

Planning Obligations and Developer Contributions
Supplementary Planning Guidance
February 2010.

Statement of Consultation.





Planning Obligations and Developer Contributions Supplementary Planning Document

Statement of Consultation

February 2010
Working Towards a Better District

**Blaby District Council
Planning Obligations and Developer Contributions
Supplementary Planning Document
Statement of Consultation**

This document can be made available on request, in other languages and formats (large print, Braille or on audio tape) by contacting:

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1.0 Introduction

- 1.1 This statement has been prepared in order to meet the requirements of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended). Regulation 18 (4) requires that before a local authority adopts a supplementary planning document (SPD) all representations on the draft SPD must be considered. It also requires authorities to prepare a statement setting out a summary of the main issues raised in any representations received and how these have been addressed in the SPD that is proposed to be adopted.
- 1.2 These requirements are supported by Planning Policy Statement 12: Local Development Frameworks (PPS12), which states that local planning authorities should prepare SPD in accordance with their Statement of Community Involvement (SCI) or the minimum requirements in the Regulations where there is no adopted statement.
- 1.3 The consultation period for the draft Planning Obligations and Developer Contributions SPD ran for a period of 6 weeks, commencing 21 September 2010 through to 2 November 2010. This statement summarises the representations made and sets out how the Council has responded to the comments in the SPD proposed for adoption.

2.0 Consultation Undertaken

- 2.1 The public consultation process began on 21 September 2010 and lasted for six weeks. In accordance with regulation 17 (3) of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended), the Council consulted with both statutory and non statutory bodies and individuals who had been identified as having an interest in the SPD from the Local Development Framework (LDF) database, the adopted Statement of Community Involvement and anyone who had expressed an interest in the Strategic Housing Land Availability Assessment.
- 2.2 In addition, the draft SPD was circulated internally to the relevant Officers of the Council, and circulated to all Council Members. A full list of those contacted can be found in Appendix 1 of this report.
- 2.3 A Press notice was published in the Leicester Mercury to advertise the consultation and invite comments from the wider public. Appendix 2 contains a copy of the press notice and press release which was also issued.

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- 2.4 During the consultation period, copies of the draft SPD and SPD matters were made available on the Council's web site www.blaby.gov.uk and hard copies were delivered to central points of contact including the Main Council Offices, all libraries across the District and County Hall Library.
- 2.5 Furthermore, electronic or hard copies of the draft SPD and associated documentation were sent to all statutory consultees and Parish Councils as set out in PPS12 Annex E and were issued to individuals, if requested, free of charge.

3.0 Responses to Representations

- 3.1 Representations were received from 23 respondents and all comments received on the draft SPD have now been considered and amendments and revisions have been made where considered appropriate. Appendix 3 contains a summary of all of the representations made and the Council's response.
- 3.2 As can be seen from Appendix 3 the Council has accepted many of the representations and amended the SPD accordingly. A number of representations were not acted upon for various reasons which are also outlined in appendix 3. It is considered that the SPD is a more robust document following the public consultations stage.
- 3.3 The SPD is a transitional arrangement between the Local Plan and the LDF, clearly defining the parameters for planning obligations and developer contributions that will be sought in accordance with both extant and emerging policy and Government Guidance.

4.0 Statement of Conformity with the Statement of Community Involvement

- 4.1 Supplementary Planning Documents (SPD) are material considerations that are intended to carry weight in the determination of planning applications. SPD are not subject to independent examination and do not form part of the statutory development plan. However, they are subject to community involvement as part of the consultation process.
- 4.2 Under the Planning and Compulsory Purchased Act 2004 Local Planning Authorities are required to prepare Statements of Community Involvement (SCI). Once prepared the SCI sets out the authority's policy for involving the community in the preparation and revision of local development documents (including SPD's) and planning applications. Blaby District Council has an adopted Statement of Community Involvement (July 2006).

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- 4.3 Regulation 17 of The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) also sets minimum requirements for community involvement in the production of Supplementary Planning Documents with which local planning authorities must comply.
- 4.4 The public consultation on the SPD is in accordance with the provisions of the adopted Blaby District Statement of Community Involvement, the Regulations and PPS12. A wide variety of organisations and individuals were informed of the public consultation and invited to make representations on its content.

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Appendix 1 – List of Consultees

Blaby District Council Members

Councillor. A. D. Bailey
Councillor C. Bailey
Councillor. J. Bell
Councillor J. Blackwell
Councillor M.J. Bradbury
Councillor D.R. Clements
Councillor K.D. Coles
Councillor E.C. Dawson
Councillor J.A. Dickinson
Councillor J.A. Dilks
Councillor R.S.Dixon
Councillor J.A. Dolby
Councillor F.E. Duffield
Councillor J. Forey
Councillor J.M. Fox
Councillor P.N. Fox
Councillor D. Freer
Councillor B. Garner
Councillor J.O. Hudson
Councillor F.G.H Jackson
Councillor D. Jennings
Councillor J. Kenney
Councillor M. Murphy
Councillor B.M. Parkins
Councillor E. Parsons
Councillor J.Peachey
Councillor D. Pollard
Councillor J.T. Roper
Councillor G.Sanders
Councillor S. Scott
Councillor J. Springthorpe
Councillor A.C. Tanner
Councillor R.C. Ward
Councillor J.L. Weatherstone
Councillor E.A. Webster-Williams
Councillor G.L. Welsh
Councillor I. Whaling
Councillor E.F. White
Councillor B. Wright

Parish / Town Councils within the District of Blaby

Mrs Liz Read, Aston Flamville Parish Meeting, c/o Blaby District Council
Ms S Hansford, Blaby Parish Council
Mr I Loughton, Braunstone Town Council
Mr J D Horsburgh, Cosby Parish Council

