



**Planning Obligations  
Supplementary Planning Document**

**Public Consultation Statement**

**DATE: June 2022**

1.1 This public consultation statement has been prepared for the Harborough District Council Planning Obligations Supplementary Planning Document (SPD). In compliance with Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended) the statement outlines:-

- The persons the Council consulted during the public consultation on

the SPD;

- A summary of the main issues raised by those organisations/persons who submitted comments during the consultation period; and
- How any issues raised during the consultation period have been addressed by the Council.

1.2 The Council's Statement of Community Involvement (SCI) (adopted in February 2020) sets out the consultation requirements for SPDs. It notes that the Supplementary Planning Documents (SPDs) may be prepared to provide additional guidance and to assist with the interpretation of Local Plan policies. SPDs usually cover a specific issue, or theme. Although they do not form part of the statutory development plan and are not subject to independent examination, the SCI reiterates that regulations require the preparation of SPDs to be subject to public consultation. The SCI explains that the Council will consult in accordance with regulations on any SPD it prepares and that the Council will usually invite representations from those bodies, parties and individuals on its consultation database, which it considers are pertinent to or would have the most interest in the subject matter of the SPD. These procedures were followed in the preparation of this SPD.

1.3 The Planning Obligations SPD was consulted on twice. An initial period of public consultation commenced on 11<sup>th</sup> December 2020 for eight weeks, and closed at 5pm on 5<sup>th</sup> February 2021. This consultation was conducted online with the SPD and supporting documentation made available on the Council's website. Comments were invited via the online consultation portal, any letters or emails received were added onto the consultation portal by officers.

1.4 Notification of the consultation was undertaken by publicity on the Council's main website, direct emails were sent to external partners, stakeholders, landowners, developers, statutory consultees, neighbouring authorities, Parish and Town Councils, local communities and organisations, and anyone who had signed up to be notified about planning policy on the consultation portal. The consultation was also promoted via a press release and social media posts on the Council's social media pages.

1.5 In response to the representations received, and due to other changes to Government policy, the SPD was subject to further re-consultation which was undertaken between 5<sup>th</sup> November 2021 to Friday 17<sup>th</sup> December 2021.

1.6 Notification for the re-consultation was also undertaken via by publicity on the Council's main website, direct emails were sent to external partners, stakeholders, landowners, developers, statutory consultees, neighbouring authorities, Parish and Town councils, local communities and organisations, and anyone who had signed up to be notified about planning policy on the consultation portal. The re-consultation was also promoted via a press release and social media posts on the Council's social media pages.

1.7 All the representations received in response to both consultations were considered and reported to Cabinet and Full Council as part of the consideration of the SPD adoption. Appendix 1 sets out the comments received in response to the first consultation on the SPD, and the Council's response to these. Comments received by the Council during the second consultation, and the Council's response to these, are set out in Appendix 2.

**Appendix 1 – Summary of comments received during the consultation period and response.**

Please note Section references are to Chapters in the consultation questionnaire, the numbering of the Chapters in the revised SPD have changed

Name of person/organisation submitting comment	Comment	Council Response
<b>SECTION ONE: INTRODUCTORY</b>		
Environment Agency (Nick Wakefield Planning Advisor)	No comments	Noted. No change required
Houghton Parish Council (Mr. Ian Hill Chairman)	No comments	Noted. No change required
East Langton Parish Council (Mrs Heather Munro)	Agree	Noted. No change required
East Midlands Community Led Housing (Mr Martin Field, Senior Facilitator)	Whilst Section 1 notes the appropriate and general background to national advice and the local context, there is nevertheless insufficient recognition in that advice of the need to negotiate in greater detail with local community interests and with parish and town councils for how local planning requirements support community priorities in the final development that takes place.	The SPD includes a new section explaining how contribution to community facilities are allocated and spent. This ensures community priorities are reflected in the spend whilst still ensuring compliance with the CIL tests regs.
Scraptoft Parish Council (Sally Skyrme, Clerk to the Parish Council)	Agree	Noted. No change required
Mr Peter Hill	Agree	Noted. No change required
<b>SECTION TWO: POLICY ON PLANNING APPLICATIONS</b>		
Environment Agency (Nick Wakefield Planning Advisor)	The Environment Agency welcomes the sense of paragraph 2.7 which reads, "Obligations may be sought, where appropriate, towards matters related to flood control and sustainable drainage".	Support noted. No change required
Houghton Parish Council (Mr Ian Hill, Chairman)	Agree. No comments	Noted. No change required

East Langton Parish Council (Mrs Heather Munro)	Agree – no comment recorded	Noted. No change required
East Midlands Community Led Housing (Mr Martin Field, Senior Facilitator)	There is a lack of clarity at the local level for how the priorities and interests of local communities, particularly as expressed via parish and town councils, can be a partner in how the outcomes of negotiated planning obligations (especially funding) are applied to local needs.	<p>The SPD includes a new section explaining how contribution to community facilities are allocated and spent. This ensures community priorities are reflected in the spend whilst still ensuring compliance with the CIL tests regs.</p> <p>The grant applications process has been streamlined to make it more user friendly for parish and town councils.</p>
<b>SECTION THREE: MANAGING PLANNING OBLIGATIONS</b>		
Mr Steven Swinden	<p>The current Supplementary Guidance for s106 agreements includes para 3.16. This is intended to relate the potential planning obligations for a development to the second of the CIL tests as contained in SI CIL 2010 s122 (2), the need for the obligation to directly related to the development.</p> <p>HDC have interpreted that test as requiring a contribution which will address an increase in the need for facilities arising from the residential development. It can be argued that this is too restrictive an interpretation, based on HDC asking itself the wrong question.</p> <p>The definitive caselaw on planning contributions is general recognized as being that handed down by the Court of Appeal in:</p> <p>Tesco Stores Ltd. V Forest of Dean District Council (2015 EWCA Civ 800) adopting the finding of facts in the High Court decision of Patterson J [2014] EWHC 3348 (Admin).</p> <p>What was accepted in this case without challenge in</p>	<p>The SPD has been updated to reflect the adoption of the Local Plan in 2019. The policies in the Local Plan, which have been subject to consultation and independent examination, includes requirements to meet the needs arising from residents of new development. The SPD explain how these are calculated and tested to ensure compliance with the CIL tests.</p> <p>Harborough District Council has not introduced a Community Levy Infrastructure (CIL). The s106 requirements are therefore the mechanism for securing developer contributions in line with adopted Local Plan and CIL tests.</p> <p>The comments about the Court of Appeal decision in the Tesco Stores Ltd v. Forest of Dean DC (2015) are noted however they are not accepted by the Council. The justification for planning obligations is contained in the three tests of Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (as Amended) and it is the statutory tests rather than case law the Council applies when seeking planning obligations from third parties/developers. The use of the CIL tests is applied by the Council in determining planning</p>

	<p>either court was that the development would cause harm, and that the purpose of the planning obligations was to mitigate that harm by making compensatory improvements elsewhere in the area. There was no requirement for the improvements to meet a need created by users of the development.</p> <p>I do wonder if when the current SPG was adopted in 2015 whether there was an intention to also introduce a CIL schedule. If so, then the restrictive s106 guidance would be understandable. However, a CIL schedule was not introduced, so HDC is left with an approach to s106 agreements which seems not to be compliant with the CA decision.</p>	<p>obligations are compliant. The case law referred to is not the determinant factor in these matters.</p>
<p>Pegasus Planning Group (Mr Guy Longley, ENG) on behalf of Bloor Homes, Davidsons Development, L &amp; Q Estates, Miller Homes, Redrow Homes, Taylor Wimpey and the Vistry Group</p>	<p>Section 3 to the draft SPD sets out the Council will manage the planning obligation process. Reference is made to the Harborough Local Plan which was adopted in April 2019 and Policy IN1 on infrastructure provision. Paragraphs 3.13 and 3.14 refer to Infrastructure providers being required to clearly set out planning obligation requirements and refer to the three statutory CIL tests.</p> <p>It is important that any requests for contributions from Infrastructure providers are clearly justified, giving proper consideration to the CIL tests. There remain a number of circumstances where requests for contributions in relation to applications are either not fully evidenced or demonstrated that what is being requested meets the relevant CIL tests. This inevitably causes delay in the processing of applications where further discussion is required on the nature of requests and their justification.</p> <p>Paragraphs 3.19 to 3.25 deal with the finalisation of</p>	<p>Developments are required to mitigate their own impacts but cannot be required to contribute to any existing deficits in provisions. As such every s106 agreement is negotiated on a case-by-case basis as it needs to take into account the provision available at the time of determining the application- for example some services or facilities may have closed, and others may have been expanded or improved, between adoption of the Local Plan and determination of the application.</p> <p>It is therefore not possible to provide absolute certainty on what the s106 contributions will be needed in advance as they are, by definition, both scheme and time specific. However, the SPD has been revised and simplified where possible to assist developers and communities better understand what policy areas require contributions to be sought, where contributions are needed how these will be calculated, and how the assessment against the CIL tests will be undertaken.</p>

	<p>section 106 agreements including the role of the Council's legal services team in reviewing and finalising section 106 agreements. Whilst inevitably there can be delays in the completion of section 106 agreements on both sides, it is important that the Council's Legal Services team is properly resourced to ensure that section 106 agreements can be completed in a timely manner so progress on sites with resolutions to permit are not unnecessarily delayed.</p>	<p>The SPD also sets out how s106 contributions will be spent, and how this will be managed and monitored.</p> <p>The timely progress of s106 agreement is important. Comment noted.</p>
<p>Boyer Planning on behalf of Taylor Wimpey</p>	<p>Viability testing- There is scant guidance provided in the Planning Obligations SPD regarding the direct and indirect contribution costs that developers will need to take account of to comply with the SPD's requirements. Where costs of provision are referred to these have not been robustly evidenced and there is no information available to be able to assess their reasonableness.</p> <p>Additionally and importantly, there has not been an appropriate level of viability testing carried out to assess the impact of the required planning obligations and its additional cost burden upon the delivery of development in the local area. Although it is acknowledged that there was a 2017 Viability Assessment undertaken for the Council as part of the development of its Local Plan; this is now 3.5 years old, and a more up-to-date assessment should be carried out, to ensure that these additional requirements set out would not result in development becoming unviable due to the burden of direct and indirect financial contributions and costs imposed by requirements of the draft SPD. The requirement for an up to date assessment of viability is particularly important given the current global pandemic, the UK now having left the EU and potential economic uncertainties in the short/medium term as a consequence.</p>	<p>The requirements for s106 are set in the Local Plan which has been subject to consultation and independent examination. The SPD provide further guidance on how the contributions are calculated and identifies where on-site provision or financial contributions are required.</p> <p>Further information has been produced to support the monitoring fee calculations (see Monitoring Fee Evidence Paper)</p> <p>All contributions are tested for compliance with CIL tests.</p> <p>The SPD does not set policy or introduce new charges, it simply offers further guidance about existing adopted Local Plan policies which have already been subject to whole plan viability testing.</p> <p>The PPG on viability is clear that it 'where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.'</p> <p>If there are site specific factors that mean the viability of a particular site differs significantly from that modelled in the whole plan viability testing applicants can submit a viability appraisal setting out the reasons that necessitate a site-</p>

	<p>It should also be noted that the viability testing which should have been prepared would also need to have regard to impact of changes to Building Regulations Part L &amp; F introducing updated energy and ventilation standards and over the longer term the Future Homes Standards. These updates to the Building Standards will increase design and construction costs for developers to deliver the required energy efficiency standards. These new standards were not taken into account at the time of the Local Plan viability testing. Therefore specific viability testing for this SPD and the updated Building Regulation and Future Homes Standard needs to be prepared to provide a fair, reasonable and proper review of the financial implications of these planning obligations upon development viability.</p> <p>The SPD should be providing a greater level of certainty to developers as to the level of financial contributions and other obligation costs as this would enable developers to “price-in” these aspects to their development appraisals and for these costs to be reflected in the offer price made to secure land and site for development.</p> <p>The NPPF and guidance is very clear with its advice to LPA’s and the development industry. Viability in planning is to be embedded within and fully tested at the plan making stage to reduce the level of viability testing and negotiation with individual planning applications. For this to be effective, it requires a clearly defined and tested tariff based approach to contributions.</p> <p>As currently drafted, the Planning Obligations SPD provides little if any certainty and it is anticipated that variable levels of contributions will be requested on a site-by-site basis and this will result in viability testing at</p>	<p>specific viability appraisal. As explained in para 5.3.10 of the adopted Local Plan ‘in such cases the Council will commission an independent review of the viability assessment, for which the applicant will bear the cost’.</p> <p>S106 contributions are sought to mitigate the impact of individual development and as such each is assessed on its merits on a case-by-case basis. A tariff-based system for all contributions is therefore not appropriate.</p> <p>Developments are required to mitigate their own impact but cannot be required to contribute to any existing deficits in provisions.</p> <p>Any issues arising from changes to Building regulations would need to be picked up in the viability testing of the next Local Plan.</p> <p>Local plan viability testing assumed develop actively engage in the plan making to enable land prices to reflect contribution required we welcome developer input into the next Local Plan.</p> <p>It is not necessary to withdraw the SPD. SPDs cannot set new policy and as such it is not necessary or appropriate to undertake viability of the SPD.</p>
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	<p>application stage.</p> <p>We consider that the Council should withdraw the current SPD, undertake the required viability work (inter alia that highlighted above) and then issue it alongside a revised Planning Obligations SPD for consultation once this has happened.</p>	
<p>Mrs Jan Butcher Claybrooke Magna Parish Council</p>	<p>We had what can only be described as a pretty rotten experience with s106 arising from the only significant development in our village. We are a small rural Parish Council made up volunteers with no previous s106 involvement. We did not appreciate the scale and scope of the funding, we received an email to seek 'bids' but proactive help was only offered to us when it came to applying for some of the 'pot'. At that stage we had no opportunity to ensure allocations were made to real village needs. Yes we acknowledge we were ill-informed but we could not engage Officers to work with us in any positive way; there seems to be an assumption that we are as clued up as people whose job it is to run the system. I'm afraid this is unrealistic.</p> <p>We need more active and helpful engagement with PCs at the planning stage of any s106 funding opportunity, particularly bearing in mind smaller PCs will likely have little or no experience of dealing with the issue. A generic email is unlikely to elicit the best outcome in these circumstances. We were offered help at the 106 application stage but that was too late as decisions had been made and Officers would not re-evaluate. Please talk to us at the right time in the right way with the offer of support , e.g. through the PLO, at the right time.</p> <p>Allow PCs the opportunity to actually influence decision-making (links to above) more flexibility is required to</p>	<p>The requirements for s106 are set in the Local Plan which has been subject to consultation and independent examination. The SPD provide further guidance on how the contributions are calculated and identified where on-site provision or financial contributions are required.</p> <p>The Statement of Community Involvement sets out how communities can engage with the planning at both the plan-making and decision--taking processes.</p> <p>The SPD has been revised and simplified where possible to assist developers and communities better understand what policy areas require contributions to be sought, where contributions are needed how these will be calculated, and how the assessment against the CIL tests will be undertaken. The SPD also sets out how s106 contributions will be spent, and how this will be managed and monitored.</p> <p>The grant applications process has been streamlined to make it more user friendly for parish and town councils.</p>

