

**Developer Contributions**

**Supplementary Planning  
Document**

**Public Consultation Statement**

**June 2026**

# **1 Introduction**

- 1.1 This Public Consultation Statement has been prepared in support of the Council's revised Developer Contributions Supplementary Planning Document (SPD) that was publicly consulted upon between midday Friday 10<sup>th</sup> January 2025 and midday Friday 21<sup>st</sup> February 2025.
- 1.2 In conformity with Part 5 of the 'Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, this Statement sets out;
- The persons that the Council consulted during the abovementioned 6-week public consultation;
  - A summary of the main issues raised by those persons who submitted comments during the consultation period; and,
  - How any issues raised during the consultation period have been addressed by the Council.
- 1.3 Appendix One of this Statement sets a summary of all comments that were received during the public consultation period and Council officer responses to each of these comments.

# **2 Public consultation period**

- 2.1 A public consultation for the revised SPD was undertaken by the Council between the specific consultation dates are specified at paragraph 1.1 of this document.
- 2.2 The public consultation was undertaken in conformity with the relevant planning regulations (see paragraph 1.2 of this document) and the Council's Statement of Community Involvement (SCI). The SCI sets out the Council's approach/requirements to involving and consulting local people and stakeholders in planning related document production, for example SPD's.
- 2.3 In line with requirements, the following persons and bodies were notified via letter or email, of the consultation that was taking place;
- Duty to Cooperate partners
  - Specific Consultation bodies
  - General Consultation bodies, and
  - Other stakeholders held on the Local Plan consultation database.
- 2.4 The notification letter/email explained;
- The purpose of the consultation
  - How to find further information
  - The consultation period

- How to make representations, and
- How a person or body could be added to the Council's Local Plan consultation database.

2.5 In addition to the notification, the Council; made all elected Council Members aware of the consultation; advertised the consultation on each of the digital display screens throughout the Borough; advertised the consultation on social media; advertised the consultation on the Council's website; made available for inspection hard copies of all relevant information and documentation at the Council's three public libraries; and, made available for inspection electronic copies of all relevant information and documentation on the Council's website.

### **3 Summary of Issues Raised**

- 3.1 A total of 10 responses were received. 6 from statutory consultees, and 4 consultants working on behalf of developers.
- 3.2 4 of the statutory consultees had no comments and the other 2 sought to ensure that the SPD made reference to documents they have produced which they feel are helpful in determining planning applications.
- 3.3 The 4 consultants raised issues of a technical nature around the detailed operation of the Section 106 system and also queried the scope of the SPD feeling that goes beyond the remit of SPD straying into matters best left to development plan.

### **4 How the issues raised have been addressed**

- 4.1 Taking account of these representations some amendments have been made to the SPD. For the statutory consultees their requested text has been added to paragraphs 4.38, 4.39 (on the historic environment) and 4.44 (Sport and Recreation).
- 4.2 Turning to the consultants comments, changes have been made to paragraphs 3.16, 3.17, 3.22, 3.23 and 3.29 to reflect their concerns.



