

Harborough District Council

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Rt Hon Alberto Costa MP

Member of Parliament for South Leicestershire
House of Commons
London SW1A 0AA
By email: alberto.costa.mp@parliament.uk

Our ref: EIR25/611

Date: 14 October 2026

Environmental Information Regulations 2004: final response and decision notice

Dear Mr Costa,

This letter is the Council's final response to the request of 18 August 2025, for which you are the single point of contact. With it I am releasing the remaining information the Council holds within scope that has not already been provided to you, and I set out the Council's decision on the small amount of information that has been withheld or blacked out, with the reasons.

I am sorry, on behalf of the Council, for how long this has taken. The Council did not meet the statutory time limit, and it did not meet the dates I gave you in June and July this year. I also did not keep you updated when those dates passed, and you have had to raise this again with the Chief Executive and the Deputy Chief Executive. That should not have happened, and I apologise for it.

1. What is enclosed

Because of their size, the documents are being sent to you in several emails. Every page has been checked, and any blacking out has been permanently applied, so the hidden text cannot be recovered.

Ref	File	Pages	What it contains
B	Tranche B - WPD and Cadent	29	Cadent gas connection budget letter (2020) with route plan; Western Power Distribution connection offer to Leicestershire County Council (14 April 2020) with its conditions and forms
C1	Tranche C1 - Gerald Eve Financial Viability Assessment June 2023	103	Gerald Eve Financial Viability Assessment for Leicestershire County Council (16 June 2023) with appendices and appraisals



Ref	File	Pages	What it contains
C2	Tranche C2 - AspinallVerdi viability review April 2024 with appendices and invoice	323	AspinallVerdi viability review for the Council (April 2024), its terms of appointment and fee proposal, Quantem S106 and infrastructure cost review, supporting appendices (including the 2022 S106 agreement and recommendation sheet), appraisal runs and AspinallVerdi invoice
C3	Tranche C3 - Gerald Eve FVA Addendum August 2024	56	Gerald Eve Financial Viability Assessment Addendum (August 2024) with appendices and appraisals
D	Tranche D parts 1 to 5	526	Email correspondence, meeting notes, draft reports, consultation comments, the redacted Leicestershire County Council cabinet report, the draft deed of variation and related papers held by planning officers

Together with the information released in October 2025 and in June 2026, this completes the Council's disclosure of the information identified in its searches.

2. Information already provided or publicly available

- The committee report on application 24/01135/S106, the Marrons application and EIA screening, the Secretary of State's decision not to call in the application, the Council's response on the Misterton quarry application and the A5 East / Shawell material were released to you on 22 June 2026. They also appear in the Council's working files but have not been sent again.
- The Gerald Eve assessment includes a copy of the RICS professional statement "Financial viability in planning: conduct and reporting". This is a published document available from the RICS website, so under regulation 6(1)(b) it has not been copied again.
- Planning applications, decision notices, committee reports and minutes for the Lutterworth East site remain available on the Council's planning portal at <https://pa2.harborough.gov.uk/online-applications>.
- Two pages in the Council's working bundle fall outside your request and have not been included: a contact list for an unrelated public event, and a draft email created in 2026 while this request was being handled.

3. Information released in full

The Council considered whether the following exceptions applied to the material below. It decided either that they did not apply, or that the public interest favours disclosure. Under regulation 12(2) the Council must apply a presumption in favour of disclosure.

Viability assessments and reviews (Tranches C1, C2 and C3)

The Council considered regulation 12(5)(e) (confidentiality of commercial or industrial information). The viability assessments by Gerald Eve, the review by AspinallVerdi, the Quantem cost review and the appraisals are released in full, apart from the consultant fee rates and bank details explained in section 4. The Council took account of the following:

- These assessments are the basis on which the affordable housing requirement on the site was reduced from 40% to a range of 10% to 40%. That decision affects many residents and the delivery of a strategic site in the Local Plan, so there is a very strong public interest in people being able to see and test the evidence.
- National Planning Practice Guidance on viability expects viability assessments to be made publicly available other than in exceptional circumstances.
- The Information Commissioner and the First-tier Tribunal have consistently decided that viability assessments of this kind should be disclosed, with only limited redaction of genuinely sensitive figures.
- The applicant and principal landowner is Leicestershire County Council, a public body. The assessments date from 2023 and 2024, and the decision they supported has been taken.
- The Council's own legal advice, given in August 2025 when the request was first being handled, was that the viability assessments would need to be disclosed, subject to redacting only genuinely sensitive parts.