	<p>address emerging/changing need (appears the 106 process is set in stone once HDC Officers have made their decisions with no opportunity to review/update local requirements). we live in a changing world and developments can take a long time to come to fruition, there needs to be a mechanism to ensure funding needs can be updated. It's similar to NP issues; quickly out of date and incredibly bureaucratic.</p> <p>- HDC to be clear about and follow their own 'rules' as these changed markedly throughout our correspondence on our particular issue, notably in our case the distance of the facility from the development which at one point was said to be key but later was just 'an academic exercise' depending on which element of the process HDC Officers were defending. Such a sea change negatively impacts trust in and credibility of HDC and is not in line with the expectations of public servants.</p> <p>HDC to demonstrate a clearer focus on the real desired outcome here i.e. mitigating the impacts on the settlement with the development in active discussion with PC rather than putting in place a Byzantine process that is difficult for non-experts to understand and use appropriately. The outcome gets lost and final decisions, certainly in our case, don't accord with local needs, but somehow this was lost in the process. So, we're looking for a simpler process with the eyes on the real prize: what does the community impacted need? And enable us as PCs to be in the driving seat; the smaller PCs with no experience to be given support as necessary.</p>	
Environment Agency (Mr Nick Wakefield, Planning Advisor)	No comment	Noted. No change required

<p>Leicestershire County Council (Mr Oliver Meek, Team Manager-Planning)</p>	<p>3.9 Pre-app “Mention should be made that where an applicant is to make a viability argument that a full viability report and an accompanying executive summary for publication should be submitted to accompany the application.</p> <p>3.28 Monitoring and the implementation of a planning obligation There is no mention of the County Council in this section and the way that this is worded gives the reader the impression that district council monitors and invoices for all obligations. It needs to be made clear here what the district does and what the county does so that the reader/developer understands the differentiation between the County and the district.</p>	<p>The SPD has been updated to include a section about viability testing which emphasis the front-loading of the viability process and the assumption that sites are viable. Government guidance is clear that it is for the applicant to demonstrate if there are any site-specific circumstances that justify a site specific viability assessment.</p> <p>The SPD has been amended to include reference to the need to include a viability summary when a site-specific viability is submitted.</p> <p>The SPD now includes contact details for the County Council so developers can contact them directly if they have queries about the contributions they require.</p>
<p>Oadby and Wigston Borough Council (Mr Ed Morgan, Planning Policy Officer)</p>	<p>Paragraph 3.18 (or elsewhere in the document): As a neighbouring Local Authority to Harborough District Council, the following wording (or similar) would be appropriate:</p> <p>'Cross Boundary Applications Where an application site falls partly within another neighbouring local planning authority area, the Council will, as far as possible, seek to coordinate proportionate planning obligation requirements with that authority. However, should an agreement not be reached, the Council will seek obligations from the portion of the site that falls within the Council's administrative boundary, only'.</p> <p>This wording is included in Oadby and Wigston Borough Council's Developer Contributions SPD (2019).</p>	<p>Comment welcomes. The suggested, wording has been slightly amended and added to the SPD.</p>

<p>Houghton Parish Council (Mr Ian Hill, Chairman)</p>	<p>3.7, 3.8 While the Parish Liaison Officer can and does encourage Parishes to submit information about needs and outline plans for infrastructure support and development, there is very little feedback on how such information is incorporated in any S106 negotiations. Understandably, the S106 is negotiated between HDC and the developer, but the process should include some feedback loop to inform parishes. Without this, it can seem pointless to Parishes that they should bother to send information which serves no known purposes</p> <p>Developers should be strongly encouraged to hold consultations directly with communities. For best practice these should include both meetings with the Parish Council and public information sessions, and the outcomes be reported back through the planning process.</p>	<p>The requirements for s106 are set in the Local Plan which has been subject to consultation and independent examination. The SPD provide further guidance on how the contributions are calculated and identified where on- site contributions or monetary payments are required.</p> <p>The Statement of Community Involvement sets out how communities can engage with the plan-making and decision-taking processes.</p> <p>The SPD has been revised and simplified where possible to assist developers and communities better understand what policy area require contributions to be sought, where contributions are needed how these will be calculated, and how the assessment against the CIL tests will be undertaken. The SPD also sets out how s106 contributions will be spent, and how this will be managed and monitored.</p> <p>Government guidance encourages developers to undertake early engagement with communities as best practice, and it is required in some circumstances.</p> <p>The grant applications process has been streamlined to make it more user friendly for parish and town councils.</p> <p>The Parish &amp; Communities Facilities Officer continues to work with Parishes and support them in relation to community facilities matters or obligations.</p>
<p>East Langton Parish Council (Mrs Heather Munro)</p>	<p>Agree</p>	<p>Comment noted. No changes needed</p>
<p>Lubenham Parish Council (Mrs Diana Cook, Chair of the Parish Council)</p>	<p>It is desirable when development is proposed that will generate section 106 payments, that there is more close liaison with Parish Councils through the planning system.</p>	<p>The requirements for s106 are set in the Local Plan which has been subject to consultation and independent examination. The SPD provide further guidance on how the</p>

	<p>The District Council is not responsible for all open spaces, community and sports facilities in Parishes in rural areas these are more likely to be provided by Parish Councils or Community groups.</p> <p>Liaison by developers with the Parish Council at an early stage may identify local infrastructure needs but there is little confidence at Parish level that the section 106 contributions will relate to the needs identified once agreements are signed.</p> <p>It appears from the above that the agreement will be at an advanced stage before it is shared with Parish Councils when it is too late to negotiate a change in content. Please could this be taken into consideration so that local Infrastructure needs are satisfied.</p>	<p>contributions are calculated and identified where on-site contributions or monetary payments are required.</p> <p>The Statement of Community Involvement sets out how communities can engage with the plan-making and decision-taking processes.</p> <p>The SPD has been revised and simplified where possible to assist developers and communities better understand what policy area require contributions to be sought, where contributions are needed how these will be calculated, and how the assessment against the CIL tests will be undertaken. The SPD also sets out how s106 contributions will be spent, and how this will be managed and monitored.</p> <p>Government guidance encourages developers to undertake early engagement with communities as best practice, and it is required in some circumstances.</p> <p>The grant applications process has been streamlined to make it more user friendly for parish and town councils.</p> <p>The Parish &amp; Communities Facilities Officer continues to work with Parishes and support them in relation to community facilities matters or obligations.</p> <p>Neighbourhood Plans offer the opportunity for local communities to engage in planning for their local area.</p> <p>It is noted that parish and town councils are often engages in the management of open spaces, community facilities and open spaces. The SPD recognises it should not be assumed management will be undertaken by the District Council. The SPD has been amended to include reference to the role of Parish and Town Councils in managing open space.</p>
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<p>East Midlands Community Led Housing (Mr Martin Field, Senior Facilitator)</p>	<p>As suggested by the end-to-end flow chart, the specific involvement of local interests, such as by parish and town councils, is only mentioned in reference to the planning application stage, and not thereafter. Where developments are agreed within local areas and a Section 106 / planning obligations statement is being finalised, it is crucial that such lower-tier bodies are still involved in the final determination of the formal documents and agreements, and in what they require by way of obligatory outcomes coming back to the benefit of the local area.</p>	<p>It is agreed that the end-to-end flow chart was prepared to explain the process for s106 contributions during the planning application process. It does not include the policy-making or post-application stage. Due to this it has been removed from the document.</p> <p>The Statement of Community Involvement sets out how communities can engage with the plan-making and decision-taking processes.</p> <p>The requirements for s106 are set in the Local Plan which has been subject to consultation and independent examination. The SPD provide further guidance on how the contributions are calculated and identified where on-site contributions or monetary payments are required.</p> <p>The SPD has been revised and simplified where possible to assist developers and communities better understand what policy areas require contributions to be sought, where contributions are needed how these will be calculated, and how the assessment against the CIL tests will be undertaken. The SPD also sets out how s106 contributions will be spent, and how this will be managed and monitored. S106 contributions received and spent are also reported in the AMR and the Infrastructure Funding Statement.</p>
<p>Scraptoft Parish Council (Sally Skyrme, Clerk to the Parish Council)</p>	<p>Agree. No comment</p>	<p>Comment noted. No change needed</p>
<p>Mr Peter Hill</p>	<p>Neither agree or disagree</p>	<p>Comment noted. No changes needed</p>
<p>Mr. Michael Major</p>	<p>HDC council officials should be more determined to enforce planning requirements and giving them statutory powers would help.</p> <p>Also S106 agreements should include a provisional sum of money to rectify work carried out off site to provide</p>	<p>There are enforcement powers available to a Local Planning Authority where a breach of planning might have occurred. Comment noted. No changes needed.</p> <p>The repairs to highways and re-surfacing is the responsibility of the highways authority.</p>

	<p>services to the new site, for example the resurfacing of roads dug up for such services and/or replacement of kerbs. Currently as several contractors do such works and the developer says they aren't responsible for them it's difficult to enforce repair works to bring the roads back to their previous standard. The provisional sum would then be applied for such rectification/restoration works.</p>	<p>Developments are required to mitigate their own impacts but cannot be required to contribute to any existing deficits in provisions</p> <p>The SPD has been revised and simplified where possible to assist developers and communities better understand what policy area require contributions to be sought, where contributions are needed how these will be calculated, and how the assessment against the CIL tests will be undertaken.</p>
Mr. David Munnery	<p>Planning decision determination should also include taking account of local resident expressed views</p>	<p>Local resident consultation is an integral part of the decision-making process for determining planning applications. Views may be expressed on planning application and/or through developer consultation events. Views expressed are considered by the Development management Team.</p>
Charnwood Borough Council	<p>CBC is supportive of this SPD. The following comments are made as a duty to cooperate partner with specific consideration of potential cross boundary implications of the 'Scraptoft North Strategic Development Area Policy SC1</p> <p>3.8 – Support encouraging pre-application engagement on major residential sites. CBC would support reference being made to engagement with neighbouring authorities where development may have cross boundary impacts.</p> <p>3.12 – the development of the Scraptoft North site may impact on functions within CBC (for example open space, facilities). CBC would support reference being made to neighbouring authorities being consulted as an infrastructure provider where appropriate. This will ensure opportunities for cooperation are identified.</p> <p>6.4, 7.7 – important to consider the cross-boundary impact on community facilities/ open space and whether</p>	<p>Leicester and Leicestershire authorities have a long history of working together on strategic planning matters, including work under the Duty to Cooperate. Cross boundary impacts will be considered on a case by case where relevant.</p> <p>The SPD has been changed to include an amended version of the suggested wording from Oadby and Wigston BC to address the issue of cross boundary sites.</p> <p>Local Plan policy IN1 infrastructure applies to major developments which will be permitted where there is or will be sufficient infrastructure capacity to support and meet all the requirements arising from it, including those off site and within its immediate vicinity, whether in Harborough District or outside.</p> <p>Local Plan policy SC1 sets out the requirements for the Scraptoft North Development Area against which any planning application would be assessed. The DM case</p>

	<p>opportunities to enhance facilities on a cross-boundary basis can be taken.</p> <p>8.2 – it could be clarified that the ‘specific area’ for which healthcare infrastructure impacts will be assessed includes consideration of cross-boundary impacts.</p> <p>Thank you for consulting CBC on this SPD. We welcome the opportunity to continue to be engaged on the delivery of the Scraftoft North SDA.</p>	<p>officer will consult with all relevant parties, including neighbouring authorities, as required, as part of the normal decision making process. Any cross boundary implications would also be considered as part of this process. Government guidance encourages developers to undertake early engagement with communities as best practice, and it is required in some circumstances. The SPD has been updated to refer to this.</p>
<b>SECTION FOUR: OTHER ASPECTS OF PLANNING OBLIGATIONS</b>		
<p>Boyer Planning (Miss Natalie Kent, Planner) on behalf of Taylor Wimpey</p>	<p>Legal and Monitoring Fees</p> <p>Monitoring fees are set out and explained in paragraphs 4.12 to 4.15 and Table 1. We have reviewed this, particularly Table 1 which sets out the number of hours monitoring the Council expects to do per contribution category and across a range of sizes of residential development.</p> <p>The time spent monitoring each application/development seems excessive ranging from 67 hours to be spent on an 11 to 30 unit development to 102 hours of monitoring on a 250 unit plus scheme. It would be helpful for the Council to provide some details as to what the monitoring activities are, how this is resourced within the Council and the number of applications within each category that are monitored by the Council. Without this detail, it is not possible to consider how reasonable the approach taken by the Council is in relation to monitoring fees.</p>	<p>The Government has confirmed under Part 10 of the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 that it is allowable for section 106 agreements to secure fees for monitoring fees. The regulations allow for the charging of the monitoring cost over the lifetime of the planning agreement/development on a cost recovery basis.</p> <p>These regulations also introduced a requirement to produce an annual Infrastructure Funding Statement (IFS) in December each year which reports on planning obligations received and spent.</p> <p>A Monitoring Fee Background evidence paper has been prepared which provides further information on how the monitoring fees have been calculated. The monitoring fees are made of two parts one for the desk-based officer costs of monitoring the obligation and the second part for the cost of site visits. The resulting formula uses an hourly rate charge for officer time and the value of this hourly rate is set out in the Schedule of Costs.</p>



Environment Agency (Mr Nick Wakefield, Planning Advisor)	No comment	Noted.
Houghton Parish Council (Mr Ian Hill, Chairman)	See comments under Section 7 referenced to commuted sums	Comment noted. Response to comments made about Section 7 are addressed in Section 7.
Boyer (Mrs Raj Bains, Senior Planner)	Please refer to statement provided from Boyer on behalf of Taylor Wimpey (UK) Ltd. paragraph 3 - Legal and Monitoring fees	Comments made in relation to Section 3 Legal and Monitoring Fees, are addressed in Section 3.
William Davis (Mr James Chatterton, Planner)	Bonds and Enforcement Action. WDL objects to the inclusion of this primarily as an SPD cannot impose additional and new costs. Furthermore, the Bonds proposal is unreasonable as there are clear triggers within any given Section 106 Agreement will prevent development proceeding if payments are missed.	<p>As set out in Local Plan Policy IN1, S106 contributions are sought to mitigate the impact of development. It is therefore crucial that where development proceeded the impacts of it are addressed.</p> <p>Bonds are a mechanism for securing compliance and only considered if there is a risk of default on the fulfilment of planning obligations. The need bonds would be assessed on an individual merit on a case by case basis. The SPD has been amended to make it clearer that bonds may be requested but are not required in all cases.</p>
William Davis (Mr James Chatterton, Planner)	Monitoring Fees - WDL supports HDC in its approach to make transparent the hourly rate and estimated period taken to monitor any given aspect of a legal agreement. However, the multiplier requires explanation; as the SPD suggests, for a 251-dwelling scheme, the monitoring period would be on average 102 hours. This appears excessive and unreasonable.	<p>The Government has confirmed under Part 10 of the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 that it is allowable for section 106 agreements to secure fees for monitoring fees. The regulations allow for the charging of the monitoring cost over the lifetime of the planning agreement/development on a cost recovery basis (including the cost of IFS preparation).</p> <p>These regulations also introduced a requirement to produce an annual Infrastructure Funding Statement (IFS) in December each year which reports on planning obligations received and spent.</p> <p>A Monitoring Fee Background evidence paper has been prepared which provides further information on how the monitoring fees have been calculated. The monitoring fees</p>

		are made of two parts one for the desk-based officer costs of monitoring the obligation and the second part for the cost of site visits. The resulting formula uses an hourly rate charge for officer time and the value of this hourly rate is set out in the Schedule of Costs.
Scraptoft Parish Council (Sally Skyrme, Clerk to the Parish Council)	Para 4.10 of the SPD- The use of landscape maintenance companies in this field do not appear to be working with problems on many of the recent developments in the district where landscape maintenance companies have been used. This problem is only going to escalate with future developments, unless other forms of district council backed landscape maintenance is looked into.	Comment noted. The Open Space Strategy 2021 has been approved by Cabinet. Whilst a separate process from this SPD the adoption of the Open Spaces Strategy 2021 and its Delivery Plan will assist the negotiations with developers concerning open space on new development by setting priorities for investment in open space and provide clarity to communities concerning the obligations of the Council, or others, to manage and maintain open space in the future. The Open Spaces Strategy was prepared after consultation with residents, Parish Council, officers, other stakeholders and developers.
Mr. Peter Hill	Para 4.8 Provision of assets by developers. There should be a robust system of inspection of assets provided by developers to ensure that the situation of "inherited liabilities" due to poor quality or inadequate installations referred to in the document does not occur.	S106 contributions can be sought for both the provision and maintenance of assets. The SPD has been amended to further explain that contributions for maintenance may be secured as a commuted sum where this is necessary to secure funding of long-term maintenance.
Natural England	Whilst we welcome this opportunity to give our views the topic of the supplementary planning document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.	Comment Noted.
<b>SECTION FIVE: AFFORDABLE HOUSING</b>		
Pegasus Planning Group (Mr Guy Longley, ENG) on behalf of Bloor Homes, Davidsons Development, L & Q Estates, Miller Homes, Redrow Homes,	Section 5 of the Draft SPD sets out the approach to affordable housing provision. Reference is made to the adopted Policy H2 requiring affordable housing provision of 40% on sites of more than 10 dwellings. It is important to note that clause 5 of the policy advises that proposals that do not meet this requirement will be acceptable	Although it is not necessary for the SPD to repeat Local Plan policy in full, the SPD has been amended to include reference to the amount of AH being subject to viability.  The SPD has been amended to clarify that Table 1 relates to the affordable housing mix. This section has also been