		(APP/X2410/W/21/3287864 and APP/X2410/W/23/3316574) which establishes this principle.		
	Pre-Application Discussions	<p>David Wilson Homes support the Council's comments in this section and confirm robust preapplication discussions are valuable at improving the quality of submitted planning applications and thus hopefully expedite the period of determination thereafter. David Wilson Homes also support the broad agreement of Heads of Terms on contributions ahead submission at preapplication stage, to allow such benefits of development to be listed in the planning statement so it is obvious to local residents as to the type and scale of contribution expected and such matters are not left to later stages of determination. Clearly setting out the contributions may help placate objectors to the scheme, particularly give capacity of local services is a ubiquitous objection to strategic scale planning applications.</p> <p>Most developers are happy to pay reasonable fees for this service, particularly as part of an overarching planning performance agreement, which releases additional monies to help fund additional staffing to expedite matters through pre-application to determination. Whilst our client understands the difficulties in Local Authorities in respect of staffing and workloads, where payment has been made for a service there is an expectation that this is provided in a sufficiently robust manner. It is of no benefit to anyone for pre-application fees or PPAs to not provide the benefits they are supposed to bring, as ultimately delay in determination will ultimately cost more Council time and resource.</p>	Support for ongoing Pre-Application discussions.	Support welcomed.
	Unilateral Undertakings	<p>The Council's confirmation that the Unilateral Undertakings may be a more appropriate way of securing developer contributions in certain circumstances is welcomed. Whilst for some strategic sites, a usual 106 will likely be necessary, where there is the ability for an applicant to undertake a UU with the support of Officers this will almost certainly speed up the determination period and allow decisions to be made immediately following resolutions to grant. Linking to the previous point, if heads of terms can be established at pre-application stage, again this will expedite matters. Whilst figures may need to be amended through determination, this can normally be completed quite quickly by the appellants solicitors.</p> <p>We are aware of numerous applications which take significant time to be approved, even after securing a resolution to grant at committee, delaying vitally needed development. In Bedford for example, the Council publish planning committee papers that state applications may take a year to be approved following a committee due to a need to agree and sign a S106 – such delays are not helpful or necessary and any action which could be taken to minimise such delays is certainly seen as a positive.</p>	Support for appropriateness of S106 or UU.	Support welcomed.
	Viability	David Wilson Homes note the approach proposed by the Council in respect of viability appraisals and particularly that wherein obligations have been reduced on the basis of viability, that the Council reserve the right to utilise tools to capture uplift if market conditions improve.	Support for Viability section.	Support welcomed.
	Security and Timing of Payments	Regard should be had for the timing of payments that they also follow the CIL regulations. For example, whilst a contribution may be justifiable against the CIL regulations, it may only become necessary in planning terms well into the build out. The provision of payments early in the development has significant	Support to work with the Council on appropriate delivery of infrastructure and contributions.	Support welcomed.

	<p>Internal and external space standards</p> <p>Health and Wellbeing</p>	<p>implications for cash-flow and thus the Council should work positively with developers to ensure that payments are triggered at acceptable stages of development and the pre-commencement/occupation burden is reasonable as to not delay development whilst the Section 106 is renegotiated.</p> <p>This requirement functions more as a policy than guidance. Requirement for development such as this should be within policy. There is case law to this effect.</p> <p>When introducing internal space standards the PPG requires an assessment of viability to be under taken. it also requires evidence of need. The PPG (Paragraph: 002 Reference ID: 56-002- 20160519) states “Local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water, and an optional nationally described space standard. Local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area, and justify setting appropriate policies in their Local Plans” [our emphasis]. We note that this was intended to be introduced in the Local Plan, with the Regulation 19 Plan containing such a requirement within Policy 12: Housing Choices (Non-Strategic). However, we understand that the Council is not intending to submit the Plan consulted upon. However, the Council could introduce this SPD independently of the Local Plan, thus our objections above remain and this should not be introduced through the SPD and instead deferred to the emerging Local Plan, which will go through statutory examination ahead of adoption.</p> <p>Please see comments above at paragraphs 2.4-2.5.</p> <p>The Council's confirmation in the SPD that the Council's Section 106 Working Group may request further evidence to ensure that the Council is satisfied that the planning obligation(s) sought by signatory or nonsignatory service providers comply with the three statutory CIL tests, as per CIL regulation 122(2) is supported. The Council will be aware it will get requests from various organisations, but care must be taken to ensure that requested payments are required as a direct result of development and should avoid payments which are otherwise expected to be delivered through general taxation. For example, in relation to healthcare, payments should reflect a need to expand or develop premises through capital expenditure, not cover service itself, which is provided for through usual funding through tax. This is an issue we have raised in Leicestershire previously and have now had multiple appeals (APP/X2410/W/21/3287864 and APP/X2410/W/23/3316574) which establishes this principle.</p>	<p>Objection to the SPD as written to be adopted before the new Local Plan is adopted with the introduction of new policy requirements discussed in the Developer Contributions SPD.</p> <p>Developer contributions to be sought only to provide infrastructure required as a direct result of the specific development.</p>	<p>Document does not make reference to space standards.</p> <p>SPD reflects current regulations so takes suggested approach.</p>
<p><b>3) Historic England</b></p> <p>19.02.2025</p>		<p>We note that heritage elements are briefly referred to within the document but are disappointed to see that the historic environment does not have its own specific typology in Section 4 of the draft document. S106 agreements offer a means of obtaining financial contributions, but are also a mechanism for securing other commitments that are necessary to make a development acceptable in planning terms. This includes matters with implications for the historic environment.</p> <p>S106 agreements may be used:</p> <ul style="list-style-type: none"> <li>· To secure the transfer of a heritage asset on a development site to a charity or community trust;</li> <li>· As a means of securing the maintenance and repair of a heritage asset in association with enabling development relating to heritage assets (in</li> </ul>	<p>Want own section on Historic Environment within Chapter 4.</p>	<p>Agreed. Text added to paragraphs 4.38 and 4.39</p>