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Mrs J Adcock, Countesthorpe Parish Council
Mr P Jennings, Croft Parish Council
Mr M Cattell, Elmesthorpe Parish Council
Mr G E Phillips, Enderby Parish Council
Mrs J Small, Glen Parva Parish Council
Mr A J Robotham, Glenfield Parish Council
Mrs A Watson, Huncote Parish Council
Mr J Winslow, Kilby Parish Council
Mrs Y Waters, Kirby Muxloe Parish Council
Mrs S L Jones, Leicester Forest East Parish Council
Mrs Liz Read, Leicester Forest West Parish Meeting, c/o Blaby District Council
Mrs Liz Read, Lubbesthorpe Parish Meeting, c/o Blaby District Council
Mr D E Maas, Narborough Parish Council
Mrs Liz Read, Potters Marston Parish Meeting, c/o Blaby District Council
Mr M Guntrip, Sapcote Parish Council
Mr M Scott, Sharnford Parish Council
Mrs P A Butler, Stoney Stanton Parish Council
Mrs H Tomlinson, Thurlaston Parish Council
Mrs D Bailey, Whetstone Parish Council
Mrs Liz Read, Wigston Parva Parish Meeting, c/o Blaby District Council
Parish / Town Councils adjacent to the District of Blaby
Mrs J Atkins, Anstey Parish Council
M N Brown, Arnesby PC
Mr R Dutton, Ashby Magna Parish Council
Mr L Chandler, Broughton Astley Parish Council
J Perrin, Burbage Parish Council
Mr P A Jones, Claybrooke Magna Parish Council
Miss M A Shropshire, Claybrooke Parva Parish Council
Mrs J Nuttall, Copston Magna Parish Council
Mrs K Wright, Desford Parish Council
Mr S C Blackburn, Dunton Bassett Parish Council
Mrs N A Cattell, Earl Shilton Parish Council
J Standish, Fleckney Parish Council
Mr D Casewell-Law, Frolesworth Parish Council
Mr J H Flower, Groby Parish Council
Mr J Barsby, Peatling Magna PC
Mr K Brown, Peckleton Parish Council
Mrs G Aldwinckle, Ratby Parish Council
J Branston, Wibtoft Parish Council
Mrs K Oskins, Willoughby Waterleys Parish Council
Miss C Rae-Smith, Wistow-cum-Newton Harcourt Parish Council
Leicestershire County Council
Mr A Tyrer, Leicestershire County Council
District/Borough/County Councils adjacent to the District of Blaby
Planning Policy, Charnwood Borough Council
M Freeman, Harborough District Council

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Richard Palmer, Hinckley and Bosworth Borough Council
Planning Policy, Leicester City Council
Planning Policy, Oadby and Wigston Borough Council
Planning Policy, Rugby Borough Council
Mr Chris Mans, Warwickshire County Council

Statutory Consultees

Mr A Pritchard, East Midlands Regional Assembly
Mr Geoffrey Brown, East Midlands Development Agency
Advantage West Midlands
Mr Mike Sumner, Highways Agency, East Midlands Network Strategy
Team

Leicestershire Fire and Rescue Service
Mr Brian Dodd, Leicestershire Partnership, NHS
Mr M Lambert, Leicestershire Police Authority
Mr P Maison, British Waterways
Mr James Clifton, British Waterways South East
Miss Ann Plackett, English Heritage
Mr Nick Dunnett, Natural England, Leicestershire, Lincolnshire and
Nottinghamshire

Mr David Marsh, Environment Agency, Lower Trent Area,
Mr S Birkinshaw, GOEM
Mr Geoff Wise, Highways Agency, East Midlands Network Strategy
Team

Leicestershire, Northamptonshire and Rutland Strategic Health Authority
N-Power

Ms Pam Butler, Network Rail
Powergen

Ms Amanda Anderson, Primary Care Premises Manager
Mr J A Frith, Severn Trent Water Authority
Leicestershire County and Rutland PCT
The Planning Inspectorate
National Grid Company plc

Mr David Hughes, Prospect Leicestershire
Sport England

Leicestershire and Rutland Sport
Mr John Moore, Leicestershire and Rutland PFA
Leicestershire and Rutland Wildlife Trust
DEVPLAN UK

Fusion Online Limited
Leicestershire and Rutland Sport

Known Interested Parties

Marrons Solicitors

Derek Goddard, c/o Graham Harris, Graham Harris Partnership
Mr & Mrs Symonds, c/o Graham Harris, Graham Harris Partnership
A Miles, c/o Graham Harris, Graham Harris Partnership
R Locke & E Silks, c/o Graham Harris, Graham Harris Partnership
Mr & Mrs K Tysoe, c/o Graham Harris, Graham Harris Partnership

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Mr & Mrs C Davey, c/o Graham Harris, Graham Harris Partnership
Mr C Harris, c/o Graham Harris, Graham Harris Partnership
Mr S Hinchcliffe, c/o Graham Harris, Graham Harris Partnership
Mr D Pinchess, c/o Graham Harris, Graham Harris Partnership
Helen Johnson
Mr P Toone, c/o Guy Longley, Pegasus Planning Group
LCC Property Services, c/o Guy Longley, Pegasus Planning Group
Mr Richard Lawrence, c/o Guy Longley, Pegasus Planning Group
East Midlands Ambulance Service, c/o Guy Longley, Pegasus Planning Group
Persimmon homes, c/o Guy Longley, Pegasus Planning Group
Wilson Bowden, c/o Tony Bateman, Pegasus Planning Group
Persimmon Homes (North Midlands), JG Land Estates Ltd and Taylor Wimpey, c/o Nigel Harris, Pegasus Planning Group
David Wilson Estates (East Midlands) plc, c/o Andy Kitchen, Pegasus Planning Group
The Leicester diocesan board of finance, c/o Rupert Harrison , Andrew Granger & co
Trustees of the charity of Carlton Hayes Hospital, c/o Andrew Robinson , Andrew Granger & co
Persimmon homes (North Midlands)
Messrs M H & L A Chapman, c/o Andrew Bamber , Andrew Granger & co
Smith, Butler, Chapman, CF Directors Pensions Schemes, Coldbeck Holdings, Summit Engineering and others, c/o Andrew Bamber , Andrew Granger & co
Page & Mayland, c/o Andrew Bamber , Andrew Granger & co
Westleigh, c/o Stuart Smith Reynolds
Wheatcroft and Son, c/o Stuart Smith Reynolds
Goldsand estates ltd, c/o Frederic Chadburn, Design and Planning Consultant
FE Downes
Jelson, c/o Rob Thorley, GVA Grimley
Stephen Pratt, c/o David Pratt
Mr A Hill, c/o Roy Hammond, Howkins and Harrison
J W Hewitt, c/o Mike Downes, Antony Aspbury
Persimmon homes (North Midlands), c/o Nick Rawlings, RPS Planning and Development
John church planning consultancy
Taylor Wimpey, c/o Scott Delgado, Barton Willmore
Trustees of ERB Drummond Dec'd, c/o Martin Ward, Mather Jamie
A C Shropshire Ltd, c/o James Bailey, James Bailey Planning
Linden Moss Ltd, c/o A Patrick, Pro vision planning and design
JGP Properties Ltd
John Coleman, William Davis Ltd
Crisp Land Developments Ltd, c/o Richard Dunnett, Stoneleigh Planning
James Blenkin, APB Leicester