<p>Taylor Wimpey and the Vistry Group</p>	<p>where it is demonstrated that a different level or mix of affordable housing is required to make the development viable. There is no reference to this provision in the SPD and the draft should be amended to make reference to the provisions set out in clause 5 of the Policy.</p> <p>Paragraphs 5.8-5.11 set out the approach to housing mix with reference to HEDNA 2017. Table 2 at page 15 of the draft SPD sets out a benchmark housing mix profile for proposed developments over 10 units. As currently framed, this section of the draft SPD is not clear whether the mix set out relates solely to affordable provision or to both open market and affordable dwellings. Reviewing HEDNA 2017 it is clear that the table included in the Draft SPD is a re-production of the table in HEDNA relating to social/affordable rented housing mix. This section of the draft SPD needs to be amended to make it clear that this benchmark housing mix profile applies solely to affordable housing provision.</p> <p>Paragraph 5.11 of the Draft SPD advises that the mix is indicative and that individual site issues will influence housing mix on a particular development, and that applicants are advised to consult with the Housing Enabling Officer to agree site/locality specific requirements and details of affordable housing contributions. It is important that the benchmark affordable housing mix is not applied prescriptively without any consideration of local site circumstances. The recognition of the need to consider individual site issues as set out at Paragraph 11 is therefore supported.</p> <p>Similarly, paragraph 5.21 recognises that in relation to the mix of affordable and low-cost home ownership products, the Council will take a flexible approach to</p>	<p>updated to include reference to the Government's new policy on First Homes which will also impact on the affordable housing mix.</p>
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	<p>assessing need and provision on a site-by-site basis, which is supported.</p> <p>The SPD does not appear to address the requirement in the NPPF for 10% of the total number of dwellings on a site to be for affordable home ownership (NPPF para 64). In some circumstances the Council will need to adjust the affordable tenure split to ensure that the requirement to provide 10% affordable home ownership on a site is met. The draft SPD needs to be amended to address this issue.</p> <p>In addition, the Government's response to the consultation on First Homes, August 2020, states that they will look to require 25% of all affordable homes to be First Homes. Whilst this provision is yet to be introduced, the SPD should consider how this requirement will be addressed once it is introduced.</p>	
<p>Boyer (Miss Natalie Kent, Planner on behalf of Taylor Wimpey)</p>	<p>The first point we would like to raise is in relation to paragraphs 5.3-5.7. The definition of AH should be amended to take account of the emerging First Homes policy put forward by the Government.</p> <p>Although this has not (as of yet) been formally made a part of national policy, a reference to discounted homes for sale should be included to help 'future proof' this definition.</p> <p>The SPD sets out a calculation in relation to the collection of a commuted sum for off-site affordable housing provision in lieu of on-site provision. The approach required is for the developer to pay 50% of open market value to the Council per affordable unit expected to be delivered. Whilst the potential to make off site contributions is welcomed as it provides a degree of</p>	<p>The SPD has been amended to include reference to the new wider definition of Affordable Housing which includes First Homes. The re-consultation on the SPD will allow developers and others to comment on this new wording.</p> <p>The SPD clearly sets out the approach required for calculating in-lieu contributions. This approach reflects the value of on-site contributions. Commuted sum need to be set at a level to ensure that the same number and type of affordable dwellings can be secured in an alternative location. The amount of affordable housing has been tested through the whole plan viability testing. No changes needed.</p>

	flexibility where there is no Registered Provider interest in acquiring units on smaller schemes, we do not consider that the approach to the calculation introduced in the SPD has been justified or importantly been subject to viability testing.	
Environment Agency (Mr Nick Wakefield, Planning Advisor) [	No suggested changes/comments to make in relation to Section 5.	Noted.
Leicestershire County Council (Mr Oliver Meek, Team Manager-Planning	Fully support that 100% affordable housing schemes should not be exempt from other S106 requirements.	Comment noted. No further action
Houghton Parish Council (Mr Ian Hill, Chairman)	<p>5.8, 5.9, 5.10 It is pleasing to see that the mix of housing is addressed. However, our experience is that developers, while paying lip-service to these aims, are very experienced in using all available opportunities to claim 'viability' changes and increase house sizes to offset these through revisions of their applications. In our parish of Houghton, the addition of 160 new houses has done nothing to correct the imbalance in the size range of the housing stock.</p> <p>At the same time a high rate of house extensions is being permitted allowing a steady upward drift in the number of bedrooms per house, and a corresponding decrease in the number of bungalows and other single-level housing.</p> <p>5.12, 5.15 The inclusion of emphasis on Special Needs and Extra Care Housing is important, particularly in terms of provision for our ageing population as well as those young adults struggling for affordable housing.</p>	<p>In April 2019, Government policy changed to front load viability testing so it is undertaken at the plan-making stage. The methodology for whole plan viability testing uses typologies of typical sites and assumptions informed by average costs and values. The typology approach to whole plan viability testing is a process 'that plan makers follow to ensure that they are creating realistic, deliverable policies based on the type of sites that are likely to come forward for development over the plan period'. Its purpose is to help inform policy making ensuring that the level of contributions requested maximise public benefit whilst not making development unviable.</p> <p>The issue of an ageing population is important. The Local Plan already includes policies requiring a mix and range of housing including specialist accommodation. This will also be an issue for the next Local Plan.</p> <p>The issue of permitted development rights falls outside the scope of this SPD as it is set at a national level.</p>

		<p>The SPD has been updated to make reference to the Government's new policy on First Homes, which is targeted at first time buyers.</p> <p>The policy issue of housing and social care/ extra care provision/special needs houses will considered in a review of the Local Plan and can be the subject to policies and allocations in Neighbourhood Plans.</p>
Boyer (Mrs Raj Bains, Senior Planner)	Please refer to statement provided by Boyer on behalf on Taylor Wimpey (UK) Ltd. paragraph 5 for more information.	Comment noted. Response to the information provided by Boyer on behalf on Taylor Wimpey (UK) Ltd is addressed in the response to Boyer Planning on section of SPD 5 above.
William Davis (Mr James Chatterton, Planner)	Affordable Housing para 5.2 states, inter alia, "a greater percentage of affordable housing may be sought." WDL strongly objects to this as the LP Policy this supports states the provision of 40% affordable housing will be require on sites of 10 or more dwellings. The LP does not suggest any additional provision will be sought. In effect the SPD is proposing new Policy, which is ultra vires to the role such a document can play within the decision-making process. New Policy can only be sought if evidence based, means tested, consulted upon and independently examined through the Local Plan process. The NPPF is explicit in stating (emphasis added) 'SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.' Therefore, the SPD in making any reference to seeking a greater level of affordable housing beyond that which is directly referenced within adopted LP Policy, makes an unlawful request. For the avoidance of doubt WDL suggests para 5.2 be omitted in its entirety from the SPD.	The Local Plan includes provision for exception sites which are 100% affordable housing and enables Neighbourhood Plans to set to policies to meet their own housing needs which, where informed by a evidence of local housing need, for example through a local housing needs survey. Policy H3 in the Local Plan allows for exception sites that are 100% affordable. No changes needed.
East Midlands Community Led Housing (Mr Martin Field, Senior Facilitator)	The proposed document and policy does not currently mention the other kinds of local housing and neighbourhood development promoted by the 'community-led housing sector' - such Land trusts, Cohousing, co-operatives and self-build initiatives. It is	The SPD cannot set policy. The issue of community led housing will be considered in the next Local Plan. Neighbourhood Plans can already include policies about community led housing if there is evidence of need and a wish to do.

	recommended that more specific support is included in the policy in lieu of a blanket recourse to an engagement of standard Registered Providers as the alternatives to 'market housing;' where such community-led initiatives can meet district policies for a range of tenures and house sizes. The use of finance from 'commuted sums' could also be extended to help the pre-development costs of community-led projects - perhaps, where appropriate, with consideration for repayment after a scheme is completed and occupied.	
Mr Peter Hill	As a general observation monitoring and enforcement of the obligation on a developer to provide affordable housing is important. Later applications to change the mixture of a development after it has been approved are a clear danger point. Is there a mechanism to inspect a development when it is completed to ensure that the provisions have been maintained?	<p>The importance of monitoring is noted. The SPD introduces monitoring fees for s106 agreements in line with Part 10 of the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 where the Government has confirmed that it is allowable for section 106 agreements to secure fees for monitoring fees.</p> <p>Monitoring of the affordable housing delivery is reported in the AMR. The affordable housing mix is sought in accordance with the Policy in the Local Plan. Any requests to change or vary the agreed affordable housing mix would need to go through the development management process for determination.</p>
<b>SECTION SIX: COMMUNITY FACILITIES</b>		
Environment Agency (Mr Nick Wakefield, Planning Advisor)	No suggested changes/comments to make in relation to Section 6.	Comment noted.
Houghton Parish Council (Mr Ian Hill, Chairman)	No Comment	Noted
Lubenham Parish Council (Mrs Diana Cook, Chair of the Parish Council)	In determining the level of contributions for community facilities please can the cost of ongoing maintenance be considered. Playing Fields in particular are one of the most costly facilities to provide, and where these are provided voluntarily in rural parishes the ongoing cost of	S106 contributions can be sought for both the provision and maintenance of assets. The SPD has been amended to further explain that contributions for maintenance may be secured as a commuted sum where this is necessary to secure funding of long term maintenance.

	<p>maintenance, repairs and insurance over the longer term is rarely covered by the contributions.</p>	
<p>William Davis (Mr James Chatterton, Planner)</p>	<p>Community Facilities Para 6.5 references (The) Community Facilities Assessment 2017, completed by Peter Brett Associates. This updates the Roger Tym &amp; Partners Community Facilities Study (2010). However, no data from either report is presented within the SPD. Ideally, and for clarity, the SPD should provide an overview and summary of outputs of the reports referenced.</p>	<p>The Roger Tym Study 2010 was superseded by Peter Brett Study Community Infrastructure Provision 2017. This evidence supports the HDC Community Facilities Strategy. Para 4.3.3 of the 2017 study sets out the calculation for contributions for refurbishment and new build of community facility needs. The SPD has been amended to include specific reference to this.</p> <p>The SPD has also been amended to reflect the fact that the HOSS has been updated and signposts readers to the latest version. The HOSS is used to determine contribution to open space, including changing rooms.</p> <p>Contributions for Sport, Recreation, Open Space and Community Facilities are spent through the Community Grant process on projects, informed by the current HOSS and Built Facilities Strategy.</p>
<p>Scraptoft Parish Council</p>	<p>6.3 The size of the community facilities on larger developments should be reflected by the number of dwellings and occupants that will eventually occupy the site, also the time of the community facility being in use on the site in a usable capacity should be stated.</p>	<p>The supporting text of Policy IN1: Infrastructure requires all major development to provide sufficient infrastructure capacity, the supporting text for the policy includes community halls within the list of social infrastructure assets. Specific requirements for community facilities, where these are justified as part of new developments, are included with the site-specific allocations in the Local Plan.</p>
<p>Peter Hill</p>	<p>Agreed.</p>	<p>Comment noted</p>
<p>Boyer (Miss Natalie Kent, Planner) on behalf of Taylor Wimpey</p>	<p>Open space contributions</p> <p>Having looked at the draft Planning Obligations SPD, this refers to calculations being based upon existing levels of provision within the accessibility thresholds specified in the Draft Provision for Open Space Sport and Recreation 2020. However, the links to this document provided in the</p>	<p>Paras 9.3.4 and 9.3.5 of the adopted Local Plan states the HOSS (2016 to 2021) or any subsequent iterations will set out the local standards that will be applied for Open Space contributions. The SPD has been amended to reflect the fact that the HOSS has been updated and signposts readers to the latest new 2021 version.</p>



	<p>SPD only take you to a webpage that refers to and provides a copy of the 2015 version.</p> <p>A further online search for this document did not seem to return any relevant results to the 2020 current draft. Therefore, based on this it has not been possible to review the 2020 Open Space Sport and Recreation document, and thus we are unable to make informed comment upon the suitability of this approach. This does not enable a fair assessment to be undertaken, and thus this section of the SPD, in our view, has not been consulted upon properly. The Council should therefore issue this properly (whilst making it readily accessible online) and extend the current consultation period (or undertake an iterative consultation) to enable this to be done properly.</p> <p>Regardless of the above, the sums set out in the 2015 version appear to be very high (see Appendices A and B of this document), for example a 5-bedroom property in an area that requires new provision in a rural setting would appear based upon our reading of the draft SPD to have to pay £11,875. If, however, it is not the case that all developments in this scenario would not have to fund all types of open space, and instead just contribute towards those types that are in deficit in the area it falls within, then this should be made clearer.</p> <p>It should be noted that there is only a singular reference in Sport England in this document, which refers to the cost of providing eight new grass pitches. The overall conclusion regarding open and play space provision is that there are shortfalls throughout the district and it is advised that the Council will use the most up to date information concerning current open space provision to</p>	<p>The content of the HOSS falls outside the scope of the SPD. It has been prepared after consultation with residents, Parish Council, officers, other stakeholders and developers.</p> <p>The costs associated with playing pitch provision and ancillary outdoor sports facilities are calculated in accordance with the new HOSS. The Sport England Playing Pitch Calculator is utilised if required, and Sport England are consulted directly on significant applications.</p> <p>Developments are required to mitigate their own impacts but cannot be required to contribute to any existing deficits in provisions. As such every s106 agreement is negotiated on a case-by-case basis as it needs to take into account the provision available at the time of determining the application- for example some services or facilities may have closed, and others may have been expanded or improved, between adoption of the Local Plan and determination of the application.</p> <p>It is therefore not possible to provide absolute certainty on what the s106 contributions will be needed in advance as they are, by definition, both scheme and time specific. However, the SPD has been revised and simplified where possible to assist developers and communities better understand what policy areas require contributions to be sought, where contributions are needed how these will be calculated, and how the assessment against the CIL tests will be undertaken.</p>
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	<p>undertake a bespoke analysis as planning application are made. Therefore, there is no definitive guidance or real certainty as to what provision will be required and the cost of this provided by this (out of date) accompanying document.</p> <p>The currently proposed approach in the Planning Obligations SPD of calculating each site as open space contributions on its own basis provides little to no certainty and the SPD is only really signposting to another document, rather than providing guidance itself for developers. Providing a greater level of certainty for financial contributions to fund open space would enable developers to the cost to their development appraisals and for these costs to be reflected in the offer price for the land. This is a concern we have with the SPD overall and we elaborate on this point below in relation to viability testing.</p> <p>A revised approach should be taken where a tariff or set rate per property (based, on type, size, tenure etc.) would provide a better guide for developers on the level of financial contribution required and greater certainty for those seeking to bring forward new homes in Harborough.</p>	
<p>Environment Agency (Mr. Nick Wakefield Planning Advisor)</p>	<p>The Environment Agency would like to draw to the Local Planning Authority attention the issue of biodiversity net gain (BNG). The draft Environment Bill proposes to make BNG a requirement of all new development. The applicant/developer will need to demonstrate how BNG will be provided at the planning application stage of the planning process. Whilst the expectation is that BNG will be provided on-site, there may be some instances where it has to be provided off-site. In these circumstances there will need to be a mechanism of ensuring that that</p>	<p>The SPD has been updated to include a section on Biodiversity Net Gain. The re-consultation on the SPD will allow people to make comments on this new wording.</p> <p>The appropriate Local Plan policy approach in respect of BNG will be considered in the next Local Plan. In advance of the national requirements become law (currently anticipated for Dec 2023), as set out in the SPD, applicants who wish to deliver BNG are positively encouraged to do so through the Development Management process.</p>

