HBF House, 27 Broadwall,
London SE1 9PL
info@hbf.co.uk
hbf.co.uk

Chris Martin – Homes Builders Federation (HBF)
Oldham Local Plan Examination
Matters, Issues and Questions – Matter 6

Matter 6 – Infrastructure and Delivery Policies

Issue 10: Does the Plan set out a positively prepared strategy and policies for infrastructure (Policies CO3 to CO6; IN1 to IN3) which is justified, effective and consistent with national policy?

Policies CO3, CO4, CO5, CO6 and IN1

Q6.1 Does the Plan provide an effective framework to ensure the delivery of the necessary infrastructure?

1. Whilst the broad principle of development needing to mitigate its impact on infrastructure is supported, the Local Plan does not in certain places provide an effective way in which this mitigation should be provided.

2. For instance, in relation to education (Policy CO5), the Council's approach is reactive and has not been formulated through an understanding of what the unmet need will be over the plan period (see our response to Q6.8a).

3. Whilst the Infrastructure Delivery Plan (IDP, 2026) [ID03] has been provided to explain current and future infrastructure requirements over the plan period, this is notably vague when it seeks to describe future infrastructure requirements and for these to be costed (for instance in relation to education). Without this detail, it is difficult to envisage how infrastructure can be effectively planned and an appropriate allowance made in the LPVA [PW05].

Q6.2 Are the Plan requirements relating to infrastructure supported by up-to-date evidence? How will the requirements of the policies be kept up to date?

4. It is considered that this is for the Council to answer, however it will be necessary to keep the IDP updated over the plan period and treat it as a 'live' document.

Q6.3 Have the viability implications of Policies CO3, CO4, CO5, CO6 and IN1 been appropriately tested? Are the assumptions in the Local Plan Viability Assessment (December 2025) [PW05] reasonable and up to date?

5. The HBF has concerns regarding the assumption used for Section 106 costs utilised in the LPVA. This currently uses a general assumption of £5,500 per dwelling and this appears to be derived from

the per plot allowance used in the PfE (£5,250 per plot) with an uplift included. It is unclear from this work as to the breakdown of this figure.

6. The LPVA does outline that this allowance covers:

    - Combined Sport/Play/Open Space.
    - Education.
    - Transport.
    - Legal/Monitoring.
    - Enhancing Green Infrastructure.
    - Biodiversity.
    - Trees.

7. Given the breadth of areas that are to be covered, the HBF does not consider £5,500 per dwelling is a particularly robust figure.

8. The HBF has undertaken its own work on looking at the costs of development in its Viability Crunch Report (see https://www.hbf.co.uk/documents/15569/HBF_Viability_Report_March_2026.pdf). Given that this calculates the cost of biodiversity net gain (BNG) alone to be £5,700 per unit, then this calls into question whether the LPVA assumption is an appropriate basis for assessing viability.

9. It is also observed that the allowance outlined above does not include other items which are listed in the IDP (see Table 1 of the document) such as health.

Q6.4 Does the Plan adequately reflect the scale and cost of infrastructure requirements for development in the Borough as set out in the Infrastructure Delivery Plan (January 2026) [ID03]?

10. As outlined in our response to Q6.1 above, the Local Plan does not reflect the scale of cost of infrastructure requirements, but this appears to be a product of the IDP lacking detail in certain sections of the document. Whilst it is appreciated that the IDP is a 'live' document that will need to be kept updated, there is still the need to provide enough information at the point of a Local Plan's examination, so there is a clear idea of the cost and scale of infrastructure requirements and that its policies can be effective.

Q6.5 Are the policies sufficiently flexible? Do they take appropriate account of development in cases where viability is below that which would be policy compliant?

11. Please see our responses to Q6.11 – 6.14 below.

Q6.6 Is Policy CO3 effective, justified and consistent with national policy? In particular:

(a) Is 'community facilities' adequately defined and is the policy effective as a result?
(b) Is the policy sufficiently clear how demand for individual facilities can be established?

12. The

Q6.7 Is Policy CO4 effective, justified and consistent with national policy?

13. The

Q6.8 Is Policy CO5 positively prepared, effective, justified and consistent with national policy? In particular:

(a) What is the evidence of unmet need? Does the Plan positively address any unmet need?

14. As referenced in our Regulation 19 representations, the PPG is clear that plan makers and the education authority need to work collaboratively to identify which schools are likely to expand and where new schools will be needed as a result of planned growth (Reference ID: 10-029-20190509).

