

MATTER 16 – DEVELOPMENT AND INFRASTRUCTURE

Issue 16: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for infrastructure in Leicester?

Policy DI01 - Developer Contributions and Infrastructure

469. Does Policy DI01 satisfy paragraph 34 of the NPPF, which states that plans should set out the contributions that are expected from development, including infrastructure for, amongst other things, education, health and transport?

Policy DI01 as written is set out to allow the council to produce further guidance in the form of supplementary guidance around the procedures for allocation and collection of developer contributions. The policy itself should not be read in isolation from other policies within the plan such as **SL02, SL03, SL04, SL05, SL06, T01** amongst others and appendix 4 which sets out the infrastructure requirements for the city. As per the other SPDs the council will adopt this document within 6 months of the adoption of the local plan. The council would also be willing to consider a modification to make it clearer around what range of infrastructure the local planning authority would be seeking developer contributions for.

470. What is the timescale for the production of the 'developer contributions and infrastructure supplementary planning document' (SPD) and what will it cover, bearing in mind that the Planning Practice Guidance⁹ states that it is not appropriate to set out new formulaic approaches to planning obligations in SPDs or supporting evidence base documents, as these would not be subject to examination? To be effective does this SPD need to be mentioned within the policy?

The council considers the appropriate mechanism to provide further guidance around developer contributions is a supplementary planning document. The council will start production of this document on adoption of the local plan and expect it to be formally adopted along with other SPDs the council has committed to producing.

The guidance itself will only provide clarity around the infrastructure commitments that are already contained and have been viability tested within the plan. It will not introduce any additional financial requirements for developers which aren't set out in the local plan.

The council would happily provide further clarification within the policy stating that an SPD would be produced.

471. The Whole Plan Viability Assessment (May 2022) [EB/DI/3] states, in paragraph 12.100, that, on the whole, the Council is not securing developer contributions. Where is the evidence to show that Policy

DI01 would be effective in delivering contributions, particularly on brownfield sites?

The council has prioritised delivery on brownfield land to ensure the regeneration of areas such as the CDA. However, due to the viability constraints within particularly the city centre, the council has forgone developer contributions to allow development to come forward. The council has actively requested viability assessments from developers which shows that viability within the city is challenging and that only limited developer contributions have been secured to ensure development progresses. The viability assessment however still allows for some developer contributions to fund critical infrastructure such as highways infrastructure on a site by site, case by case basis.

472. In considering viability in decision making, is Policy DI01 clear and unambiguous on the guidance being referred to and the circumstances in which development contributions may be varied?

The council acknowledges that the policy as written could be made clear and to address this the council will propose modification. With regards to guidance, the council has provided a response to question 434 highlighting that further clarity around what is statutory guidance and what is not. The council would be willing to consider a modification to policy DI01 stating that developer contributions will be sought only where the proposal can viably provide for identified required infrastructure.

473. Within the updated Infrastructure Assessment 2023 [EB/DI/2], it is stated that a number of the infrastructure requirements would be funded by the Local Authority. What evidence is there to demonstrate that the necessary funding would be available over the Plan period?

The council has a statutory duty to provide a range of services, and the infrastructure study and Appendix 4 of the local plan sets out infrastructure which is related to some of those areas. The answer to question 452 sets out in detail the funding arrangements for transport infrastructure as set out within appendix 4. Regarding non-transport related infrastructure, the council is confident that it has a range of funding to support these particular items as follows:

Infrastructure	Details
Education.	Council has received and is receiving funding from the Department for Education to fund secondary provision

	within the city.
Primary & Secondary Care	Funding predominately central government but developer contributions will be expected from major development subject to viability.
Outdoor and Indoor sports & Leisure provision	<p>Council has monies within the council budget to fund improvement to existing indoor leisure facilities.</p> <p>In regard to outdoor provision, the Council has a good track record of securing funding from and working with the football foundation and bodies such as the Lawn Tennis Association on securing funding for improving sports provision. Recent examples include securing £420k for citywide improvements to council owned outdoor tennis courts.</p>
Community facilities including libraries, youth services and community halls	<p>The council has like most local authorities, been looking at rationalising its community facilities which it operates and because of this the cost is small relative to other infrastructure costs.</p> <p>The council is confident that the around £600k it has identified for this over the plan period is reasonable and deliverable from council budgets.</p>
Burial Facilities	The council has identified a requirement for future burial facilities within the city due to increased deathrates from the pandemic. Due to this being a statutory requirement for the council and the fact that it brings in an income, the council is

	confident that it can fund the amounts identified within the infrastructure plan.
G&T	The primary source of funding for providing Gypsy & Traveller Pitches will be the council's capital programme from future development land scales. Once delivered, the sites will be managed by housing division and will be sustained by pitch rents similar to current working gypsy & traveller sites.

474. What evidence is there to demonstrate that the necessary infrastructure requirements can be delivered over the Plan period?

See answer to question 473

The Council has worked with key government bodies such as homes England to deliver key infrastructure in growth areas, such as the Ashton Green spine road which unlocked a major housing allocation for the city. The council has also secured transport funding from the 'Transforming Cities Fund' and 'Local Growth Fund'. The council has also used its own funding for delivery of the 'Keepmoat' scheme in the waterside regeneration area, as well funding walking and cycling schemes within the Central Development Area through the 'Connecting Leicester' project. The council has also secured future funding for major transport infrastructure via the HS2 transport fund.

475. Are there any inter-dependencies between infrastructure schemes and the delivery of development allocated in the Plan? If so, is further clarification required in the relevant policies, such as development thresholds triggering a need for specific infrastructure?

The council does not believe there is any major infrastructure required before development can commence. The council has committed to preparing a North of Leicester Study which will further assess any impacts within the main growth area outside of the CDA. In regard to infrastructure such education phasing would be agreed as part of any Section 106 agreement once the application has been approved.