

HARBOROUGH DISTRICT COUNCIL

PLANNING OBLIGATIONS

**DRAFT
SUPPLEMENTARY PLANNING DOCUMENT**

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Chapter 1 Preamble: Planning Obligations Supplementary Planning Document Consultation.

1.1 We are seeking your views on Harborough's draft Supplementary Planning Document which will assist both developers and the community in understanding what is required, and when from development. The consultation runs from 10th July 2015 to 29th September 2015.

Question 1: Is the document clear enough? If no, please suggest improvements.

Question 2: Do you think the document covers the priorities for planning obligations arising from development? If no, what alternatives do you propose? Are there matters which should not be included within the SPD? If yes, please specify.

Question 3: Does the draft SPD comply with the requirements of national planning policy, guidance and relevant regulations such as the Community Infrastructure Levy regulations? If no please explain which aspects are not in compliance and why?

Question 4: Does the draft document provide the required level of clarity to explain which types of development will be expected to make planning obligations ?

Question 5: Is it clear to you how the Council will seek obligations based on specific amounts per dwelling to support relevant community infrastructure from appropriate sites?

Question 6: What other matters, if any, should be included within this SPD?

Question 7: Can we simplify and improve the presentation of this SPD, to make it more accessible to people not directly involved in the planning system?

1.2 Do you have any other comments about the content of this SPD? Please make your comments as clearly and concisely as possible. For instance, if you are referring to any particular text, please state the relevant paragraph number. The comments will be registered and acknowledged and will then be carefully considered in preparing the final document to go forward for consideration and adoption by the Harborough District Council. A summary of the comments received and officer response will be reported to the Local Planning Advisory Panel and Executive in due course.

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Chapter 2 Introduction

- 2.1. A planning obligation is a legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.
- 2.2. Harborough District Council (together with Leicestershire County Council) enters into these agreements with developers to help ensure that obligations (which mean the developer funds provision of what is needed) are met.
- 2.3. This document has been prepared to inform developers, landowners, infrastructure providers and local communities about the approach to securing community infrastructure and affordable housing through planning obligations followed by Harborough District Council.
- 2.4. It replaces the HDC Planning Obligations Guidance Note issued in September 2009 and the Affordable Housing Supplementary Planning Document 2006 and takes into account:
 - The adoption of the Harborough District Core Strategy (2011);
 - The Community Infrastructure Levy Regulations (2011);
 - National Planning Policy Framework (2012);
 - National Planning Practice Guidance (2014 – revised November 2014);
 - Updated Leicestershire Developer Contributions Policy (December 2014) ; and
 - Draft Developer Contributions Protocol (January 2015).
- 2.5. The document seeks to advise and support developers and communities on current practice in applying policy to securing community infrastructure. Harborough District Council is reviewing the option of introducing a new Community Infrastructure Levy (CIL) as part of its forthcoming Local Plan to fund certain elements of future infrastructure, potentially of a District wide significance. Planning obligations will remain necessary to deal with site specific impacts.
- 2.6. Although this document provides guidance to be followed when considering development proposals, the Council in determining planning applications makes a judgement on what planning obligation would be necessary. The requirements of a planning obligation will also be dependent upon the capacity of the existing infrastructure within the vicinity of the proposed development and the requirement for on-site and contributions towards enhancing off-site infrastructure.

Chapter 3 Policy on Planning Obligations

3.1. National Policy and Guidance

3.2. National Planning Policy Framework (NPPF) paragraph 204 states planning obligations should only be sought where they meet all of the following tests:

- 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.

3.3. These are known as the “CIL Tests” after the Community Infrastructure Levy Regulations which made them statutory requirements.

3.4. National Planning Practice Guidance (NPPG) provides guidance on planning obligations and can be read via the link below

<http://planningguidance.planningportal.gov.uk/blog/guidance/planning-obligations/planning-obligations-guidance/>

3.5. In summary the Guidance describes

- when planning obligations can be sought by the Planning Authority;
- how they relate to other contributions;
- that a policy on obligations should be set out in the development plan;
- that requirements should be fully justified and evidenced;
- that some obligations such as for affordable housing should be flexible and can be subject to negotiation;
- that planning obligations can be re-negotiated;
- that funding may be returned if it is not required or used in a specified time;
- that appeals can be made against refusals to change a planning obligation;
- that contributions to affordable housing or other tariff style obligations should not be sought from developments below a threshold of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm;
- that obligations can be made by commuted contributions (funding payments) payable once development is completed;
- that tariff style contributions (set contributions per dwelling to pooled funding ‘pots’ intended to provide common types of infrastructure for the wider area) must still satisfy the three tests (referred to above).

3.6. From April 2015, regulations restrict the use of pooled contributions towards items that may be funded via the Levy. At that point, if five or more obligations for that project or type of infrastructure have already

been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement.

Question 8: Do you have any comments to make on National Policy and Guidance?

3.7. Local Policy

3.8. The Harborough District Core Strategy 2011 is the relevant adopted development plan for the District. Policy CS12 and Appendix 2 defines the levels of infrastructure necessary to mitigate the development proposals in the Strategy. Policy CS3 supports development of an appropriate mix of housing including provision of lower cost affordable homes to rent through social housing providers which are secured through planning obligations.

3.9. Policy CS2, CS12 and Appendix 2 to the Core Strategy indicates areas which are therefore likely to be the subject of planning obligations as follows:

- Affordable Housing
- Community Facilities
- Open Space, Sport and Recreation Provision
- Adult Health and Social Care
- Education
- Highways and Transportation
- Library Services and Facilities
- Waste (Including Civic Amenity Sites)
- Public Health
- Policing

3.10. Whilst these areas form the basis for planning obligations, such obligations may be sought towards any other type of infrastructure or project which is necessary to make unacceptable development acceptable in planning terms (National Planning Policy Guidance on Planning Obligations para 001). Obligations may be sought where appropriate towards matters related to flood control and sustainable drainage. Officers are also researching the need to apply obligations in future to ensure connectivity to high speed broadband which is becoming a key component of sustainable development.

3.11. The tests referred to above will still need to be passed in order for an obligation to be justified. The following section describes how this is carried out.

3.10. Footnote

Leicestershire operates a two tier system of local government. Services such as housing, open space and waste collection are the responsibility of the seven District and Borough Councils. They are also the local planning authorities responsible for local plan making and the determination of planning

applications for developments relating to housing, commerce, industry, retail and other matters. The County Council, (itself a local planning authority for minerals and waste matters), is responsible for the provision/commissioning of a range services including education, highways, transport, libraries, social care, public health and waste disposal.

Question 9: Do you have any comments to make about Local Policy?

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Chapter 4 Managing Planning Obligations

4.1 This section sets out for the guidance of applicants, infrastructure providers and community groups how Harborough District will manage the Planning Obligation process - from policy, considering applications, making and amending if needed S106 agreements, and monitoring the delivery of planning obligations.

