

Neath port Talbot LDP Submission

**Hearing Session 14 Matter 8
Comments**

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Matter 8: Infrastructure

Key Issue: Whether the infrastructure provisions in the LDP will enable the relevant objectives of the LDP to be met in a sustainable manner, consistent with the WSP and national policy?

Should Policy I 1 refer to consideration of the viability of proposed development? Will the viability of development in the light of the infrastructure requirements be taken into account? How will it be assessed?

The HBF believe the reference in the policy to the need to consider viability is critical if the development of housing is to be supported. Development will only happen if it is viable and unfortunately over recent years it feels like S106 agreements have become an ever increasing list of requirements with a greater and greater financial impact on development. Although the requirement for S106 contribution to both mitigate and compensate for the impact of development is part of National Policy as contained in Circular 05/05 it does not require them. The policy needs to refer to the ability to negotiate based on viability, however the detail behind this should be found in an SPG.

The question of will viability be taken into account and how, are for the Council to answer. However if this detail is left to an SPG then the private sector needs to be a key stakeholder in the development of such an SPG (See answer to question below which expands on this point).

Should paragraph 3.0.25 be reworded to allow for a more flexible approach to securing planning obligations?

The HBF have particular concern with regard to the word 'expected' used in this paragraph. The S106 process as set out in the circular is one of negotiation backed up by evidence. The starting point should not be the requirement to pay, not all developments will require mitigation or compensation, in line with the guidance in Circular 5/2005 which states:

Planning obligations (or "s106 agreements") are private agreements negotiated, usually in the context of planning applications¹, between local planning authorities and persons with an interest in a piece of land (or "developers"), and intended to make acceptable development which would otherwise be unacceptable in planning terms.

It goes on to say:

Planning obligations are unlikely to be required for all developments....

What is the position with the Draft SPG on Planning Obligations?

This is for the Council to answer but the HBF would want assurances that this will be properly consulted on and suggest that any calculations around viability which are included in this should be developed through workshops with the private sector and industry to ensure that they do not stifle development and in particular the delivery of private and affordable housing.

Are the developer contributions envisaged consistent with national policy including the Community Infrastructure Levy (CIL) Regulations? What is the Council's position with regard to CIL? Is a charging schedule being prepared?

The HBF would suggest that the policy or supporting text should clarify which items will be covered by CIL and which will be covered by S106 as per the Reg. 123 List.

The HBF note that Para 3.0.30 requires the date for the implementation of CIL to be amended to April 2015.