	the requisite amount of biodiversity is provided under both the planning and planning obligation regimes.	
Houghton Parish Council (Mr Ian Hill, Chairman)	<p>Commuted Sums are, in my experience, normally unrealistically low, so that there is a financial imperative for the local authority to refuse to adopt facilities, leading to the growth of a management companies who take on this work using a levy on the new housing owners. While this works, especially to the advantage of the management companies who may increase their tariffs considerably over time, it does produce a two tier system. The residents of the new developments are paying council tax as usual but also paying additional management fees which cover many of the services provided to older housing areas from the Council Tax. This inequality is not conducive to community harmony. The Commuted Sums should be realistic so that community services can be provided on a holistic, and integrated and efficient way by local councils.</p>	<p>Paras 9.3.4 and 9.3.5 of the adopted Local Plan states the HOSS (2016 to 2021) or any subsequent iterations will set out the local standards that will be applied for Open Space contributions. The SPD has been amended to reflect the fact that the HOSS has been updated and signposts readers to the latest new 2021 version.</p> <p>The content of the HOSS falls outside the scope of the SPD. It has been prepared after consultation with residents, Parish Council, officers, other stakeholders and developers.</p> <p>The SPD clearly states that it should not be assumed such assets will be taken on by the local authority. Each case will be considered on its own individual merits. Where the Council does not take on the maintenance of an asset, the maintenance may be provided by a Management Company (MANCO) or by a Parish or Town Council.</p> <p>The Harborough Open Spaces Strategy (HOSS) also clarifies how breaches of condition or poor maintenance should be addressed by residents or others and provides a flow diagram for communities to use should open space maintenance fall below acceptable or agreed standards.</p>
Lubenham Parish Council	All planning obligations should be held in favour of the community before consideration is given to pooled projects.	<p>The HOSS sets out how s106 contributions received will be spent in accordance with local priorities, recognising the removal of pooling restrictions on s106 contributions. The content of the HOSS falls outside the scope of the SPD. The HOSS was prepared after consultation with residents, Parish Council, officers, other stakeholders and developers. The SPD has been amended to reflect the fact that the HOSS has been updated and signposts readers to the latest new 2021 version.</p>

		<p>The SPD includes a new section explaining how contribution to community facilities are allocated and spent. This ensures community priorities are reflected in the spend whilst still ensuring compliance with the CIL tests regs.</p>
<p>Boyer (Mrs Raj Bains, Senior Planner)</p>	<p>The links to draft Provision for Open Space Sport and Recreation is not provided in this SPD. The link in this document takes you to a webpage that refers to and provides a copy of the 2015 version. As such we are unable to make an informed comment. This would require a re-consultation.</p> <p>Please refer to statement provided by Boyer on behalf of Taylor Wimpey (UK) Ltd. para 7 for comments in relation to the 2015 version.</p>	<p>Paras 9.3.4 and 9.3.5 of the adopted Local Plan states the HOSS (2016 to 2021) or any subsequent iterations will set out the local standards that will be applied for Open Space contributions. The SPD has been amended to reflect the fact that the HOSS has been updated and signposts readers to the latest new 2021 version.</p> <p>The content of the HOSS falls outside the scope of the SPD. It has been prepared after consultation with residents, Parish Council, officers, other stakeholders and developers.</p>
<p>Sport England (Steven Beard)</p>	<p>Agree with the principle, but the evidence is incorrect so far as sport is concerned. The council now has a Playing Pitch Strategy (PPS) 2018 and a Built Sports Facilities Strategy BSFS) 2020. The PPS advises uses the Sport England Pitch Demand Calculator to understand demand from housing development. The BSFS can use the Sport England Sport Facilities Calculator to understand demand for certain types of sports facilities. The BSFS also includes community halls provision. I understand that the open spaces team are currently investigating an update of the Open space assessment. The method of assessing the need to meet demand for sports facilities on site, or to understand if there is capacity off-site to meet that demand as necessary or indeed an off-site contribution is required.</p>	<p>Paras 9.3.4 and 9.3.5 of the Local Plan states the HOSS (2016 to 2021) or any subsequent iterations will set out the local standards that will be applied for Open Space contributions. The SPD has been amended to reflect the fact that the HOSS has been updated and signposts readers to the latest new 2021 version.</p> <p>The Council has and will utilise the Sport England Sport Facilities Calculator to help understand demand and need for certain types of sports facilities, both new facilities and improvements to existing ones. The Council will use the results to inform and evidence s106 contribution requests.</p> <p>The Council will continue to work closely with Sport England going forward and will seek to ensure the approach it takes to seeking planning obligations towards sporting facilities is robust justified and CIL compliant. The Playing Pitch Strategy (PPS) 2018 and the e Built Sports Facilities Strategy (BSFS) are significant documents in assessing S106 funding requirements for new schemes in particular major developments which illustrate a substantive and evidence-</p>

		based requirement for sports provision and facilities, both on-site and off-site.
Mr. Peter Hill	Private and public spaces for outdoor sports and recreation should be protected by the planning system from later developments which would impinge on their viability. This by a system of active monitoring of proposals and an obligation on developers to actively consult with neighbours prior to putting forward proposals for planning approval. Lack of evidence of such consultation should be a reason to refuse permission for development.	Local Plan policy GI1: Open space sport and recreation seeks to safeguard and enhance existing open space sport and recreation facilities across the district.  Government guidance encourages developers to undertake early engagement with communities as best practice, and it is required in some circumstances.
Pegasus Planning Group (Mr Guy Longley, ENG) on behalf of Bloor Homes, Davidsons Development, L & Q Estates, Miller Homes, Redrow Homes, Taylor Wimpey and the Vistry Group.	<p>The draft SPD at section 8 sets out the Council's proposed approach to ensure that local health care provision meets the needs of household growth in the district. Reference is made to consulting with NHS England and Clinical Commissioning Groups on future development plans and on applications involving 11 dwellings or more to determine if a contribution to health provision is justified.</p> <p>Our clients are fully supportive of the need for contributions towards improvements to local healthcare provision and are happy to engage with the relevant clinical commissioning groups in relation to necessary improvements to existing doctors' surgeries and other local medical facilities.</p> <p>A recent issue has related to recent requests for contributions from the University of Hospitals Leicester, NHS Hospitals Trust in relation to a number of proposed developments both in Harborough District and in other local authorities across Leicestershire. It is noted that this issue was considered by the Council's Planning Committee in its consideration of proposals for development east of Lutterworth (application reference</p>	<p>The explanatory text in support of Local Plan Policy IN1 Infrastructure Provision lists health centres and doctor's surgeries as assets of social infrastructure. Policy IN1 required adequate infrastructure to be provided, and this would include health centres and doctor's surgeries where the new development creates a need for additional/improved provision.</p> <p>The SPD provides further guidance on how requests for contributions would be calculated and evidenced to ensure they meet the CIL tests. In the case of healthcare it will be for Clinical Commissioning Group (CCG) or other healthcare provider, to undertake an assessment and demonstrate the level of contributions needed and that any requests are CIL test compliant.</p>

	<p>19/00250/OUT, Planning Committee Meeting 28th July 2020). The officer report concluded at paragraphs 6.60-6.72 of the report that it had not been established that the contribution sought in this case was necessary or that the relationship between the contribution and the development was direct one, that it could not be justified to require a developer to 'plug a gap' to pay staff wages, and there lacked a robust calculation of the additional population burden to demonstrate the request was fairly and reasonably related to the development, and as a result the request was not CIL compliant. The Officer report referred to the Teignbridge Appeal where similar issues were addressed by the Secretary of State. It is understood that other Leicestershire authorities consider that the requests from the NHS Hospitals Trust do not meet the CIL tests.</p> <p>Given the above, the draft SPD needs to clearly set out the Council's position in relation to healthcare contributions that are likely to be considered to be CIL compliant.</p> <p>hope the above is helpful. If you have any questions on any matters, please do not hesitate to contact me.</p>	
<p>Boyer (Miss Natalie Kent, Planner) on behalf of Taylor Wimpey</p>	<p>Healthcare - The SPD does not provide any substantive information in relation to this contribution, and essentially just redirects developers to NHS England or Clinical Commissioning Groups. As highlighted above, this provides no guidance or certainty for developers on the financial contributions they will have to make toward healthcare provision. We question why this has its own section in the SPD as no real guidance is provided.</p> <p>Because of the above, there is no indication as to whether any contributions that the Council may wish to</p>	<p>The explanatory text in support of Local Plan Policy IN1 Infrastructure Provision lists health centres and doctor's surgeries as assets of social infrastructure. Policy IN1 required adequate infrastructure to be provided, and this would include health centres and doctor's surgeries where the new development creates a need for additional/improved provision.</p> <p>The SPD provides further guidance on how requests for contributions would be calculated and evidenced to ensure they meet the CIL tests. In the case of healthcare it will be for</p>

	<p>ask for in future would meet the requirements of regulation 122 of the CIL regulations. It is not possible to determine if they would be 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.</p> <p>The Council should provide more clarity on this, at the very least by providing details of who or what part of the aforementioned organisations should be contacted for clarity as to whether there is a need for additional primary healthcare facilities within the local and wider area and the level of contribution that they require. In its current format, this section of the planning obligations SPD provides limited information or guidance for developers.</p>	Clinical Commissioning Group (CCG) or other healthcare provider, to undertake an assessment and demonstrate the level of contributions needed and that any requests are CIL test compliant.
Environment Agency (Mr Nick Wakefield, Planning Advisor)	No suggested changes/comments to make in relation to Section 8.	Noted.
Houghton Parish Council (Mr Ian Hill, Chairman)	This is an overly passive and dismissive attitude which ignores the linkage between the growing number of elderly and less mobile members of our communities, and your planning objectives in terms of Extra-care, transport and global warming. There needs to be an emphasis on providing local basic GP, dental and optician services, thus giving better access for many needy sections of our communities, the elderly, young families, and those in receipt of benefits, and reducing the travel requirements (cost, time and carbon footprint) for these.	<p>The issue of an ageing population and mobility is important. Policy IN1 requires major development to provide sufficient infrastructure including health centres and doctor's surgeries.</p> <p>The SPD cannot set policy. It adds further explanation to the adopted policies in the Local Plan. Policy CC1 Mitigating climate change in the Local Plan addresses this issue. The issues of sustainable transport and climate change are important, and will feed into the considerations of the next Local Plan.</p>
Boyer (Mrs Raj Bains, Senior Planner)	Please refer to statement from Boyer on behalf of Taylor Wimpey (UK) Ltd. para 13 for further comments.	The explanatory text in support of Local Plan Policy IN1 Infrastructure Provision lists health centres and doctor's surgeries as assets of social infrastructure. Policy IN1 required adequate infrastructure to be provided, and this would include health centres and doctor's surgeries where

		<p>the new development creates a need for additional/improved provision.</p> <p>The SPD provides further guidance on how requests for contributions would be calculated and evidenced to ensure they meet the CIL tests. In the case of healthcare it will be for Clinical Commissioning Group (CCG) or other healthcare provider, to undertake an assessment and demonstrate the level of contributions needed and that any requests are CIL test compliant.</p>
William Davis (Mr James Chatterton, Planner)	<p>Healthcare and Community Safety- Both sections within the SPD both state contributions will be sought from any given development proposal. However, they are not underpinned by any LP Policy. Notwithstanding this, these requests for contributions are regularly shown to not be CIL compliant.</p> <p>Therefore, WDL requests that until such a time that a reasonable multiplier for contributions can be established and supported by LP Policy, these sections are removed from the SPD.</p>	<p>The explanatory text in support of Local Plan Policy IN1 Infrastructure Provision lists health centres and doctor's surgeries as assets of social infrastructure. Policy IN1 required adequate infrastructure to be provided, and this would include health centres and doctor's surgeries where the new development creates a need for additional/improved provision.</p> <p>The SPD provides further guidance on how requests for contributions would be calculated and evidenced to ensure they meet the CIL tests. In the case of healthcare it will be for Clinical Commissioning Group (CCG) or other healthcare provider, to undertake an assessment and demonstrate the level of contributions needed and that any requests are CIL test compliant.</p> <p>Policy in the adopted Local Plan</p>
<b>SECTION NINE: COMMUNITY SAFETY</b>		
Boyer (Miss Natalie Kent, Planner) on behalf of Taylor Wimpey	<p>In a similar vein to the healthcare section above, the SPD provides little useful information beyond stating that 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.</p>	<p>The SPD sets out that 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.</p> <p>Planning obligations for police and fire contribution will need to be evidenced by Leicestershire Constabulary and/or Fire</p>



	<p>Paragraph 9.2 discusses national policy and legislation that refers to designing out crime or reducing it through design. This does not seem relevant to an SPD on planning obligations, and it would be more appropriate for this to be included in a design-focused SPD / Local Plan policy, as opposed to be this document, which should be focusing on planning obligations, not design matters.</p> <p>Paragraph 9.3 sets out parameters in relation to the justification of obligations in respect of community safety and it states: '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 development in order to make a development acceptable, particularly those of a larger scale, such contributions may be justified.'</p> <p>This is very vague, as it does not state whom the onus is on to prove if there is a need for additional provision. It is presumed that the responsibility would be with the police and fire and rescue services, but this is not adequately defined. In addition, the circumstances / thresholds that would need to be met to justify the requirement of community safety planning obligations are unclear. If the Council wish to levy funds towards this infrastructure this must be clearly set out in the documents itself, and an allusion to this is insufficient as clarity is needed.</p> <p>This section of the SPD requires further clarity and definition in order to provide a level of certainty about whether or not obligations and financial contributions (direct payments or additional design/construction costs) will be required to address community safety issues</p>	<p>and Rescue service to satisfy the Council that they are CIL compliant.</p> <p>The second part of para 9.1 of the SPD relating to designing out crime has been removed from the SPD. This issue is already covered in Policy GD8: Good design and the supporting text in para 4.15.1 of the adopted Local Plan</p>
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	when bringing forward development within Harborough District.	
Environment Agency (Mr Nick Wakefield, Planning Advisor)	No suggested changes/comments to make in relation to Section 9.	Noted.
Houghton Parish Council (Mr Ian Hill, Chairman)	No comment	Comment Noted.
Boyer (Mrs Raj Bains, Senior Planner)	Please refer to statement from Boyer on behalf of Taylor Wimpey (UK) Ltd para 16 for further comments	Comments noted. See above response to Boyers on behalf of Taylor Wimpey in relation to the Police contributions.
East Langton Parish Council (Mrs Heather Munro)	Agree no comments	Comment Noted.
Scraptoft Parish Council	Agree. No comments	Comment Noted
Mr. Peter Hill	Strongly agree with section	Comment noted
<b>SECTION TEN: SUSTAINABLE DRAINAGE</b>		
Boyer (Miss Natalie Kent, Planner) on behalf of Taylor Wimpey	<p>This section discusses the provision of sustainable drainage, but only in terms of national and local policy and seemingly focuses on the design of a site and the inclusion of SUDs.</p> <p>Paragraph 10.3 sets out that it is the County Council responsibility to provide guidance on flooding issues and prepare appropriate planning conditions, though no specimen version is provided to enable a fair assessment of this potential obligation format to be undertaken. The cost of designing and implementing SUDs can be substantial and this will impact upon the viability of bringing development forward on sites where viability is already challenging.</p> <p>The lack of specific SUDs guidance which explores what a developer should be implementing in the first instance on a cascade basis of soils / topography etc. is again an issue. In addition, there is no definition as to whether this is also supposed to be a mechanism to capture funds</p>	<p>This SPD about Planning Obligations. Policy CC4 on Sustainable Drainage clearly sets out the requirement for all major development to incorporate SUDs. This should be an integral part of the development's design. Paras 10.7.6 of the Local Plan requires that 'provision for the maintenance and upkeep of SuDs should be an integral part of the planning application'.</p> <p>The SPD provides guidance on where planning obligations may be sought. The SPD has been updated to explain that financial contributions may be requested if payments for the management and maintenance of SuDS are needed. Any such requests would be informed by advice from Leicestershire County Council (LCC) in its role as the Lead Local Flood Authority (LLFA). Any requests for contribution would also need to comply with the CIL tests.</p> <p>Leicestershire County Council (LCC) is the Lead Local Flood Authority (LLFA) and has published a planning applications LLFA statutory consultation checklist which should be read in</p>

