

## Sevenoaks District Council

### Affordable Housing Supplementary Planning Document (SPD)

#### Consultation Statement

##### 1. Introduction

The Affordable Housing Supplementary Planning document provides advice on how the Council's Affordable Housing policy, as set out on the Core Strategy DPD, is to be implemented. This includes guidance on the range of approaches, standards and mechanism required to deliver a range of affordable housing to meet local needs.

Once adopted, the Affordable Housing SPD will form part of the Sevenoaks District Local Development Framework. It will not form part of the formal development plan for the area but will be a material consideration in the determination of planning applications. It will provide further guidance as to how national, regional and local planning policies will be applied in relation to the provision of Affordable Housing.

This document sets out Sevenoaks District Council's approach to consultation and engagement in preparing the Affordable Housing SPD.

##### 2. Approach to consultation

Regulation 17 of the Town and Country (Local Development) (England) Regulations 2004 (as amended 2008 and 2009) and sets out the minimum requirements for consultation and public participation on a Supplementary Planning Document (SPD).

Further to these minimum requirements, the adopted Sevenoaks Statement of Community Involvement (December 2005), 'Planning for People', sets out the range of approaches to consultation and participation that the Council will consider facilitating in preparing LDF documents. These are:

	How could you be involved?
<b>Information</b>	Local media (newspapers, radio, TV, local/Parish newsletters).
	Electronic resources (Internet, e-mail, online consultation, diary).
	Publicity in 'community centres' (e.g. local council offices, shopping centres, sports centres).
	Letter based consultation to persons and organisations listed on the LDF mailing list.

Consultation	Documents available for inspection at local council offices.
	Area/Town Forums and Parish/Town Council Meetings.
	Qualitative Research (Focus Groups and Questionnaire Surveys).
	Public Exhibitions.
Participation	Preparation of locally based documents (e.g. Parish Plans and Village Design Statements).
	Participation Workshops
	Working Groups

Sevenoaks District Council considers that when preparing SPDs it is appropriate to inform, consult and seek the participation of organisations and/or individuals in order to ensure that the documents more closely reflect local needs and priorities.

Consultation and engagement with organisations and individuals in the process of preparing the Affordable Housing SPD.

Following preparation of a draft of the SPD, the Council resolved to undertake a 10 week formal consultation on the Affordable Housing SPD between 26<sup>th</sup> May 2011 and 4<sup>th</sup> August 2011.

As part of this consultation, the Council:

- Published the draft Affordable Housing SPD on the Sevenoaks District Council website;
- Made the draft SPD available for inspection at the Council's offices and libraries in the Council's administrative area during normal office hours;
- Sent letters to persons and organisations<sup>1</sup> on the Council's LDF mailing list inviting them to examine the consultation documents and make representation on them during the consultation period;
- Placed a public notice in local newspapers informing the public of the consultation matters, the consultation period and the places at which the documents could be inspected;
- Released the details of the consultation to the local press via a press release;
- Organised a briefing for local agents.

### 3. Organisation and individuals consulted

Sevenoaks District Council are required to consult those 'specific' and 'general' consultation bodies that the Council considers are affected by the SPD<sup>2</sup>. A list of

<sup>1</sup> Both 'specific' and 'general' consultation bodies as defined in Reg. 2 of the Town and Country (Local Development) (England) Regulations 2004 and amended 2009

<sup>2</sup> As required by Reg. 17 (3) of the Town and Country Planning (Local Development) (England) Regulations 2004

specific consultation bodies is set out in Reg. 2 of the Town and County Planning (Local Development) (England) Regulations 2004 (as amended 2009). The same regulation defines 'general' consultation bodies as any voluntary bodies, bodies representing racial, ethnic, national or religious groups or disabled persons and bodies representing the interests of businesses in the area.

The Council considered it appropriate to consult the following 'specific' consultation bodies on the draft Affordable Housing SPD:

- Homes and Communities Agency
- The Environment Agency
- English Heritage
- Natural England
- Neighbouring Authorities
  - Tonbridge and Malling Borough Council
  - Dartford Borough Council
  - Gravesham Borough Council
  - Tunbridge Wells District Council
  - Wealden District Council
  - Tandridge District Council
  - London Borough of Bromley
  - London Borough of Bexley
  - Hildenborough Parish Council
  - Shipbourne Parish Council
  - Ightham Parish Council
  - Wrotham Parish Council
  - Stansted Parish Council
  - Trottisclyffe Parish Council
  - Speldhurst Parish Council
  - Bidborough Parish Council
  - Southfleet Parish Council
  - Longfield and New Barn Parish Council
  - Darenth Parish Council
  - Sutton-at-Hone and Hawley Parish Council
  - Wilmington Parish Council
  - Meopham Parish Council
  - Forest Row Parish Council
  - Harfield Parish Council
  - Withyham Parish Council
  - Limpsfield Parish Council
  - Tatsfield Parish Council
  - Dormansland Parish Council
- Mobile Phone Operators
  - Mobile Operators Association
- Electricity and Gas Companies
  - N Power
  - EDF
  - E.On
  - Scottish and Southern Electricity
  - Utilita Services
  - Good Energy
  - Ecotricity
  - Ebico Ltd
  - Spark Energy
  - British Gas
- Sewerage Undertaker
  - Southern Water
- Water Undertakers
  - East Surrey Water Co.