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Hallam Land Mangement, c/o Paul Burton, Henry Boot
Lance Wiggins, Davis Wilson Homes East Midlands
Mr & Mrs John G Alsop, c/o Mrs Gillian M Burrows
Max Whitehead, J S Bloor
Nigel Hainsworth, Persimmon Homes (North Midlands)
Bryan O'Mahoney, Redrow Homes (midlands) Ltd
Quadrant Land Partnership, c/o Gough Planning Services
David Hair, c/o Gordon Smith Associates
Linda Forster & others, c/o Gordon Smith Associates
Barratt East Midlands Ltd
Andrew Munton, Bellway Homes Limited
Cala Homes
Mr Andy Williams, Countrywide Homes Ltd
Mr Ian Althorpe, David Wilson Homes Ltd
Mr M Fenton, Taylor Wimpey
Gleeson Homes
K Power, Hallam Land Management
Mr Terry McGreal, Jelson Builders Ltd
Miller Homes, East Midlands Region
Morris Homes (East Midlands) Ltd
Peveril Homes Ltd
John Acres, Redrow Homes
Bovis Homes Limited, Central Region
Mr David Morris, Rutland Country Homes
Stamford Homes
Swift Valley Partnership
Taylor Woodrow Developments
Westleigh Developments
Wilson Bowden Group Plc
De Montfort Property Co Ltd
Roselodge Group
Mr B Kerr, Three Oaks Homes
De Montfort Housing Society
East Midlands Housing Association
English Rural Housing Association
FCH Housing and Care
Hanover Housing Association (Midlands Region)
The Housing & Communities Agency
Nottingham Community Housing Association
Riverside Housing
Leicestershire Rural Housing Enabler, c/o Midlands Rural Housing
Association

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Appendix 2 – Press Notice and Press Release

SEPTEMBER 21, 2009

Public Notices

Pets Lost & Found

should write to the Director of Community Services, Leicestershire County Council, County Hall, Glenfield, Leicester within 21 days of the publication of this Notice quoting Reference Number 2009/c124/01. Please be aware your comments will be made available for public inspection. The Officer dealing with this application is Dan Szymanski who can be contacted on 0116 305 7050 or Email planningcontrol@leics.gov.uk
DIRECTOR OF COMMUNITY SERVICES
*On behalf of LEICESTERSHIRE COUNTY COUNCIL
Date: 21st September 2009

BLABY DISTRICT COUNCIL

Public Consultation

Planning Obligations and Developer Contributions Supplementary Planning Document

Blaby District Council is preparing a Planning Obligations and Developer Contributions Supplementary Planning Document in conjunction with its Local Development Framework. The document is in conformity with the Sustainability Appraisal of the Blaby District Local Development Framework.

The draft Supplementary Planning Document sets out the Council's position in relation to developer contributions and their associated planning obligations. Once adopted it will support both the Blaby District Local Plan and the emerging Blaby District Local Development Framework.

The document can be viewed online at www.blaby.gov.uk, at the Council Offices, Service Shops and the libraries throughout the district.

Consultation on the Draft Strategy is for a 6 week period between 21 September and 2 November 2009. Any representations must be received no later than midnight Monday 2 November 2009. Any representation may be accompanied by a request for notification of the adoption of the Supplementary Planning Document.

For further details contact the Planning Policy Team on 0116 272 7584 or email planning@blaby.gov.uk

Leicester Mercury September 21 2009

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NEWS RELEASE
(issued 17 August 2009)

Council sets out new planning guidance

People are being invited to have their say on a new council document which sets out what contributions developers should be asked to make when they submit a planning application.

Blaby District Council have produced a Planning Obligations and Developer Contributions document which identifies the issues most commonly discussed when a site is being redeveloped, assessing the effect on the local area and what contributions are needed to balance any impact it may have.

The document aims to set guidelines for when developers should be asked to contribute facilities such as affordable housing, public open spaces and education when they want to build in an area

If the new policy is adopted it will support the Blaby District Local Plan and the emerging Local Development Framework.

The document goes out to Public consultation for six weeks starting from Monday 21 September 2009, any representations must be received no later than midnight on Monday 2 November.

Copies of the document are available for inspection at:

- www.blaby.gov.uk
- Blaby District Council Offices, Narborough
- Braunstone Civic Centre (Joint Service shop) , Braunstone Town
- Blaby Connect Service Shop, Forge Corner, Blaby
- Leicestershire County Council main reception, County Hall, Glenfield
- All public libraries within Blaby district
- On request from Blaby District Council's Planning Policy team, contact 0116 272 7584.

For further information contact the Planning Policy team on 0116 272 7584 or email planning@blaby.gov.uk.

ENDS

Issued by: Blaby District Council
Council Offices, Desford Road, Narborough, Leicester, LE19 2EP
Contact: Kurt Moroz - Public Relations Officer Tel: 0116 272 7577

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Appendix 3 – Summary of Consultation Responses

<i>Summary of Comments</i>	<i>Council Response</i>
General Comments on the Whole Document	
<p><u>Frederic Chadburn</u> <u>Frederic Chadburn Design and Planning Consultant</u> Have no comments to make at this stage.</p>	Noted.
<p><u>Philip Jennings</u> <u>Croft Parish Council</u> Endorses the document with the exception of appendix 1.8.</p>	Noted. Croft Parish Council's comments are considered under appendix 1.8.
<p><u>Mike Guntrip</u> <u>Sapcote Parish Council</u> Generally welcomes the proposals.</p>	Noted
<p><u>Steve Bolton</u> <u>East Midlands Regional Assembly</u> The agreement areas for developer contributions accord strongly to the general objectives of RSS (Policy1) and the more detailed social, economic and environmental policy objectives.</p>	Noted.
<p><u>Penny Butler</u> <u>Stoney Stanton Parish Council</u> Concerned that the PC will be called on to identify specific needs of community in a lot more cases; how to determine 'directly related' and a maintenance budget would be required to ensure viability of project.</p>	A Parish Plan might help the PC to identify the need of its community. There is no definitive list of what is 'directly related', this will depend on individual circumstances. The onus will be on the Parish Council to demonstrate this relationship. Maintenance payments have been referred to where appropriate (e.g. appendix 1.13).
<p>Is it possible for closer liaison with BDC for applications of 30+ dwellings</p>	Closer liaison with the Parish Council will be undertaken if appropriate, based on the merits of the application.