4.2. The Development Plan – basis for considering obligations

4.2.1. Potential applicants and infrastructure providers should refer to the adopted development plan, coupled with national planning policy and guidance in order to help assess what may be required to mitigate the effects of development and comply with the CIL Tests. In Harborough District, for the purposes of planning obligations, this comprises the Core Strategy 2011 (to be replaced by a Local Plan during the period 2015-2018). Policy 12 seeks to secure appropriate infrastructure as part of development and a Local Infrastructure Delivery Plan sets out framework for what types of infrastructure are needed to support development levels specified in the Strategy. This is the starting point for the decision maker to assess whether planning obligations are needed to ensure delivery of appropriate infrastructure.

4.2.2. The Core Strategy is being replaced during the period 2015-2018 by a new Local Plan and a decision will be taken if a Community Infrastructure Levy should be set to supplement site specific planning obligations in order to help deliver infrastructure of District scale significance.

4.2.3. Infrastructure providers are encouraged to respond to consultation stages on development plans, particularly to help inform the Council's decisions on what is necessary to include within the Infrastructure Plan based on proposed development levels and the capacity of existing community infrastructure.

4.2.4. At this stage, the scope and scale of any requests for funding can be assessed and infrastructure providers can be engaged. Infrastructure providers can, through this process, understand the broader picture of service funding associated with a particular development or range of developments.

4.2.5. The District Plan has to be subject to its own viability assessment to confirm that its proposals as a whole are achievable and deliverable taking into account likely levels of developer and other funding of infrastructure. This does not replace the need to consider viability issues at a site specific level when individual planning applications are considered.

Question 10: Do you have any comments to make about Development Planning?

4.3. Pre – Application Stage

- 4.3.1. As set out in the Councils adopted Statement of Community Involvement, potential applicants are encouraged to discuss applications with the Council prior to submission..
- 4.3.2. At the pre-application stage discussions will take place between those submitting proposals for development and officers of the Council, in order to ascertain the potential impacts on infrastructure and the range of potential planning obligations for particular sites. Officers of the Council will decide based on the nature of the proposal whether specific infrastructure providers should be invited to attend to help advise at the pre application stage.
- 4.3.3. We also encourage potential applicants for all major residential, employment and mixed use schemes to carry out pre application consultation and as part of this to contact local organisations and identify what local infrastructure may need supporting The Parish Liaison Officer at Harborough District Council maintains a list of appropriate contacts at parish level and can help further.
- 4.3.4. It is important that appropriate information is available to a potential applicant to help assess how a proposal is likely to be considered and whether appropriate mitigation can be made through planning obligations to make the development satisfactory in planning terms.
- 4.3.5. Pre application discussions may be disclosed to District Councillors and Parish Councils where the potential applicant is content with this.

Question 11: Do you have any comments to make about Pre Application?

4.4. Submitted Applications

- 4.4.1. Planning applications should be accompanied by appropriate information which identifies the likely impacts of the development proposal on the local environment and local services. It is helpful if consideration can have been made as to the range of planning obligations considered necessary within the supporting information submitted.

4.4.2. Once a planning application is received, the authority will notify specified bodies, including all infrastructure providers representing services where there may be an impact.

4.4.3. The stakeholder will be directed to information concerning the application located on the Council's website and asked to respond within 21 days.

4.4.4. Relevant infrastructure providers /service areas may include:

Harborough District Council:

- Community and Sports Facilities;
- Open Space and Recreational provision; and
- Housing.

Leicestershire County Council:

- Adult Social Care and Health;
- Waste Management;
- Education;
- Economic Development;
- Highways and Transportation;
- Library Services; and
- Sports & Recreation facilities.

Other Services:

- NHS England;
- Leicestershire Constabulary;
- Leicestershire Fire and Rescue Service;
- Water and Sewage Service Providers;
- Public Transport Operators;
- Utility Companies; and
- Environment Agency.

4.4.5. All information related to submitted applications will be available electronically for infrastructure providers to examine. Infrastructure providers who identify that a planning obligation is required should set this clearly in a formal response to individual applications. The Council must decide that the obligation meets certain statutory tests set out in the Community Infrastructure Levy Regulations (known as the "CIL Tests").

4.4.6. In assessing whether a planning obligation should be applied to an application the Council will undertake a two stage process:

- a. Would the obligation meet the statutory tests as set out in Reg 122 of the CIL regulations?
 - b. Is it of such significance in this particular instance that the application should be refused in its absence?
- 4.4.7. At stage 2 in particular the judgement should be informed by the impact of the obligation on the viability of the development where this is an issue (further information on viability is provided in para 3.52).
- 4.4.8. The LPA has to reconcile a number of competing demands in deciding whether any or all of the requests submitted should be met and where its priorities lie in determining which requests should be met.
- 4.4.9. Planning Authorities across Leicestershire have developed a protocol to assist in considering planning obligations. The purpose of this protocol is to set out three tests contained in Regulation 122 of the Community Infrastructure Regulations 2010 and provide details of what is assessed when considering these tests. It also sets out how the information supplied in support of an application for funding will be assessed. The Protocol is attached as Appendix 3 to this document.
- 4.4.10. Large commercial and employment generating developments may increase demands on infrastructure, therefore should there be a demonstrable need directly related to the development a contribution will be sought. The types of need may often be related to transportation, such as cycle ways and , footpaths but may extend to other types of contribution. One issue which the Council wishes to support in terms of larger employment generating development is the opportunity to work with developers to help secure local employment and, training opportunities during the construction and operation of commercial development. This may be done on a voluntary basis requiring no formal planning obligation – but the Council will investigate whether formal obligations may help to provide assurance and help ensure this occurs over time.

Question 12: Would a model legal agreement template be useful?

Question 13: Do you have any other comments about Making an Application?

4.5. Determining planning applications

- 4.5.1. In determining planning applications, the District Council as the local planning authority has responsibility for deciding which planning obligations are necessary to ensure developments are

acceptable. In executing this responsibility the District Council will take account of adopted guidance and responses from all service providers listed in para 3.15 above.

4.5.2. Planning applications will not be determined unless there is a draft Heads of Terms for S106 Obligations agreed with the applicant in writing, placed on the planning register (the electronic database of planning applications and associated correspondence known as the Planning Portal) and included in reports, which sets out:

- all specific types of infrastructure/projects to be delivered;
- their cost (where this is agreed as a commuted sum); and
- the timing of payment or delivery in relation to development.

4.5.3. This document provides guidance on practice but only covers the principal areas where contributions may be sought and it is neither exclusive nor exhaustive. Depending on the nature of the application the full range of relevant services or infrastructure will be examined, as needed, to mitigate the impact of developments, regardless of the responsibilities for different services or infrastructure.

Question 14: Do you have any comments about Determining Applications and appropriate Obligations?