- South East Water
  - Thames Water
- Kent Police
- Kent County Council
- Parish Councils
  - Ash-cum-Ridley Parish Council
  - Brasted Parish Council
  - Chevening Parish Council
  - Chiddingstone Parish Council
  - Cowden Parish Council
  - Crockenhill Parish Council
  - Dunton Green Parish Council
  - Edenbridge Town Council
  - Eynsford Town Council
  - Farningham Parish Council
  - Fawkham Parish Council
  - Halstead Parish Council
  - Hartley Parish Council
  - Hever Parish Council
  - Hextable Parish Council
  - Horton Kirby & South Darenth
  - Kemsing Parish Council
  - Knockholt Parish Council
  - Leigh Parish Council
  - Otford Parish Council
  - Penshurst Parish Council
  - Riverhead Parish Council
  - Seal Parish Council
  - Sevenoaks Town Council
  - Sevenoaks Weald Parish Council
  - Shoreham Parish Council
  - Sundridge with Ide Hill Parish
  - Swanley Town Council
  - Westerham Parish Council
  - West Kingsdown Parish Council

In addition Companies, Organisations and Individuals on the Council's LDF mailing list were also invited to comment on the Affordable Housing SPD. This mailing list contains 350 consultees, being made up of all those who responded to previous formal and informal LDF consultations or who asked to be kept informed of the progress of LDF documents.

#### Drop in Sessions

4 Drop-in sessions were held for members of the public to discuss the draft SPD with members of the Planning Policy team.

#### Town and Parish Council Briefings

2 briefing sessions were held on the 13<sup>th</sup> and 16<sup>th</sup> June 2011.

#### Agents Forum

The following individuals and organisations were invited to an 'agents forum' on the 13<sup>th</sup> June to discuss the SPD.

- A W Hayward & Partners
- Alan E Falconer
- Albany Building Design
- Anderson North Partnership
- Andrew Boakes Associates
- Andrew Fryatt Associates Ltd
- Architectural Projects
- Barrett Haskins Designs Ltd
- Broadlands
- Browitt & Smith
- Burns Guthrie & Partners
- CASA Design Services Ltd
- Christopher Rayner Architects
- Chesterton Surveyors
- Cobden (Land & Property) Ltd
- Colin W Luther
- Crofton Design Services Ltd
- Cyma Architects
- David Brookes And Associates
- DHA Planning
- Direct Build Services Ltd
- Direct Planning Limited
- Down To Earth Design
- Down To Earth Tree Contracts Ltd
- Edwin Broome
- Fry Drew Knight Creamer
- Gary Gabriel Associates
- Gina Hughes Tree Surgery
- Glyn Doughty
- Graham Simpkin Planning
- Grayston Alan & Durtnell
- Harlequin Ltd
- Harringtons 2006
- I K Wyatt Building Design Ltd
- Ibbett Mosely
- In Touch Home Improvement Agency
- Judith Norris Limited
- Keith Fox
- Kember Loudon Williams
- Madgwick & Dottridge
- Martin Bush Chartered Architect
- Mervyn Earl
- Mr Andrew Hudson
- Mr Brian Holliday
- Mr F J Tuson
- Mr Graham J Peachey
- Mr M Brown (Architect)
- Mr P Smith
- Mr Patrick Coakley
- Mr R Churchman
- Mr R F Newman
- Mrs H Gilmour

- P F Newton
- Paul Fowler
- PDI Partnership
- Peter Bodman Design Services
- Peter Evans
- Peter Kerr
- Phillip Hobbs
- Planning Potential
- Priory Designs
- Rayner Associates
- Richard Reid Partnership
- Robinson Escott Planning
- Sheffords Chartered Surveyors
- South East Surveys
- Stephen Langer Associates
- Stewart Elcomb
- The Barton Willmore Planning Partnership - Eastern
- The Downes Planning Partnership
- The Hards Partnership
- The Surveyors Partnership
- Tree Craft Ltd
- Vanns & Jones Surveyors
- Vic Checksfield
- Woodward Ambrose Architects Ltd
- Wyatt Glass Architects

#### 4 Summary of issues raised and how Sevenoaks District Council has responded to these comments

Question	Name Rep No	Representation	Response
Is the policy context clearly set out ?  14 Responses	<a href="#">AH126</a> Paul Crick Kent County Council	Supports approach, however KCC are concerned that requiring a high contribution to affordable housing from all sites will reduce viability and therefore reduce the contribution to KCC services.	The Affordable Housing Viability Assessment included an allowance for other developer contributions and concluded development would be viable with the additional contribution to affordable housing.
	<a href="#">AH12</a> Mike Tatham Tatham Homes Ltd	It is not clear how the contribution required by the affordable housing policy will deliver affordable housing. The contribution will reduce the level of market housing.	The policy was found to be a sound approach to delivering affordable housing at the Core Strategy examination. On sites of 5 or more units the policy will require the delivery of on-site affordable housing. On sites of less than 5 units the policy will secure financial contributions to be used to provide new affordable housing, including through rural exception sites.
	<a href="#">AH55</a> Cllr John Edwards-	It is unclear on what basis a contribution is made. Is this on the sale price, the building price, the	Para 6.5 has been amended to confirm that the affordable housing contribution is based on the cost of

