

Written Statement

On behalf of Davidsons Developments Limited and Jelson
Homes

Harborough Local Plan to 2041 - Examination

Matter 6: Strategic Infrastructure

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1. ISSUE 1 – SUPPORTING STRATEGIC INFRASTRUCTURE

Q1. How do existing commitments, such as the East of Lutterworth SDA impact on infrastructure provision over the lifetime of the submitted Plan, and is the requisite infrastructure funded

- 1.1. No Comment

Q2. Is the wording of the policy effective and consistent with the three tests set out in NPPF paragraph 57?

- 1.2. No. Whilst we support the broad objective of Policy DS05, as currently drafted it is not sufficiently precise to be effective and does not consistently reflect the three tests in paragraph 57 of the NPPF.
- 1.3. The broad infrastructure requirements and delivery phasing associated with allocated sites should be identified through the plan-making process. Whilst details will inevitably be refined through the planning application stage, the policy currently creates unnecessary scope for infrastructure requirements to be revisited and expanded. For example, criterion 1(a) appears to require "robust evidence" of infrastructure requirements outside of those identified within the Plan but fails to acknowledge that the Local Plan itself is supported by an extensive evidence base which should already establish the nature and extent of the infrastructure necessary to support planned growth. As drafted, the policy risks reopening matters which ought to have been resolved through plan preparation.
- 1.4. The wording of criterion 1(a) is also overly generic. References to mitigating impacts and supporting sustainable development provide little clarity as to the circumstances in which obligations will be sought. This approach lacks the precision necessary to ensure that planning obligations are applied consistently with paragraph 57 of the NPPF.
- 1.5. Similar concerns arise elsewhere in the policy. Criterion 1(b) requires development to fund the "reasonable costs" of infrastructure provision. However, the relevant question is not whether costs are reasonable in isolation, but whether any obligation is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind. The current wording risks diluting these tests. Likewise, criterion 1(c) refers to the provision of serviced and accessible land "where justified", without identifying the circumstances in which such provision may be required in compliance with the tests in paragraph 57.
- 1.6. Criterion 1(d) seeks a comprehensive approach to the provision, phasing and funding of infrastructure across clusters of strategic sites, including cumulative and cross-boundary impacts. Whilst coordination between developments is appropriate where necessary, the policy provides no indication as to how such an approach will operate in practice, how responsibilities will be apportioned between developments, or the mechanism through which any coordination will be secured. Given the varying locations, scales and characteristics of the strategic allocations, the policy should be more specific.
- 1.7. Criterion 2 creates further uncertainty by referring to the possibility of additional infrastructure requirements beyond those identified in the policy itself. In our view, infrastructure requirements should be identified through the Local Plan and its supporting evidence base, rather than left open-ended.

- 1.8. We support the principle that development should contribute towards the infrastructure necessary to mitigate its impacts. Development should not be expected to address pre-existing infrastructure deficiencies or contribute towards wider strategic measures unless there is a clear and direct relationship to the development concerned and the obligation is fairly and reasonably related in scale and kind.
- 1.9. The reference to future "Transport Strategies" illustrates this concern. The policy provides no clarity as to the content of such strategies or the infrastructure measures, they may identify or how these relate to the tests within the NPPF. Matters of this nature should be addressed through the Local Plan process and supporting evidence rather than deferred to future non-statutory documents.
- 1.10. **Q3. Is it sufficiently clear in criterion 1 how any required infrastructure will be implemented and how it will relate to the phasing of development?**
- 1.11. No. Criterion 1 identifies the need for appropriate infrastructure and allows it to be secured through planning conditions or legal agreements. However, it does not clearly explain how infrastructure delivery will relate to the phasing of development and, as per our comments in respect of the previous question, is too general and open-ended when infrastructure requirements and delivery phasing should be broadly understood and set through the plan-making process.
- 1.12. **Q4. The Council has confirmed that it is progressing a draft Community Infrastructure Levy (CIL) Charging Schedule [HDC6]. This is to continue outside the examination. Notwithstanding this, in response to PQ 6 [HDC6] the Council has made clear that strategic sites will not be expected to contribute to CIL, relying on s106 and s278 contributions to secure 'targeted site-specific infrastructure' where these are 'directly provided on strategic sites' [HDC6]. How does this relate to the wording of criteria 2 and 3?**
- 1.13. No, The Council's confirmation that strategic allocations will not be liable for CIL is welcomed and provides some reassurance regarding the intended operation of the policy. However, there remains a disconnect between that position and the wording of criteria 2 and 3, which currently appear capable of supporting additional infrastructure requirements beyond those identified through the Plan and its supporting evidence base.
- 1.14. As drafted, the policy creates the impression that strategic sites could be exposed to multiple layers of infrastructure obligations. First, the site-specific infrastructure requirements identified through the plan-making process. Secondly, further requirements that may emerge through subsequent planning applications. Thirdly, additional expectations arising from further, non-statutory documents (i.e. the transport strategies) and/or CIL. Whilst the Council has stated that strategic sites will not be expected to contribute through CIL, that position is not reflected in the policy wording itself and it is unclear which sites will be CIL liable.
- 1.15. In our view, there should be considerably greater certainty regarding the infrastructure burdens that strategic allocations will be expected to bear. This is particularly important given that viability testing has necessarily been undertaken on the basis of identified infrastructure requirements rather than an open-ended framework capable of generating significant additional obligations.