	<p>towards long-term maintenance of any installed SUDS features. If this is the intention of the Council, then, as per the above sections, this needs to be set out in detail to give clarity to developers.</p> <p>Again, this section of the SPD provides little in the way of meaningful guidance, and further detail should be included in this section, such as model planning conditions that the LPA would need to use / adapt as required. This, as already highlighted in connection with our comments on open space above should go through an iterative consultation process to ensure that these can be adequately assessed for their suitability, enforceability and fairness on all parties.</p>	<p>conjunction with their Interim LLFA Guidance Notes: Planning and Development in Leicestershire. As such it is entirely reasonable for Harborough District as LPA to consult LCC as the LLFA for information and guidance on this matter.</p> <p>A new section on Biodiversity Net Gain has also been added to the SPD, this highlights the potential benefits of SuDs for BNG.</p>
Environment Agency (Mr Nick Wakefield, Planning Advisor)	Whilst this section correctly identifies the LLFA as the statutory (appropriate) authority regarding SUDS, we wish to point out regarding para 10.5 that SuDS should include components which improve water quality and enhance biodiversity opportunity wherever possible.	Para 10.7.6. of the adopted Local Plan already highlights the potential benefits of SuDS including for biodiversity and water quality improvements and the provision of open space.
Houghton Parish Council Mr. Ian Hill Chairman	Agree. No Comment	Noted.
Boyer (Mrs Raj Bains, Senior Planner)	Please refer to statement provided from Boyer on behalf of Taylor Wimpey (UK) Ltd. para 21 for further comments.	Comment noted. See response above in Boyer on behalf of Taylor Wimpey Ltd para 21
Severn Trent Water Ltd (Mr Chris Bramley, Strategic Catchment Planner)	<p>Whilst the overall principles of section 10 are fine, paragraph 10.5 purely focuses on water quantity and Flow. Good SuDS design should look to deliver wider benefits.</p> <p>When reviewing current industry best practice for SuDS (C753 The SuDS Manual CIRIA) it is clear that SuDS should manage water quantity (slow the flow), Water Quality (remove contaminants), Biodiversity (create opportunities for plants and animals to thrive) and Amenity (create areas that can be utilised by people for</p>	Para 10.7.6. of the adopted Local Plan already highlights the potential benefits of SuDS including for biodiversity and water quality improvements and the provision of open space.

	enjoyment). paragraph 10.5 should be expanded to represent all 4 aspects of good SuDS design.	
Mr Peter Hill	Strongly agree	Comment noted
Mr Michael Major	HDC should have its own flood experts as the present system of being referred to the LLFA is inadequate. The LLFA appears to sub-contract the service to 3rd parties who on some occasions are employed by developers so a conflict of interest could be perceived.	Leicestershire County Council (LCC) is the Lead Local Flood Authority (LLFA) and has published a planning applications LLFA statutory consultation checklist which should be read in conjunction with their Interim LLFA Guidance Notes: Planning and Development in Leicestershire. As such it is entirely reasonable for Harborough District as LPA to consult LCC as the LLFA for information and guidance on this matter.
<b>SECTION ELEVEN: BROADBAND CONNECTIVITY</b>		
Boyer (Miss Natalie Kent, Planner) on behalf of Taylor Wimpey	<p>Similar to other sections of the SPD, this discusses local and national policy, and the only real guiding part is at paragraph 11.3 which states that “All new developments should have access to superfast broadband (of at least 30Mbps)”.</p> <p>The provision of this level of broadband speed is, however, outside the control of developers as the remit for broadband provision lies with telecoms providers.</p> <p>Therefore, it is not appropriate for this to be included in the SPD and this section should be removed, as this requirement is ultra vires of what an LPA can enforce upon a developer, as the latter do not have the legal capacity to require a certain broadband speeds to be provided by telecoms companies.</p>	<p>The SPD has been updated to explain that Local Plan Policy IN3 – Electronic Connectivity requires major developments only to be permitted where adequate broadband infrastructure is to be made available to all residents and/or users of the development. The policy states that major developments should incorporate a bespoke duct network designed and implemented in association with a recognised network provider and where viable a fibre to the premises (FTTP) solution.</p> <p>The SPD therefore recommends that developers should take active steps to incorporate superfast broadband, ideally an FTTP solution, wherever possible, and that all developers should engage with telecoms providers as early as possible (at the pre-planning phase) to ensure that broadband connectivity will be available to residents as soon as the homes are occupied.</p>
Environment Agency (Mr Nick Wakefield, Planning Advisor)	Neither agree or No suggested changes/comments to make in relation to Section 11.	Noted
Houghton Parish Council (Mr Ian Hill, Chairman)	11.3 Here you state the objective of Superfast Broadband to be “least 30Mbps”. This is not the definition used by the Superfast Leicestershire initiative	The SPD has been updated to explain that Local Plan Policy IN3 – Electronic Connectivity requires major developments only to be permitted where adequate broadband

	and BT OpenWorld, and should be “at least 100Mbps”, You should correct this, or remove the term “Superfast”.	<p>infrastructure is to be made available to all residents and/or users of the development. The policy states that major developments should incorporate a bespoke duct network designed and implemented in association with a recognised network provider and where viable a fibre to the premises (FTTP) solution.</p> <p>The SPD therefore recommends that developers should take active steps to incorporate superfast broadband, ideally an FTTP solution, wherever possible, and that all developers should engage with telecoms providers as early as possible (at the pre-planning phase) to ensure that broadband connectivity will be available to residents as soon as the homes are occupied.</p>
Boyer (Mrs Raj Bains, Senior Planner)	Disagree. Please refer to statement provided from Boyer on behalf of Taylor Wimpey (UK) Ltd. para 25 for further comments	See response to Boyer planning (above).
<b>SECTION TWELVE: LEICESTERSHIRE COUNTY COUNCIL</b>		
Environment Agency (Mr Nick Wakefield, Planning Advisor)	No suggested changes/comments to make in relation to Section 12.	Noted.
Leicestershire County Council (Mr Oliver Meek, Team Manager-Planning)	There is no contact here for the County Planning Obligations team. The e-mail address is PlanningControl@leics.gov.uk and it would be useful to have this information to direct developers to the correct place.	Comment noted. SPD has been amended to provide these contact details.
<b>SECTION THIRTEEN: DOCUMENT OVERALL</b>		

<p>Boyer (Miss Natalie Kent, Planner) on behalf of Taylor Wimpey</p>	<p>Having reviewed the draft Planning Obligations Supplementary Planning Guidance for HDC, we have highlighted a number of issues with it. This is largely based upon a lack of detailed or useful information, as in its current form the guidance frequently fails to do little more than set out national or local policy, and provides some basic signposting. This includes areas such as affordable housing, healthcare, community safety and sustainable drainage. This appears to mirror the approach taken by the County Council in their 2019 Planning Obligations Policy document, which again is very vague, particularly in relation to healthcare, sports and recreation and community safety contributions.</p> <p>Alongside this, the lack of detail in relation to what monetary contributions will be requested for each obligation type (be that on a per capita, dwelling type etc. basis) makes it very difficult for a developer to be able to assess the potential and the reasonableness of contributions. Similarly, the lack of clarity for developers on contributions, which are not defined but may be requested at application determination stage, does not enable these costs to be priced into development appraisals when formulating bids or offer prices for site/land acquisition.</p> <p>In contrast, other sections (e.g. that in relation to broadband provision) are overly prescriptive in that they set a requirement for developers to ensure for example that at least 30MB broadband is made available, despite this not being within the power of a developer to ensure this is implemented. Furthermore, there do seem to be some elements that are fiscally onerous, particularly the requirements for open space. In addition, there is a lack of justification for the approach taken to calculating</p>	<p>The SPD does not set policy or introduce new charges, it simply offers further guidance about existing adopted Local Plan policies which have already been subject to whole plan viability testing.</p> <p>The PPG on viability is clear that it 'where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.'</p> <p>If there are site specific factors that mean the viability of a particular site differs significantly from that modelled in the whole plan viability testing applicants can submit a viability appraisal setting out the reasons that necessitate a site-specific viability appraisal. As explained in para 5.3.10 of the adopted Local Plan 'in such cases the Council will commission an independent review of the viability assessment, for which the applicant will bear the cost'.</p> <p>S106 contributions are sought to mitigate the impact of individual development and as such each is assessed on its merits on a case-by-case basis. A tariff-based system for all contributions is therefore not appropriate.</p> <p>The section on broadband has been updated to refer to the Local Plan policy requirement for adequate provision.</p> <p>The content of the HOSS falls outside the scope of this SPD. The HOSS was prepared after consultation with residents, Parish Council, officers, other stakeholders and developers. As paras 9.3.4 and 9.3.5 of the adopted Local Plan states the HOSS (2016 to 2021) or any subsequent iterations will set out the local standards that will be applied for Open Space contributions. The SPD has been amended to reflect the fact</p>
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	<p>commuted sums towards affordable housing.</p> <p>Finally and very significantly, there does not appear to have been any viability testing carried out to assess the impacts of the additional costs of the various defined and undefined planning contributions on delivering development. Without this analysis, the Council cannot be certain that the obligations sought and their related additional costs can be viably supported by sales and rental values across the District when construction and related costs, developer profit, the cost of land and any premium required to release it have been analysed. Where development viability is marginal, the additional cost burden of planning obligations will render it unviable and stymie development from coming forward. The lack of up to date viability testing coupled with lack of detail and definition to the obligations sought in the draft SPD raises serious questions about its robustness and justification.</p> <p>Based on the above, we consider that the Council should withdraw the current draft SPD, undertake the required amendments and additional work, and subsequently re-issue a revised SPD alongside the aforementioned viability work etc. so those with an interest in delivering development within the district can properly understand and assess all of these elements. The current draft, as it stands is lacking in some areas, and unduly onerous (whilst at the same time unjustified) in others, and thus is not suitable for adoption in its current form.</p>	<p>that the HOSS has been updated and signposts readers to the latest new 2021 version.</p>
<p>Natural England (Jacqui Salt)</p>	<p>Thank you for your consultation on the above dated 11 December 2020, which was received by Natural England on 11 December 2020.</p> <p>Natural England is a non-departmental public body. Our</p>	<p>Comments noted. As this SPD does not set policy, but provides information on how s106 agreements will be evidenced, calculated and secured, no SEA or HRA is needed. 'The Environment Agency, Historic England and Natural England were consulted on a SEA Screening Report for the</p>

	<p>statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.</p> <p>Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>An SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p> <p>Please send all planning consultations electronically to</p>	<p>draft PO SPD (1<sup>st</sup> consultation). This Screening Report concluded that the SPD does not require a SEA or an HRA. All 3 consultees agreed with the conclusion of the Screening Report.</p>
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	the consultation hub at consultations@naturalengland.org.uk.	
Environment Agency (Mr Nick Wakefield, Planning Advisor)	The Environment Agency has no comment to make in response to this question.	
Houghton Parish Council (Mr Ian Hill, Chairman)	There is no reference to the current set of government proposals for overarching reforms of the planning system which are in the consultation stage. Should these not be at least mentioned? If they are considered to have no impact on this document, it would be useful to state the rationale for that view.	The PWP proposals are still emerging and may change. This SPD relates to the current adopted Local Plan. Any proposals in the PWP will be taken forward in the next Local Plan. No change required.
William Davis (Mr James Chatterton, Planner)	<p>Overall WDL would like to support the provision of the SPD, which would add transparency to, as well as speed up, the planning application process and support Centrals Governments present “build, build, build” programme. However, it is suggested there is a need for greater clarity on how the SPD will respond to imminent White Paper actions. As the proposed changes and the potential Infrastructure Levy will be fundamental to the role this SPD can play.</p> <p>WDL would also like to highlight the SPD, within para 5.1, references an out-of-date definition of major development. The NPPF has now removed the gross floorspace threshold in reference to residential development. Therefore, WDL would like to query which definition will be used going forward.</p>	<p>Any proposals in the PWP will be taken forward in the next Local Plan. This SPD relates to the current adopted Local Plan and cannot set policy.</p> <p>The SPD has been updated to reflect the changed Government policy on affordable housing, that it can be sought only on major developments, with major housing development being defined as schemes of more than ten units.</p>
Mr Peter Hill	<p>There seems to be a complete lack of consideration of climate change mitigation.</p> <p>Making planning permission conditional on including feature to mitigate climate change and meet renewable energy obligations would provide a driver to improving the quality of building developments.</p>	The SPD cannot set policy. It adds further explanation to the adopted policies in the Local Plan. Policy CC1 Mitigating climate change in the Local Plan addresses this issue. The issue of climate change is important, and will feed into the considerations of the next Local Plan.

		Separately from the SPD, HDC has declared a climate emergency and has members and officer working group looking specifically at the issue of Climate Change.
Environment Agency (Mr Nick Wakefield, Planning Advisor) [5127]	The Environment Agency is not aware of any other key infrastructures which are likely to be needed as a result of new development. (The Environment Agency's infrastructure assets are flood defences.) However, we would not expect the need for additional flood defences as a result of new development since the Local Planning Authority should be steering new development to areas at least flood risk through the application of the (flooding) sequential test.	Comment noted. The SPD does not set policy or allocate land for development. Seeking to minimise the risk of flooding is a factor in considering Local Plan allocations and the development management process seeks to steer new development to areas at least flood risk through the application of the (flooding) sequential test.
Highways England (Eri Wong, Midlands Operations Directorate) [6834]	<p>The Planning Obligations SPD 2020 is intended to inform developers, landowners, infrastructure providers and local communities about the approach Harborough District Council takes to secure community infrastructure and affordable housing through planning obligations.</p> <p>We note that the document identifies Highways England as one of the infrastructure providers that will be consulted on planning applications that might impact on the service we provide, which is welcomed. We also note that developer contributions will be sought for the provision and funding of additional or renewed infrastructure, which includes highways and transportation, to create additional capacity in order to satisfy the demands arising from developments and to make them acceptable. We welcome this.</p> <p>We have no further comments to provide in relation to this consultation although we welcome the detailed information set out by the Council to facilitate the planning process.</p>	Comments Noted. Support welcomed.

