of Common Ground with National Highways (SCG28) confirms that they have no objection to the Local Plan, the levels of growth set out and proposed mitigation. The policy reflects the objectives of the LTP4 as summarised at paragraphs 1.12 - 1.15 of the Statement of Common Ground with the Local Highway Authority (SCG17). The policy promotes development which supports sustainable transport in accordance with paragraph 109 of the NPPF and highway safety in accordance with paragraph 116 of the NPPF.

PLP48: Access and Parking

- 3) **Is the policy positively prepared, justified, effective and consistent with national policy?**

12.3.1 Yes. In the first instance, the policy supports development which discourages the use of the private car and encourages sustainable travel (criterion 1). Criterion 2 only applies where off-street parking is justified. This ensures that new parking is justified and provided in accordance with adopted parking standards. Infrastructure to support sustainable travel will be provided in accordance with criteria 2,3 and 6. The policy therefore prioritises sustainable modes of transport in accordance with LTP4 [IN08] and paragraph 115 a) of the NPPF.

12.3.2 In accordance with paragraph 115 b) of the NPPF, criteria 5 and 7 ensure that development will provide safe and suitable access.

PLP49: Public Realm

- 4) **Is it sufficiently clear when and how parts 1 and 3 of the policy are intended to apply to development proposals and are any intended requirements proportionate for different types and scales of development?**

- 12.4.1 Yes, the wording 'where opportunities' in part 1 of the policy makes it clear that the criteria will only be applicable to development proposals where there is an opportunity to enhance the public realm. If there are no opportunities to enhance the public realm, the criteria would not apply to proposal in question.
- 12.4.2 However, the Council proposes the following supplementary modification [PCC15] to Part 3 of the policy to provide greater clarity on how and when the delivery of public art should be addressed in development proposals:
3. The Council will support the delivery of public art, where appropriate, that helps to enhance the public realm. This should be context-sensitive and site specific taking into consideration the local and surrounding landscape and character. Evidence must be provided that shows how community involvement shaped the design and location of the public art.
- 12.4.3 The addition of 'where appropriate' is justified as the provision of public art is not always applicable to development proposals.
- 5) **Is the policy otherwise positively prepared, justified, effective and consistent with national policy?**
- 12.5.1 Yes, the policy is positively prepared and the criteria proposed will enhance the public realm through creating spaces that are safe, healthy, accessible for all, inclusive, multifunctional and attractive. In doing so, this will contribution to the overall creation of high-quality, well-designed places in the City. This is consistent with paragraphs 98 and 131 of the NPPF. The policy is justified by the following evidence base: Reducing Crime Through Design SPD [SPD01], the Seafront Masterplan SPD [SPD09] and the Portsmouth City Centre Development Strategy [SS36].

PLP51: Electronic Communications and Utilities

- 6) **Will Policy PLP51 be effective in supporting the provision of new and improved utility infrastructure to meet identified needs?**
- 12.6.1 Yes, Policy PLP51 provides a clear and effective framework for the delivery of new and improved electronic communications and utility infrastructure. The policy supports infrastructure provision where existing infrastructure cannot adequately accommodate an identified need [Criterion 1]. It ensures that opportunities to optimise the use of existing infrastructure are fully explored before new infrastructure is provided, thereby promoting efficient use of existing networks and assets. The policy also supports the delivery of modern digital infrastructure by requiring new development to be served by superfast broadband as a minimum and full fibre connections where available [Criterion 2]. This is explained in paragraph 10.74, which states that advanced and reliable digital communications infrastructure is essential for economic growth, inward investment, business continuity, access to services and wider societal resilience.
- 12.6.2 Furthermore, the policy requires development to demonstrate deliverability through engagement with infrastructure providers and supports the ongoing maintenance and upgrading of digital networks over the plan period [Criterion 3]. As such, the policy will be effective in facilitating infrastructure provision to support the needs of existing and future residents and businesses. Policy PLP51 is also supported by the Infrastructure Delivery Plan [IN16], which identifies existing infrastructure provision, future infrastructure requirements and delivery arrangements across a range of utility sectors in infrastructure themes 3.17 to 3.19.
- 7) **Is it sufficiently clear when and how parts 2 and 3 of the policy are intended to apply to development proposals and are any intended requirements proportionate for different types and scales of development?**