<p>Winser <a href="#">AH73</a> Brenda Hambrook Otford Parish Council</p>	<p>land price . The criteria could raise prices on the remaining houses as compensation for the reduction in earning margin. Could result in the development not proceeding or building outside the Sevenoaks area.</p>	<p>providing affordable housing on another site of equivalent land value. A contribution is sought towards the cost of making serviced land available within an equivalent development.</p> <p>The Affordable Housing Viability Assessment included an allowance for a 15% developer's profit. Where developers consider that a scheme would not be viable with the contributions required, the policy allows for a lower or nil contribution to be negotiated. Appendix 4 identifies developer's profit as an appropriate part of an open book viability assessment to justify lower or nil contributions.</p>
<p><a href="#">AH95</a> Peter Hadley Robinson Escott Planning</p>	<p>For consistency the policy should also accept that reduced financial contributions may also be justified for schemes involving 1-4 units where an independent assessment can verify that without such reductions a scheme would be unviable</p>	<p>This is accepted in the amendment to para 6.3</p>
<p><a href="#">AH100</a> Peter Hadley Robinson Escott Planning</p>	<p>The SPD should be fully reviewed having regard to the new draft National Planning Policy Framework. The SPD should demonstrate how it accords with the aims of para 39 of the NPPF.</p>	<p>Para 39 of the draft NPPF states that plans and obligations should not place such a burden on development that it becomes non-viable. The requirement to contribute to affordable housing is set out in the Core Strategy and was subject to a viability assessment. The policy allows for requirements to be relaxed where it is demonstrated that the viability of individual developments would not be maintained. The SPD is consistent with the Core Strategy and contains specific guidance that enables viability to be considered. Overall the SPD is consistent with para 39 of the draft NPPF.</p>
<p><a href="#">AH103</a> United House Planning Potential</p>	<p>Object to the tenure split.</p>	<p>The tenure split has been established through the Core Strategy and this is effectively an objection to Core Strategy policy not the SPD.</p>
<p><a href="#">AH13</a> Christine Lane Edenbridge Town Council</p>	<p>Yes</p>	<p>Noted.</p>
<p><a href="#">AH118</a> Hugh D'Alton Sevenoaks Town Council</p>	<p>Provisions for affordable housing should be sought from new land purchases only, as this is effectively a land tax; Would like to see more S106 funds go towards freeing up existing</p>	<p>The Core Strategy policy applies to all planning applications determined after February 2011. Where it is proven that the policy would result in a development not being viable, it allows for a lower or nil contribution.</p>

		<p>housing stock in the Sevenoaks Area.</p> <p>Contributions should be made when developments are completed or through a payment on account scheme.</p>	<p>Para 6.11 sets out the ways that s106 funds will be used.</p> <p>Para 6.15 requires that the commuted sum will be payable on commencement of development. This may be subject to negotiation in some circumstances.</p>
	<p><a href="#">AH119</a> Tim Daniells Millwood Homes</p>	Policy Context is clearly set out.	Noted.
	<p><a href="#">AH7</a> Thomas Rand</p>	Sites of less than 0.2ha should have affordable units.	All sites will be required to make a contribution towards affordable housing. On sites of less than 5 units financial contributions towards off site provision will be sought. This follows the conclusions of the Affordable Housing Viability Assessment.
	<p><a href="#">AH48</a> Tracy Godden Dunton Green Parish Council</p>	Questions the economic viability of policy SP3 for 1 or 2 unit developments.	The policy for smaller developments follows the conclusions of the Affordable Housing Viability Assessment. It was considered to be a sound approach at the Core Strategy Examination.
	<p><a href="#">AH62</a> Trevor R Hall Kent Police</p>	Small element of the affordable/social housing provision made available to key workers in the first instance.	Affordable housing will be made available in accordance with the national definition.
	<p><a href="#">AH74</a> Brenda Hambrook Otford Parish Council</p>	The guidance is clear, however the basis of the policy and its affect upon future housing costs and supply within the region, remains debatable.	The policy follows the conclusions of the Affordable Housing Viability Assessment. It was considered to be a sound approach at the Core Strategy Examination.
<p>Is the guidance clear in identifying what development should contribute ?</p> <p>11 Responses</p>	<p><a href="#">AH8</a> Thomas Rand</p> <p><a href="#">AH14</a> Christine Lane Edenbridge Town Council</p> <p><a href="#">AH49</a> Tracy Godden Dunton Green Parish Council</p> <p><a href="#">AH80</a> Y Tredoux Kemsing Parish Council</p> <p><a href="#">AH120</a> Tim Daniells Millwood Homes</p>	Yes	Noted