- 1.16. If strategic sites are not intended to contribute to CIL, the policy should expressly state this. Equally, criteria 2 and 3 should be amended so that they cannot be interpreted as creating a mechanism for securing infrastructure contributions that fall outside the scope of site-specific mitigation or duplicate requirements secured through other means.
- 1.17. The references to wider infrastructure initiatives, including transport strategies, are a particular concern in this regard. The policy is unclear as to whether these provisions are intended simply to coordinate infrastructure delivery or whether they may give rise to additional financial contributions. If the latter, there is a risk of overlap with other funding mechanisms and an approach that extends beyond the tests in paragraph 57 of the NPPF.
- 1.18. We agree that Section 106 agreements and Section 278 arrangements provide an appropriate mechanism for securing targeted infrastructure required as a direct consequence of development. However, it should be made explicit that any obligation sought must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind. Strategic allocations should not be expected to remedy existing infrastructure deficiencies or contribute towards wider strategic infrastructure unless a clear and evidenced relationship to the impacts of the development can be demonstrated.
- 1.19. Subject to those amendments, the policy would provide a clearer and more effective framework for securing the infrastructure necessary to support growth whilst avoiding unnecessary duplication, uncertainty and viability risk.

For the avoidance of doubt, please set out the strategic sites which would only be expected to contribute through s106 and s278 funding, and conversely the other sites which would be liable for CIL? What would be the consequence if CIL was not found to be viable for the provision of off-site infrastructure

- 1.20. This is principally a matter for the Council to clarify. It is assumed that larger development sites required to deliver on-site infrastructure will be treated as strategic sites, with infrastructure to be secured through section 106 and section 278 agreements rather than CIL. However, Policy DS05 does not expressly identify which sites will fall within this category and at the moment does not avoid duplication.
- 1.21. If CIL is not viable for other developments, criteria 2 and 3 would continue to enable necessary site-specific mitigation to be secured through conditions and planning obligations. However, section 106 and section 278 contributions cannot operate as a general replacement for CIL and must remain necessary, directly related and proportionate to the development concerned. Any resulting funding gap for wider off-site infrastructure would need to be addressed through other identified funding sources.

Q6. Is the wording of criterion 4 effective and internally consistent in relation to the extent that the proposed infrastructure is accessible by means other than the car to those who it is to serve?

- 1.22. Criterion 4 is broadly supportable insofar as it seeks to ensure that new infrastructure is accessible by means other than the private car. However, aspects of the criterion go beyond that objective and are not entirely consistent with the wider policy framework.