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Summary of Comments

Council Response

Benita Key

Natural England

Welcomes the document, and while it fundamentally covers the issues of concern to Natural England we recommend minor adjustments.

Noted.
Minor adjustments are considered under the relevant paragraphs.

Michael Lambert

Leicestershire Police Authority

Thinks policy and justification are pretty sound.

Noted.

Purnima Wilkinson

East Midlands Housing Association

RSL developments should not be required to make contributions as it will impact on the deliverability / viability of the scheme.

All new residential development will have the same requirements for service provision, regardless of developer. RSL developments will be subject to the same need for justification of reduced contributions. However, on 100% Affordable Housing sites consideration will be given to reducing or removing planning obligations.

James Lidgett

Environment Agency

Welcomes the production of the SPD

Noted.

Andrew Tyrer

Leicestershire County Council

Welcomed in principle

Noted.

David Hair

Believe that contributions in this way is an excellent way to integrate more fully with the community

Noted.

Gordon Smith

Gordon Smith Associates

Agree in principle that it is useful to have a comprehensive list which is reasonable and clear.

Noted.

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Council Response

Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

Important that the SPD is more explicit that not every type of development will attract obligations and that the 5 tests apply.

Agree. Amend para. 2.2 to make it clear that all 5 tests should be met.

Andy Kitchen

Pegasus Planning Group

The SPD is ill timed. The SPD must be in accordance with BDLP Policy IM1. The Three Dragons affordable housing report (July 2009) is also a material consideration. The SPD should be flexible. The SPD will need to be reviewed following receipt of the Inspector's report.

Disagree that it is ill timed. The adoption of the Core Strategy is not expected in the short term and in the interim planning applications continue to be received. It is important that they are served by appropriate services and facilities, as identified in the SPD. Para. 12.17 of the BDLP makes it clear that Policy IM1 is not intended to be comprehensive and the SPD will be in accordance with para B27 of Circular 05/2005 regarding transitional arrangements. The Council will consider whether a review of the SPD is required, on receipt of the Inspector's Report on its Core Strategy.

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Council Response

Rob Thorley

GVA Grimley

Jelson Ltd

There should be a clear and detailed understanding of the District's future needs and the imposition of blanket charges does not meet the requirements of the Circular. Should not proceed with the SPD until site and area specific guidance is available.

It is impractical to comprehensively list every requirement for every potential development site or area in the District as circumstances change over time and there is no guarantee that any particular sites would come forward or in what order, which would have an impact on requirements.

Should have a robust assessment of the infrastructure needs of the district. As it stands the document adds nothing to the developers' understanding of the financial implications. Little merit in proceeding at the current time, prior to the Inspector's report.

Para B33 of Circular 05/2005 encourages the use of formulae and standard charges, where appropriate. See also the recommended response to Pegasus Planning Group (Andy Kitchen) above.

Robert Jays

William Davis Limited

Support the principle of the SPD; however, document must be supplementary to established policy, not seeking to establish new policy. SPD has been produced in advance of the Core Strategy and is therefore premature.

The SPD is supplementary to the extant BDLP Policy IM1. see also the response Pegasus Planning Group (Andy Kitchen) above.

Richard Frudd

Indigo Planning

Sainsbury's Supermarkets Ltd

Welcome the general approach of restricting planning obligations within the guidelines of the Circular.

Noted.

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Council Response

1.0 Introduction

Paragraph 1.2

Andrew Tyrer

Leicestershire County Council

Suggested additional text to fully explain the County Council's Developer Contribution document

Agreed. Comments have been incorporated where appropriate.

Robert Jays

William Davis Limited

The LCC document has no official status, should be given little weight in terms of policy justification and not used to circumvent the need for development plan policy justification

The LCC document was adopted by LCC in Dec 2006 (interim review Dec 2007). It is therefore a material consideration.

Paragraph 1.4

Rob Thorley

GVA Grimley

Jelson Ltd

The SPD states that obligations should meet the requirements of the locality but there are no details in the document.

Disagree. See the recommended response to GVA Grimley in the General Comments section above.

Paragraph 1.6

Chris May

Marrons

Second sentence is contrary to the Circular.

Agree. Revise the second sentence.

2.0 Policy Background

Paragraph 2.2

Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

Need to stress each test is met.

Agree. Revise para 2.2 to emphasise the 5 terms of Circular 05/2005 should be met.

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Paragraph 2.4

Andrew Tyrer

Leicestershire County Council

Should include the whole of Policy IM1 and its justification.

The requirements of Policy IM1 are mentioned in summary. However, the full policy and supporting text be included as an appendix.

Chris May

Marrons

Should clarify that SPD would not be superseded by adoption of core strategy.

Saved Policy IM1 of the BDLP will be superseded when the Core Strategy is adopted. BDC will consider whether the SPD needs to be reviewed once the Core Strategy is adopted.

Paragraph 2.5

Andrew Tyrer

Leicestershire County Council

Could include an expanded explanation of the proposed CIL.

Disagree. Notwithstanding that draft regulations for the proposed CIL have been published. There is still a high degree of uncertainty over the future of CIL and therefore it would be premature to include details at this stage.

3.0 When Contributions are Required

Paragraph 3.1

Chris May

Marrons

Should clarify that contributions will only be sought if Circular tests complied with and make it clear that formulas will not be applied if a need is not demonstrated.

See recommended response to Pegasus Planning Group, para 2.2 above.

Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

Need to stress individual circumstances of each site including if it can be accommodated by existing infrastructure then there is no need to provide.

See recommended response to Pegasus Planning Group, para 2.2 above.

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Andy Kitchen

Pegasus Planning Group

Should amend to make clear that any requirement is supported by robust justification linking directly to the proposed development.

See recommended response to Pegasus Planning Group, para 2.2 above.

Richard Frudd

Indigo Planning

Sainsbury's Supermarkets Ltd

States that thresholds are set out in the appendices, but there is no clarity for non residential developments.

It is impractical to comprehensively identify obligation requirements for all types of non residential development as every development site will be unique. The contact details for the individual types of obligation are listed in the appendices to allow for pre application discussion.

Paragraph 3.2

Chris May

Marrons

There are no details of 'robust justification'

A definition is included in the Glossary.

Paragraph 3.3

Michael Lambert

Leicestershire Police Authority

Welcome the opportunity to be involved in pre application discussions and text could refer to working with partners in this way.

This document is limited to the identification and negotiation of developer contributions and discussion of design and layout issues in not within its scope. Notwithstanding this, contact details for this service are included in the appropriate appendix.