4.6. Finalising the S106 Agreement

4.6.1. The Council's Legal Services section will draw up the draft S106 agreement – on receipt of full instructions from the relevant Case Officer from Development Management, in liaison with the legal representatives of the Applicant and any other interested party.

4.6.2. The initial draft will be placed on the Electronic Planning Register by the Case Officer from Development Management who will advise relevant Ward Members by sending a link to the Register.

4.6.3. Subsequent draft versions (version controlled, redacted as needed) will be placed on the Planning Register by the Case Officer following receipt from Legal Services.

4.6.4. Legal Services will negotiate the clauses and redraft the S106 as necessary in liaison with the Legal Representatives of interested parties, until consent to a final Agreement is reached.

4.6.5. All Members will be notified via the Member Information Service prior to the final Agreement being executed by the Council.

4.6.6. The Final signed version of the Agreement will be placed on the Planning Register as a public document by the Case Officer.

Question 15: Do you have any comments to make about Finalising the S106 Agreement?

4.7. Variations to planning obligations

4.7.1. Applications can be made to vary or remove a planning obligation at any time on the basis of a material alteration to circumstances since the application was originally determined e.g. that a viability issue has presented itself. Such applications will be processed as above, and relevant infrastructure providers will be notified and consulted where a change involves an obligation they have interest in. Councillors for the ward in which the application is made will be consulted.

4.7.2. If the application was originally determined by the Planning Committee rather than being delegated to officers, the Planning Committee will usually determine the application to vary the obligation.

Question 16: Do you have any comments to make about varying planning obligations?

4.8. Monitoring the implementation of planning obligations

4.8.1. Whether a planning obligation requires a developer to undertake some works on site or make a financial contribution, it is important that there is confidence that the planning obligation is delivered. The Council therefore employs an officer part of whose work is to monitor developments and ensure that, when development “triggers” are reached, the obligation is fulfilled (or in the case of a financial contribution - paid). Councillors for the ward in which the development occurs will be will be informed when such triggers are reached and obligations fulfilled.

4.8.2. The Council will also monitors the date when funding secured in relation to planning obligations has to be spent where these are set out in an agreement. Invoices are issued by the Council when the obligation involves financial payments.

4.8.3. Where there is a default on the fulfilling of a planning obligation, the Council will use its enforcement powers and in the case of a payment will deploy appropriate legal powers. Staged payment schedules may be agreed to assist developers. As referred to above the Council has to consider variations to planning obligations where viability issues are a concern which should mitigate this issue occurring.

- 4.8.4. The Council will alert those with responsibility for delivery of the relevant infrastructure to those dates when funding is transferred.
- 4.8.5. The Council will also monitor the delivery of the infrastructure improvement for which the planning obligation has been obtained. The Monitoring Officer will be informed from the relevant Council service manager when and for what purpose the planning obligation funding has been spent in relation to individual obligations, even where these have been pooled.
- 4.8.6. Monitoring and reporting will inform the community that appropriate infrastructure has not just been secured through a planning obligation, but that obligations have been fulfilled through the investment by the relevant agency in improved community infrastructure. It is also necessary to respond to past applicants who wish to establish that the obligation they made via a commuted sum has been spent on that for which they made the contribution.
- 4.8.7. Monitoring information relating to the above will be published within the Council's Annual Monitoring Report (AMR) (normally published each December) and will also be published on the Council's website.
- 4.8.8. The monitoring process not only provides a clear and transparent record of the obligations required but it also safeguards the developer in relation to the audit trail being provided of the record of payments and the proper use of contributions in accordance with the S106 planning agreement.

Question 17: Do you have any comments about monitoring planning obligations?

4.9. Other aspects of Planning Obligations

4.9.1. Tariffs or standard charges

- 4.9.1.1. Partially owing to the need to aid collective and fair contributions from a number of developments to help fund community infrastructure, the District Council has developed a series of standard charges (a tariff) in relation to aiding the funding of specified recreational provision and community facilities. These are referred to in subsequent parts of this document relating to these types of infrastructure. This parallels the County Council's approach to securing contributions to educational and other facilities and not only aids pooling of contributions by a number of developments to an individual project but helps to create certainty for developers about the levels of contributions being sought.

Question 18: Do you have any comments on Tariffs or Standard Charges?

4.9.2. Pooling

4.9.2.1. From April 2015, it is no longer possible to pool more than 5 or more planning obligations towards a specific project or type of infrastructure following amendment to the CIL (Community Infrastructure Levy) Regulations. In order not to prejudice the use of planning obligations to fund infrastructure, the Council will expect that infrastructure requests are made as specific as possible to a project, and that projects are described appropriately and justified accordingly. Given the need to retain some flexibility on how funding is spent it is considered that projects should be described no more specifically than “extending the capacity of (named facility / specific location) by the provision of (specific project)” .

Question 19: Do you have any comments on pooling?

4.9.3. Holding and spending of financial contributions

4.9.3.1. Financial contributions will be placed in a fund controlled by the signatory responsible for the provision of that service or facility. The contribution shall be spent on improvements to services or infrastructure to mitigate the impact of development.

4.9.3.2. The relevant service manager dealing with investment in service delivery shall be responsible for ensuring that the contribution is used in accordance with the terms of the agreement and for reporting on spending. If the facility is to be developed by a Parish Council, then the appropriate Parish Officer will be responsible. The relevant Monitoring Officer at either Harborough or Leicestershire County Council shall maintain appropriate information (obtained from the service manager) as to when the funding was used and for what purpose.

4.9.3.3. If the Service Manager or otherwise considers that more time is needed to spend the funding or to spend it differently, than provided for in the Agreement, he/she must provide the reasons for this and submit this to the Monitoring Officer. The Monitoring Officer will then contact the applicant to seek agreement and if there is need for a formal variation of a previous agreement, then the associated costs will be borne by the Service.

Question 20: Do you have any comments on holding and spending of contributions

4.9.4. Thresholds for planning obligations

4.9.4.1. Some obligations will only become due when a certain level of development is reached. These thresholds must be understood at the time of decision since a CIL compliant request for a planning obligation should set out this in the justification for the obligation.

4.9.4.2. The threshold should be set after a certain level of development has been reached and should be clearly set out by infrastructure providers in their responses to applications.

Question 21: Do you have any comments on thresholds for viability contributions

4.9.5. Viability

4.9.5.1. Should the requirement for developer contributions or for the provision of resulting infrastructure impact upon the viability of the development proposal, it will be the responsibility of the applicant to provide a financial viability assessment to seek to substantiate the situation and bear the cost of the Council's independent assessment of that viability assessment. The Council will determine and advise applicant of the cost for this work. The Council will use its contracted partner for this work.

4.9.5.2. The council will only proceed if the applicant agrees to meet this cost. Payment and terms are then agreed directly between the applicant and Council.

4.9.5.3. The re-appraisal will take the form of a written report that will assess the viability assessment submitted in relation to build costs (including land acquisition) and future sales values. It will conclude whether the author feels that the obligations being sought would make the development unviable or not.