Taking these points together, the Council is satisfied that any harm to commercial interests from releasing the assessments is outweighed by the public interest in disclosure.

Western Power Distribution and Cadent documents (Tranche B)

The Council considered regulation 12(5)(e) and regulation 12(5)(a) (public safety, including the security of infrastructure). The documents are a 2020 budget estimate from Cadent for a gas connection to the site and a 2020 connection offer from Western Power Distribution to the County Council. They describe the connection works at a general level and give the estimated costs. They are now six years old and the costs feed into the viability evidence that is being released. The level of technical detail does not reveal anything that would put the security of the networks at risk. The Council has made its own assessment of these documents and has decided to release them, with only individual staff contact details and a signature blacked out.

Internal communications and draft documents (Tranche D)

The Council considered regulation 12(4)(e) (internal communications) and regulation 12(4)(d) (material still being completed, including drafts). Most of this correspondence relates to decisions that Planning Committee has now taken, and the public interest in understanding how the Council handled the request to reduce affordable housing is strong. The Council has therefore not relied on either exception, and the correspondence, draft reports and the draft deed of variation are released.

The bundle includes a copy of a Leicestershire County Council cabinet report that the County Council provided to officers. It is released as the County Council supplied it, with the County Council's own redaction of project costs. The emails are released as they are held. Because they were gathered from several officers' mailboxes, some emails appear more than once.

4. Information withheld or blacked out

Every redaction is a black box. Annex A lists each document and page where something has been blacked out, what it is and the reason.

Personal data: regulation 13

The names of officers, councillors, consultants and other people acting in their professional roles have been left in. The Council has blacked out:

- individuals' email addresses, mobile numbers and direct dial telephone numbers
- handwritten (wet) signatures
- the home address and personal email address of a person who commented on the planning application
- the name, signature and home address of the witness on the sealing page of the 2022 S106 agreement

This is personal data. Disclosure would be to the world at large, and the people concerned would not expect their direct contact details, signatures or home addresses to be published. Releasing them is not necessary to understand the Council's handling of these matters, so disclosure would not meet the lawful basis in Article 6(1)(f) UK GDPR. Regulation 13 is not subject to the public interest test where disclosure would breach the data protection principles.

Consultant fee rates and bank details: regulation 12(5)(e)

The Council has blacked out AspinallVerdi's day rates and hourly rates for each grade of staff (and the sub-totals from which the rates could be worked out), and the bank sort code and account number on the invoice. Fee rates are commercially confidential to the consultant. Publishing them would allow competitors to undercut it in future tenders, which would harm its legitimate economic interests. Bank details would expose the company to a risk of fraud.

The public interest in accountability for spending is met by releasing the total fees (£21,681.25 plus VAT, including the Quantem review), the scope of the work, the terms of appointment and the invoice amounts. The public interest in disclosing the rates themselves, or the bank details, does not outweigh the harm.

Legal advice: regulation 12(5)(b)

The Council has withheld parts of six emails exchanged between its Legal Services and planning officers between 13 May and 23 June 2025, about the drafting of the deed of variation. These are confidential communications made for the purpose of giving and obtaining legal advice, and they attract legal professional privilege. Disclosing them would adversely affect the course of justice, because it would undermine the Council's ability to seek and receive frank legal advice.

In the public interest test, the Council recognised the strong public interest in transparency about how the deed of variation was negotiated. That interest is largely met by the material being released, which includes the correspondence between the Council's solicitor and the County Council's solicitor setting out the Council's position on the deed. There is a strong inherent public interest in protecting legal professional privilege, and on balance the public interest favours withholding these passages. Emails that only arrange meetings or pass on correspondence have been released.

5. Non-corporate communication channels

Your office asked whether officers, including the Chief Executive, used personal phones, WhatsApp, text messages or personal email for business relating to these developments, and whether those channels had been searched.

- On 22 June 2026 the Chief Executive, John Richardson, confirmed in writing that, to the best of his knowledge, he had not used his personal phone, WhatsApp or personal email for anything relating to Lutterworth East.
- When the request was first handled in September 2025, the Chief Executive's office searched his mailbox. It confirmed that his meeting with the County Council's Chief Executive was an introductory meeting about local government reorganisation rather than Lutterworth East, that he has not met Lord Cromwell, and that it found nothing in his emails about the Misterton quarry.
- I have asked the other officers involved in these matters to confirm the same, and I will write to you with their responses by 28 October 2026.

