

## Matter 6

**Issue 6: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for transport and infrastructure?**

### SP3 Planning Obligations

**1. *Is the Policy consistent with the Framework, is it justified, and would it be effective?***

1.1. The HBF notes that the Policy states that the Council will seek to secure the provision through the use of planning conditions and / or S106 obligations or agreements in line with the tests set out in paragraph 57 of the NPPF. The HBF notes that in the 2024 NPPF this would no longer be the correct paragraph reference, and it may not be in future versions of the document. The HBF recommends that this element of the policy be amended.

**2. *The Policy states that development proposals should meet the reasonable costs of new infrastructure, facilities or services needed as a direct result of the development. Is this appropriate in all circumstances for example where a contribution to a major piece of infrastructure may be justified rather than meeting the full costs?***

2.1. Development can only be required to mitigate its own impact and cannot be required to address existing deficiencies in infrastructure or services. Therefore, the HBF agree that it is possible that a development may only be making a contribution to the infrastructure costs. The HBF consider it is therefore essential for the Infrastructure Development Plan (IDP) to clearly show the existing and known deficiencies in the current infrastructure, before reaching any conclusion on the cumulative effects of new development, and any contribution that is needed from new development to mitigate any additional individual and/or cumulative impacts.

**3. *Is the policy and supporting text effective in explaining what form a separate delivery mechanism for Huncoat may take?***

3.1. This policy sets out the Council's approach to planning obligations, within Parts 2 and 3 of the policy it states that the Council will identify specific obligations and that the Council may consider the introduction of a separate delivery mechanism for Huncoat Garden Village. The HBF is concerned by the lack of clarity in this policy and is concerned it does not provide sufficient detail or certainty for any developer.

**4. *Is the policy sufficiently flexible to take account of individual scheme viability?***

4.1. The HBF does not consider that the policy is sufficiently flexible to take account of individual scheme viability and suggests that the policy wording should include the opportunity for negotiation around policy requirements for site specific reasons, to reflect viability challenges identified in the Viability Assessment, and to allow for any sites whose circumstances fall outside the parameters of the typologies tested, which may also be unviable under the proposed Local Plan policies.

**5. *Is the Policy effectively worded to address individual scheme infrastructure requirements which may not be included in the Infrastructure Delivery Plan?***