4.9.5.4. The Council as the Local Planning Authority will decide the planning obligations that will apply. Each case will be considered on its own merits.

4.9.5.5. If the viability assessment is accepted as reasonable and shows that the development cannot proceed without reduced obligations, the Council may request lower contributions or no contributions for a particular site provided that the benefits of

developing the site does not significantly outweigh the loss of planning obligations which were to make the development acceptable in planning terms.

4.9.5.6. The Council's practice is to seek to maintain, as far as possible, obligations towards community infrastructure and adopt a more flexible approach towards the affordable housing component (stock managed by social landlords) in order to assist in making the development viable. This may result in changes to the mix of the affordable housing component or look to, increase the numbers of smaller and cheaper market housing types (1 /2 bed properties) to help increase opportunities for private rented and first time buyers.

Question 22: Do you think the right balance is achieved between market reality and planning objectives? and Harborough's approach to viability generally?

Question 23: Do you have any other comments on viability?

4.9.6. Maintenance of assets secured through planning obligations

4.9.6.1. It is important that assets provided through planning obligations are delivered to an appropriate standard and are subsequently maintained. Subsequent maintenance of assets secured through planning obligations should normally be borne by the owner. If contributions are deemed appropriate, they will reflect the time lag between provision of the facility and inclusion within a wider maintenance budget. This is particularly an issue in respect of open space adoption. It should not be automatically assumed that such assets will be inherited by local authorities unless there are adequate sums transferred to fund future maintenance in perpetuity and prevent the present asset from becoming a future liability.

Question 24: Do you have any comments on maintenance of assets secured through planning obligations?

4.9.7. Legal, Other Costs and Management of the Obligation – Cost Recovery

4.9.7.1. It is appropriate for Harborough District Council and Leicestershire County Council who are party to S106 Agreements to recover costs associated with the negotiating, production and subsequent monitoring of developer

contributions and to include these within the planning obligation.

4.9.7.2. This covers:

- a) the legal costs of creating agreements, (full re-imburement of such costs);
- b) costs associated with obtaining independent or specialist advice to validate aspects of the contributions (full re-imburement of such costs); and
- c) costs of monitoring the delivery of planning obligations for complex cases where monitoring is a reasonable requirement (the Council will normally seek a contribution of 15% of the total planning application fee within any agreement or £250 per individual contribution whichever is the greater, towards the costs of monitoring payments and implementation of schemes). In cases of large scale development which may require further monitoring work it may be appropriate to negotiate a fee based on Officer involvement rather than on the above formula.

4.9.7.3. Both Councils consider such obligations are CIL compliant. Given that monitoring cost contributions are relatively modest and given the size and likely time and complexity of any S106 agreement related to a development, it would seem appropriate and justifiable to require monitoring cost contributions especially where the scale of a development involves precise and complex monitoring, for example significant major developments and especially large urban extensions.

Question 25: Do you have any comments on legal, other costs and management of the obligation?

4.9.8. Bonds and Enforcement Action

4.9.8.1. Where officers deem there is a risk of defaults on the fulfilment of planning obligations (and payments in the case of commuted sums) the Council will request that a bond is obtained to mitigate against this possibility.

4.9.8.2. Notwithstanding the opportunity which exists for S106 obligations to be varied as described in section (e) above, the Council will seek to ensure that all obligations are fulfilled and will be prepared to accept staged payment methods if needed so long as these are within the terms and spirit of the original agreement. ;

4.9.8.3. The Council will use its corporate debt recovery process where necessary and its enforcement powers to stop development where the necessary obligations have not been made.

Question 26: Do you have comments on bonds and enforcement action?

Chapter 5 Guidance on specific types of obligation

5.1 The document now turns to providing guidance on specific types of planning obligations by type of infrastructure:

Chapter 6 - Affordable Housing;
Chapter 7 - Community Facilities;
Chapter 8 - Open Space, Sport and Recreation;
Chapter 9 - Public Health,
Chapter 10 - Community Safety; and
Chapter 11 - Leicestershire County Council Services.

Chapter 6 AFFORDABLE HOUSING

The provision of housing must seek to meet the needs of the whole community. Buying a home on the open market is out of the reach of a considerable proportion of residents and other tenures need to be available – social rented, intermediate rented (known as affordable rent) and shared ownership. The District Council maintains up to date assessments of local housing need to determine appropriate approaches.

6.1. Definition of Affordable Housing

6.1.1. Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:

- meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices; and
- include provisions for:

(a) the home to be retained for future eligible households; or

(b) if these restrictions are lifted, for any subsidy to be recycled for alternative affordable housing provision.

- 6.1.2. Social rented housing is rented housing owned and managed by local authorities and RP's (Registered Providers or Housing Associations), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.
- 6.1.3. Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80 per cent of the local market rent (including service charges, where applicable).
- 6.1.4. Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing. Homes that do not meet the above definition of affordable housing, such as 'low cost market' housing, may not be considered as affordable housing for planning purposes.

6.2. Justification

- 6.2.1. Policy on securing affordable housing in new development is set out in the Council's Core Strategy Policy CS3 (Adopted November 2011). This policy sets out requirements for affordable housing. The policy splits the District into five sub market areas. The minimum requirement for affordable housing provision is 40% in Harborough District's rural submarket areas and 30% in the settlements of Market Harborough, Lutterworth and the Blaby Border Settlements (including Broughton Astley), of the total site yield being proposed being affordable.
- 6.2.2. Although the policy sets these requirements, a greater percentage of affordable housing may be sought if any subsequent local housing need assessment identifies exceptional housing need.
- 6.2.3. This policy aims to increase provision of affordable housing, particularly in rural areas, in order to meet the high need across

the district as demonstrated in the Strategic Housing Market Assessment (SHMA) 2014,

6.2.4. In light of the Ministerial announcement in December 2014 and a consequential change to the National Planning Practice Guidance (NPPG), the Council will no longer seek obligations on sites of below 11 dwellings or where the combined floor space of the proposal is less than 1000 sqm.

6.2.5. In order to avoid developers simply sub dividing sites and thereby avoiding obligations, applications which are taken from a common access or form a spatial relation to a wider area should be subject to obligations commensurate with the larger area.

6.3. Mix of Housing

6.3.1. Harborough District has an above average number of larger type dwellings (5-7 bedroom) and a smaller number of 2-3 bedroom house types. Smaller dwellings are under represented in the range and mix of house types. It is evident that the number of smaller households is increasing. The majority of our house type requirements will be based on smaller house types to meet demand.

6.3.2. Development proposals should therefore always seek to provide a mix of size and type of dwellings (both open market and affordable dwellings). In particular, housing for smaller households will be supported to meet District wide identified need.