	<p><a href="#">AH1</a> McCarthy and Stone Retirement Lifestyles Ltd The Planning Bureau</p>	<p>Support the approach that only development falling in Use Class C3 be required to provide affordable housing or financial contribution and that sheltered housing scheme will not have to provide on site affordable housing.</p>	<p>Noted, but sheltered housing schemes that provide individual residential units will fall within Use Class C3 and will be expected to contribute under the policy</p>
	<p><a href="#">AH56</a> Cllr John Edwards-Winsor</p>	<p>The guidance is clear, however, the basis of the policy and its affect upon future housing costs and supply within the region has not been thought through. If you increase the costs you lower the output.</p>	<p>The policy follows the conclusions of the Affordable Housing Viability Assessment. It was considered to be a sound approach at the Core Strategy Examination.</p>
	<p><a href="#">AH63</a> Trevor R Hall Kent Police</p>	<p>The guidance is clear but would like to see within the exclusions any development comprising solely of key worker accommodation.</p>	<p>Provided key worker housing is reserved for those key workers who cannot afford to buy or rent on the open market it will fall within the definition of affordable housing and will not need to make a further contribution.</p>
	<p><a href="#">AH69</a> Churchill Retirement Living Greg Hilton Planning Issues</p>	<p>Support the wording of 4.2. However, it is not clearly stated that a financial contribution will be most appropriate in these circumstances Add wording ensuring that where separate buildings, access and parking arrangements cannot be assured, the financial contribution will be accepted as a matter of course.</p>	<p>The current wording allows for financial contributions where management issues affect the ability to make provision on site and provides for necessary flexibility. The suggested amendment is considered too prescriptive in leading to off site provision.</p>
	<p><a href="#">AH113</a> Hugh D'Alton Sevenoaks Town Council</p>	<p>Housing shortfall for West Kent Area not just Sevenoaks District.</p> <p>Will this provision be met? This policy is ambiguous and unenforceable. Will unit size as well as the number be taken into account when reaching a decision on whether a development has been artificially reduced or not.</p> <p>Money is already taken in the form of S106 agreements, where is it being spent currently?</p>	<p>Policies in the Local Development Frameworks of other West Kent districts will be required to include policies to address, as far as possible, their housing shortfalls.</p> <p>The adopted policy was considered through the Core Strategy Examination and was found to be a sound approach. Assessing whether a development has been artificially reduced below an affordable housing threshold will be a matter for determination by case officers on planning applications.</p> <p>Financial contributions for affordable housing was introduced by Policy SP3 of the Core Strategy in February 2011. The SPD proposes that the Council monitor the delivery of affordable housing through the LDF Annual Monitoring Report.</p>
	<p><a href="#">AH114</a> Hugh D'Alton Sevenoaks</p>	<p>Confirm 4.3 includes almshouses, Rockdale and similar housing. Would like to see Rockdale style</p>	<p>Clarity is needed in deciding what types of development should contribute. The SPD follows the Core</p>

	Town Council	housing developments added to the list of exempt developments.	Strategy approach in using the Use Classes Order; if development falls within Use Class C3 (Residential dwellings) it should contribute but if it falls within Class C2 (residential institutions) it should not. Individual developments are then appraised to see which Use Class they fall within.
<p>Do you have any comments on the guidance regarding on site provision, recognising that policy on the level of on site provision is set out in the Core Strategy?</p> <p>13 Responses</p>	<p><a href="#">AH2</a> McCarthy and Stone Retirement Lifestyles The Planning Bureau</p> <p><a href="#">AH96</a> Peter Hadley Robinson Escott Planning</p>	<p>Most sheltered housing sites cannot accommodate a separate block of affordable housing due to onsite restrictions and lifestyle differences. The use of off site financial contributions to meet affordable housing requirements is supported.</p> <p>Should provide assurance that it will respond to developers attempts to agree matters pre-application within a set time. Unilateral Undertakings can be used as an alternative to Section 106 agreements.</p>	<p>Noted (see response to comment AH1 above)</p> <p>The Council's policy is to respond promptly to pre-application enquiries. Indicative timescales are set out on its website.</p> <p>Any unilateral undertaking would need to fully meet the Council's requirements sought through S106 Agreements and be equally enforceable.</p>
	<p><a href="#">AH35</a> Michael Allwood TCHG</p>	Remove reference to social rented provision in table 5.1.	An amendment is proposed to Table 5.1 to introduce Affordable Rent. However, the Council does not consider it would be justified to remove reference to social rent as developments may still take place with this tenure.
	<p><a href="#">AH111</a> Angela Howells Westerham parish council</p>	Supports para 5.8.	Noted
	<p><a href="#">AH15</a> Christine Lane Edenbridge Town Council</p>	<p>The Affordable Housing Viability Study must be current and accurate and regularly reviewed. Is the rounding down of the requirement fair?</p> <p>Is there opportunity to vary the balance of Social Rented and Intermediate Housing units?</p>	<p>The Affordable Housing Viability Assessment is up to date but will be kept under review.</p> <p>Para 5.3 states that the number of units should be rounded to the nearest whole unit which is considered the most appropriate application of the policy.</p> <p>Para 5.6 allows for flexibility in the balance between different tenures.</p>
	<p><a href="#">AH50</a> Tracy Godden Dunton Green Parish Council</p>	It will be essential that the Affordable Housing Viability Study (2009) is routinely reviewed and updated to ensure the credibility of SDC's calculations.	The Affordable Housing Viability Assessment is up to date but will be kept under review.