- 1.23. In principle, infrastructure serving new development should be planned and located so that it can be accessed by walking, cycling and public transport wherever reasonably possible. That objective is consistent with the broader aims of the Plan and national policy.
- 1.24. However, the accessibility of infrastructure is principally a matter of site design, masterplanning and the consideration through transport assessments, travel plans and associated mitigation measures. These mechanisms already provide an established framework for ensuring that development promotes sustainable travel choices and reduces reliance on the private car.
- 1.25. Against that background, criterion 4(c), and in particular the reference to transport strategies, appears to go beyond what is necessary to achieve the stated objective. The criterion is unclear as to whether it simply seeks to coordinate infrastructure delivery directly related to the Plan's allocations or whether it may be used to secure contributions towards wider transport projects. If the latter, there is a risk that obligations could be sought for measures which are not directly related to the development in question and whose relationship to accessibility is unclear.
- 1.26. The policy should not create a mechanism through which development is required to contribute towards wider transport interventions simply because they form part of a broader strategy. Any such contribution must still satisfy the tests set out in paragraph 57 of the NPPF and be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind.

Q7. Should 4c) be a policy consideration given that both access to a water supply and foul water sewage are the responsibility of a statutory undertaker? How does the recent Water Cycle Study Note [HDC16] relate to this?

- 1.27. No, responsibility for maintaining and providing water supply and wastewater network capacity rests with the relevant statutory undertakers. Developers should engage with those providers and demonstrate how a development can be appropriately connected, but the policy should not make developers responsible for strategic network capacity or investment decisions outside their control which the undertakers have a statutory duty to provide.
- 1.28. The Water Cycle Study Note (HDC 16) indicates that water and wastewater matters can be addressed through early engagement, masterplanning and the planning application process. It also identifies no fundamental wastewater treatment constraint to delivery of the Local Plan only being imposed where specific capacity constraints have been identified.

Q8. Is reference to collaborative working between various local authorities, highway authorities and National Highways relevant to a policy

- 1.29. No comments

Q9. Does 4d) duplicate criterion 1f) of Policy DM09: Sustainable Construction and Climate Resilience?

- 1.30. No comments

Q10. Criterion 5 references the Infrastructure Delivery Plan (IDP). Does the Council's Infrastructure Delivery Plan [INF-NLP2] and subsequent iteration [HDC11] clearly set out

the infrastructure required to support the growth and delivery of development proposed in the Plan? How do these relate to site specific infrastructure requirements? What is meant by the hierarchy of necessity with reference to the definition of 'integral', 'fundamental' and 'beneficial' as set out on p13 of the Stage 2, IDP [INF-NLP2] and how does this relate to the delivery of infrastructure?

- 1.31. The IDP and updated Infrastructure Schedule provide a sufficiently clear plan-wide framework for identifying and prioritising the infrastructure required to support growth and importantly confirm that no infrastructure constraint would prevent or materially prejudice delivery of the Plan's strategy. The hierarchy of infrastructure is a useful prioritisation tool but should not itself determine the obligations placed on individual developments. Site-specific requirements must continue to be established through proportionate evidence and the planning application process, with any contributions satisfying the relevant tests for planning obligations

Q11. Given the significant changes in both the quantum and cost of infrastructure set out in [HDC11] received 11 September 2026, including education provision, how will this impact on the wording of any of the site allocation policies?

- 1.32. The updated Infrastructure Schedule reduces the overall estimated infrastructure cost from approximately £339 million to £319 million and does not identify any new constraints to delivery of the Plan. Accordingly, wholesale changes to the site-allocation policies should not be necessary. The Schedule should not itself create additional obligations as the precise infrastructure required from each development must be established through the planning application process which will have regard to site-specific evidence, viability and the statutory tests for planning obligations

Q.12 In relation to education provision, how has the Flinders Chase Local Plan Education Strategy [HDC18] taken into account the sustainability implications of school places, in terms of accessibility, including ability of children to walk to school etc, as well as potential changes in demographics and the availability of school places within existing facilities?

- 1.33. No comments

Q13. What is the relationship between the County and District councils in relation to the setting of planning obligations, their collection and the implementation of the necessary infrastructure? Should detailed pro rata infrastructure requirements be included within the Plan, or is it appropriate to rely on a document which, once The Plan has been adopted will have the status of a material consideration?