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Paragraph 3.4

Andrew Tyrer

Leicestershire County Council

Viability should be considered on a case by case basis and should not become a precedent. LCC must be consulted on any proposed reductions. There must be robust safeguards to ensure genuine reductions; there should be a mechanism to recover contributions where there is an upturn in the economy.

The issue of viability is included in the Planning Obligations Circular and as such it is reasonable to set out what is required to justify a claim of viability. Service Providers will be consulted on any reductions. At present planning obligations are secured on the basis of the current market conditions and it is unreasonable to have open ended obligations

Michael Lambert

Leicestershire Police Authority

Would request that any discussion on reduced contributions is an inclusive process and would argue for a proportionate settlement.

The paragraph states that division would depend on the individual factors affecting the site which will be identified during the negotiation period of an application.

Purnima Wilkinson

East Midlands Housing Association

Please clarify if reduced contributions include affordable housing.

Reduced contributions could be applied to affordable housing

Chris May

Marrons

Support the approach of open book financial appraisals but it should be clear that they are not within the public domain.

Agree. An Open Book Financial Appraisal represents commercially sensitive information and should not normally be in the public domain.

Andy Kitchen

Pegasus Planning Group

Open book financial appraisals should be restricted to affordable housing contributions below those recommended in the Three Dragons affordable housing report.

Disagree. Open Book Financial Appraisals will not be restricted to affordable housing as viability issues affect the deliverability of any scheme as a whole.

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Rob Thorley

GVA Grimley

Jelson Ltd

Take exception that obligation costs are to be expected. This fundamentally conflicts with mitigating the impact of development rather than providing a betterment levy.

Agree. Revise text accordingly

Paragraph 3.5

Andrew Tyrer

Leicestershire County Council

Should be flexibility to use other forms of indexation.

This is covered in the last sentence of the paragraph.

Paragraph 3.6 and 3.7

Andrew Tyrer

Leicestershire County Council

Off site provision of infrastructure and services should include Green Infrastructure and refer to PPG17.

This section is setting out general terms for provision and includes other types of provision than green spaces. Therefore it is too limiting to specify one type of provision in this section.

Rob Thorley

GVA Grimley

Jelson Ltd

Suggest that wording amended to stress that provision must remain appropriate in scale and kind to the impact of the development.

This issue is already included in para 2.2.

Purnima Wilkinson

East Midlands Housing Association

Support the presumption of on site provision.
The method of calculating an off site provision is needed with a strategy / policy for its use.

BDC is producing an Affordable Housing Strategy which sets out the Council's position in relation to securing affordable housing and commuted sums.

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Paragraph 3.8 and 3.9

Andrew Tyrer

Leicestershire County Council

There should be clarity on the precise pooling arrangements and how they will operate including thresholds of smaller developments or areas which will be subject to contributions. LCC has a consultation threshold of 10 or more dwellings (but civic amenity is set at 6 or more).

Pooling is applicable to areas with prolonged development such as phased sites and single plots with cumulative impact. Due to the need to spend any contribution within a reasonable time frame, it is not reasonable to require a contribution from all development just in case there should be further small scale development which would then tip a balance point. Therefore the text will be amended to clarify the position on phasing and pooling.

Need to ensure consultation on the smaller sites (less than 10 units) as well, BDC will need to maintain a record of these small sites.

LCC developer contributions officer will be added to the distribution of the weekly list of planning applications, in addition to LCC Development Control. The LCC s106 document states that LCC will keep a record of the smaller sites; the additional consultation will enable this to be monitored.

Penny Butler

Stoney Stanton Parish Council

It is unclear who determines the time period and how wide the area would be. If a series of applications are identified, later applications may bear a disproportionate burden.

BDC will determine the period and the area based on individual needs, which will be proportionate and reasonable to the proposed development.

Michael Lambert

Leicestershire Police Authority

Support the stance on pooling. What arrangements will there be on holding pooled contributions?

Monies will be passed on to the appropriate service provider as outlined in para 3.9.

Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

If a development does not need a piece of infrastructure on its own then it cannot be reasonably requested.

Disagree. Circular 05/2005 specifically allows pooled contributions.

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Andy Kitchen

Pegasus Planning Group

Amend text to include reference to existing capacity of infrastructure. The Circular outlines that pooled contributions are only acceptable when requirements are set out in advance. SPD does not have that level of information to be of practical benefit. Text should also reiterate contributions will be proportionate.

Agree. Amend text accordingly regarding the existing capacity. However, this is not a site specific document and the five tests will apply to any obligation request.

Paragraph 3.10

Chris May

Marrons

Need clarification of circumstances for combining sites. Should delete reference to most efficient use of land, as there is no standard density to assess against.

Agree. Amend text accordingly.

Robert Jays

William Davis Limited

Position on cumulative impact needs to be altered or extended to improve clarity. Object to reference 'most efficient use of site' this is an issue for the planning application stage.

Agree. Amend text accordingly.

4.0 Payment of Contributions

Paragraph 4.3

Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

Reminder letters should only be sent to liable parties as agents may only be employed for a certain part of the process.

Agree.

Paragraph 4.4

Andrew Tyrer

Leicestershire County Council

Additional text to include LCC's exact position on monitoring costs

Agree. Comments have been incorporated where appropriate.

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Chris May

Marrons

Accept principle of monitoring contribution but it should be restricted to a fixed sum and not a percentage.

Disagree. The District Council has adopted this approach as larger contributions generally require more monitoring work. This approach is in line with other local Planning Authorities.

Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

Confused about why two levels of monitoring costs as monitoring an individual contribution will be the same whatever the value. The council should not make a profit from the planning obligation process.

See recommended response to Marrons above

Robert Jays

William Davis Limited

The recovery of monitoring and implementation costs is contrary to the Circular.

Disagree. Whilst there is no specific mention of monitoring cost in Circular 05/2005, this is common practice among Local Planning Authorities.

5.0 Distribution of Monies

Paragraph 5.2

Andrew Tyrer

Leicestershire County Council

Amend text to clarify LCC position.

Agree. Comments have been incorporated where appropriate.

Paragraph 5.3

Andrew Tyrer

Leicestershire County Council

The monitoring database should be explained earlier in the document.

Disagree. The monitoring database is the end of the process and it is considered that an explanation would be out of place at this point in the document.

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Paragraph 5.4

Andrew Tyrer

Leicestershire County Council

Suggests amended text for the purposes of completeness.

Agree. Comments have been incorporated where appropriate.