6.3.3. The benchmark housing mix profile we will aim to seek on housing development sites, as referenced in SHMA 2014 at District level, is as follows:

	1 bed	2 bed`	3 bed	4+ bed
Market	5-10%	30-35%	45-50%	10-15%
Affordable	35-40%	30-35%	20-25%	5-10%
All Dwellings	15-20%	30-35%	35-40%	10-15%

Source SHMA 2014 Table 86

6.3.4. This is an indicative housing mix for planning purposes within the District. Individual site issues will influence housing mix on a particular development – this is intended to provide a basis for the kind of house types/sizes sought as a starting point in future development. The Council’s Housing Enabling and Community Infrastructure Officer will be able to discuss and seek to agree site/ locality specific requirements. There is strong demand for single

level development for older people and we encourage apartment and bungalow type development to meet this need.

Question 27: What are your views on Harborough affordable housing requirements in respect of the percentage sought and the tenure mix. Does this approach meet the housing needs of Harborough residents?

6.4. Special Needs and Extra Care Housing

6.4.1. Special Needs housing may be included in the definition of affordable housing, where appropriate, or where proposed by specialist developers. In such cases there will usually be no further requirement for affordable housing contribution. Examples of those who may be in '*special need*' include the elderly, 16-24 year olds, people with mental health or learning difficulties and people with special access requirements such as wheel chair users. We will also seek the provision of small 1-2 bed bungalows to meet the demand for this house type for our expanding elderly community when required.

6.4.2. Special Needs housing is strongly encouraged and bespoke guidance and support will be provided to assist in implementation. Such dwellings will be required to meet wheelchair and Lifetime Homes Standards as defined by the Homes and Communities Agency.

6.4.3. New forms of sheltered housing and retirement housing have been developed in Harborough District in recent years, to cater for older people who are becoming more frail and less able to do everything for themselves. The Council strongly supports such provision. Extra Care Housing is housing designed with the needs of frailer older people in mind and with varying levels of care and support available on site. People who live in Extra Care Housing have their own self contained homes, their own front doors and a legal right to occupy the property. Extra Care Housing is also known as very sheltered housing, assisted living, or simply as 'housing with care'. It comes in many built forms, including blocks of flats, bungalow estates and retirement "villages". It is a popular choice among older people because it can sometimes provide an alternative to a care home. There are communal facilities with domestic support and personal care available.

6.5. Exceptions Sites

6.5.1. In response to evidence of local housing need, the development of sites for affordable housing as an exception to normal planning policy may be permitted. Rural Exception sites are:

- Sites primarily set aside for affordable housing but could include some / limited amount of market housing;

- Developed to meet local affordable housing need and generally held in perpetuity as 'affordable';
- Sites that are within or adjoining or in close proximity to settlements; and
- Developed on sites that would normally not be released for market housing.

6.6. Building Standards for Affordable Homes

6.6.1. A decent home is one which is weather tight, warm and has modern facilities. The tests of Decent Homes Standards are:

- Is above the current statutory minimum standard for housing;
- Is in a reasonable state of repair;
- Has modern facilities and services; and
- Provides a reasonable degree of thermal comfort, effective insulation and heating.

6.6.2. All affordable dwellings provided in the District should meet the Decent Homes Standard and comply with the Homes and Communities Agency Quality Development Standards.

6.7. Development of Affordable Housing

6.7.1. Harborough adopts a partnering approach to development activity relating to affordable housing within the District. This means that Harborough works with specified Registered Provider (RP or Housing Association) partners with whom the Council has a strong working relationship, and who are committed to delivering Harborough's programme in providing affordable housing and a history of good tenant management. A list of current providers and contact details is available in Appendix 1 to this document.

6.7.2. The Housing Enabling and Community Infrastructure Officer will wish to engage with developers and ask developers to engage with our RP partners at the earliest stage so that an affordable scheme can be discussed and agreed prior to the submission of a formal planning application.

6.7.3. Applications should be accompanied by an Affordable Housing Statement to indicate their commitment to affordable housing provision either through a commuted sum payment or on-site provision (whichever is applicable). Harborough will then seek to secure this commitment through a legally binding agreement known as a Section 106 Agreement.

6.7.4. The Housing Enabling and Community Infrastructure Officer will provide advice on the delivery of affordable homes through the

planning process when consulted by Planning Officers in assessing applications. The Officer will advise on the provision of affordable housing in eligible applications, whether off site provision is appropriate and whether a commuted sum should be accepted. The views of the community via local ward Councillors and Parish Councils will also help inform the position the Council takes on the approach to the affordable housing component in new development

6.7.5. Our current tenure requirement is to seek in general terms a 60 / 40 split between rent (a percentage of which we would accept as Affordable Rent) and Intermediate social housing respectively. However each site is assessed independently in meeting specific local housing need.

6.7.6. The affordable housing will be transferred to a partner Registered Provider at Open Market Values to be agreed between the developer and Registered Provider partner and approved by Harborough District Council. The transfer values will be built into the Section 106 Agreement if details are available at the time the Agreement is drafted.

6.7.7. Applicants are advised to consult Harborough District's partner RP's to discuss these matters at an early stage. Contact details of our RP partners are listed in Appendix 1 to this document.

6.7.8. There is a clear obligation on part of the developer to deliver an affordable scheme to a RP as a requirement of the S106 Agreement. The agreed transfer of any affordable housing via a S106 agreement should always be on the basis of NIL grant input. The Homes and Communities Agency which provides affordable home building funding has clearly stated this to be the case.

6.7.9. The costs associated with affordable provision on any site meeting Council planning obligations and requirements should be factored into the equation to ensure that these obligations are delivered without any alternative funding streams coming into play. The costs of all commitments should be factored in by the developer in their acquisition of the site. This is an obligation to be met by the developer.

6.7.10. It is not considered appropriate to build in any "cascade mechanism" within a S106 Agreements relevant to the provision of affordable housing (mechanisms which enable developers to agree reduced or different mixes of affordable housing, e.g. if agreements are not reached with registered providers in a specified time period). Should issues of viability affect the delivery of obligations when entered into, then the procedure for considering variations of agreement should be followed whatever the obligation.

6.8.Meeting an Obligation by means of an Alternative Site or Commuted Sum

6.8.1. In accordance with both national guidance (NPPF) and local policies, there is a clear preference for affordable housing to be provided on and within the site subject to planning approval. Whilst on-site provision will always be the priority option for providing affordable housing, it has become apparent that there are exceptional circumstances where the inclusion of affordable housing may not be appropriate. Harborough District Council therefore will need to consider that, in such circumstances, a commuted sum may be an acceptable alternative to the provision of land or units of affordable housing on residential developments within the District and there will also be circumstances when off site provision can be justified. Examples of such exceptional circumstances include:

- The case for off-site provision has been satisfactorily demonstrated as undeliverable. This may occur for example where the proposal involves conversion or redevelopment of existing buildings, such as barn conversions, listed buildings or development proposed in conservation areas. These are often expensive to create, resulting in dwellings that do not comply with The Homes and Communities Agency Scheme Design Standards (Homes and Communities Agency) and can be expensive to repair and maintain. As such they will not attract grant funding and are unlikely to be self-financing and therefore potentially unacceptable to any of the Council's preferred Registered Provider (RP) partners.
- Where matters relative to viability mean that an RP or developer is unable to commit to the scheme, the Council will expect adequate evidence to be submitted that any given scheme is financially unviable. Submitted viability appraisals will be re appraised by the Council's contracted partner before consideration can be given to acceptance of a commuted sum in lieu of on-site provision of any affordable housing obligation.
- Where housing need priorities could be better met in an alternative location.
- Where there is a dominance of a particular type of affordable housing provision in the immediate area.
- Where the viability of the particular form of development might be compromised by the integration of affordable housing into that development, for reasons that can be clearly set out and justified.