		<p>cases where this cannot be ensured using planning conditions); or,</p> <ul style="list-style-type: none"> <li>As a mechanism for securing on- or off-site mitigation/enhancement such as archaeological works, restoration of a heritage asset, or certainty over phasing of development, as well as providing for monetary contributions.</li> </ul> <p>We also refer you to Historic England's Good Practice Advice in Planning: The Historic Environment in Local Plans <a href="https://historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/gpa1/">https://historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/gpa1/</a> which identifies some other potential roles of planning obligations in relation to heritage, such as:</p> <ul style="list-style-type: none"> <li>Repair, restoration or maintenance of a heritage asset(s) and their setting;</li> <li>Increased public access and improved signage to and from heritage assets;</li> <li>Interpretation panels/historical information and public open days;</li> <li>Production and implementation of up-to-date conservation area management plans and appraisals;</li> <li>Measures for investigation, preservation and display of archaeological remains and sites;</li> <li>Provision of local capacity for the storage of, and public access to, archives resulting from archaeological and/or historical investigation;</li> <li>Dissemination of historic environment information for public/school education and research, including museum displays for popularisation of archaeological discoveries Sustainability improvements (such as loft insulation) for historic buildings;</li> <li>Public realm obligations, including enhancement of historic squares and spaces, registered parks and gardens, historic pavement materials, street furniture, removal of street clutter and installation of sympathetic lighting, etc.</li> </ul> <p>Some of these may be considered infrastructure, while others may be more difficult to assign to an Infrastructure Levy category and may therefore be considered 'non-infrastructure items'. Similarly, while some of these may be appropriate recipients for Levy funds, others may be better candidates for S106 agreements.</p> <p>We would recommend that the above aspects are considered further by the Council with a view to including a specific section on the historic environment in Section 4 of the Developer Contributions SPD.</p> <p>We hope that this information is of use to you at this time. Should you have any queries, please do not hesitate to get in contact.</p>		
<p><b>4) NHS Leicester, Leicestershire and Rutland</b> 27.02.2025</p>	<p>Developer Contributions Supplementary Planning Document</p>	<p>With the local plan supporting delivery of substantial new homes in the Borough the ICB is pleased to see the inclusion of this supplementary planning document which we feel provides greater clarity on the process. We look forward to working through the process with you to achieve the developer contributions necessary to enhance health care services within the Borough. We look forward to continue working with you as your local plan progresses.</p>	<p>Supportive of SPD</p>	<p>Support welcomed</p>
<p><b>5) Mulberry Land</b></p>	<p>Design Code</p>	<p><i>Draft Plan Policy 2: Regeneration Schemes and Large-Scale Change (Strategic) requires that sites of either 100 homes or more, or 5ha will be required to</i></p>	<p>These comments are concerned with the content of the now adopted</p>	<p>No changes required to this SPD in light of these comments.</p>