Delete the sentence about certainty of a scheme being forthcoming.

Disagree. There is no justification to hold a contribution if the scheme would not be forthcoming in a reasonable timeframe.

Chris May

Marrons

Unspent contributions should be automatically recoverable.

Agreed. Amend wording accordingly.

Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

Welcome reference to returning unspent monies,

Agreed.

Paragraph 5.5

Rob Thorley

GVA Grimley

Jelson Ltd

Reference to unidentified specific need is fundamentally at odds with the Circular.

Agree. Amend text accordingly.

Also cannot pass responsibility of repayment of unused sums onto parties which are non signatories or 'local authorities'

Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

but if no specific need has been identified a contribution cannot be asked for.

This is covered in para 3.1

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6.0 Monitoring of the Developer Contributions

Rob Thorley

GVA Grimley

Jelson Ltd

Support the principle of monitoring contributions but there are no substantive details included.

The monitoring arrangements are explained in Para 6.2

If developers are to contribute to the cost of monitoring then unspent monies should be automatically returned.

Agree text of para 5.4 will be amended.

Purnima Wilkinson

East Midlands Housing Association

There needs to be a strategy / policy setting out how off site contributions will be used.

BDC is producing an Affordable Housing Strategy which sets out the Council's position in relation to securing affordable housing and commuted sums.

Paragraph 6.1

Robert Jays

William Davis Limited

The recovery of monitoring and implementation costs is contrary to the Circular.

Disagree. Whilst there is no specific mention of monitoring cost in Circular 05/2005, this is common practice among Local Planning Authorities.

Appendix 1 Developer Contributions

General Comments

Andrew Tyrer

Leicestershire County Council

There should be a reference to Recreation, Community Facilities and Amenity Land as a contribution. There is no mention of 6C's Green Infrastructure Strategy and Action Plan or the Stepping Stones Project

This was considered to be too wide ranging as a title, and each topic has been covered by a specific appendix. Reference to the documents will be incorporated under current guidance.

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Robert Jays

William Davis Limited

Any issues not included in Policy IM1 are new policy and therefore should be deleted.

Para. 12.17 of the BDLP makes it clear that Policy IM1 is not intended to be comprehensive and the SPD will be in accordance with para B27 of Circular 05/2005 regarding transitional arrangements.

Richard Frudd

Indigo Planning

Sainsbury's Supermarkets Ltd

There is no clarity on any thresholds for commercial development and contributions could be required in a wider set of circumstances than ordinarily expected.

Thresholds for commercial development are included where appropriate.

Appendix 1.1 Play and Open Space

Benita Key

Natural England

Suggest additional text in 'type of facilities' to include Accessible Natural Greenspace Standards.

Disagree. The Public Open Space requirement is based on the recent PPG17 Study and these standards are included in that assessment. The calculation behind the formula has been added as an additional appendix for information.

John Berry

Sport England

Recommend that the commentary is expanded to consider each category listed under 'type of facilities'.

The additional appendix contains the details of the typologies included in the calculation

Sport England have developed a tool to assist in calculating demand and costings for indoor facilities.

This tool has been included in the recent PPG17 study, which has informed the additional appendix.

Rename section to bring in line with national guidance.

Agreed. Amend text accordingly

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Chris May

Marrons

Should restrict 'area of development' to areas which will be used by occupiers of proposed development.

Agree.

Have failed to detail how the formulas have been calculated and should have robust evidence.

The formula is based on the calculations set out in an additional appendix.

Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

Suggest unlikely that large industrial / commercial development would generate excess demand as private facilities are more likely to be used at these times, in addition if the workforce is local they will not generate excess demand.

Disagree. Section 106 requires that consideration is given to the need generated by the employees.

Rob Thorley

GVA Grimley

Jelson Ltd

Should be amended to clarify if contributions will depend on need and level of impact with the standard charges providing quantitative indications.

The issue of need and impact is dealt with under paras 2.2 and 3.1

Also the need for a maintenance sum depends on if the contribution benefits the wider community

The need for a maintenance payment will depend on new facilities being provided.

A flat rate contribution contravenes the Circular.

Disagree. The use of formulae and maintenance payments for secured contributions are in accordance with Circular 05/2005. Any contribution will be assessed on its own merits.

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Robert Jays

William Davis Limited

Concern that contribution not directly related to impact – the figures are considered to be disproportionate and higher than other Leics authorities.

The issue of need and impact is dealt with under paras 2.2 and 3.1. The formula is based on the calculations set out in an additional appendix which are robust and proportionate.

Richard Frudd

Indigo Planning

Sainsbury's Supermarkets Ltd

Would recommend that the wording is amended to clarify the form of development which would generate a contribution and what threshold would apply.

Agree. Amend text to clarify major development. The term commercial covers retail uses.

Ian Laughton

Braunstone Town Council

Should include tree planting to offset traffic pollution.

Tree planting will be sought as part of Open Space contributions where appropriate. The issue of air quality is addressed under appendix 1.7.

Appendix 1.2 Affordable Housing

Gordon Smith

Gordon Smith Associates

Disagree with requirement on all sites regardless of size. Suggest a threshold of 24 units and above.

Disagree. The proposed target of 15 dwellings is in line with PPS3. There is considerable up to date evidence of need for affordable housing in the District. The outcome of the EIP will not be known for a lengthy period. In the interim, planning applications for residential development will continue to be received. It is appropriate that these schemes provide an appropriate number and type of affordable housing. BDC is producing an Affordable Housing Strategy which sets out the Council's position.

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Chris May

Marrons

Have failed to detail how the threshold and percentage mix have been justified. Justification should be included.

See recommended response to Gordon Smith above.

Rob Thorley

GVA Grimley

Jelson Ltd

Content should not be fixed until outcome of the Examination In Public is known.

See recommended response to Gordon Smith above.

Robert Jays

William Davis Limited

The proposed figures have not been formally agreed and adopted and are therefore premature.

See recommended response to Gordon Smith above.

Ian Laughton

Braunstone Town Council

Supports measures to provide affordable housing, however, have lodged a formal objection to the proposed SUE at Lubbesthorpe.

Noted.

Appendix 1.3 Education

Andrew Tyrer

Leicestershire County Council

The title should be expanded.
The figures need to be updated to the position at 2009/10.

Agree. Title to be expanded and figures updated as requested.

Penny Butler

Stoney Stanton Parish Council

Disagree with demographic of numbers of children in houses 'v' flats, and believe it will stay that way if house prices continue high.

The education requirement is the remit of the County Council and it is responsible for the calculation of any contribution. The appendix has been included for information purposes.