6.8.2. It should be noted that the above is not intended to be an exhaustive list and, if there are exceptional circumstances, these will be considered on their merits upon receipt of an evidenced application.

6.9. Provision on an Alternative Site

6.9.1. If it is accepted that Harborough District Council will forego on-site provision, we will consider the offer of provision of an alternative site, within the same locality if achievable, capable of providing at least the same number of affordable units as the subject site. This may apply where Harborough District Council considers that the provision of land, either on the proposed development site or on an alternative site, would enable the Council to enable the available contribution more effectively towards meeting the identified housing needs of the District.

6.9.2. The contribution of land will in most cases be land serviced to its boundaries, of sufficient area to provide the equivalent on site provision. Financial contributions may be sought in addition where the land is of insufficient area to provide the equivalent on site provision, and where necessary, an independent valuation of the proposal will be sought.

6.9.3. Provision of completed units on an alternative site will be in addition to any applicable affordable housing requirement arising from the development of the alternative site.

6.10. Commuted Sums

6.10.1. Harborough District Council and its RP partners do not have extensive land holdings on which to accommodate the use of Commuted Sums. The cash in-lieu approach therefore has to reflect the cost of buying plots elsewhere, on the open market. It is also recognised that off-site contribution alone may be insufficient to secure an equivalent level of provision without any further public subsidy.

6.10.2. If a commuted sum payment is accepted, the method of calculating the amount of payment is as follows:

- We will agree the Open Market Value (OMV) for a new built two bedroom house (as this house type is in greatest demand in Harborough District) or similar affordable house type within the locality or close proximity. Our requirement will be calculated to be 50% of the OMV of a two bedroom house X the number of affordable units that would be affordable on 30% / 40% of the site yield.
- For example, if the open market value (OMV) of a two bedroom house is £180,000 and the 30% requirement equals to 3 affordable houses on a development of 11 houses in total, the Commuted Sum that a developer is required to pay would be 3 houses X 50% of the OMV (90,000) = £270,000.

Question 28: Is the formulae for determining off site contributions for affordable housing appropriate, fair and reasonable? If not what approach would you propose?

6.11. Spending of Commuted Sum

6.11.1. Commuted sums that are generated as a result of the Council's affordable housing policy will be used for initiatives that support the delivery of affordable housing generally within the area where the obligation arose. The use of any commuted sum will normally be referenced within the Section 106 Agreement within which it is provided.

6.11.2. Wherever possible the Council will continue to spend monies derived from Commuted Sums within the same sub market area as they were generated. (see Core Strategy policy CS3 here: However exceptions to such an approach may be required where:

- There are no feasible suitable sites available within the locality for the development;
- An affordable housing development opportunity arises within a neighbouring area and the affordable housing provided on this alternative site would be of greater or equal benefit in meeting the housing need; and
- If no suitable sites/housing need exists within the immediate adjoining areas, then the funds can be utilised District wide to support affordable housing generally across the District.

6.11.3. Commuted sums that are generated as a result of the Council's affordable housing policy will only be used for initiatives that support the delivery of affordable housing.

6.11.4. Registered provider partners and agencies can apply for funds, and will be required to justify their claim for funding through the submission of a detailed report

6.11.5. Examples of the type of initiatives that to be financed through the use of commuted sums will include:

- Development of rented and low cost home ownership;
- Loans/ grants to RPs/ agencies in return for affordable housing nominations;
- Development of supported housing schemes and key worker initiatives;
- Initiatives that support regeneration projects, such as offering loans/ grants to tackle empty homes, and bring them back into use, or poor housing conditions, in return for affordable housing nominations;
- The purchase of land for affordable housing;
- Use of commuted sums as a lever to generate additional resources/ funding from external sources in providing affordable housing.

6.11.6. Applications will be assessed on the basis of schemes demonstrating:

- an overall strategy to improve affordable homes;
- ability to attract additional funding;
- overall benefit of the local community.

6.11.7. Decisions on applications are delegated to the relevant Director with agreement of the Planning Portfolio Holder.

Question 29: Do you have any comments to make about Affordable Housing Contributions?

Chapter 7 COMMUNITY FACILITIES

7.1. What is a Community Facility?

7.1.1. For the purposes of this SPD a community facility is defined as a building or space where community led activities for community benefit are held. Community facilities can be located in a wide range of venues. These can include purpose-built structures such as community centres, sports centres and clubs and village halls, as well as adapted venues, including: historic listed buildings, converted houses, flats, shops, scout huts and rooms or halls attached to faith buildings.

7.2. Justification

7.2.1. Successful and sustainable communities are those where there are a good choice of social, cultural, youth and sporting activity often provided by community organisations. Harborough District has a range of providers of community, sporting and play facilities, often delivered through the voluntary sector. New development can often impact considerably on the demand for new facilities in a largely rural area.

7.2.2. Adequate provision of and capacity in local facilities (e.g. community centres of a size to accommodate activities for all community members which include Children & Young people, families, adults and older people) is essential in order to meet the needs of purchasers and occupiers. Financial contributions will be sought and pooled to meet the following types of capital projects:

- Community Centre development/expansion;
- Community Safety schemes;
- Youth provision;
- Access improvements;
- Community and voluntary sector facilities e.g. Scout Halls, Church Halls etc.;
- Sports provision;

7.2.3. Developments of for example, over 1,000 dwellings may generate the need for a new multi purpose community hall or other new community facilities as a resource to meet the needs of the new community. In this circumstance, a developer would be expected to make a contribution which may take the form of a suitable site and meet the construction costs of a new building to a specification agreed at the time of application.

7.2.4. Much of the development in Harborough District is at a smaller scale yet should still be expected to similarly contribute to community needs generated by additional development, by helping to expand or develop existing levels of provision. At the

time of a planning application being received, relevant Officers will be consulted and will be asked to confirm and provide the evidence of need for additional community facilities in the area arising from the proposed development

7.2.5. The Council has developed and adopted the following standards for Harborough District based on the infrastructure, use and likely requirement. They are based on general recommendations stemming from Sport England, and local requirements for the proposed settlement hierarchy:

- Population of less than 1000 – Village hall with 1 court badminton hall;
- Population of 2000 – 6000 – Village hall including a 2 court badminton hall;
- Population of 6000 – 10,000 – Village hall, 4 court badminton hall and other facilities; and
- Population of greater than 10,000 – various community and sports facilities, including pool, arts facilities and community meeting halls.