	<p><a href="#">AH57</a> Cllr John Edwards-Winser</p> <p><a href="#">AH75</a> Brenda Hambrook Otford Parish Council</p>	<p>The term "social rent" is unclear. Define difference between Social Rented and Affordable Rented and the 'independent assessor'?</p> <p>In para 5.9 there is a request that funding is not provided by the housing association – why is a S106 agreement required to provide the Housing Association with funds from a private development?</p> <p>In para 6.11 why is there only reference to West Kent Housing, not the other 'registered providers'?</p> <p>What controls exist to track the beneficial and appropriate use of S106 donations? Will there be an annual report of that demonstrates that moneys contributed to an S106 agreement are used for the purpose they were given.</p>	<p>Definitions of 'social rented housing' and 'affordable rented housing' are included in the glossary (appendix 5).</p> <p>Para 5.9 reflects the current economic climate, which mean that grant funding to support affordable housing development is unlikely.</p> <p>Para 6.11 refers to the West Kent Strategic Housing Market Assessment and not the West Kent Housing Association.</p> <p>Delivery of affordable housing will be monitored through the Council's LDF Annual Monitoring Report.</p>
	<p><a href="#">AH115</a> Hugh D'Alton Sevenoaks Town Council</p>	<p>Would prefer to see the requirement for houses rounded down rather than up. Or for the excess to be a monetary contribution.</p> <p>Paragraph 5.12 may put more stress on planning process, and may lead to an increase in the number of Developers going to appeal to remove conditions.</p>	<p>Para 5.3 states that the number of units should be rounded to the nearest whole unit which is considered the most appropriate application of the policy.</p> <p>Para 5.12 is necessary to ensure that affordable housing is delivered in accordance with Core Strategy Policy SP3.</p>
	<p><a href="#">AH121</a> Tim Daniells Millwood Homes</p>	<p>Take account of viability issues and policy should be flexible to allow this through submission of economic viability statements.</p>	<p>Policy SP3 allows for lower levels of provision to be negotiated where the standard requirement would lead to development not being viable. Section 8 of the SPD provides further guidance.</p>
	<p><a href="#">AH3</a> McCarthy and Stone Retirement Lifestyles The Planning Bureau</p>	<p>The SPD should not be as prescriptive on the methodology when there are alternatives and potential negotiated settlements to be made depending upon the form and viability of the scheme.</p>	<p>Para 6.6 notes that the proposed methodology is just one method of calculating the financial contribution and that advice could be sought from a suitably qualified surveyor. The SPD is not prescriptive about how developers should assess viability. Section 8 and appendix 4 provide some basic considerations.</p>
Is the	<p><a href="#">AH70</a> Churchill</p>	<p>The approach is clear, but is fundamentally flawed. The use of</p>	<p>The 38.8% figure for the residual land value was recommended as a district-</p>

<p>methodology for calculating financial contributions for off site provision clear and is the example helpful?</p> <p>Do you have any other comments on the guidance regarding off site provision, recognising that policy on off site provision is set out in the Core Strategy?</p> <p>36 Responses</p>	<p>Retirement Living Greg Hilton Planning Issues</p>	<p>the land value percentage multiplier is flawed in that it is based on an average of all development in all areas across the district, and is not related in scale and kind to the specific parent development from which the contribution is sought as required by PPS3. A better approach would be to either;</p> <ul style="list-style-type: none"> <li>- differentiate the land value percentage between flatted development and housing development forms across the district, or;</li> <li>- to simply require the relevant percentage of the residual land value of the whole development.</li> </ul> <p>Object to 6.14 that the contribution should be indexed to the Land Registry House Price Index since this has no link to the costs of providing affordable housing off-site. We recommend an indexation related to the Build Cost Information Service all in Tender Price Index.</p> <p>Object to payment on the commencement of development since this would not be broadly equivalent to the on-site assumption.</p>	<p>wide figure in the Affordable Housing Viability Study. Para 6.6 notes that the proposed methodology is just one method of calculating the financial contribution and that advice could be sought from a suitably qualified surveyor.</p> <p>The Council's approach to calculating financial contributions for affordable housing is based on the cost of providing affordable housing on another site of equivalent land value. Therefore, use of the Land Registry House Price Index is considered to be more appropriate than the Build Cost Information Service all in Tender Price Index.</p> <p>Para 6.15 allows for an alternative trigger to payment on commencement to be agreed in individual cases. However, payment at any other time than commencement does add significantly to monitoring costs as well as delaying when the contribution is received. As a norm the Council would expect payment to be on commencement and no change is proposed.</p>
	<p><a href="#">AH11</a> Tatham Homes Ltd</p>	<p>The worked example is not correct, it confuses total selling values with individual selling values.</p> <p>Contributions below 5 units will have the adverse affect on all housing development in SDC and will not deliver more affordable housing as intended</p>	<p>The worked example has been amended to improve clarity.</p> <p>Policy SP3 was considered through the Core Strategy Examination and found to be sound. The impact of the financial contribution on the viability of small schemes was considered through the Affordable Housing Viability Assessment.</p>
	<p><a href="#">AH20</a> Nureni Adeleye <a href="#">AH25</a> Tatham Homes Ltd <a href="#">AH30</a> Direct Build Services <a href="#">AH38</a> Regalpoint Homes Ltd <a href="#">AH43</a> Fernham</p>	<p>Methodology is flawed. A "catch all" residual land value percentage of 38.8% is inappropriate and may result in inaccurate viability studies. Remove paragraphs 6.6-6.10 and all percentage figures.</p> <p>Paragraph 6.5 should be reworded to require an Applicant to submit an independent residual land valuation this should also be assessed by a registered valuer/chartered surveyor on</p>	<p>The residual land value percentage is based on advice from independent consultants and is a key part of the formula that enables a relatively simple calculation to be made of financial contributions. The SPD allows for applicants to make a case that applying the formula to their specific proposal would result in a contribution that would render development non-viable. They may argue for a different residual land value figure where it can be justified in</p>