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Rob Thorley

GVA Grimley

Jelson Ltd

Education requirements should be known by now and location specific guidance should be provided.

Disagree. See the recommended response to GVA Grimley under 'General Comments on the Whole Document' above.

The reference to a replacement school is unnecessary. Should make it clear that standard charges are indicative.

Agree. Text to be amended.

Robert Jays

William Davis Limited

Concern that contribution not directly related to impact – the figures do not take likely children occupancy into consideration.

See recommended response to Stoney Stanton Parish Council above.

Appendix 1.4 Civic Amenity Waste and Waste Collection

Andrew Tyrer

Leicestershire County Council

Amend the title to remove the first 'waste'. Specify LCC other types of waste facilities for clarity.

Agree. Text to be amended.

Support the wheelie bin contribution but it should be index linked and include on street recycling and retail developments.

The issue of indexing is already covered in the SPD. Retail developments are generally covered by private contracts.

Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

Wheelie bin provision is now standard and should be covered by council tax.

Disagree. New residential development can have an effect on the infrastructure of waste collection and a contribution will be sought on major applications where there is no spare capacity in the waste collection infrastructure.

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Andy Kitchen

Pegasus Planning Group

Proposed requirements are not covered by Policy IM1 and should be deleted.

See recommended response to William Davis under 'Appendix 1 General Comments' above.

Rob Thorley

GVA Grimley

Jelson Ltd

Contributions to civic amenity sites are not justified as there is no evidence of need which cannot be met through council tax and there is no evidence of need or the impact of development in any particular location.

Disagree. Development has the potential to impact on the capacity of Civic Amenity Sites.

Wheelie bins should be covered by council tax.

See recommended response to Wilson Bowden above.

Robert Jays

William Davis Limited

Unreasonable to require wheelie bins which the council has a statutory duty to provide.

See recommended response to Wilson Bowden above.

Appendix 1.5 Community Facilities

Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

The explanation of what constitutes a community facility needs to be fuller.

Agree. Amend text accordingly.

Rob Thorley

GVA Grimley

Jelson Ltd

There is no clear guidance as to the need for a contribution or how and when it will be required.

See recommended response to Wilson Bowden above.

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Richard Frudd

Indigo Planning

Sainsbury's Supermarkets Ltd

Would recommend that the wording is amended to clarify the form of development which would generate a contribution and what threshold would apply.

See recommended response to Wilson Bowden above.

Ian Laughton

Braunstone Town Council

Suggest a threshold of one or more dwellings.

Agree. Amend text accordingly

Parish / Town Councils should be able to allocate funding for whole community. There is no policy requirement to give early involvement in deciding priorities to Parish /Town Councils

Contributions for community facilities can be sought if there is robust justification in place. Parish / Town Councils can assist the identification of need through the use of Community Priority Statements or Parish Plans.

Appendix 1.6 Adult Social Care and Health

Andrew Tyrer

Leicestershire County Council

Suggest replacement text for the 'form of contribution' section.

Agree. Amend text accordingly.

Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

Presumption that 'any development' refers to residential development but considered that it would be difficult to demonstrate a link sufficient for a planning obligation.

Agree. Amend text to clarify that the reference is to residential development.

Andy Kitchen

Pegasus Planning Group

Residential care elements do not fall within the definition of community facilities and go beyond the requirements of Policy IM1. Text should be amended to remove references to residential care.

Disagree. See the recommended response to GVA Grimley under 'General Comments on the Whole Document' above.

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Rob Thorley

GVA Grimley

Jelson Ltd

There is no clear guidance as to the need for a contribution or how and when it will be required.

The social services requirement is the remit of the County Council and it is responsible for the calculation of any contribution. The appendix has been included for information purposes.

Appendix 1.7 Highways and Transportation

Andrew Tyrer

Leicestershire County Council

Suggested additional text to stress link to HTD document.

Agree. Amend text accordingly.

Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

If a material increase can be accommodated in the existing infrastructure then a contribution cannot be justified, text needs to refer to an adverse impact.

Agree. Amend text accordingly.

Richard Frudd

Indigo Planning

Sainsbury's Supermarkets Ltd

Would recommend that the wording is amended to clarify the form of development which would generate a contribution and what threshold would apply.

Disagree. Any type of development can affect the highway network.

Also amend the wording to refer to detrimental impact on highway network.

Agree. Amend text accordingly

Ian Laughton

Braunstone Town Council

There should be provision for contributions in an Air Quality Management Area if the development would have an impact.

Appendix 1G of annex 1 (PPG23) states that mitigation measures could be secured through 106 agreements.

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Geoff Wise

Highways Agency

Support the development of the SPD but it is important that the levels of funding be sought on sound transport evidence. EMRA's PTOLEMY land use and transport model, possibly supported by the Central Leics transport model will identify pressures on the existing road network and potential mitigating measures. Should include reference to Circular 02/2007 Planning and Strategic Road Network. In type of facility could refer to local and strategic to cover both networks.

Agreed. Text amended accordingly.

Appendix 1.8 Blaby Town Centre (BTC)

Philip Jennings

Croft Parish Council

Does not wish contributions spent specifically on BTC, could be amended to include all commercial / retail centres.

This appendix is concerned with development in and around BTC which has a Master Plan. It is therefore not appropriate to amend it to include all commercial / retail centres, which have no such document.

Penny Butler

Stoney Stanton Parish Council

Hope that villages without a social / economic connection to BTC are not expected to make contributions.

This is correct.

Andy Kitchen

Pegasus Planning Group

Proposed requirement is unclear, does not relate to Policy IM1 and should be deleted.

See recommended response to William Davis under 'Appendix 1 General Comments' above.

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Rob Thorley

GVA Grimley

Jelson Ltd

There are only vague and generalistic requirements which rely on a Master Plan with no formal status, it is unclear what is meant by 'relate' to the Town Centre.

Agree. Amend text to clarify that the reference relates to development with an impact on the Town Centre.

Richard Frudd

Indigo Planning

Sainsbury's Supermarkets Ltd

Would recommend that the wording is amended to clarify the form of development which would generate a contribution and what threshold would apply.

It is impractical to comprehensively list every requirement for every potential development that could impact on the Town Centre.

Appendix 1.9 Library Services

Andrew Tyrer

Leicestershire County Council

Suggested replacement text and figures for the 'form of contribution' section.

Agree. Text amended accordingly.

Chris May

Marrons

Although an LCC matter, there is no justification for the library contribution.