24.02.2025		<p><i>demonstrate how they comply with or exceed the requirements of the Council's Design Code. The Design Code SPD consultation document however sets out that all residential development will be subject to the design code, so we would welcome clarification on this point. The SPD cannot require measures above and beyond policy requirements and should therefore be in conformity with policy. There should be dialogue in the SPD in terms of which policies it is in relation to, and how the SPD responds to and strengthens these policies of the local plan.</i></p> <p><i>We believe the scope of the SPD is an excessive requirement given that growth is to be encouraged and supported at the right locations. The SPD is overly prescriptive for newly planned sites adjacent to the urban area, particularly where they are adjacent to existing residential 'estates' that have little or no historic character or identity. The SPD should encompass more contemporary design beyond traditional forms of detailing, which is not often found on the urban edges. Deliverability is key in order for the Council to see a significant uplift in housing numbers. We recommend that design codes should only be applicable for sites in excess of 500 dwellings, particularly given that the Council must deliver homes quickly and without additional and unnecessary burden.</i></p> <p><i>The policy wording sets out a list of documentation to be submitted, however it does not specify if this will be applicable to outline applications. The Council's validation list for applications performs the same function, therefore it seems repetitive for this policy to require the same. This policy is ineffective, and we do not support its purpose.</i></p> <p><i>Content included under section A of the SPD covers detailed design considerations, not applicable at outline stage. However, we would still advocate that restrictions on items such as UPVC windows as an example shouldn't be so prescriptive and should be assessed on a site-by-site basis. Otherwise, viability could become a significant concern if overly onerous restrictions are placed on developers. The same applies to requirements for front gardens and street edges, which are not always appropriate to the scale of development.</i></p> <p><i>As a general point, when the SPD considers highway matters, tree lined roads, pavements and cycle lanes etc, it should be made explicitly clear that this is in conformity with guidance set out by the highway authority, so as to avoid any conflicts. There is no reference in the SPD that the guidance refers to LCC guidance. The impacts of wider pavements, segregated cycle lanes, car parking, boundary frontage planting, all have an impact on the density of a development, which needs to be carefully considered against viability.</i></p>	Design Code and its interaction with the emerging local plan.	
6) National Highways 19.02.2025		No specific comment on the SPD.	Noted.	None.
7) Natural England 03.02.2025		Natural England does not have any specific comments on the draft Developer Contributions Supplementary Planning Document.	Noted.	None.
8) Planning Issues obo Churchill Living and	Review Mechanisms	Section 3 of the DC SPD focuses on Viability, with specific reference to Paragraph 3.14 which states: "If deemed appropriate by the Council, S106 Agreements can take account of the viability lifecycle of a development. Should exceptional circumstances warrant its	Local Plan should have a policy on review mechanisms to enable SPD to have text on the issue.	No change. Adopted Plan contains Policy 13 that enables a review of obligations if deemed necessary. SPD merely provides more detail.

