

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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