Disagree. Residential development can have a increased demand on library services.

Rob Thorley

GVA Grimley

Jelson Ltd

The standard formula approach lacks detail and is contrary to the Circular.

Disagree. The use of formulae are in accordance with Circular 05/2005.

Richard Frudd

Indigo Planning

Sainsbury's Supermarkets Ltd

Would recommend that the wording is amended to clarify the form of development which would generate a contribution and what threshold would apply.

Disagree. The threshold for residential development is included and any major commercial or employment development would be assessed on its merits

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Appendix 1.10 Health

Rob Thorley

GVA Grimley

Jelson Ltd

There is no clear guidance as to the need for a contribution or how and when it will be required.

The health requirement is the remit of the PCT and it is responsible for the calculation of the 'Health Formula'. The appendix has been included for information purposes.

Richard Frudd

Indigo Planning

Sainsbury's Supermarkets Ltd

Would recommend that the wording is amended to clarify the form of development which would generate a contribution and what threshold would apply.

See recommended response to Indigo Planning under appendix 1.9 above

Appendix 1.11 Museums, Heritage Interpretation and Cultural Development

Andy Kitchen

Pegasus Planning Group

It is unclear how new development can have a direct impact on the capacity of a finite resource and it is considered that this fails the Circular's tests.

Our heritage is a finite resource and as such any loss or damage could be compensated for in accordance with Circular 05/2005.

Rob Thorley

GVA Grimley

Jelson Ltd

There is no clear guidance as to the need for a contribution or how and when it will be required. The examples given are speculative and it is difficult to see where a contribution might be required.

It is impractical to comprehensively identify all possible obligation requirements as different designs of development would have different levels of impact on a heritage resource. Each development will need to be assessed on its own merits.

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Appendix 1.12 Police / Crime

Michael Lambert

Leicestershire Police Authority

Suggest additional / replacement text for the page to clarify position

Insufficient justification has been provided concerning the methodology used to calculate the tariff and how it could be tailored to the sites individual requirements.

Chris May

Marrons

It is difficult to see how a police service contribution could be relevant and necessary to make a development acceptable in planning terms.

The District Council has a duty to consider the impact of its actions on Community Safety under the Crime and Disorder Act 1998. An increase in population, and uses which support that population, are likely to have an increased demand on policing.

Reference to existing deficiencies does not comply with the Circular.

Agree. Amend text accordingly

Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

It is not considered that a police contribution is valid as they claim a specific proportion of every council tax bill. It is inappropriate to ask for a further contribution from developers and should be removed.

See recommended response to Marrons above.

Rob Thorley

GVA Grimley

Jelson Ltd

There is no clear guidance as to the need for a contribution or how and when it will be required. Contributions should only relate to capital costs directly related to the development.

See recommended response to Marrons above.

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Richard Frudd

Indigo Planning

Sainsbury's Supermarkets Ltd

Would recommend that the wording is amended to clarify the form of development which would generate a contribution and what threshold would apply.

See recommended response to Marrons above.

Appendix 1.13 Ecology, Geology, Environment and Geomorphology

Andrew Tyrer

Leicestershire County Council

Suggested amendments to 'type of development' section.

Agree. Text amended accordingly.

Benita Key

Natural England

Additional / replacement wording to broaden explanations.

Agree. Text amended accordingly.

James Lidgett

Environment Agency

Would recommend that Sustainable Urban Drainage systems are included as a developer contribution.

Agree. Text amended accordingly.

Appendix 1.14 Fire and Rescue

Chris May

Marrons

It is difficult to see how a fire and rescue service contribution could be relevant and necessary to make a development acceptable in planning terms. It is noted that there is no justification provided for the figures.

An increase in population is likely to place additional demands on the Fire and Rescue Service. The Fire and Rescue Service will need to justify the financial contributions it is seeking. The Fire and Rescue Service did not respond to confirm their figures, which have therefore been removed from the document.

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Haydn Jones

Pegasus Planning Group

Wilson Bowden Developments Ltd

The fire service claim a specific proportion of council tax and the reference to buildings should be removed. However, it is recognised that adequate hydrants / water infrastructure could be requested.

See recommended response to Marrons above.

Rob Thorley

GVA Grimley

Jelson Ltd

The need for hydrants is part of s38 discussions. It is unclear how the financial contribution has been determined and how it would be spent.

See recommended response to Marrons above.

Richard Frudd

Indigo Planning

Sainsbury's Supermarkets Ltd

Would recommend that the wording is amended to clarify the form of development which would generate a contribution and what threshold would apply.

See recommended response to Marrons above.

Appendix 1.15 Archaeology

Andrew Tyrer

Leicestershire County Council

Suggested replacement text for the whole page.

Agree. Text amended accordingly

Ann Plackett

English Heritage

Suggests that the management of sites should be specifically mentioned.

The replacement text suggested by LCC meets this representation.

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Rob Thorley

GVA Grimley

Jelson Ltd

There is no clear guidance as to the need for a contribution or how and when it will be required.

It is impractical to comprehensively identify all possible obligation requirements as different designs of development would have different levels of impact on any archaeological resource. Each development will need to be assessed on its own merits.

Appendix 1.16 British Waterways

Andy Kitchen

Pegasus Planning Group

Unclear how this requirement is related to not mitigating an existing problem. It also does not relate to Policy IM1 and should be removed.

A contribution would only be sought where development would have a detrimental impact on the canal and its environment. Para. 12.17 of the BDLP makes it clear that Policy IM1 is not intended to be comprehensive.

Rob Thorley

GVA Grimley

Jelson Ltd

There is no clear guidance as to the need for a contribution or how and when it will be required.

See recommended response to Pegasus Planning above.

Appendix 1.17 Public Art

Andy Kitchen

Pegasus Planning Group

This requirement goes beyond any of the headings of Policy IM1 and should be removed.

Para. 12.17 of the BDLP makes it clear that Policy IM1 is not intended to be comprehensive

Rob Thorley

GVA Grimley

Jelson Ltd

There is no clear guidance as to the need for a contribution or how and when it will be required.

Disagree. Any requirement will be dependant on the proposal and will be assessed on its own merits.,

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Richard Frudd

Indigo Planning

Sainsbury's Supermarkets Ltd

Would recommend that the wording is amended to clarify the form of development which would generate a contribution and what threshold would apply.

See recommended response to GVA Grimley above.

Appendix 2 Draft Section 106 Agreement

Benita Key

Natural England

Additional text to definition of 'commencement of development' to include ecological survey.

Agree. Text amended accordingly.