	<p>Homes Ltd <a href="#">AH83</a> Kentmere Homes Ltd <a href="#">AH88</a> Portfolio Homes <a href="#">AH97</a> Peter Hadley Robinson Escott Planning <a href="#">AH102</a> Berkeley Homes (Captial) Plc <a href="#">AH107</a> Graham Norton Wealden Homes <a href="#">AH122</a> Tim Daniells Millwood Homes <a href="#">AH127</a> Paul Crick Kent County Council</p>	<p>behalf of the Council to ensure there is consistency of approach between the parties.</p> <p>The set residual land value percentage of 38.8 % is unreasonable. It does not acknowledge that there will be many site within District where the residual land value percentage will be lower.</p> <p>Paragraphs 6.7-6.10 should be removed.</p> <p>The policy should be reworded to require an applicant to provide an independent assessment of each individual sites residual land value in each case..</p> <p>To make a payment based on a standard 38.8% residual land value on Open Market Value does not allow sites to be judged on their individual merits.</p> <p>Applying a standard land value of 38.8% on all schemes is not realistic. All financial obligation costs have to meet the tests of Circular 05/2005.</p> <p>Contributions should be sought on these smaller sites based on toolkit analysis on a site by site basis, in light of a “pro development” agenda at national level.</p> <p>The methodology for calculating the financial contributions is clear, however the 38.8% multiplier is flawed as it is based on economic conditions prevailing pre Nov 2008.</p> <p>A residual land value percentage of 38.8% is included, this is quite how this was established ?.</p>	<p>the context of individual sites. However, deleting the figure altogether would mean that the SPD provides much less clear guidance to developers on the likely contribution to be required.</p>
	<p><a href="#">AH21</a> Nureni Adeleye <a href="#">AH26</a> Tatham Homes Ltd <a href="#">AH31</a> Direct Build Services <a href="#">AH39</a> Regalpoint Homes <a href="#">AH44</a></p>	<p>The Council should say what current measures have been put in place to use financial contributions received from developers. Including an annual list of all financial contributions received, where they have been spent and where new affordable housing is required. Also a monitoring system will need to be set up to identify funds received month by month so that it can be established whether contributions</p>	<p>Proposals for monitoring are set out in paras 6.12-6.13. which are proposed to be amended to provide clearer guidance. This confirms that monitoring will be on a site by site basis and monitoring information will be published on an annual basis.</p> <p>Information on need is contained in the West Kent Strategic Housing Market Assessment. In view of the high level of need across the District it</p>

	<p>Fernham Homes Ltd <a href="#">AH84</a> Kentmere Homes Ltd <a href="#">AH89</a> Portfolio Homes <a href="#">AH108</a> Graham Norton Wealden Homes</p>	<p>made are actually used within the stated time period.</p> <p>Should list all financial contributions received each year, site by site ensuing from Core Strategy SP3 and where they have been spent or intended to be spent. Produce an annual list of the locations where affordable housing is needed.</p>	<p>is not considered necessary to produce an annual list of locations where affordable housing is needed.</p>
	<p><a href="#">AH94</a> Daniel Thompson</p>	<p>The financial contribution effectively amounts to an additional (and substantial) tax on small property development businesses.</p>	<p>Noted, but it is no difference in this respect to other developer contributions.</p>
	<p><a href="#">AH97</a> Peter Hadley Robinson Escott Planning</p> <p><a href="#">AH116</a> Hugh D'Alton Sevenoaks Town Council</p>	<p>A list of locations where there is a defined affordable housing deficit should be provide by the Council each year.</p> <p>At the time the contribution is paid, the Council should inform the developer when and how the monies will be spent and within what timeframe. If moneys are not spent in the designated manner within 3 years of the date of the payment, the money should be returned to the developer payee with interest at the appropriate rate. Paragraph 6.15 should be removed and replaced with a policy that requires for the commuted sum to be made payable upon first occupation of the dwellings approved and constructed.</p> <p>Monetary estimates could be unfair. Financial contributions should be levied after sales. What will happen if SDC are unable to locate a refundee?</p>	<p>Information on need is contained in the West Kent Strategic Housing Market Assessment. In view of the high level of need across the District it is not considered necessary to produce an annual list of locations where affordable housing is needed.</p> <p>Para 6.12 as amended includes a requirement to return funds that are unspent after ten years. A commitment to return funds within three years is considered unrealistically short and would result in potential opportunities to spend funds on developments being potentially lost.</p> <p>Para 6.15 allows for an alternative trigger to payment on commencement to be agreed in individual cases. However, payment at any other time than commencement does add significantly to monitoring costs as well as delaying when the contribution is received. As a norm the Council would expect payment to be on commencement and no change is proposed.</p>
	<p><a href="#">AH101</a> Hobson</p>	<p>If the money is collected to increase provision of affordable housing it should be used to directly to increase provision of affordable housing.</p> <p>It should be a requirement that money taken from a development</p>	<p>Other initiatives can also help to address need for affordable housing as listed in para 6.11 and funding from off-site contributions can justifiably be used for these purposes.</p> <p>Limiting the use of funds to the parish in which they are collected would limit the scope for using funds in the most effective way to improve affordable</p>