<p><b>McCarthy and Stone</b></p> <p><b>21.02.2025</b></p>		<p>inclusion, a developer may be requested to set out their predicted profitability levels' for the lifecycle of the development proposal. In such circumstances and on the basis of an agreed open book appraisal prior to the determination of an application, it can be a requirement of the initial S106 Agreement for there to be a second viability appraisal (and subsequent amended S106 Agreement) at some point during the course of the development, for example, after three years. If the results of the second viability appraisal show:</p> <ul style="list-style-type: none"> <li>• That the predicted profitability levels have increased, then the Council will have a right to an overage, ie a further payment/provision of infrastructure or affordable housing to that already secured in the S106 Agreement.</li> <li>• That the predicted profitability levels have stayed the same, then there will be nothing further to do with the S106 Agreement.</li> <li>• That the predicted profitability levels have decreased, then the Council will negotiate further with the applicant concerning planning obligations.</li> </ul> <p>When referring back to the policy position, neither the adopted Local Plan (adopted April 2019), Adopted Policy 13: Affordable Housing, or the emerging Local Plan which is currently undergoing its Regulation 19 consultation, provide policy wording for the requirement for a review mechanism.</p> <p>Emerging Policy 9: Affordable Housing (Strategic) does not set out any wording relating to the Council's seeking to impose a review mechanism. Accordingly, Paragraph 009 Reference ID: 10-009-20190509 of the PG on Viability clearly stipulates:</p> <p>'Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies.</p> <p>Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities ability to seek compliance with relevant policies over the lifetime of the project.</p> <p>Therefore, unless the Local Plan specifically contains a point outlining the use of review mechanisms, there is no basis for review mechanisms to be imposed.</p> <p>This position has been clearly summarised by an Inspector in an appeal made against Elmbridge Borough Council (Appeal Decision: PP/K3605/W/20/3261529). The Inspector succinctly set out at paragraphs 33 &amp; 34:</p> <ul style="list-style-type: none"> <li>• 33. The supporting text to Policy CS21 states that if the Council is satisfied that affordable housing cannot be provided in accordance with policy, "it will seek to negotiate alternative provision" However, there is no mention of a LRM in Policy CS21 or its supporting text. The recent SPD is a material consideration but is guidance and not planning policy, and only</li> </ul>		
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	<p>suggests the use of a LM "where deemed appropriate". Planning Practice Guidance points out that plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy CS21 does not do this.</p> <ul style="list-style-type: none"> <li>• 34. I acknowledge the Council's explanations of an acute need for affordable housing provision in Elmbridge but Policy CS21 only seeks provision of affordable housing "where viable". On the viability evidence before me and through examination of the policy basis upon which the Council is relying, the need for a LRM in the event that either proposal may enable a contribution Page 2 towards affordable housing has not been demonstrated. There would not therefore be conflict with Policy CS21. Accordingly, the Unilateral Undertakings submitted to provide a LRM are not necessary to make the development acceptable in planning terms.</li> </ul> <p>Therefore, we recommend ensuring the DC SPD is found to be sound and justified, the requirement for a review mechanism (specifically paragraph 3.14 of the SPD) is removed.</p> <p>Older persons housing exemption</p> <p>Further to the above, the DC SPD sets out the Council's viability study and how it will determine how affordable housing and any additional viability discussions should be undertaken within Section 4. With this, we have reviewed the Council's recently published Whole Plan Viability Assessment (November 2024). The study, undertaken by Planning and Development, specifically tests sheltered and extra care housing schemes, and subsequently concludes at paragraph 12.78.</p> <p>"Based on this analysis, specialist older people's housing is unlikely to be able to bear affordable housing. When considering these results, it is timely to note that paragraph 10- 007-20180724 of the PG specifically anticipates that the viability of specialist housing schemes will be considered at the development management stage. It is therefore not considered proportionate to develop a specific set of policies in this regard."</p> <p>When referring to Paragraph 010 of the PG, as noted above, we consider this has been used in a context it is not intended for. Whilst we welcome that sheltered and extra care housing has been tested separately, we must question why these findings have been disregarded and not duly considered in either the emerging Local Plan (Reg 19 consultation) nor identified within the Developers Contributions SPD.</p> <p>As such, we would remind the Council that the PPG sets out at Paragraph 001 Reference ID: 10-001-20190509 states:</p> <p>"These policy requirements should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and section 106. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. To provide this certainty, affordable housing requirements should be expressed as a single figure rather than a range. Different requirements may be set for different types or location of site or types of development.</p>	<p>Older persons housing should be exempt from making provision for affordable housing.</p>	<p>No change. Local Plan not SPD sets out approach to affordable housing.</p>