6. Publication

As the Council said it would, the information released in response to this request will be published on the Council's website. I will send you the link by 28 October 2026. This will also allow the many residents who made the same request to see the material.

7. Your right to ask for a review

If you are not satisfied with this response, you can ask the Council for an internal review within 40 working days of the date of this letter. Please write to the Information Governance Team, Harborough District Council, The Symington Building, Adam and Eve Street, Market Harborough LE16 7AG, or email foi@harborough.gov.uk.

You also have the right to complain to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, or at <https://ico.org.uk>. The ICO usually expects you to ask for an internal review first, but given the delay in this case you may wish to contact the ICO directly.

Yours sincerely,

Pash Kamara (Mr)

(Interim) Information Governance Officer
Harborough District Council

Office: 01858 821364 • foi@harborough.gov.uk

cc: John Richardson, Chief Executive; Liz Elliott, Deputy Chief Executive

Annex A: Redaction schedule

Page numbers are the page numbers of each released PDF file. For Tranche D they are the page numbers of the whole tranche: part 1 is pages 1 to 95, part 2 is pages 96 to 200, part 3 is pages 201 to 320, part 4 is pages 321 to 430 and part 5 is pages 431 to 526.

Ref	Page(s)	What is blacked out	Exception
B	2	Handwritten signature	Reg 13 (personal data)
B	4, 9	Email address and direct telephone number of individual members of staff	Reg 13 (personal data)
C1	3	Handwritten signatures of the three report authors on the sign-off page (their names are not redacted)	Reg 13 (personal data)
C2	18, 78, 85, 185, 323	Email addresses of individual members of staff	Reg 13 (personal data)
C2	78, 89	Handwritten signatures on Aspinall/Verdi letters	Reg 13 (personal data)
C2	88	Professional day rates for each grade of staff, and the sub-totals from which those rates could be calculated (the total fee of £21,681.25 is not redacted)	Reg 12(5)(e) (commercial confidentiality)
C2	89	Hourly rates for each grade of staff	Reg 12(5)(e) (commercial confidentiality)
C2	264	Handwritten signatures on the sealing page of the 2022 S106 agreement, and the signature, name and home address of the witness (the seals are not redacted)	Reg 13 (personal data)
C2	323	Bank sort code and account number on the invoice	Reg 12(5)(e) (commercial confidentiality)
C3	3	Handwritten signatures of the two report authors on the sign-off page (their names are not redacted)	Reg 13 (personal data)

Ref	Page(s)	What is blacked out	Exception
D	1-11, 15-16, 18-20, 40, 42-44, 46-48, 50, 52-56, 58, 60-61, 63-69, 71, 73, 76, 79-83, 85, 87, 90-97, 99-102, 104-110, 112-116, 118-121, 123-126, 131-138, 141-145, 148-151, 153-157, 159-163, 165-178, 180-189, 192-200, 203-218, 220-221, 223-224, 226-241, 243, 247-248, 250-256, 258, 260-268, 271-272, 274, 276-278, 280-283, 285-288, 290-295, 297, 300, 302, 305-307, 310, 312-329, 331-345, 348-352, 354-357, 360-370, 374-377, 380-384, 386-390, 392-404, 408-412, 414-417, 419-421, 423-434, 436-437, 439-450, 452-456, 459-462, 469-471, 489-490, 499, 503-512, 515-524	Email addresses, mobile numbers and direct dial telephone numbers of individual officers, councillors, consultants and other correspondents (names are not redacted, and generic or switchboard numbers and addresses are left in)	Reg 13 (personal data)
D	44	Home address and personal email address of a person who commented on the planning application	Reg 13 (personal data)
D	126-129	Email exchange of 13 to 20 May 2025 between Legal Services and planning officers on drafting the deed of variation (pages 127 to 129 in full; page 126 from the words "Gentlemen, Further to our recent communications" to the end of the page)	Reg 12(5)(b) (legal professional privilege)
D	160	Paragraph of an email of 23 June 2025 from Legal Services to planning officers giving a view on the County Council's response	Reg 12(5)(b) (legal professional privilege)
D	297-300	Further copy of the 13 to 20 May 2025 exchange (pages 298 and 299 in full; the body of the emails on pages 297 and 300)	Reg 12(5)(b) (legal professional privilege)
D	312	Body of an email of 28 May 2025 from a planning officer to Legal Services commenting on the drafting of the deed	Reg 12(5)(b) (legal professional privilege)
D	329	Body of a further copy of the email of 13 May 2025 from Legal Services	Reg 12(5)(b) (legal professional privilege)