

Appendix C – 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
SECTION ONE: INTRODUCTORY		
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
SECTION TWO: POLICY ON PLANNING APPLICATIONS		
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>
SECTION THREE: MANAGING PLANNING OBLIGATIONS		
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 either court was that the development would cause harm, and that</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 obligations are compliant. The case law referred to is not the determinant factor in these matters.</p>

	<p>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>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>	<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 section 106 agreements including the role of the Council's legal services team in reviewing and finalising section 106</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>The SPD also sets out how s106 contributions will be spent, and how this will be managed and monitored.</p>

	<p>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 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>It should also be noted that the viability testing which should have been prepared would also need to have regard to impact</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) 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-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>of changes to Building Regulations Part L & 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 application stage.</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>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 address emerging/changing need (appears the 106 process is set in</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>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 & 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 contributions are calculated</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. 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>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 & 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</p>
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		amended to include reference to the role of Parish and Town Councils in managing open space.
East Midlands Community Led Housing (Mr Martin Field, Senior Facilitator)	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>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>
Scraptoft Parish Council (Sally Skyrme, Clerk to the Parish Council)	Agree. No comment	Comment noted. No change needed
Mr Peter Hill	Neither agree or disagree	Comment noted. No changes needed
Mr. Michael Major	HDC council officials should be more determined to enforce planning requirements and giving them statutory powers would help.	There are enforcement powers available to a Local Planning Authority where a breach of planning might have occurred. Comment noted. No changes needed.

	<p>Also S106 agreements should include a provisional sum of money to rectify work carried out off site to provide 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>The repairs to highways and re-surfacing is the responsibility of the highways authority.</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>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 base 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>6.4, 7.7 – important to consider the cross-boundary impact on community facilities/ open space and whether 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 Scraptoft North SDA.</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 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>
SECTION FOUR: OTHER ASPECTS OF PLANNING OBLIGATIONS		
<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.	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. 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.
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.	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). 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. 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.
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.
SECTION FIVE: AFFORDABLE HOUSING		
Pegasus Planning Group (Mr Guy Longley, ENG) on behalf of Bloor Homes, Davidsons Development, L & Q Estates, Miller Homes, Redrow	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 where it is demonstrated that	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 updated to

<p>Homes, Taylor Wimpey and the Vistry Group</p>	<p>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 assessing need and</p>	<p>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>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 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</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>

	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>

		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.
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 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	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.

	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>
SECTION SIX: COMMUNITY FACILITIES		
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 maintenance, repairs and insurance over the longer term is rarely covered by the contributions.	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.
William Davis (Mr James Chatterton, Planner)	Community Facilities Para 6.5 references (The) Community Facilities Assessment 2017, completed by Peter Brett	The Roger Tym Study 2010 was superseded by Peter Brett Study Community Infrastructure Provision 2017. This evidence supports

	<p>Associates. This updates the Roger Tym & 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 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>
Scraptoft Parish Council	<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>
Peter Hill	<p>Agreed.</p>	<p>Comment noted</p>
Boyer (Miss Natalie Kent, Planner) on behalf of Taylor Wimpey	<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 SPD only take you to a webpage that refers to and provides a copy of 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>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 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)</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>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>	
Environment Agency (Mr. Nick Wakefield Planning Advisor)	<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 the requisite amount of biodiversity is provided under both the planning and planning obligation regimes.</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>
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</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</p>

	<p>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>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	<p>All planning obligations should be held in favour of the community before consideration is given to pooled projects.</p>	<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>
Boyer (Mrs Raj Bains, Senior Planner	<p>The links to draft Provision for Open Space Sport and Recreation is not provided in this SPD. The link in this</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</p>

	<p>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>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>
Sport England (Steven Beard)	<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-based requirement for sports provision and facilities, both on-site and off-site.</p>
Mr. Peter Hill	<p>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</p>	<p>Local Plan policy GI1: Open space sport and recreation seeks to safeguard and enhance existing open space sport and recreation facilities across the district.</p>

	putting forward proposals for planning approval. Lack of evidence of such consultation should be a reason to refuse permission for development.	Government guidance encourages developers to undertake early engagement with communities as best practice, and it is required in some circumstances.
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<p>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>	<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 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</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>
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	<p>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 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</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>

	level of contribution that they require. In its current format, this section of the planning obligations SPD provides limited information or guidance for developers.	
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.	<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>
William Davis (Mr James Chatterton, Planner)	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.	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

	<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>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>
SECTION NINE: COMMUNITY SAFETY		
<p>Boyer (Miss Natalie Kent, Planner) on behalf of Taylor Wimpey</p>	<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>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</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 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>

	<p>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 when bringing forward development within Harborough District.</p>	
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
SECTION TEN: SUSTAINABLE DRAINAGE		

<p>Boyer (Miss Natalie Kent, Planner) on behalf of Taylor Wimpey</p>	<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 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>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 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>
<p>Environment Agency (Mr Nick Wakefield, Planning Advisor</p>	<p>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</p>	<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.</p>

	components which improve water quality and enhance biodiversity opportunity wherever possible.	
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 enjoyment). paragraph 10.5 should be expanded to represent all 4 aspects of good SuDS design.</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.
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.
SECTION ELEVEN: BROADBAND CONNECTIVITY		
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,</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

	<p>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>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 and BT OpenWorld, and should be “at least 100Mbps”, You should correct this, or remove the term “Superfast”.	<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>
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).
SECTION TWELVE: LEICESTERSHIRE COUNTY COUNCIL		
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.
SECTION THIRTEEN: DOCUMENT OVERALL		
Boyer (Miss Natalie Kent, Planner) on behalf of Taylor Wimpey	<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</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</p>

	<p>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 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</p>	<p>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 that the HOSS has been updated and signposts readers to the latest new 2021 version.</p>
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	<p>unjustified) in others, and thus is not suitable for adoption in its current form.</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 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</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 draft PO SPD (1st 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>

	<p>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 the consultation hub at consultations@naturalengland.org.uk.</p>	
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>	<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.</p> <p>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.</p>
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	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

	<p>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.</p>	<p>least flood risk through the application of the (flooding) sequential test.</p>
<p>Highways England (Eri Wong, Midlands Operations Directorate) [6834]</p>	<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> <p>We trust the above is useful in the progression of Harborough District Council Planning Policy documents.</p>	<p>Comments Noted. Support welcomed.</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</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</p>

	<p>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>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>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 planning@harborough.gov.uk</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</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>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 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>	<p>HDC has declared a climate emergency and has members and officer working group looking specifically at the issue of Climate Change.</p>
<p>Leicester City Council (Planning Policy, Planning Policy Team)</p>	<p>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</p>	<p>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.</p>
<p>Mr Peter Hill</p>	<p>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>	<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>