- 1.34. Harborough District Council, as local planning authority is responsible for determining planning applications and securing planning obligations. Leicestershire County Council identifies requirements relating to county-level services and may receive contributions or deliver the relevant infrastructure. These respective roles should be clearly defined to provide certainty over how obligations will be calculated, collected and used.
- 1.35. Detailed site-specific or pro-rata infrastructure requirements should where possible, be identified through the Local Plan. This would allow likely costs to be understood and considered at an early stage in land and development decisions. Any future guidance may

provide further detail on delivery and phasing, but contributions should remain evidence-based, proportionate and consistent with the relevant planning obligation tests.

Q14. The NPPF paragraph 114 is clear that when assessing sites, the cost-effective mitigation of significant impacts on the transport network in terms of capacity and congestion, or on highway safety, should be ensured whether at the plan making or planning application stage. Is the Plan supported by an adequate, easily accessible costed evidence base which demonstrates that this is the case and which sets out clearly how the Council has approached the issue of costings and need, with particular reference to its objective of reducing reliance on the private car. Is this presented in a manner which would avoid a ‘paper chase’ exercise and has it been agreed with the relevant highway authorities?

- 1.36. It is our view that the transport evidence provides a proportionate basis for assessing the Plan’s growth strategy at the plan-making stage, including the likely need for measures supporting walking, cycling and public transport. It is principally for the Council to confirm that the evidence and cost assumptions have been agreed with the relevant highway authorities and are presented in an accessible form. The detailed scope, cost and timing of mitigation should then be established through site-specific Transport Assessments and the planning application process, with any measures being necessary and proportionate to the impacts of the development concerned.

Q15. Given the Council’s vision-based approach to accessibility and potential impacts on transport infrastructure, what confidence is there that the impacts can be mitigated? How has the costing of highway mitigation measures following the submission of the Plan impacted on the potential viability of the Plan? What, if any, is the significance to the strategy of the Plan given that a sizable body of the detailed transport costings postdate the Reg 19 version of the Plan and the submission version?

- 1.37. No comments
- 1.38. ***Q16. As such, is the evidence relating to both the direct and non-direct impacts of the quantum and location of development consistent with the delivery of the strategic sites? Specifically, what evidence is there that the infrastructure, including mitigation measures, associated with the strategic housing and mixed-use sites and the two strategic warehousing sites at Magna Park can be delivered together with the required infrastructure in a timely fashion?***
- 1.39. The available evidence provides proportionate confidence that the strategic sites and their supporting infrastructure can be delivered over the Plan period, with no fundamental infrastructure constraints identified. Detailed infrastructure requirements, mitigation and delivery triggers should nevertheless be established through site-specific technical evidence and the planning application process, with contributions remaining proportionate to the impacts of the development concerned.

2. ISSUE 2: VIABILITY

Q1. Criterion 6 (5) of Policy DS05 suggests that the policies of the Plan have been viability tested. Is the evidence underpinning the Viability Assessment (VA), including the Addendum [HDC12] consistent with the NPPF and PPG? Are the assumptions appropriate to Plan making?

- **What is the relationship between the contingency fees set within the VA models and inherent risk associated with the profit margins set for market housing?**

- **Namely, what is the difference in policy requirements between extant and emerging policy in relation to infrastructure and other s106 requirements?**

- **Is there an extant requirement for funding for cemetery and burial requirements? If so, what is it and how is it to be sourced**

2.1. No Comment

Q2. On the basis that the Council has now confirmed that it intends to collect a CIL [HDC6], how does this impact on any of the assumptions set out within its evidence base? Should this be taken into account within the VA with particular reference to the site allocations which specifically set out identified infrastructure?

2.2. The Council's intention to introduce CIL should not materially affect the viability assumptions for identified strategic sites. The updated viability evidence confirms that CIL should not be sought from strategic sites, given the known level of on-site and off-site infrastructure and section 106 obligations. This approach is supported, subject to the Charging Schedule clearly distinguishing those sites from CIL-liable development and avoiding any duplication between CIL and infrastructure already accounted for through site-specific viability testing and required planning obligations through the application process

Q3. Is there any inconsistency between the assumptions made within the VA, including the most up to date version, and individual policies, such as the threshold at which contributions are to be sought from developments

2.3. No comment

Q4. Reference is made to other external funding sources to help bridge any capacity funding gap. What are these, and how realistic is this assumption?