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	<p>On the basis of the above, the DC SPD (2024) should be amended to state older persons housing will not be expected to provide affordable housing. This has been concluded in line with plan wide viability findings. Otherwise, it is not possible for a developer to positively bring forward such proposals with the certainty required to do so.</p> <p>The proposed exemption is consistent with other local plan policy seen elsewhere. As an example, emerging policies in BCP, Birmingham and Charnwood propose affordable housing exemptions in respect of proposals for housing for older people having found through their plan wide viability assessments that viability was constrained for these typologies.</p> <p><b>BCP</b> The Local Plan viability assessment indicates that for greenfield sites we can continue to seek 40% affordable housing provision on-site. For brownfield sites we will seek 10-15% affordable housing, but due to viability, this will not apply in Bournemouth and Poole town centres, or for specialist forms of housing (e.g. build to rent, student housing, care/ nursing homes (Use Class C2) or for retirement housing (sheltered housing) and extra care (assisted living) housing (both Use Class C3)).</p> <p><b>Birmingham</b> Due to the specific viability challenges of delivering older persons' housing, the evidence suggests on the basis of the market research, appraisal inputs and policy requirements, Older Person's Housing is exempted from Affordable Housing provision.</p> <p><b>Charnwood</b> Our viability evidence shows that neither sheltered housing nor extra care housing developments are likely to be viable if a contribution towards affordable housing is sought.</p> <p>Fareham Borough Council recently adopted their new local plan and Policy HP5 of the plan states:  The Viability Study concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 does not apply to specialist housing or older persons housing.</p> <p>The respondents are of the view that similar conclusions would be made in this case in respect of housing for older people whereby a zero affordable housing requirement would be appropriate and should therefore be reflected in</p> <p><b>Occupancy Rates:</b> In addition to the above, Table 3 of the DC SPD (2024) identifies the average number of people per dwelling based on bedrooms provided, deriving from data produced in the Census 2021. The table identifies the average number of people for a 1 bed is 1.26 and average for a two bed comprises 1.87. This is at odds to the Council's own statement made as part of planning application 23/00485/FUL - planning application made by Churchill Living at the Former Oadby Swimming Pool site. The Council had concluded an occupancy rate of 1.5 people per unit across 1 and 2 bedroom and 2-bedroom cottages, specifically for retirement living. This calculation is subsequently below that of the proposed occupancy rates of Table 3; therefore, we request that a separate calculation is added for the</p>	<p>Disagree with numbers used for average number of people per dwelling based on bedrooms provided.</p>	<p>No change. SPD sets out general advice for wide variety of applications. SPD is clear in paragraphs 1.6 and 3.12 that authority will assess individual applications on a case by case basis. Authority accepts this includes responding to demographic change.</p>
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		<p>occupancy rates specific to retirement living schemes as per the agreed rates identified within planning application 23/00485/FUL.</p> <p>Thank you for the opportunity to comment, we would be grateful if we could informed as the SPD progresses.</p>		
<p><b>9) Quod obo Urban and Civic - Homes England</b></p> <p><b>20.02.2025</b></p>	<p>Viability</p> <p>Cross boundary approach</p> <p>Viability</p>	<p>Although that is not the subject of this specific draft SPD it is absolutely crucial that the Local Plan gets this right, to avoid having to demonstrate 'exceptional circumstances' through the viability approach set out in paragraphs 3.10 to 3.15.</p> <p>We would also note that the draft policy AP5 of the Plan states that: "For the avoidance of doubt, if this policy is silent on an aspect or issue, the relevant policy within the relevant local authority Local Plan must be used."</p> <p>Conversely, and for the avoidance of doubt, it would be useful for this SPD to say: <i>"Oadby and Wigston's Regulation 19 Draft Local Plan includes eight allocation sites, which include a range of requirements secured by Planning Obligations. Where those requirements cover the same topics as those set out in Section 4 of this document then the requirements in the adopted policy will apply unless otherwise agreed."</i></p> <p>In the case of Land South of Gartree Road this will avoid any confusion in what will in any case be a more complex position given the cross-boundary nature of the development.</p> <p><b>Cross Boundary Approach</b> We note the specific inclusion of a paragraph in relation to cross boundary sites including Land South of Gartree Road, and support the intention of the policy. We would note, in relation to seeking 'proportionate' planning obligation requirements, and our comments above about viability, that this should include affordable housing requirements based on Local Plan policy as a starting point.</p> <p><b>Viability Review</b> In addition to the comments above we would like to make further comments on the specific approach to viability review set out in paragraphs 3.10 to 3.15. This relates to our comments on Policy 3: Infrastructure and Developer Contributions (Strategic) of the draft Local Plan.</p> <p>This suggests (part 10) that the Council will only accept variation to any of its policy requirements in exceptional circumstances and on the basis of evidenced viability issues. In practice for a development of the scale of site AP5, which will be built over a 15 to 20 year period, regular review of requirements will be necessary due to changing demographics and demand, wider capacity and models of public service delivery. This is in part recognised in the wording of Policy AP5. Therefore whilst the policy and SPD rightly allow for viability based review they also need to allow for flexible review of the ongoing need for obligations on strategic sites, tested against the tests set out in Regulation 122 of the CIL regulations.</p> <p>This could be done by adding the words 'and review' to the heading on page 10, so it reads 'Viability &amp; Review', and adding a paragraph at the end of the section saying:  <i>"For site allocations where development will be delivered over an extended period, obligations for the provision of infrastructure may be reviewed on an ongoing basis to ensure that they continue to meet the requirements of Regulation 122 of the CIL regulations, without the need for viability assessment."</i></p>	<p>Wanting specific reference to the allocations in the developer contributions SPD.</p> <p>Affordable housing to reflect local plan policy.</p> <p>Alter title of section to include review and add suggested wording about reviews.</p>	<p>Add wording to paragraph 3.16.</p> <p>Text on affordable housing reflects local plan wording.</p> <p>Agreed.</p> <p>Agreed. Add new paragraph at 3.17.</p>