15. This pro-active approach then results in more certainty for developers, can establish and target unmet need and means such contributions can be more accurately calculated in the LPVA. However, the Council does not appear to have done this for the Local Plan and instead has set a general and broad sweeping policy which is not positively prepared in addressing unmet need and does not align with the approach in national policy.

16. Whilst the LPVA makes a general allowance for Section 106 costs of £5,500 per plot (which includes education), it is unclear as to what proportion of the Section 106 cost is specifically for education. Further information is therefore required on where school expansion is likely to be needed over the plan period and how the costs of this have fed into the LPVA.

(b) Is the 10 dwelling threshold justified? Are the circumstances where a development would create or exacerbate a shortfall in local school places sufficiently clear and understandable for decision makers and applicants?

(c) Is the financial contribution formula effective? Is the evidence identified to inform pupil yield factor and cost per pupil place up to date?

Q6.9 Is Policy CO6 effective, justified and consistent with national policy? In particular:

(a) What is the evidence of unmet need? Does the Plan positively address any unmet need?

(b) Is the policy sufficiently flexible with regards to justifying the loss of a healthcare facility?

(c) Is the policy sufficiently clear regarding the circumstances where submission of a Health Impact Assessment would be required?

17. The Council has sought to align its approach to PfE Policy JP-P6 in that a Health Impact Assessment (HIA) is required for all developments screened for an Environmental Impact Assessment (EIA), and other proposals which, due to their location, nature or proximity to sensitive receptors, are likely to have a notable impact on health and wellbeing.

18. Whilst the trigger linked to screening for an EIA is understood, that relating to 'other proposals' is not. More generally the PPG notes that HIAs are 'a useful tool to use where there are expected to be significant impacts' (Reference ID:53-005-20190722). Therefore, a justifiable approach which is consistent with national policy would be to screen proposed developments to establish if any impacts are expected to be 'significant'. This would then trigger when a HIA is needed.

19. The PPG also outlines the importance of the Local Plan in considering the wider health issues in an area and ensuring policies respond to these. As such, Local Plans should already have considered the impact of development on the health and well-being of their communities and set out policies to address any concerns. Consequently, where a development is in line with policies in the Local Plan, a HIA should not be necessary.

(d) Is the 10 dwelling threshold justified? Are the circumstances where a development would create or exacerbate a shortfall in health provision sufficiently clear and understandable for decision makers and applicants?

Q6.10 Is Policy IN1 effective, justified and consistent with national policy?

20. The HBF notes that the policy sets out that all new residential developments should enable Fibre to the Premises (FTTP) broadband infrastructure. However, the requirement for broadband infrastructure for new residential developments is already set out in Part R of the building regulations. The Government is clear that this is the standard which should be followed and there is no mechanism for going over and above this in the plan-making system.

21. As such, this part of the policy is unjustified and not consistent with national policy; namely paragraph 16 of the NPPF which outlines that Local Plans should not repeat policies found elsewhere. For this reason, this part of Policy IN1 should be deleted.

Policy IN2

Q6.11 Is Policy IN2 effective, justified and consistent with national policy?

22. Whilst the HBF agrees that development should mitigate impact on existing infrastructure and that this may necessitate contributions towards improving infrastructure or providing new infrastructure, it is important that such requirements do not undermine the deliverability of the Local Plan as a whole. This is made clear in paragraph 34 of the 2021 NPPF.

23. The LPVA shows significant viability challenges in many parts of the Borough, in particular showing development as unviable in Lower and Medium value areas on both greenfield and

brownfield sites (see Tables 8.2, 8.3, 8.5 and 8.6, plus paragraph 9.9). The HBF also has concerns regarding deliverability in some of the Higher value areas given that the assumptions for policy and S106 costs are opaque and it is difficult to see how these have been calculated. It is therefore difficult to see how the approach to Policy IN2 is justified.

24. It is acknowledged that the policy does allow for site-specific viability assessments to be submitted for development proposals in certain circumstances, however for the policy to be effective, this needs to be the exception rather than the rule. It is the HBF's concern that given the viability issues in the borough, that this will not be the case and will lead to delays or potentially jeopardise the delivery of the new homes which are required. The Council should therefore be examining its policy aspirations and ensure that these are realistically set so as to provide the best chance of development being deliverable.

25. The policy also sets out the Council's approach to pooling of contributions for larger strategic sites. Although the pooling of contributions is permitted and is no longer limited, the policy and the supporting text do not identify what would happen in the event that one or more developments which are expected to contribute towards a pooled contribution do not come forward and the effect this may have on the deliverability of other sites.