2.4. No comment

Q5. Paragraph 12 of our Panel Note 6 [ID7] requested a detailed addendum to the VA be provided, which did not defer to other documents, setting out costs linked to individual policies, including site specific allocations. Paragraph 52 of the Council's response [ID7] agreed to provide a clear and transparent assessment. Notwithstanding the receipt of the Viability Addendum [HDC12], this has not been provided. Consequently, is the strategy of the Plan justified, including the provision of affordable housing at 40%?

2.5. No comment

Q6. We note that a number of individual infrastructure improvements, including public transport and walking improvements have been removed from the update to the IDP with costs apportioned to each site as set out on page 18 of the Transport Topic Paper Part Two [HDC14]. Is this approach transparent, easily accessible and effective? How would this effect the objective of realistically mitigating the impacts of development through reducing reliance on the private car as referenced in [TRP-NLP5]. Moreover, is it appropriate that no costs at plan making stage be accrued to any works on the Strategic Road Network (SRN)4? How would this impact on the costs to be accrued in s106 and s278 agreements?

- 2.6. The updated approach is broadly supported. The removal of the earlier site-apportioned highway costs reflects the updated transport evidence, while site-specific walking, cycling, public transport and travel-planning measures remain identified as integral to delivery. This maintains the Plan's emphasis on sustainable transport and any contribution towards wider cumulative measures should be determined through the planning application process and must be proportionate to the identified impacts of the development.
- 2.7. Any site-specific effects on the Strategic Road Network can be assessed through Transport Assessments, with necessary mitigation secured through section 106 or section 278 agreements. Such requirements should not be assumed at this stage and must remain directly related and proportionate to the development concerned.

Q 7. Criterion 6 (5) of DS05 sets out the possibility of site-specific VAs to be provided in exceptional circumstances. What is the evidence on which the Plan is predicated, and do the relevant policies make clear that the role for VA is primarily at plan making stage so that the price paid for land reflects policy requirements and that the review process is not seen as a mechanism to obviate developer risk?

- 2.8. No comment
- 2.9. ***Q8. In the context of a plan where transport issues are fundamental to its delivery, such as Magna Park (policies MP1 and MP2) and policy DS02-Land South of Gartree Road, together with cross boundary impacts, it is vital that there is reasonable certainty at a plan level that there is or will be access to funding to mitigate the impacts of transport as well as deliver the other strategic infrastructure requirements. Without this the strategy of the Plan may be undermined and the development proposed not be deliverable. Were a developer to be unable to demonstrate that such developments were viable, with the associated strategic infrastructure, how should a decision maker react?***
- 2.10. It is for the promoter of each strategic development to demonstrate that the necessary transport and other infrastructure can be funded and delivered. The Local Plan should identify foreseeable strategic and site-specific infrastructure requirements and associated costs where possible, with the precise mitigation, phasing and contribution requirements then refined through proportionate technical evidence at the planning application stage and secured through conditions, section 106 or section 278 agreements. Delivery should not be dependent upon contributions or infrastructure from separate developments unless it is evidenced and proportionate.
- 2.11. Where a developer demonstrates that a proposal cannot viably support the infrastructure necessary to make it acceptable, the decision-maker should consider whether its scope,

timing or funding can reasonably be adjusted without resulting in unacceptable impacts. This assessment should remain site-specific and should not require an individual development to fund wider infrastructure that is unrelated or disproportionate to its impacts.

Q9. Overall, do the policies of the Plan provide the framework to ensure that the necessary infrastructure is to be delivered over the lifetime of the development so as to result in sustainable development?

- 2.12. The Plan provides an appropriate framework for securing the infrastructure necessary to support sustainable development. Larger strategic sites can deliver substantial infrastructure on-site, with any further mitigation secured through phasing, planning conditions and section 106 or section 278 agreements. Provided that requirements remain evidence-based, proportionate and directly related to the development concerned. This approach will allow necessary infrastructure to be delivered alongside growth in accordance with the sustainable development objectives of the December 2023 NPPF.

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