	<p>Security and timing of payments</p>	<p><b>Security and Timing of Payments</b>  Paragraph 3.17 suggests that “financial contributions will be required to be paid in full upon commencement of the development, or when the first dwelling is complete, or when the impacts of the development that the contribution is intended to address occur, whichever is the sooner.”</p> <p>For large sites this will not be appropriate. As correctly set out in para 12.10.13 of the supporting text to Draft Policy AP5 infrastructure requirements will be phased and delivered in tandem with development. Paragraph 3.17 should acknowledge this for site allocations or alternatively the paragraph we propose above on strategic sites could have added:</p> <p><i>“These sites will also be subject to bespoke triggers and phasing arrangements to ensure infrastructure is brought forward in tandem with development”.</i></p> <p>Paragraph 3.22 states that a section 106 agreement ‘may’ include a clause detailing how unspent any funds will be returned. This should be changed to ‘will’.</p> <p>Paragraph 3.23 sets out how contributions will be repaid if service providers cease to operate facilities funded by developer contributions. This should also include a ‘backstop date against which the LPA or other beneficiary must commit funds before repayment, or, in the case of provision of land, return that land to the developer. We would suggest adding a sentence saying:</p> <p><i>“The Borough Council will refund any unspent funds provided by the developer for the provision of identified facilities that has not been committed or applied for the purposes stated, or the return of land provided for such facilities, within 5 years of receipt.”</i></p> <p><b>Indexation</b>  Para 3.29 suggests Indexation to the date of Planning Permission/S106 agreement will be based on the BCIS index. It would be helpful to confirm that this relates to capital costs. Revenue costs would be more appropriately indexed to the CPI.</p> <p><b>Specific Planning Obligations Guidance by Typology</b>  If the changes that we suggest above, clarifying that obligations from strategic sites or specifically for site AP5 are based on the site-specific policy rather than this SPD then we do not have any comments on this section. We identify below some areas of duplication where confusion can be avoided by explicitly excluding them from consideration in relation to the site.</p> <p>Housing: the Draft AP5 policy sets out a target for affordable housing and cross refers to Policy 12 as regards detail. OWBC is likely to accommodate between 850 and 1,000 homes of the total 4,000 across the site. The final agreed detail will also therefore need to reflect HDC policy and need. It would be unhelpful if the policies in Pages 14 to 16 of the SPD were to apply. There is also no need to duplicate any policies from the Draft Local Plan in this SPD.</p> <p>Community Facilities: Draft Policy AP5 provides a requirement for a range of community facilities. This section should not therefore apply to the site.  Open Space, Sport and Recreational Facilities (Incorporating Green and Blue Infrastructure): Draft Policy AP5, part 6d, specifically confirms that:</p>	<p>Suggesting changing timing of early contributions for large phase developments.</p> <p>Change ‘may’ have to pay back funds to ‘will’ have to pay back funds</p> <p>Include pay back deadline for spend.</p> <p>Clarify relevant type of indexation for different types of infrastructure.</p> <p>Concerned that there could be confusion over provision required by both local plan policy for their site and the SPD.</p>	<p>Do not believe change is necessary as issue addressed by paras 3.12, 3.14 and 3.18 of existing draft.</p> <p>Add words if relevant to paragraph 3.22.</p> <p>Agree with principle but will amend wording of paragraph 3.23 to reflect that some expenditure is not undertaken by the Council and on large projects it can take more than 5 years for the need to be generated. So, amend Borough Council to ultimate recipient and within 5 years to 10.</p> <p>Amend wording of paragraph 3.29 to reflect that different measures of inflation are used for different forms of contribution.</p> <p>Understand concern but planning guidance is clear Local Plan policy takes precedence over SPD and that tables in SPD are meant as helpful guidance and not an explicit policy requirement.</p>