Q6.12 Is the policy clear on the circumstances when a site-specific viability assessment can be submitted?

26. We set out our concerns in relation to this in our Regulation 19 consultation response. However, it is the HBF's view that this part of the policy has somewhat been superseded by Policy DM5 of the 2026 NPPF (which is an NDMP) and which now sets out at a national level when a site-specific viability assessment can be undertaken.

27. The Council should ensure the policy is consistent with this approach so as to avoid the issue of this part of the policy only being given very limited planning weight upon adoption. This also further underlines the importance of our response to Q6.11 that at this plan-making stage the Council needs to be setting policy requirements appropriately to minimise the need for site-specific viability assessments.

Q6.13 With regard to maximising the value of planning obligations in the event that it is not financially viable to provide the level of planning obligations proposed, is the policy sufficiently clear on what obligations would be prioritised?

28. The HBF considers that such prioritisation would need to be determined on a case-by-case basis depending on the impact that a development has on the specific infrastructure in the area.

Q6.14 Is the requirement for a clawback mechanism justified? Is the policy sufficiently clear on the intended operation of any clawback mechanism?

29. The PPG does allow for viability to be reviewed during the lifetime of a project [Reference ID: 10-010-20251216] however the HBF considers that such measures should be used with caution. This is because developers will often agree the price for materials and other requirements early in the development process so as to fix these costs. If for instance, costs then fall over the lifetime of the project, the developer may not then benefit from this but at the same time may then face increases in planning obligations. It is also currently unclear how and when any clawback mechanism will be used.

30. If such a clawback mechanism is to feature within the policy, then the HBF would seek that the Council also commits to being able to revisit planning obligations for stalled development where there has been a downturn in the market or where costs have increased significantly. Whilst it is noted that Section 106A of the Town and Country Planning Act 1990 enables this, doing so prior to a planning obligation being 5 years old is a discretionary power for local planning authorities. A commitment to using this discretionary power through this policy would therefore be welcomed and would ensure the policy is effective.

Policy IN3

Q6.15 Is Policy IN3 justified and consistent with national policy?

31. The HBF notes the requirement for providing a Social Value Strategy through Policy IN3 and appreciates that this can be a way in which many of the positive aspects of building additional homes can be articulated through a planning application. However, such benefits should be implicit and driven through the Local Plan anyway, such that development which complies with the Local Plan should already be demonstrating the requirements of this policy. The need for a specific Social Value Strategy for such developments is therefore questionable, especially in light of paragraph 44 of the 2021 NPPF which highlights that planning application requirements should be kept to a minimum.

32. Furthermore, the Council has not provided justification why such a requirement would apply to all major development. The HBF does not consider it is credible to claim that all major development (which could be quite diverse in what is proposed) would trigger the need for a Social Value Strategy.

Q6.16 Are the requirements of Policy IN3 sufficiently clear and understandable for decision makers and applicants and is the policy effective as a result?

33. Whilst the HBF considers the requirements are understood on a broad level, they are inherently subjective in nature and so it is unclear as to what level has to be achieved for each requirement to be passed.

34. The need for the implementation of the Social Value Strategy to be conditioned is also concerning because of the lack of precision in the requirements and the risk that whilst the Social Value Strategy may set out measures, when it comes to enacting these measures in practice, they may not be

achievable. The policy does not account for this scenario and may mean that development becomes delayed or stalled as a result of this. This then undermines the effectiveness of the policy.

Q6.17 Does the inability to prepare an SPD to provide further guidance on delivering social value impact the effectiveness of Policy IN3?

35. The HBF considers that this is for the Council to explain. Nevertheless, we would not support this being supplemented by any form of informal guidance given the lack of formal consultation that would be undertaken for this and the inability of our members to scrutinise the contents of any guidance.

36. It is also questionable as to the planning weight and therefore usefulness of any such guidance.

Overall

Q6.18 Are the policies in Chapters 18 and 20 of the Plan otherwise positively prepared, justified, effective and consistent with national policy?

Q6.19 Are any Main Modifications required to ensure the policies are sound?

37. As outlined in our responses above, it is considered that Policy CO5 needs additional information on what the unmet need for education will be over the plan period for the policy to be effective, justified and consistent with national policy.

38. For Policy CO6, the thresholds to HIAs should be revisited in line with the PPG and it is considered that Policies IN1 and IN3 should be deleted as they are not justified or consistent with national policy.