	is used exclusively in the parish that the development took place. This could help in acquiring land for rural exception schemes.	housing provision across the District. It would reduce the opportunities to use funds collected and increase the risk that funds collected would have to be paid back.
<a href="#">AH107</a> Graham Norton Wealden Homes	The document should make it clear that the threshold figure relates to net additional housing only. There needs to be more flexibility for the applicant to set out valuations made by a relevant professional or experienced employees from the development industry	The use of 'gross' and 'net' is explicit in adopted Core Strategy Policy SP3. Para 6.6 notes that the proposed methodology is just one method of calculating the financial contribution and that advice could be sought from a suitably qualified surveyor.
<a href="#">AH109</a> Graham Norton Wealden Homes	Contributions should not stop housing coming forward if a scheme meets all other policies. The council has to engage experienced local valuers to consider viability submission, and a way of quickly resolving disputes needs to be set out.	Policy SP3 allows for lower levels of provision to be negotiated where the standard requirement would lead to development not being viable. Section 8 of the SPD provides further guidance.
<a href="#">AH10</a> Thomas Rand <a href="#">AH81</a> Y Tredoux Kemsing Parish Council	Yes, the methodology for calculating contributions for off site provision is clear.	Noted.
<a href="#">AH128</a> Paul Crick Kent County Council	Welcome the inclusion of the 10yr payback period; this should help KCC in also requiring a 10 yr repayment period.	Noted. However, this period is justified on the basis of the time needed to bring forward affordable housing developments. This may not be justified for other uses of s106 funds.
<a href="#">AH16</a> Christine Lane Edenbridge Town Council  <a href="#">AH51</a> Tracy Godden Dunton Green Parish Council	Calculation is complicated and Step 3 is confusing. It is unclear how developers will be encouraged to build larger houses where needed, rather than contribute one or two bed properties.  How often is the Affordable Housing Viability Assessment intended to review the Open Market Value valuation to ensure it is in-line with the fluctuating markets?  The Open Market Value is taken from the Affordable Housing Viability Assessment (September 2009). How often will this be	An amendment is proposed to clarify the explanation of the calculation and the worked example.  The Affordable Housing Viability Assessment was prepared to provide the evidence base for Core Strategy Policy SP3 that will apply until 2026 or until it is reviewed. It was prepared during 2009 and takes account of the impact of the recession on the housing market. Any future review of the Core Strategy will provide the opportunity to review the policy and the evidence base.  The Open Market Value is not taken from the Viability Assessment. Only the residual land value percentage is taken from the Assessment.

		reviewed? Market value fluctuations could have a significant impact.	
	<a href="#">AH36</a> Michael Allwood TCHG	Point 6.1 Suggest off site payment is method of last recourse.	The policy generally gives preference to on-site provision and is based on an assessment of the different economic viability considerations on different sites.
	<a href="#">AH76</a> Brenda Hambrook Otford Parish Council  <a href="#">AH58</a> John Edwards-Winsor	If, 'contributions' can be ring-fenced by SDC for up to 10 years 'until housing needs occur', the housing need is not as established as the proposal implies.  Before proceeding with this policy it is important that the potential reduction of independent development within the region, resulting from adoption of this policy is assessed.  If the Core Strategy is at fault, then SDC must find a way to amend the strategy and/or provide "bone fida" reasons that this cannot be done.	The 10 year ring-fencing of contributions is intended to ensure sufficient time and provide flexibility for suitable proposals for the most effective use of the funds to be developed. The West Kent Strategic Housing Market Assessment provides evidence of the high level of need that exists now for affordable housing across the District.  Adopted policy SP3 was developed following the conclusions of the Affordable Housing Viability Assessment. The policy and the evidence base were assessed through the Core Strategy Examination and found to be sound.
	<a href="#">AH112</a> B Ide Shoreham Parish Council	There does appear to be scope for the money to be used for indirect or periphery uses (e.g. take up of benefits). The money may never be used.  Recommends that any ring fenced money must be spent in the parish in which the original development takes place. This could help in acquiring land for rural exception schemes.	Amended para 6.11 sets out the criteria for the use of the financial contributions. These are directly related to the provision to addressing affordable housing needs.  Limiting the use of funds to the parish in which they are collected would limit the scope for using funds in the most effective way to improve affordable housing provision across the District. It would reduce the opportunities to use funds collected and increase the risk that funds collected would have to be paid back.
Are the procedures clearly set out?  20 Responses	<a href="#">AH24</a> Nureni Adeleye <a href="#">AH29</a> Tatham Homes Ltd <a href="#">AH34</a> Direct Build Services <a href="#">AH42</a> Regalpoint Homes Ltd <a href="#">AH47</a> Fernham Homes Ltd <a href="#">AH87</a> Kentmere Homes Ltd	Paragraph 7.2 suggest additional text:  "Such pre-application consultation should be responded to by the Council within an eight week period. Failure of the Council to respond within the time frame set out (unless by agreement with the Applicant) does not then render it appropriate for the Council to refuse planning permission under paragraph 7.4."	The Council's policy is to respond promptly to pre-application enquiries. Indicative timescales are set out on its website. It does not however consider that the time taken to respond to pre-application enquiries should determine how adopted planning policy is applied in considering development proposals.