(Source Assessment of Local Community Provision and Developer Contribution - 2010)

7.3. Usage of Community Facilities Funding

7.3.1. The Community Facilities funding can be used to support:

- Upgrading of current community facilities; to increase their use;
- New community facilities;
- Extensions of community facilities;
- Feasibility studies (associated with identified and evidenced capital projects);
- Professional costs (associated with identified and evidenced capital projects);
- Refurbishment of community facilities to increase their use;
- Provision of disabled facilities;
- Improvement of access to community facilities; and
- Provision of facilities which will enable the hall to diversify its use and so making it more sustainable.

7.4. Level of Contribution

7.4.1. The level of contribution is based on the Sport England Sport Facility Calculator. This calculator is updated regularly; therefore monetary guidance cannot be included within this document. (For reference, as of March 2015 contributions per person were calculated as £323, omitting Artificial Turf Pitches).

The calculator can be found at <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/sports-facility-calculator/download-the-sports-facility-calculator/>.

7.4.2. One of the S106 Developer Contribution Test requires that the any developer contribution must be fairly and reasonably related in scale and kind to the development. Thus a one bedroom property is likely to require less village hall facilities than a five bedroom property; this is reflected within the charges. Using information provided by the District Council on the number of assumed residents for various sized dwellings, the table below has been formulated. Therefore developer contributions are calculated by multiplying assumed number of residents by the varying house types, this establishes an increased population estimate which can be inputted into the Sports Facility Calculator.

No. of bedrooms	1	2	3	4	5+
Assumed no. of residents	1.5	2	2.3	3	4

Please note: depending on the development and area, greater financial contributions may be sought to fill the identified needs. We are also in the process of developing a District Facilities Strategy which will be referred to this document once it is completed (completion estimation date Sept 2015).

7.5. Implementation

7.5.1. The Council operates a community led approach to allocating funding for community projects and off site recreation contributions to take account of community needs and aspirations which occur directly at the time when the development is proceeding and that are directly related to the development concerned. An application system to a Grants Panel operates and further details are contained in the document "Section 106 Funding Guidance Notes for Community Facilities and Off Site Recreation" available via the [Section 106 Guidance](#)

Question 30: Do you have any comments to make about Community Facilities Contributions?

Chapter 8 OPEN SPACE SPORT AND RECREATION PROVISION

8.1. Justification

8.1.1. Harborough District Council currently seeks contributions for the following typologies of Open Space.

Table 3

Typology	Definition	Principle Uses
Parks and gardens	Includes urban parks, formal gardens and country parks.	Accessible, high quality opportunities for informal recreation and community events.
Natural and semi-natural Greenspaces, including urban and rural Woodland and Country Parks	includes publicly accessible woodlands, urban forestry, scrub, grasslands (e.g. downlands, commons, meadows), wetlands, open and running water and wastelands.	Wildlife conservation, biodiversity and environmental education and awareness.
Amenity Greenspace	Most commonly but not exclusively found in housing areas. Includes informal recreation green spaces and village greens.	Informal activities close to home or work and enhancement of the appearance of residential or other areas
Outdoor sports facilities	Natural or artificial surfaces either publicly or privately owned used for sport and recreation. Includes school playing fields.	Participation in outdoor sports, such as pitch sports, tennis, bowls, athletics or countryside and water sports.
Provision for children and Young people	Areas designed primarily for play and social interaction involving children and young people.	Areas designed primarily for play and social interaction involving children and young people, such as equipped play areas, ball courts, skateboard areas and teenage shelters.
Allotments, community gardens	Areas for those people who wish to grow their own produce. May also include urban farms.	Opportunities for those people who wish to do so to grow their own produce as part of the long term promotion of sustainability, health and social inclusion.
Cemeteries, disused Churchyards and other burial Grounds	Cemeteries and other burial grounds.	Quiet contemplation and burial of the dead, often linked to the promotion of wildlife conservation and biodiversity.

- 8.1.2. Harborough District Council expects that in most cases open space will be provided on site by developers. However, we acknowledge that some typologies of open space may be unsuitable for on-site provision in which case an off-site contribution can be accepted. There is an expectation that developers of residential schemes will mitigate the impact of development via the provision and enhancement of public open space in the District irrespective of whether this is done on or off site.
- 8.1.3. Proposed development will be assessed against the existing levels of provision within the accessibility thresholds contained in the document 'Provision for Open Space Sport and Recreation 2009' to determine the need for additional provision.
- 8.1.4. The document "Provision for Open Space Sport and Recreation 2009" provides information on local standards for open space provision following an assessment of recreational provision to comply with PPG17 in 2004, and is to be updated in 2015 in accordance with the provisions of the NPPF and NPPG that superseded the previous policy of PPG17 in March 2012. It contains an approach to determining the level of contributions towards open space, sport and recreation facilities that will be sought from developers applying for new residential development. The level of contributions will be periodically reviewed to ensure that they are accurate and will be calculated for each development from a detailed assessment of the range of existing open space in the area. This will give confidence to developers that they are not being asked to contribute towards open space typologies where there is an existing oversupply.
- 8.1.5. A commuted sum will normally also be requested to ensure proper maintenance of the facilities over the initial 15 year life of the facility.
- 8.1.6. The District Council's standards for the provision of outdoor open space, sport and recreation facilities shall be applied to all applications for new homes where there is a net increase of ten residential units or more with the exception of Cemeteries and Burial Grounds where a charge will be applied for all residential sites where there is a net increase in residential units.
- 8.1.7. Where provision for local open space is made on the site and is agreed to transfer to the Council's ownership, a commuted sum for maintenance over the first 15 years will be payable.

8.1.8. Where provision is not appropriate on site, a contribution based on the cost of provision will be made.

8.2. Level of contribution

8.2.1. Since the proposed method of calculation needs to take into account existing provision and is based on a number of types of open space required to service the needs/requirements of the development in question, a specific contribution figure for the amount of on and off-site provision is calculated at the time of the application. The commuted sum for maintenance will be similarly calculated on the basis of the open space type expected.

8.2.2. A worked example is included in the Provision for Open Space Sport and Recreation 2009 study.

8.3. Implementation

8.3.1. Where contributions towards specific types of open space or recreational provision have been agreed, the Council will ensure that funding is held and pooled in accordance with CIL guidelines in order that a specific scheme can be implemented in its entirety. In other cases it may be that such provision needs to be secured solely through partnerships with the voluntary sector. In both cases, funding will be disbursed either to District Council projects or to Voluntary Sector agencies through an application process by the Grants Panel referred to in paragraph B10 of Section B.

