

**SOUTH GLOUCESTERSHIRE CORE STRATEGY DPD EXAMINATION  
MATTER 16 – INFRASTRUCTURE AND DEVELOPER CONTRIBUTIONS  
(CS6)  
THURSDAY, 28TH JUNE 2012**

**HERON LAND DEVELOPMENTS LIMITED  
ID 2880673**

**1. *Is there a need to prioritise developer contributions; i.e. is there a ranking methodology?***

1.1 Heron Land Developments (hereafter HLD) assume that this question seeks an analysis of whether the Core Strategy should prioritise developer contributions to certain identified infrastructure requirements in advance of others. If this interpretation is correct, HLD consider that given the level of strategic development planned within the Core Strategy, this is likely to be necessary, although it is best achieved through the development management process.

1.2 Planning obligations are a proper and recognised part of the planning system which are used to make otherwise unacceptable development acceptable.

1.3 Para. 204 of the NPPF outlines that planning obligations should only be sought where they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

1.4 This reflects the statutory position set out in Regulation 122 of the Community Infrastructure Regulations 2010

1.5 Even if all identified developer contributions pass these tests, planning obligations towards physical infrastructure which is central to the delivery of planned strategic development would need to be afforded a priority over 'soft' infrastructure in the event of any viability sensitivities. The delivery of the Core Strategy is inextricably linked to the delivery of the identified strategic sites and therefore it is appropriate

for the Local Authority to prioritise developer contributions which unlock these key elements.

- 1.6 In practice the approach to infrastructure priorities will vary on a site by site basis. It is therefore not considered appropriate for this hierarchy to be articulated in policy. The Council's Infrastructure Development Plan (February 2011) provides sufficient information concerning the infrastructure requirements for each strategic site. It will be for the Local Authority and applicant to reach agreement on the infrastructure priorities on an individual basis through the development management process.
- 1.7 In preparing their outline planning application for the North Yate New Neighbourhood (NYNN), HLD has submitted a Heads of Terms Statement which reflects the policy requirements in Policy CS31, the relevant components of the Infrastructure Delivery Plan, and the outcome of preliminary discussions with relevant parties.

**2. *Should the policy identify that viability is a factor to be taken into account when identifying infrastructure requirements?***

- 2.1 HLD considers that it is appropriate that viability is a factor which should be taken into account when identifying infrastructure requirements.
- 2.2 This view is supported by para. 205 of the NPPF which outlines that where obligations are being sought, Local Planning Authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.
- 2.3 This view is similarly supported in Annex B of the DCLG advice issued alongside the 'Planning for Growth' Ministerial Statement (23<sup>rd</sup> March 2011), which states that:  
***“Understanding the impact of planning obligations on the viability of development will be an important consideration when obligations are reviewed...”***

2.4 Given the quantum of planned strategic development on which the achievement of the strategy is dependent, it is important that the Core Strategy provides sufficient flexibility to respond to changing market conditions over the plan period. This will ensure that all planned strategic development remains financially viable and resilient to changing economic circumstances.

***Boyer Planning Limited***  
***May 2012***