	<p>We trust the above is useful in the progression of Harborough District Council Planning Policy documents.</p>	
<p>Newton and Biggin Parish Council (Ms S Esworthy, Parish Clerk) [3863]</p>	<p>I tried without success to send my Parish Councils comments in to you via your planning portal this afternoon. Unfortunately the system would not allow me to register. I called for technical support a number of times and eventually spoke to a planning officer who could not help with access to the portal, but suggested I submit our response to yourselves and as it was Friday and no-one was around for advice, I was assured that, given the inaccessibility of the portal and advice, that the comments would be considered beyond the deadline of 5pm.</p> <p>I tried unsuccessfully to get this to you within the deadline, but was assured that this really was not an issue. So here are the comments on the above from the Parish of Newton and Biggin Parish Council (PC) in which there is a question for clarification.</p>	<p>The comments on the difficulty in submitting a response to the SPD have been noted, and will be followed up separately. The comments received have been accepted and considered. The SPD has been updated to refer to the approach to securing s106 relation to cross-boundary sites. The wider impacts of development beyond the HDC boundary are considered in both the plan-making and decision-taking stages of the planning process. This will include consultation with neighbouring authorities including Rugby Borough Council and Warwickshire County Council where appropriate.</p> <p>The Parish Council may also wish to consider monitoring the weekly list of planning applications for proposed developments to keep up to date with any development proposals which might be impact on their parish. To make a request for the weekly lists, please contact <a href="mailto:planning@harborough.gov.uk">planning@harborough.gov.uk</a></p>

	<p>Thank you for the chance to comment on your emerging policies.</p> <p>Newton and Biggin Parish Council has nothing to say in respect of the Development Management SPD or the Development Management Local Validation List, but it would like to respond to the consultation on the Planning Obligations SPD.</p> <p>The Parish Council is in Warwickshire but has a common boundary with Harborough along the A5. Whilst the PC is not aware of any development proposals within Harborough at the present time it is possible that such proposals may emerge in future. In the event of such a development adversely impacting on Newton and Biggin is there any provision in the SPD for 'out of area' (ie different District, different County) developer-funded mitigation to be secured?</p>	
<p>Houghton Parish Council (Mr Ian Hill, Chairman)</p>	<p>We are currently in a time of rapid change of the behaviour of large sections of our population due to the effects of the long-term measures to adapt to mitigate Climate Change, and the perhaps shorter-term influence of the world-wide pandemic. Travel, housing, employment, and local infrastructure are all affected. The changes might be broadly summarised in terms of lifestyles of more 'localised' communities depending on local facilities to which walking and cycling can be facilitated. 'Working from home' implies more people spending more time in their homes, provision of office spaces requiring better broadband services and local access to postal and parcels services. Private vehicle traffic is likely to decrease, and the situation for public transport is unclear until the long-term effects of the pandemic are established. More opportunities for</p>	<p>The SPD cannot set policy. The issues of the impact of the pandemic, changing behaviours, working from home, sustainable transport and climate change are important, and will feed into the considerations of the next Local Plan.</p> <p>HDC has declared a climate emergency and has members and officer working group looking specifically at the issue of Climate Change.</p>

	<p>outdoor exercise and leisure occur and may need enhanced facilities available at a local scale.</p> <p>New developments, presumably built for at least a 50-year lifetime, should be considered with respect to their potentially different needs, and their new demands on existing infrastructure and facilities.</p>	
Leicester City Council (Planning Policy, Planning Policy Team)	The document should refer to the need to work in close partnership with the relevant authorities and with Leicester City Council on needs arising from growth and development of sites beyond the City boundary	The Leicester and Leicestershire authorities have a long history of working together on planning matters. The recognition of this is welcomed. The SPD does not set policy or allocate site for development. The SPD has been amended to include some suggested wording, slightly amended, from Oadby and Wigston BC in relation to cross-boundary sites.
Mr Peter Hill	There is no mention of low carbon technology such as district heating, a requirement to undertake feasibility studies into low carbon energy sources could be included in the conditions for consideration of a development. The NPPF requires carbon reduction to be considered and the Harborough district is the worst performing area of Leicestershire in this respect, it could go some way towards mitigating this.	<p>The SPD cannot make policy. Issues such as low carbon technology, district heating systems and carbon reduction will be picked up in the next Local Plan</p> <p>HDC has declared a climate emergency and has members and officer working group looking specifically at the issue of Climate Change.</p>

**Appendix 2 - Summary of comments received during the re-consultation period and responses.**

Name of person/organisation submitting comment	Comment	Council Response
<b>SECTION ONE: INTRODUCTORY</b>		
Leicestershire County Council	Paragraph 1.3 of the SPD for clarity if LCC Planning Obligations Policy should ever be updated it would be appreciated if its reference could be updated throughout the document to read Leicestershire County Council Planning Obligations Policy 2019 (and subsequent revisions).	Para 1.3 refers to documents that have informed this SPD. Whilst it is noted the Leicestershire County Council Planning Obligations Policy 2019 <a href="https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/8/16/Planning-Obligations-Policy.pdf">https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/8/16/Planning-Obligations-Policy.pdf</a> may be subject to revision in the future, the current version that has informed the SPD is the 2019 version. It would therefore be inappropriate to refer a future update in this particular paragraph. However, a new para has been added that highlights the need to refer to County Council policies directly from LCC website, as they may have been updated. A new sentence has also been added to Section 14 saying the LCC policy will be kept under review.
Boyers Planning on Behalf of Taylor Wimpey	Biodiversity net gain should be considered through Local Plan Review. Policy linkages should be provided through the document.	Section 11 of the SPD addressed Biodiversity, as this is an area of policy where a S106 contribution may be required. The current Local Plan already required no net loss of Biodiversity, and this policy will be reviewed in the next Local Plan to take account of the changing national policy in this area. In the interim, some developers may wish to deliver Biodiversity Net Gain and the Government is keen for LPAs to encourage this. Section 11 of the SPD has been updated to reflect the Environment Bill becoming an Act.
<b>SECTION TWO: POLICY ON PLANNING APPLICATIONS, consultation questions 1 &amp; 2</b>		
Boyers Planning on Behalf of Taylor Wimpey	Section 2 of the SPD should give flexibility in the wording of the SPD and Local Plan policies which underpin the contributions sought. Under IN1 appropriate viability assessments can reduce/remove planning obligations should the case be demonstrably Need to ensure the SPD accords with paragraph 58 of NPPF.	The Viability Section, found in Chapter 3 of the SPD, address viability issues. This already includes references back to policies in the Local Plan that allow for site specific viability assessment. Although the impact of S106 requests on viability is noted, in line with the NPPF any site-specific discussions would be undertaken on a case-by-case basis if evidence demonstrated not all obligations could be afforded by that particular scheme. Viability issues are adequately addressed in the SPD, Local Plan Policies and NPPF, so no change this section of the SPD is needed.
Boyers Planning on Behalf of Taylor Wimpey	The SPD should be mindful of the combined contribution and viability impact of conditions and planning obligations.	The Viability Section, found in Chapter 3 of the SPD, address viability issues, as does the Local Plan itself. The impact of S106 requests on viability is noted and the SPD already states that site specific discussions can be undertaken on a case-by-case. No change needed.
Boyers Planning on Behalf of Taylor Wimpey	Further clarification should be provided in paragraph 2.7 of the document where the relevant planning policies for each potential planning obligation should be stated to signpost applicants/prospective applicants to the policy requirement that underpins the requirement for each planning obligations.	The SPD should be read as a whole; each individual topic section includes references to the relevant Local Plan policies. Section 2 of the SPD provided an overview and summary of the range of issue S106 contributions may be sought for, with more detailed information provided in the subsequent sections. Additional headings have been added to the subject specific section of the SPD to set out the policy background for each S106 request.

Historic England	No Comments on SPD	Noted.
Leicester City Council	Para 2.9 of the SPD refers to the two-tier system in the County with responsibilities set out for the Districts and Boroughs and the County being responsible for highways. Reference to Leicester City Council is required as being responsible for all functions including highways – 3 <sup>rd</sup> party contributions may be sought for infrastructure where developments near the city boundary might have impacts on the City.	Comment noted. Additional wording has been added to Section 3 to highlight that the City and County Council's role as highways authority. No other changes are needed.
Mr. David Munnery	An explicit reference to s106 could help provide greater clarity	Changes have been made to the wording and formatting of Section 2 to improve clarity.
Lutterworth Town Council	Yes. We understand the rules around the justification however are not necessarily clear as to whether or not they are always applied. The rules around justification would usually limit the content of an S106 agreement, in that they have to comply with the three CIL tests. However, we have experience where money is included within an S106 agreement that is of no use to the community whatsoever, while at the same time money that is needed as a direct result of the development is completely excluded from the agreement.	Comment noted. The scope of possible S106 contributions is informed by adopted Local Plan Policies. As the SPD explains in Section 2 requests for contributions also have to comply with the three tests under the CIL Regulations 2019. An additional para has been added to Section One to explain that policies set out what contribution can be sought for, and an individual assessment of the application will be undertaken to determine what will be sought for in relation to a particular scheme. An additional para has been added to Section 3 that sets out how Town and Parishes Council can contribute to s106 evidence and justification as part of their response to planning application consultations.
Dr. Neil Burton	This needs to be future proofed e.g. no gas connection, orientation of roofs to allow PV panels, car charger points, porous driveways, cycle paths to town centre, etc. The new green agenda needs to be embedded.	The SPD provide further detail on the application of adopted policies in the Local Plan. The SPD itself cannot write policy. It will be for the next Local Plan to review the current policies, including a review of policy on climate change. No change to the SPD is needed.
Mr. Peter Jones	By improved granularity of "cause" it will be easier to achieve improved consistency of any valuation /award in different communities or developments.	Comment welcomed.
Mr. Peter Jones	These categories fine tune the specifics of the obligations and thus render the basis of any allotment of funds more transparent.	Comment welcomed.
Lutterworth Town Council	Yes. It is fair to say that the scope of Section 106 contributions is clear. Whether local parishes think that it goes far enough or is flexible enough to deal with changing needs throughout the life of the creation of the development is a different matter.	Comment welcomed. An additional para has been added to Section 3 that sets out how Town and Parishes Council can contribute to s106 evidence and justification as part of their response to planning application consultations.
West Leicestershire CCG	The LLR CCGs are supportive of the vision set out in the policy and would want to work collectively with you to understand in more detail how the local NHS can contribute to its delivery. Many of the themes identified in the policy will impact upon the wider determinants of health and as a result population health outcomes. We would therefore welcome working together to maximise	Comment welcomed. Opportunities for close working on the policy framework for Health will be an important part of the next Local Plan. Early engagement with the LLR CCG in this process will be important and welcome.

	opportunities to improve the health and wellbeing of the population.	
Severn Trent Water Ltd	We do not have any comment to make regarding this consultation.	Noted.
<b>SECTION THREE: MANAGING PLANNING OBLIGATIONS, consultation question 3</b>		
Leicester City Council	Paragraph 3.6 of the SPD is considered very general about cross boundary Planning applications. Suggested reference to Leicester City required as being responsible for all functions including highways – 3 <sup>rd</sup> party contributions may be sought for infrastructure where developments near the city boundary might have impacts on the City.	Para 3.6 has been relocated within the document to create a separate stand-alone section on cross-boundary application (This also removed some duplication in the previous version of the SPD). The SPD should be read as whole and para 3.6 explains the split of function in two-tier authorities as is the case in Harborough. Consultation with neighbouring authorities may involve other borough and district councils in Leicestershire and/or the unitary authorities of Leicester City, North Northamptonshire and West Northamptonshire. The SPD already stated that neighbouring authorities would be consulted on schemes that may have cross-boundary implications. This has now been expanded to include specific reference to the fact the neighbouring authority may be a district, borough, county or unitary councils.
Leicester City Council	Paragraph 3.13 of the SPD - a suggested amendment to the first sentence to read "where an application site lies partially within or having a substantial impact on services or the environment of a neighbouring local authority...	Comment noted. SPD changed as suggested.
Boyer Planning on behalf of Taylor Wimpey	Paragraph 3.14 of the SPD important the 3 tests under CIL Regulation 122 and NPPF 57 are met when the Council assesses planning obligations requests. Agreed with overall approach but should be mindful of combined contributions and viability of planning conditions and obligations. Considers Policy IN1 does not provide sufficient consideration of the combined impact of conditions and planning obligations.	The Local Plan has been through the statutory plan making processes including the production of a Local Plan Viability Assessment and Infrastructure Delivery Plan (IDP). Policy IN1 is adopted, and therefore its content is outside of the remit of the SPD. National and Local Plan policies already allow for site specific viability appraisals. The Viability Section, found in Chapter 3 of the SPD, address viability issues, as does the Local Plan itself. No further changes needed.
Boyer Planning on behalf of Taylor Wimpey	Further clarity should be provided as to the extent of additional contributions that could be sought for the maintenance of assets secured through planning obligations, and what the policy justification would be by which the requested sum would be derived from. Naturally, it is appreciated that this sum will vary on a case-by-case basis, however a calculation for how this sum is arrived at would be fair and transparent.	Policy GI2 in the Local Plan includes the requirement for the responsibilities for management and maintenance of the open space, sport, and recreation facility to be established prior to development commencing. The most appropriate mechanism for this will depend on specific circumstances of the site and the facilities provided. Section 4 of the SPD provides further guidance on this issue and has been amended to include specific reference to the potential for a financial contribution for maintenance.
Leicester City Council	Paragraph 3.16 of the SPD only refers to County being responsible for highways and transportation with no	Section 3 has expanded to include specific reference to the Highways Authority role of the County (as Harborough is a two tier authority) and the City (as a neighbouring authority) .



	reference to the City. Reference City Council as infrastructure provider for highways in city.	
National Highways, Rep ID: 8361	Paragraph 3.16 of the SPD noted that reference to National Highways(NH) as one of the Infrastructure providers has been removed. NH has a statutory role in the planning process consider it should be included as a key infrastructure provider.	Section 3 has been amended to include reference to Highways England.
Boyer Planning on behalf of Taylor Wimpey	The provision of further guidance on monitoring and the monitoring fees background evidence paper is welcomed. Requirement for Infrastructure Funding Statement (IFS) is key part of the process. Monitoring fee must comply with 3 tests under Regulation 122 of CIL Regulations. Case law requires that fees must be reasonable reflect actual cost of monitoring. Monitoring Fee Background Evidence Paper is welcomed. What mechanism is in place to reduce the monitoring fee should site visits be able to be undertaken to assess more than one trigger point. Modern working practices could reduce the need for site visits by regular dialogue with developers – explore ways to innovate solutions and effective working practices.	The Monitoring Fee Background Evidence Paper clearly sets out the way the monitoring fees have been calculated and the evidence to support the approach. Site visits are currently an essential element of monitoring approach in Harborough, and the approach to monitoring fees is based on the number of site visits required. The Monitoring Fee Background Evidence Paper already says in para 3.12 that 'where trigger points are concurrent it is reasonable to assume a single site visit would be made to assess multiple triggers'. So, this has already been factored into the calculations. As required by National Guidance LPAs must report on monitoring fees in their Infrastructure Funding Statements. No change needed.
Dr. Neil Burton	Get ahead of the game! Bring the green agenda to the fore in the guidance e.g. no gas connection (heat pumps), water conservation measures, solar PV fitted as standard along with car charging points (roof orientation), porous driveways, pedestrian/cycle ways to community facilities and town centre, etc.	The SPD provide further detail on the application of policies in the Local Plan. The SPD itself cannot write policy. It will be for the next Local Plan to review the current policies, including a review of policy on climate change. No change to the SPD is needed.
Mr. Peter Jones	The requirement is clear and explicit in terms of developer liability. There are also clear statements on public access and independent evaluation which will further aid transparency compared to the current opaque process.	Comment noted. Support welcomed.
Leicestershire County Council	The County Council is concerned that HDC may prioritise contributions due to it and perhaps waive contributions due to the county council in the event of any viability challenges; this is not specifically addressed and the only example mentioned relates to affordable housing, which is a district specific function. Further clarity and assurances on this would be appreciated. In the event that there is a viability challenge against the County Councils' requests, early engagement with	National policies and policies in the Local Plan allow for site specific viability assessment where the impact of S106 requests undermine viability. Any site-specific discussions would be undertaken on a case-by-case basis informed by evidence the evidence presented. If it was accepted that the burden of Section 106 requests for a particular scheme made the development unviable negotiations would proceed on the basis of finding a viable scheme that delivered maximum public benefits and was acceptable in planning terms. This would include ongoing engagement with all relevant parties. No change needed to SPD.