8.3.2. There is a need for additional burial space in the District particularly within the Market Harborough area. Further research is being carried out with regard to establishing this need and the likely impact of new development on cemetery provision in the future. This work will inform the case for requesting planning obligations towards burial provision.

Question 31: Do you have any comments to make about Open Space Sport and Recreation Contributions?

Chapter 9 PUBLIC HEALTH

9.1. Justification

9.1.1. One of the principal demands on a growing community is the need to provide high quality health care facilities and often there will be the opportunity to provide sites for additional medical facilities within new development areas. Alternatively, existing provision may require additional facilities, extensions or alterations. Where a development would produce extra demand on the local healthcare provision beyond the capacity of existing provision, planning obligations may be sought to assist in meeting the needs created by the development.

9.1.2. The District Council supports the need to ensure that local health care provision meets the needs of household growth in the District. The Council will consult NHS Leicestershire County and Rutland on future development plans to help assess long term health planning and in terms of applications will consult on developments of ten dwellings or over to determine if a contribution to health provision is justified based on the capacity in the specific area within which a development is proposed. In larger development projects, the opportunity presented to provide land for medical facilities should be examined.

9.2. Level of Contribution

9.2.1. Details of advice on Health Care contributions can be obtained by contacting either Mark Adams or Amanda Anderson. Contact details for both are provided at the bottom of this page.

9.3. Implementation

9.3.1. Contributions will be paid to NHS Leicestershire County and Rutland who will provide a report on request to the District Council to determine how funding has been allocated, to enable the Council to monitor how contributions have been utilised.

Question 32; Do you have any comments to make about Public Health Contributions

Chapter 10 COMMUNITY SAFETY

10.1. Justification

- 10.1.1. Leicestershire Constabulary and Leicestershire Fire and Rescue Service may request planning obligations to meet the additional costs of emergency service provision resulting from additional development.
- 10.1.2. Under paragraph 69 of the National Planning Practice Guidance and the Crime and Disorder Act 1998, local planning authorities need to actively work towards design solutions which create safe environments and help reduce crime and the fear of crime. Developers will be expected to contribute to safer communities by investing in design that minimises crime.
- 10.1.3. Sufficient evidence in respect of need in relation to existing or planned capacity will be required to justify a planning obligation. Where there is clear evidence of the need for additional capital costs in relation to the particular circumstances of the proposed development, particularly those of a larger scale, such contributions may be justified.

Question 33: Do you have any comments to make about Community Safety Contributions?

Chapter 11 SUSTAINABLE DRAINAGE

- 11.1. New development will be required to incorporate appropriate systems for dealing with surface water drainage (Core Strategy policy CS10 (g)) Sustainable drainage systems allow for the holding of surface water caused by rain etc in pools or lakes on the development site itself and therefore reduce the level of water being discharged into rivers and the consequent risk of localised flooding. Leicestershire County Council is the lead Local Flood Authority and will be consulted on applications in the same way as the County Council is consulted on Highway matters.
- 11.2. The County Council will provide advice on which the District Council as local planning authority has to act. The County Council will prepare conditions for the LPA to attach to planning applications. It is unlikely that a planning obligation will be necessary to ensure delivery of the drainage systems since the conditions will require subsequent discharging based on approval of the design of drainage systems without which the development cannot proceed.
- 11.3. The District Council will have to ensure that their conditions are in place and can be legally upheld for ongoing maintenance , inspection , implementation and enforcement.
- 11.4. The County Council are preparing a Sustainable Drainage Guide . The District Council wishes to adopt the Guide as part of the SPD to inform developers and recognise the County Council standards as a unified standard for Leicestershire which should apply in Harborough District.

Question 34: Do you have any comment to make about Sustainable Drainage?

Chapter 12 BROADBAND CONNECTIVITY

- 12.1. The Core Strategy prepared in 2009-2011 did not refer to broadband provision. The Council wishes to update policy on broadband provision in new development through the review of the Local Plan and is exploring the case for ensuring all new homes have access to superfast broadband provision. There is an expectation that in terms of future connectivity, fibre to the premises (FTTP) should be available in all new housing, not too dissimilar to the expectation that each home be fitted with a built-in telephone line.
- 12.2. Superfast broadband requires specialist network infrastructure from communication companies such as OpenReach and there is a national rollout programme taking place to increase the availability of fibre optic cabling which helps provide maximum broadband speeds. The Council is examining how planning obligations might be made where needed to extend the availability of such connectivity into new development more quickly than would otherwise be.
- 12.3. The Council will expect that all new development will be made superfast-broadband 'ready', which will enable immediate connection if superfast broadband is available, or easy connectivity later, if not.

Question 35: Do you have any comment to make about Broadband and Connectivity?

Chapter 13 LEICESTERSHIRE COUNTY COUNCIL SERVICES

13.1. The County Council is a local planning authority in its own right and therefore is legally able to enter into and enforce a S106 obligation or agreement. The County Council will assess infrastructure needs and make requests for S106 developer contributions in relation to the following services:

- Adult social care and health;
- Civic amenity/waste management;
- Education;
- Economic growth;
- Highways & transportation;
- Library service;
- Sports and recreation;
- Community safety; and
- Public health.

13.2. The Leicestershire Planning Obligations Policy was adopted by the County Council in December 2014 to set out its own approach to planning obligations having been revised in the light of changing circumstance such as the introduction the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Community Infrastructure Levy (CIL) Regulations.

13.3. The document is appended to this document so that it forms part of this Harborough District Council's Planning Obligations Supplementary Planning Document (Appendix 2) and is afforded the status.

13.4. The document explains the level and type of infrastructure which would be expected to address the impacts of development in order to make it acceptable in planning terms and to set out clearly the standard requirements the County Council may seek to mitigate the impacts of new development.

Question 36: Do you have any comment to make about Leicestershire County Council Services?

Chapter 14 Appendix 1: Registered Providers of Social Housing - Contacts

Provider	Contact Name	Phone Email
East Midlands HA	P. Wilkinson	01530 276 000 Purnima.wilkinson@emha.org
Waterloo Group	Sarah Robinson	0116 2205555 sarah.robinson@waterloo.org.uk
Riverside HA	Anna Maria Edwards	0116 247 3810
NCHA	Catherine Hewitt	0115 8443066 CathH@ncha.org.uk
Seven Locks HA	Ian Clyde	ian.clyde@acclaim-group.co.uk 01629 61550
LHA	Mark Anslow	0116 2576737 Mark.Anslow@lha-asra.org.uk
Midland Heart	Phil Diffy	0345 6020540 customer.servicecentre@midlandheart.org.uk
Derwent Living	Neal Farmer	01332346477 nealf@derwentliving.com
Spire Group (Longhurst HA)	Rachel Buswell	01933 415368 rachel.buswell@longhurst-group.org.uk
Orbit Homes	Daniel Barnes	07584600476 Daniel.Barnes@orbit.org.uk

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