

4. Is it always viable to impose requirements on developers for contributions that will add to the cost of development (e.g., affordable housing, provision of open space) on top of other site costs associated with the redevelopment of brownfield land? Should the Council prioritise where it will seek to secure S106 contributions where such contributions put into doubt the viability of a development?

In the context of delivering housing development on the ground, it is clear there will be requirements of any development that will need to be satisfied to ensure it can be physically delivered. In most cases these requirements come in two forms, the physical constraints of a development that need to be resolved, and planning obligations or regulatory requirements that are essential and must be adhered to (e.g. the requirement for physical infrastructure such as roads, sewers and the requirements of building regulations etc).

In terms of housing delivery, the LDP specifically allocates constrained land for development, which essentially means the additional costs incurred when delivering these sites will have to be prioritised, over and above those costs associated with delivering planning obligations and other regulatory requirements, to ensure the development can be physically delivered.

In addition to this, the requirements of building regulations (Changes to Part L), which are due to be implemented in 2013 by the Welsh Government, will be required by law and are outside the planning process. Therefore, the costs associated with delivering this requirement will also need to be prioritised and cannot be renegotiated in order to attempt to improve development viability.

Furthermore, there will be certain planning obligations that need to be prioritised by default. For instance, if transport improvements are required, which is the case with

most developments, these will need to be secured in order to physically deliver the site. In addition to this, the local authority is likely to prioritise any education requirements over 'less essential' planning obligations given the importance attached to the education agenda.

In light of the above, there are requirements of all developments (whether planning obligations, infrastructure requirements or the requirements of building regulations) that will need to be prioritised by default and therefore, we believe the LDP must recognise this important fact. To suggest that the priority will be to deliver affordable housing (which is the usual mantra from national and local governments), masks the realities of delivering development on the ground and does nothing to properly inform the negotiation of planning obligations in the real world. Clearly when considering these issues, the authority must be mindful of the mechanism to deliver on all these requirements i.e. land values, and must ensure that land values can support the full list of 'essential requirements', before any priority is announced for the delivery of 'non-essential' requirements.

In light of the above, we believe the LDP should set out a list of priorities for delivering planning obligations and other development requirements. However, in doing so, we believe it is essential that the LDP recognises the issues described above and takes full account of the realities of delivering development on the ground.

End.

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