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<p><b>10) Sport England</b></p> <p><b>13.02.2025</b></p>		<p><b>Community Facilities paras 4.21 – 4.29</b>  There is no reference to off-site contributions required towards the provision/enhancement of indoor built sports facilities. As Oadby and Wigston Borough Council has an up-to-date Indoor &amp; Built Sport Facilities Strategy then the Council can use Sport England’s Sports Facility Calculator to calculate off-site contributions into sport and recreation to meet the demands generated by the additional population which would occupy these proposed sites.  <a href="https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/sports-facility-calculator">https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/sports-facility-calculator</a></p> <p>The Strategy does identify opportunities and challenges for the Council including an aging population and the need to diverse and the need to maintain/improve the quality of the existing facilities to ensure that they remain community accessible, good quality and attractive. The Strategy does include an Indoor Built Facilities Action Plan, a site-specific plan and details of applying the Sports Facility Calculator for major residential development.</p> <p><b>Open Space, Sport and Recreational Facilities paras 4.43 – 4.71</b>  This section uses a quantity requirement for outdoor sport based on the area of land required for each additional resident. There is a need for the developments to provide new sports facilities and playing fields as part of the proposal. As Oadby and Wigston Borough Council has an up-to-date Playing Pitch and Outdoor Sports Strategy (PPOSS) (2024) then the Council can use Sport England’s Playing Pitch Calculator (PPC) to calculate on-site provision and/or off-site contributions into sport and recreation to meet the demands generated by the additional population from residential development. The PPC will calculate the demand for grass playing pitches, artificial grass pitches and tennis courts. Sport England’s Sports Facility Calculator will calculate the demand for outdoor bowling greens.  <a href="https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/playing-pitch-calculator">https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/playing-pitch-calculator</a></p> <p>The calculator uses key data from the PPOSS to estimate what the additional demand generated from specific housing developments for the different pitch sport types and tennis is likely to be. Any increase in demand should be informed by the PPOSS to direct where capacity should be created i.e., improvements to existing sites within the locality or new provision supported by appropriate infrastructure.</p>	<p>Add reference to Indoor Build Facilities/sports spaces.</p> <p>Suggested use of Sport England own calculators for on-site provision and off-site provision of sports pitches.</p>	<p>Amend text to include reference to sports calculator in paragraph 4.44.</p> <p>Amend text to include reference to sports pitches calculator in paragraph 4.44</p>

	<p>Table 5 includes Off-site Financial Contribution Unit Costs for outdoor sports space. As included above, Sport England's Playing Pitch Calculator should be used as this will calculate these unit costs which are updated each year. The current published costs are from the 3rd quarter of 2024. For example, the capital cost of providing a senior grass football pitch is £110,000 and the life cycle cost is an additional 16.5% of this cost for maintenance and an additional 3.2% of this cost for a sinking fund:</p> <p><a href="https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/facility-cost-guidance">https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/facility-cost-guidance</a></p>		
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