- 12.7.1 Parts 2 and 3 of the policy are sufficiently clear regarding their application. Part 2 applies where an infrastructure provider has agreed to provide superfast broadband or full fibre connectivity, requiring development to be designed to connect to that service. Part 3 applies to all residential and non-residential development and establishes an expectation that developments will be served by superfast broadband as a minimum and full fibre connections where available. The requirements are justified by the evidence set out in paragraphs 10.69 to 10.77, which identify digital connectivity as essential to economic growth, business competitiveness, access to public services, education, healthcare and wider societal resilience. Paragraph 10.77 explains that all new developments are expected to be supplied with superfast broadband unless it can be robustly demonstrated, following consultation with service providers, that this is not deliverable.
- 12.7.2 The intended requirement of the policy is proportionate because it contains an explicit viability and deliverability safeguard. Development is only required to provide full fibre connections where available and applicants may depart from the requirement where evidence from relevant service providers demonstrates that provision would not be deliverable. The policy therefore provides flexibility according to site circumstances and does not impose an absolute requirement regardless of feasibility.
- 8) **Is the policy otherwise positively prepared, justified, effective and consistent with national policy?**
- 12.8.1 The policy is positively prepared as it supports the delivery of the electronic communications and utility infrastructure required to meet the needs arising from the Plan's development strategy. It seeks to ensure that new development is served by modern and reliable digital connectivity whilst facilitating the provision, maintenance and upgrading of utility infrastructure necessary to support sustainable development, which is consistent with UK Wireless Infrastructure Strategy [IN15].
- 12.8.2 The policy is justified by a proportionate evidence base set out in the Infrastructure Delivery Plan (IDP) [IN16] and effective as it provides clear criteria for determining proposals for new communications and utility infrastructure, promotes the efficient use of existing infrastructure before new infrastructure is provided, and requires new development to be connected to superfast broadband and full fibre networks where available. The IDP identifies telecommunications and utility infrastructure as important components of the infrastructure required to support planned growth across the City. The policy also includes flexibility in criterion 3 by allowing applicants to demonstrate, through engagement with relevant service providers, where connectivity requirements cannot reasonably be delivered. This ensures the policy can be implemented effectively through the development management process while remaining responsive to site-specific circumstances.
- 12.8.3 The policy is consistent with the Framework. Paragraph 119 states that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology and full fibre broadband connections. Paragraph 121 further requires planning policies to facilitate the development of advanced, high-quality and reliable communications infrastructure. The Government's UK Wireless Infrastructure Strategy also identifies high-quality digital infrastructure as critical to economic growth, productivity and public service delivery.
- 12.8.4 Accordingly, Policy PLP51 provides a sound and deliverable framework for the provision of electronic communications and utility infrastructure and is positively prepared, justified, effective and consistent with national policy.

PLP52: New and Existing Community and Leisure Facilities

- 9) **Is part 2 of the policy justified and consistent with paragraph 104 of the Framework?**

- 12.9.1 Yes, part 2 of the policy is justified. The purpose of the policy is to support new facilities and protect existing community and leisure facilities that are fit for purpose and serve the local communities in Portsmouth. Where a development proposal could lead to the loss of a community facility or reduce its scope and/or viability, the City Council will expect applicants to provide a strong justification for this loss or diminishment. Community facilities provide an array of benefits to local communities, and they should be protected wherever possible. Criterion 2 of Policy PLP52 sets out a number of mechanisms to ensure that such development proposals are appropriately assessed, and that the potential loss of an existing community facility is justified. Further detail can be found in Appendix 4 of the Plan.
- 12.9.2 Paragraph 104 of the Framework also introduces a similar set of criteria, which relates to development on and potential loss of existing open space, sports and recreational buildings and land. Whilst sport and recreational buildings are considered community and leisure facilities for the purpose of the Plan (paragraph 10.78), the Council considers such matters have been more appropriately addressed under Policy PLP45 Open Space, which is consistent within paragraph 104 of the Framework.
- 10) **Are the requirements of the policy justified in relation to reorganisation of the National Health Service estate?**
- 12.10.1 Yes, the requirements of the policy are justified notwithstanding the representation from NHS Property Services. The Submission Consultation Statement [KD34] summarises the representation on pages 165 and 166. In essence the NHS would like to be exempted from the Policy when disposing of assets that have been declared surplus to their requirements. The Council's response on page 166 is that 'given the current shortage of healthcare space, the Council does not wish for healthcare facilities to be easily converted to other uses.' This does not mean that such changes of use cannot take place but that the NHS will have to meet the policy tests test out in Policy PLP52 and Appendix 4.
- 11) **Is the policy otherwise positively prepared, justified, effective and consistent with national policy?**
- 12.11.1 Yes, Policy 52 is otherwise positively prepared, justified most notably by the Sports Facilities Strategy [IN11] and the Infrastructure Delivery Plan [IN16], effective and consistent with national policy most notably paragraph 20 of the Framework.