	the County Councils Planning Obligations Team is very much welcomed and encouraged.	
William Davis Ltd	<p>The first sentence of paragraph 3.2 should be rewritten to be clearer. At present it could be interpreted as applicants being required to provide details of the impact on infrastructure. It is be amended to read "Planning applications should be accompanied by sufficient details to allow the likely impacts to be identified and understood by stakeholders".</p> <p>Paragraph 3.21 requires that draft Heads of Terms for a s106 agreement are available before applications are determined. An application is only determined once the decision notice is issued at which point a fully signed s106 agreement should be available. As such this should be amended to read "Planning applications which require a planning obligation will not be taken to planning committee until there is a draft Heads of Terms for s106 Obligation".</p> <p>William Davis support the proposal in Paragraph 3.24 to allow drafts of s106 agreed to be prepared by the applicant. This will help speed up the negotiation process.</p> <p>The proposal in Paragraph 3.25 for draft versions of the s106 to be made publicly available is not supported. There are often several iterations of these documents with subsequent changes as negotiations proceed. It is likely to be confusing for members of the public if several versions are available. It is recommended that only the final signed draft is made available</p>	<p>The suggested 3.2 wording for para helps provide clarity for developers on what it expected of them. The suggested wording has been added in Section 3 but as a stand-alone paragraph.</p> <p>SPD has been amended to include reference to the need for a draft a planning draft Heads of Terms for S106 and what should be included within it.</p> <p>Support for para 3.24 welcomed.</p> <p>SPD has been amended to make it clear that the final version of the S106 agreement will be made publicly available. It may be in some cases earlier versions are shared but this may not be the case in all circumstances.</p>
Lutterworth Town Council	No. Object - In the previous consultation, there were numerous comments regarding the need to consult with local communities about local needs. We fully support the proposals agreed at the Cabinet Meeting of 10th May 2021, particularly Appendix A and the reference to consultation, and on 30th June 2021 we were assured by the Leader and Chief Executive that ALL S106 agreements would be formed following consultation with the relevant local Parish and Town Councils. This has not happened, and it needs to in order to generate trust and integrity in the system	The SPD has been updated to include clearer references to the role of Town and Parish Councils in responding to planning application consultations, and how they can use this process to flag any comments, concerns or requests for s106 contributions, which will then be considered by the DM officer. The section on two tier authority has also been expanded with an additional section about s106 elements which are which are not District or County Council functions, including reference to the role of Town and Parish Councils.

**SECTION FOUR : TRIGGER POINTS FOR PLANNING OBLIGATIONS, consultation questions 4, 5 & 6**

Pegasus Planning Group on behalf of Davidsons Development	Section 4 of the SPD discusses trigger points for planning obligations. Paragraph 4.1 refers to trigger points to be agreed in section 106 agreements linked to particular milestones, with examples given commencement of development, first occupation or at 50% occupation. As worded the SPD suggests that the only trigger points will be at commencement of development and at 50% of occupation. The SPD should be clear that trigger points will vary depending on the proposed development and nature and timing of associated contributions. The SPD should be amended to make it clear that appropriate trigger points will be a matter for agreement between the applicant and the Council in relation to individual development proposals.	The SPD has been amended to make it clearer that the trigger point example, is an example, and trigger points would be negotiated and agreed with the developer.
Boyer Planning on behalf of Taylor Wimpey	Further clarification should be provided as to the extent of additional contributions that could be sought for the maintenance of assets secured through planning obligations and what the policy justification would be by which the requested sum would be derived from.	The planning obligations SPD sets out that site specific requirements which could include maintenance where justified. No change needed.
Boyer Planning on behalf of Taylor Wimpey	Monitoring fees must be appropriate in the context of the three CIL tests as contained in Regulation 122 of the 2011 and 2019 Regulations. Such costs must be proportionate, reasonable and reflect the actual cost of monitoring.	The SPD already clearly states that all obligations must meet the CIL Tests. An additional para has been added to Section One to explain that policies set out what contribution can be sought for, and an individual assessment of the application will be undertaken to determine what will be sought for in relation to a particular scheme.
Davidsons Developments Limited	Concern about the reference to trigger points implies that triggers will relate to 50% completion and should be clearer that triggers will depend on the particular circumstances of the site	The SPD has been amended to make it clearer that the trigger point example, is an example, and trigger points would be negotiated and agreed with the developer.
William Davis Ltd	The ability to phase payments in Paragraph 4.2 is supported. However, as written, it is considered that this paragraph could give the impression that there will only be two tranches. It is considered that it would read better as follows. "Subsequent tranches would be payable at levels of occupation to be agreed."	The SPD has been amended to make it clearer that the trigger point example, is an example, and trigger points would be negotiated and agreed with the developer.
Leicestershire County Council	With reference to 4.7 it would be appreciated if the County Council's legal fees could also be referenced within this point as we will also seek to recover legal costs in a similar way to HDC	The Legal and Monitoring Fees section of Section 4 of the SPD refers to the District Council. The County Council functions, including requests for their monitoring and legal fees, are addressed elsewhere in the document. No change needed to this paragraph.
Dr. Neil Burton	Support green agenda embedded	Comment noted.
Mr. P. Jones	In North Kilworth on 2 separate developments maintenance liabilities have been sidestepped, apparently via buried clauses in property sale deeds. On one the site is claimed as an offset for S106	Paragraph 4.6 and 4.7 of the SPD references the maintenance of assets secured through planning obligations. The approach is considered appropriate and will be on a case-by-case basis. No further clarification required. No change to SPD.

	liabilities. On the other it is not clear, so any changes need to highlight this risk.	
Leicestershire County Council	Point 4.4 and the wording around "...payment of financial obligations significantly beyond the stipulated trigger points..." which references interest charged on late payments is too vague; could "significantly beyond" be clarified...	The District Council approach to late payment is that each case would be judged individually with reference to the s106 agreement and specific circumstances of the non or late payment. No change to SPD.
Leicestershire County Council	Yes – this is clearly a robust methodology of calculating monitoring fees, however there is no reference to reviewing these fees in the future; has the frequency of review been considered or agreed?	The Schedule of Costs 2021/22 was consulted on as part of the SPD re-consultation. This sets out that the figures will be subject to review, usually on an annual basis. Section 4 has been amended to explain fees will be reviewed to ensure they reflect actual costs.
Mr. P. Jones	Question 4 - Quite clear	Comment noted No change to SPD
Mr .Peter Jones	Answer to question 5 - Seems quite clear.	Comment noted
Lutterworth Town Council	Do you have any comments on monitoring fee? No	Comment noted
Lutterworth Town Council	Does the revised SPD provide clear guidance the Legal and monitoring fees. Yes.	Comment Noted. Support welcomed
Lutterworth Town Council	There is significant concern regarding the maintenance of assets and facilities following the completion of a development. It cannot be left to developers to ensure that adequate arrangements are in place, simply because they either move on and fail to maintain or sell the obligation out to a company whose details are not known to local councils, making it difficult to chase. If District Councils are not going to take responsibility for the effects of approved planning, then finance must be put in place through S106 to allow local councils to fund the maintenance.	Policy G12 in the Local Plan includes the requirement for the responsibilities for management and maintenance of the open space, sport, and recreation facility to be established prior to development commencing. The most appropriate mechanism for this will depend on specific circumstances of the site and the facilities provided. Section 4 of the SPD provides further guidance on this issue and has been amended to include specific reference to the potential for a financial contribution for maintenance. The section on two tier authority has also been expanded with an additional section about s106 elements which are which are not District or County Council functions, including reference to the role of Town and Parish Councils.
Lutterworth Town Council, Rep ID: 8350	No comment (question 6 on the monitoring fee background paper evidence).	Comment noted. No change to SPD.
Boyer Planning on behalf of Taylor Wimpey	Create a Developer Forum to explore the opportunities available which can be taken in regard to Monitoring Fees to reduce time and cost for the Council and developers.	The Monitoring Fee Background Evidence Paper clearly sets out the way the monitoring fees have been calculated and the evidence to support the approach. The suggestion of raising this at a Developers Forum will be forwarded to DM.
<b>SECTION FIVE: AFFORDABLE HOUSING, consultation questions 7, 8 &amp; 9</b>		
Boyer Planning on Behalf of Taylor Wimpey	The updated guidance in this section of the SPD is welcomed. It is acknowledged that the starting point for the affordable housing mix is to be derived from the table contained in Paragraph 5.15 of the Planning Obligations SPD. However, it is welcomed that an alternative mix can be provided should this be justified against detailed local housing needs evidence or evidence contained in Neighbourhood Plans. Such	Commented welcomed. The new HENA will inform the next Local Plan.

	evidence should include the revised HEDNA mix which will inform the Local Plan.	
Boyer Planning On Behalf of Taylor Wimpey	Amendments made to the SPD in this section are welcomed regarding the inclusion of First Homes. As is set out in the SPD the current Local Plan Policies on affordable housing will continue to apply until the next Local Plan is adopted and therefore it is not the role of the SPD to introduce new or amended existing policy on this subject.	Support welcomed.
Pegasus Planning Group on behalf of Davidsons Developments	Paragraph 5.13 to 5.17 of the SPD sets out the approach to housing mix including affordable housing mix. Previously commented on this section and note it has been clarified that Table 1 provides a housing mix profile related to Affordable Housing. Helpful clarification	Support welcomed.
Dr. Neil Burton	Staged development to ensure affordable housing is included in every phase	Section 106 agreements can include clauses relating to the phasing of development, including when affordable housing must be provided. These are site specific and negotiated on a case-by-case basis.
William Davis Ltd	It is considered that the tenure split of affordable housing should make provision for First Homes. It is also considered that a different level or mix of affordable housing should be considered in a wider range of circumstances, not just to make the development viable, including when it will suit the character of the area or achieve more sustainable outcomes. It should be clarified that Discounted Market Sales form part of the Intermediate tenure type and should be supported as part of the tenure mix include in the SPD.	The SPD already says that the definition of Affordable Housing has been expanded by National Policy to include First Homes. No change needed Although the SPD Viability Section and the Local Plan itself indicate changes may be made to house types to improve viability, Policy H5 of the adopted Local Plan already states that major housing development should provide a mix of house types informed by up-to-date evidence of need. The SPD already refers to low cost homes for sale as forming part of the affordable housing mix. A specific reference to the term Discounted Market Sale has been added.
William Davis Ltd	It is considered that the issue of First Homes should be not be delayed until the next Local Plan and should be addressed in the SPD. The transitional arrangements put in place by the Government apply to the preparation of the Local Plan and to planning applications which have already been submitted (or subject to substantial pre-application discussion) and are determined before March 2022; as such applications to be determined after March 2022 should therefore include First Homes. While it is noted that the Government has yet to issue the s106 templates the NPPG allows for local planning authorities to deliver First Homes in advance of this. It is our view that Harborough BC should therefore address	The SPD sets out that in line with Government Policy consideration of First Homes will be an important part of the next Harborough Local Plan. The SPD reiterates the guidance that the appropriate place to consider if there is evidence to justify a higher level of discount and/or local connection criteria for First Homes in Harborough is through the plan making process. Section 5 of the SPD already makes reference to the transitional arrangements for First Homes and includes recognition of the potential for First Homes exception sites. As with planning applications in general, an application for First Homes would be considered against the adopted Local Plan policy, national policy and other material considerations.

	First Homes in the SPD and take a proactive approach to the inclusion of First Homes in submitted schemes.	
William Davis Ltd	It is noted that the HEDNA is now five years old. Applicants should be able to propose off-site contributions.	The SPD cannot change policy. The SPD relates to adopted policies in the current Local Plan. The next HENA will inform the policies in the next Local Plan. Policy H2 in the adopted Local Plan already allows for off-site commuted sums “where on-site provision is demonstrated to be impractical”
Clarity Property Midlands	<p>There is no basis at all for determining self and custom build applications under Policy H3. Further, adopting this approach in an SPD would be unlawful. The SPD would in effect be creating a new policy that self-build applications fall under Policy H3. Planning documents which set out development management and site allocation policies, which are intended to guide the determination of applications for planning permission must be prepared as a local development document see regulation 5(1)(a)(iv) of the Town and Country Planning (Local Planning) (England) Regulations 2012. A local development document must be submitted for independent examination. Adopting a LDD as an SPD, without examination would renders the document unlawful</p> <p>Policy H3 (Rural Exception Sites) addresses development proposals for affordable housing on small sites in rural areas that would not normally be permitted for housing. It states that these will be approved as rural exception sites where (a) the development would meet clearly evidenced local affordable housing need; (b) the housing remains affordable in perpetuity; (c) the site is proportionate in scale to, closely related to, and in safe and reasonable walking distance of a rural settlement; and (d) the development respects the character, form and appearance of the immediate vicinity and surrounding rural area.</p> <p>This policy has no relevance to an application for self-build housing. The policy only applies to development proposals for affordable housing. The supporting text at paragraph 5.5.1 states that affordable housing refers to a number of housing products as defined by the National Planning Policy Framework (NPPF), 2019. That definition in Annex 2 (now in the 2021 version) is very familiar and we do not need to set it out, suffice to say it does not include self or custom build housing. It is recommended that the Council removes proposed</p>	<p>It is incorrect to suggest that the SPD requires all applications for self and custom build to be determined under policy H3. It does not. Self and custom house-building plots can be provided, and indeed are expected, as part of the larger allocations in the Harborough Local Plan. Plots can also be delivered as windfall site and any proposals for plots on windfall sites would be considered under the relevant adopted Local Plan Policies, particularly the Spatial Strategy in Chapter 3, and the General Development Policies in Chapter 4.</p> <p>What the SPD does say is that where plots are proposed on locations “in rural areas that would not normally be permitted for housing” this means they are exception sites, and as such any proposals for self and custom build-plots on exception sites would be determined under policy H3. Additional wording has been added to the SPD to aid clarity on this point.</p> <p>It is also incorrect to say policy H3 has no relevance to an application for self or custom build housing. Government Guidance on self-build and custom housebuilding specifically mentions (paragraph: 025 reference ID: 57-025-20210508) working with local partners, such as Housing Associations and third sector groups, to custom build affordable housing for veterans and other groups in acute housing need. Affordable custom build housing, such as these types of schemes, could be considered on exception sites.</p>

	paragraph 5.29 in its entirety or risk exposing itself to legal challenge.	
Mr. Peter Jones	Affordable Housing Section (First Homes) If anything it is over detailed	Comment noted. However, it is considered necessary to provide a comprehensive explanation in this section, particularly in relation to First Homes as this is a new area of Government Policy.
Mr. Peter Jones	In the case of North Kilworth we pursued an innovative route in 2015 whereby the freehold interest in the affordable sites was vested in the Parish Council and the lease of 99 years was granted to an approved Housing Association. This route should be considered as a way of funding Parish Councils and reverting affordable homes back into "public" ownership at a point in the future.	Town and Parish Councils can play a key role in enabling community led housing developments. This includes the undertaking of rural housing needs survey and the production of Neighbourhood Plans, as well as other innovative schemes, such as this innovative affordable housing scheme in North Kilworth. The current Local Plan is already supportive of such schemes, no change needed to the SPD.
Mr. Peter Jones	These are detailed and comprehensive conditions. It would be helpful to include a formal responsibility to advise Parish Councillors of the precise distribution in the case of developments in their area.	Town and Parish Council are already consulted on relevant planning applications, including those for housing and affordable housing. No change to SPD needed.
Mr. David Munnery	The flexibility clause appears too open to subjective interpretation. Whilst there needs to be flexibility, quantitative criteria would help to provide greater clarity on affordable housing mix.	The SPD cannot change policy. The wording of policy H2 in the adopted Local Plan uses the term 'about' when setting the tenure split for affordable housing. The policy also allows for a variation in tenure split if this is "justified by reference to the latest assessment of affordable housing need." Flexibility is therefore an integral part of the adopted policy.
Lutterworth Town Council	Does the SPD provide clear guidance on the affordable housing mix. – A. Yes	Comment noted.
Lutterworth Town Council	Does the SPD provide clear guidance on First Homes – Yes	Comment noted.
Lutterworth Town Council	Yes. Local concern exists regarding the setting of rents in "affordable" housing. Rents of "no more than 80% of the Local Market Rent" may be appropriate in some areas but does not create affordability in others. Rising house prices in areas like Lutterworth merely drive up the local market rent, and while there are plans for a further 2,750 houses which in theory should dilute the market, a very high employment area with increasing employment opportunities gives an ongoing demand for new housing. With an average letting price in Lutterworth of £806 pcm currently, even 80% is hardly affordable	Whilst the comment on Affordable Rent is noted, the definition of Affordable Rent is established in National Policy.
<b>SECTION SIX: COMMUNITY FACILITIES, consultation question 10</b>		
Husbands Bosworth Parish Council	Allocation of funding for community facilities: The ideal from the point of view of a Parish Council is that there would be consultation with the Parish Council (as the	The SPD has been updated to include clearer references to the role of Town and Parish Councils in responding to planning application consultations, and how they can use this process to flag any comments, concerns or requests for

	<p>voice of the community in which the development is to take place) as to the community's priorities, and that this would be reflected in the various Section 106 allocations which become available for the Parish to utilise. Paragraphs 6.5 and 6.3 suggest that consultation or discussion takes place, the Parish to have an opportunity for input into the division of funding. Section 106 Agreement do not necessarily equate to the same sums of money becoming available for the Parish to spend on projects.</p>	<p>s106 contributions, which will then be considered by the DM officer. The section on two tier authority has also been expanded with an additional section about s106 elements which are which are not District or County Council functions, including reference to the role of Town and Parish Councils. S106 requests can only be sought where there is a clear policy basis to request them, and the spending of the contributions has to be in accord with legal agreement. The Council's Infrastructure Funding Statement(s) report S106 contribution received and spent. No change needed.</p>
Husbands Bosworth Parish	<p>Paragraph 6.4, Level of Contribution to Community Facilities, makes reference to the "Refresh of the Harborough District Community Infrastructure Assessment' undertaken by Peter Brett 2017, specifically Chapter 4. Although one table from this chapter is included, I would have expected that there would either be a link to the entire document, or that it could be found on the HDC website, via the Search facility. However, there is no link and the Search facility is unable to locate it. The lack of access to these documents means that the reader cannot see the basis on which decisions and calculations have been made</p>	<p>The SPD has been updated to include a link to the Harborough District Community Infrastructure Assessment. The SPD signposts to other documents where these include evidence and calculations used for S106 agreement. There is no need to repeat this level of detail in the SPD, but the key table, which sets out the contributions payable, has been reproduced within the SPD. The work on Harborough District Community Infrastructure is long concluded and as such it's content falls outside the scope of this SPD consultation. Work is ongoing elsewhere in the Council to improve the functionality and searchability of the Council's website.</p>
Husbands Bosworth Parish Council	<p>Paragraph 7.6 there is reference to the Harborough District Playing Pitches Strategy 2018. However, there is no link, and the website search facility cannot locate this document. The lack of access to these documents means that the reader cannot see the basis on which decisions and calculations have been made.</p>	<p>The SPD has been updated to include specific sections on both the Harborough Open Space Strategy (HOSS) 2021, and the Harborough District Playing Pitches Strategy 2019. The SPD signposts to these documents which include the evidence and calculations used, so there is no need to repeat this in the SPD. The content of the Playing Pitch Strategy is already agreed, and as therefore falls outside the scope of this SPD consultation.</p>
Sports England	<p>There is no reference to the Harborough Built Sports Facilities Strategy (BSFS) which deals with Leisure Centres and other built sports facilities. This strategy has already been used in conjunction with Sports England's Sports Facilities Calculator to understand demand from development for sports halls and swimming pools. and the proposed new Harborough LC. The BSFS also updates the position/evidence on supply, demand, use and quality of community and village halls.</p>	<p>The SPD has been updated to include specific sections the Harborough Open Space Strategy (HOSS) 2021, the Harborough Built Facilities Strategy 2020, the Sport England calculator and the Harborough District Playing Pitches Strategy 2018. The SPD signposts to these documents which include the evidence and calculations used. Furthermore, an additional para has been added to Section 1 to explain that Local Plan policies set out what contribution can be sought for, and an individual assessment of the application will be undertaken to determine what will be sought for in relation to a particular scheme. The Council utilises the Sport England Sport Facilities Calculator to help understand demand and need for certain types of sports facilities, both new facilities and improvements to existing ones. The results are used to inform and evidence S106 contribution requests. The Council will continue to work closely with Sport England going forward.</p>



Lutterworth Town Council	Yes. The Community Facilities Officer is excellent at communicating and discussing future needs, and this is exactly the approach that we need across all S106 typologies.	Comment welcomed.
Mr. Peter Jones	Section is quite explicit.	Comment noted.
<b>SECTION SEVEN: OPEN SPACE SPORTS RECREATION PROVISION, consultation question 11</b>		
Boyer Planning on Behalf of Taylor Wimpey Ltd	Sums for open space sport and recreation provision should be justified under Policy G12 of Local Plan. So, we welcome Council's commitment to periodically review the level of need. Additional guidance should be provided on how the SPD and HOSS strategy work together to inform the calculation and controls of commuted sums sought. It is acknowledged that the Open Spaces Strategy falls outside the scope of the SPD but for transparency and to aid timely development the two documents should be in harmony.	The SPD has been updated to include specific sections on both the Harborough Open Space Strategy (HOSS) 2021, and the Harborough District Playing Pitches Strategy 2019. The SPD signposts to these documents which include the evidence and calculations used, so there is no need to repeat this in the SPD. Furthermore, an additional para has been added to Section 1 to explain that Local Plan policies set out what contribution can be sought for, and an individual assessment of the application will be undertaken to determine what will be sought for in relation to a particular scheme.
Mr. Peter Jones	Section is quite explicit.	Comment noted.
Lutterworth Town Council	Does the additional information provide clear guidance on the issue of open space, sports recreation provision? Yes	Comment noted.
Sport England	The Playing Pitch Strategy is successfully being used and currently under review. However, some outdoor built facilities are covered in the Built Sports Facilities Strategy which is not referenced in this section.	The SPD has been updated to include specific sections on both the Harborough Open Space Strategy (HOSS) 2021 The Harborough District Playing Pitches Strategy 2019.
<b>SECTION TEN: HOUSEHOLD WASTE &amp; RECYCLING RECEPTACLES, consultation question 12</b>		
Mr. Peter Jones	Receptacles please! There should be provision for community engagement in developing local community recovery facilities, particularly in relation to locally managed composting and shredding of heavy biogenic waste streams. These are held back in terms (in terms of localised composting facilities e.g.) due to lack of funding.	Comments noted. The idea of community led composting and waste recovery facilities will be passed through to the Waste Team and the Climate Change Group.
Lutterworth Town Council	Does this additional information provide clear guidance on this section? Yes	Comment noted.
<b>SECTION ELEVEN: BIODIVERSITY NET GAIN, consultation question 13</b>		
Pegasus Planning Group on behalf of Davidsons Developments	Section 11 of the SPD deals with Biodiversity Net Gain. The section refers to the Environment Bill. The Environment Bill received Royal Assent on 9 <sup>th</sup> November 2021. Number of its provision will be subject to secondary legislation, including the provisions of biodiversity net gain. The Council should review and amend wording of paragraph 11.6 of the SPD.	Comment noted. SPD has been amended to reflect the progression of the Environment Bill to the Environment Act and the transitional period. The current Local Plan already required no net loss of Biodiversity, and this policy will be reviewed in the next Local Plan to take account of the changing national policy in this area. In the interim, some developers may wish to deliver Biodiversity Net Gain and the Government is keen for LPAs to encourage this.

Leicestershire County Council	The area of Biodiversity Net Gain appears to have moved on since the section was first drafted. BNG is still in an interim stage, pending further regulations from Central Government, but since HDC wrote this, the Environment Act has had Royal Assent, so references to BNG need updating to reflect this.	Comment noted. SPD has been amended to reflect the progression of the Environment Bill to the Environment Act and the transitional period. The current Local Plan already required no net loss of Biodiversity, and this policy will be reviewed in the next Local Plan to take account of the changing national policy in this area. In the interim, some developers may wish to deliver Biodiversity Net Gain and the Government is keen for LPAs to encourage this.
Mr. Peter Jones	The Environment Bill is a damp squib and very vague in terms of provision	SPD has been amended to reflect the progression of the Environment Bill to the Environment Act. We are currently in the transitional period and further advice and guidance on BNG is expected from the Government.
Mr. Richard Wilson	The information is incorrect the Environment Bill received Royal Consent November 2021	Comment noted. SPD has been amended to reflect the progression of the Environment Bill to the Environment Act.
William Davis Ltd	The reference to the Environment Bill in Paragraph 11.2 will need to be updated as it has now gained Royal Assent. It should be noted however that the Environment Act is not yet commenced. Section 147 of the Act sets out that Part 6 of the Act (which includes the sections on biodiversity net gain) only comes into force when the Secretary of State issues regulations. The government's response to the Net Gain Consultation indicated a transition period of two years. While it is accepted that the NPPF (paragraph 174d) requires the provision of net gain and Policy GI 5 of the adopted Harborough Local Plan supports no net loss of natural resources and contribute to wider biodiversity improvements there is no current requirement to achieve a 10% net gain (see response to paragraph 11.2 regarding the commencement of the Environment Act). It should therefore be clarified in the SPD that, until either the Environment Act is commenced, or the Local Plan is reviewed, that the 10% figure is not required by either planning policy or law.	Comment noted. SPD has been amended to reflect the progression of the Environment Bill to the Environment Act and the transitional period. The current Local Plan already required no net loss of Biodiversity, and this policy will be reviewed in the next Local Plan to take account of the changing national policy in this area. In the interim, some developers may wish to deliver Biodiversity Net Gain and the Government is keen for LPAs to encourage this.
Lutterworth Town Council	Does the additional information provide clear guidance on this issue/section? Yes	Comment noted. SPD to be amended to reflect the progression of the Environment Bill to the Environment Act
Boyer Planning on Behalf of Taylor Wimpey	Biodiversity net gain should be considered through Local Plan Review. Policy linkages should be provided through the document.	The current Local Plan already required no net loss of Biodiversity, and this policy will be reviewed in the next Local Plan to take account of the changing national policy in this area. In the interim, some developers may wish to deliver Biodiversity Net Gain and the Government is keen for LPAs to encourage this. Section 11 of the SPD has been updated to reflect the Environment Bill becoming an Act.
<b>SECTION TWELVE: SUSTAINABLE DRAINAGE</b>		

Mr. Peter Jones	The use of the word "should" means it will not happen. There is no comment space in relation to flooding yet in North Kilworth this is a major issue due the quantity and location of at least 2 X 23 plus housing sites. Why is this so?	Policy CC4 in the adopted Local Plan states that major development must incorporate SuDS and para 10.7.3 encourages SuDS on minor applications. Planning obligations would be necessary to ensure delivery of drainage systems if delivered off site, so this is referred to in the Planning Obligations SPD. The best practice guidance referred to sets out the range of factors to be considered when designing SuDS. National Policy and Guidance, particularly the Sequential Test, and the location of development policies in the Local Plan seek to steer development away for land at risk of flooding. The SPD cannot make policy.
<b>SECTION THIRTEEN: BROADBAND CONNECTIVITY, consultation question 14</b>		
Kibworth Beauchamp Parish Council	This seems to only apply to major developments. Are smaller, especially windfall developments, to be left without high-speed broadband connectivity? Policy needs amending so all new developments are included.	Local Plan Policy IN3 refers to major developments. Major developments for the purposes of planning obligations are defined in national policy as 10 dwellings or more dwellings. The SPD cannot change policy. Any review of policy would need to be considered in the next Local Plan.
Lutterworth Town Council	Does the additional information provide clear guidance on this issue/section ? Yes	Comment noted.
<b>SECTION FOURTEEN: LEICESTERSHIRE COUNTY COUNCIL, consultation question 15</b>		
Pegasus Planning Group on behalf of Davidsons Developments	Section 14 of the SPD refers to contributions towards LCC services and advises that the County Council will assess its infrastructure needs and make CIL regulation test compliant requests for Section 106 developer contributions in relation to its services. For larger scale development proposals, the range of Section 106 requests can be extensive and can in certain circumstances raise issues of viability. It can then be a matter for the local planning authority and County Council to reach agreement on the priorities for contributions	National policies and policies in the Local Plan allow for site specific viability assessment where the impact of S106 requests undermine viability. Any site-specific discussions would be undertaken on a case-by-case basis informed by evidence the evidence presented. If it was accepted that the burden of Section 106 requests for a particular scheme made the development unviable negotiations would proceed on the basis of finding a viable scheme that delivered maximum public benefits and was acceptable in planning terms. This would include ongoing engagement with all relevant parties.
Mr Peter Jones	Any further comments? None	Noted
Leicestershire County Council	The list provided under point 14.1 is not an exhaustive list of services the County Council may wish to assess its infrastructure needs against; could the wording change to indicate that the list of services may alter in line with future Policy. Could a reference be added to Sustainable Travel Initiatives	Section 14 has been amended to include specific reference and links to the County Council Planning Obligations policy. Para 14.1 refers to Local Plan policies and the SPD has to reflect current adopted policy. However, a new sentence has been added to para 14.2 to show the County policy may be updated. Sustainable travel initiatives would be covered under 'Highways and Transportation'.
Leicestershire County Council	Amend para 14.2 of the SPD to account for future revisions of LCC Planning Obligations Policy	Para 14.2 has been amended to include a reference to the fact the LCC policy may be reviewed.

Leicestershire County Council	Please amend email address <a href="mailto:planningobligations@leics.gov.uk">planningobligations@leics.gov.uk</a>	Email address amended
Lutterworth Town Council	Yes. Police contributions require an HDC mechanism that ensures S106 monies are actually drawn down. In 2021, this only occurred when they were reminded that money was available. There should also be a mechanism that monitors how and where the S106 money is spent, in order that the locality affected by the development actually benefits. Similarly, with LCC, Highways money is charged through S106 and yet there remains no evidence years later that the money has either been drawn down or used as per the agreement. HDC needs to protect the interests of the district in this regard.	Police contributions have been drawn down during 2020-2021. Regular s106 meetings are held with stakeholders, including the Police, about draw down and spend of contributions. Reports of spend are provided and feed back into the annual Infrastructure Funding Statement/s. No change needed. LCC highways contributions are the responsibility of the County Council who report contributions received and spent in their IFS.
Leicester City Council, Rep ID: 8365	Section 14 provides a list of Leicestershire County Council Services. Similar to the response set out for Question 1 and Question 3, the City Council is not mentioned as a neighbouring Highway Authority. This section does specifically refer to Leicestershire's Planning Obligation Policy, but as there is reference to Scraftoft North SDA, should it not also give reference to Leicester City Council services?	Changes have been made elsewhere in the SPD to highlight to role of neighbouring authorities in s106 discussions. No further changes needed.