	<a href="#">AH92</a> Portfolio Homes		
	<a href="#">AH98</a> Peter Hadley Robinson Escott Planning	Section 7 should include a strict time limit for the local planning authority to respond to pre application submissions in order to ensure that unreasonable delays do not occur.	
	<a href="#">AH110</a> Graham Norton Wealden Homes	Pre application discussions should take four weeks for the council to perform.	
	<a href="#">AH4</a> Thomas Rand	Yes	Noted
	<a href="#">AH66</a> Trevor R Hall Kent Police		
	<a href="#">AH82</a> Y Tredoux Kemsing Parish Council <a href="#">AH123</a> Tim Daniells Millwood Homes		
	<a href="#">AH129</a> Paul Crick Kent County Council	KCC support the approach that planning applications should include a draft S106. This will necessitate more pre application assessments and discussions. KCC would wish to be involved in these.  SDC should liaise with Kent Adult Social Services to discuss specific Affordable Housing needs, including clients specific need needs (e.g. Wheelchair housing , lifetime homes, adaptations etc	Noted. KCC will be brought in to pre application discussions where necessary.
	<a href="#">AH17</a> Christine Lane Edenbridge Town Council	Are there any timescales set for the planning authority to meet when a pre-application meeting/s have been requested? Will the Registered Providers have timescales in which to respond so that developments are not unnecessarily delayed?  On page 32 it says planning application will not be refused if S106 not completed 7.4 on page 17 says it will.	The Council's policy is to respond promptly to pre-application enquiries. Indicative timescales are set out on its website. The response times for Registered Providers will be a matter for these organisations, in the first instance.  Appendix 3 on page 32 is consistent with para 7.4. Both say permission will be refused if the S106 is not completed. This is necessary because the legal agreement provides the means for enforcing the policy.

	<a href="#">AH37</a> Michael Allwood TCHG	Principle is sound. Must be time limited, suggest a maximum of 4 weeks pre-app discussion.	The Council's policy is to respond promptly to pre-application enquiries. Indicative timescales are set out on its website.	
	<a href="#">AH52</a> Tracy Godden Dunton Green Parish Council	Do the LPA and RPs have timescales to meet for pre-application discussions? Procedures seem one-sided. Applications should have all the necessary documentation from the start including S106 Agreement paperwork.	The Council's policy is to respond promptly to pre-application enquiries. Indicative timescales are set out on its website. The response times for Registered Providers will be a matter for these organisations, in the first instance.	
	<a href="#">AH59</a> Cllr John Edwards-Winser <a href="#">AH77</a> Brenda Hambrook Otford Parish Council	There appears no limit on the consultation process which could run SDC into extended intermittent discussions over extended periods. The degree of negotiation which is recommended as a prior to every planning application, will put immeasurable strain on SDC planning department, resulting in an increase in its staffing and/or creating delay on every future planning application in the District.	The Council's policy is to respond promptly to pre-application enquiries. Indicative timescales are set out on its website. The response times for Registered Providers will be a matter for these organisations, in the first instance.  Para 7.4 states that the Council will refuse planning permission if an agreed s106 agreement has not been signed before the relevant statutory determination date.	
	<a href="#">AH117</a> Hugh D'Alton Sevenoaks Town Council	Concerned at the increased level of bureaucracy and would be interested to know how Sevenoaks District Council plans to manage the increased workload.	The Council already offers a pre-application advice service. There is a charge for advice for all types of development where an affordable housing contribution would be required.	
	Do you have any comments on the guidance regarding viability issues?  29 Responses	<a href="#">AH22</a> <a href="#">AH23</a> Nureni Adeleye <a href="#">AH27</a> <a href="#">AH28</a> Tatham Homes Ltd <a href="#">AH32</a> <a href="#">AH33</a> Direct Build Services <a href="#">AH40</a> <a href="#">AH41</a> Regalpoint Homes Ltd <a href="#">AH45</a> <a href="#">AH46</a> Fernham Homes Ltd <a href="#">AH85</a> <a href="#">AH86</a> Kentmere Homes Ltd <a href="#">AH90</a> <a href="#">AH91</a> Portfolio Homes	Paragraphs 6.3 and 8.7 must be revised to reflect circumstances where a financial contribution would render a scheme unviable. Paragraph 8.7 should be expanded to include the words 'in exceptional circumstances where it has been demonstrated by a registered valuer/chartered surveyor that the scheme is non-viable if a financial contribution is imposed then a nil financial contribution will be deemed appropriate.'  Paragraph 8.6 should be reworded 'if, following such an appraisal and based upon all the evidence available, the Council's RICS registered valuer/chartered surveyor concludes that the scheme is economically viable and if the affordable housing requirement is not met this could lead to the application being refused planning permission.'	An amendment is proposed to para 6.3 to clarify that the policy is not intended to operate in a way that renders development non-viable and thereby reduces development coming forward. Section 8 explains how viability issues will be considered so that where it is demonstrated that development would not be viable with contributions required under the policy, the level of contribution can be reduced or waived to ensure that development remains viable

<p><a href="#">AH78</a> Brenda Hambrook Otford Parish Council</p>	<p>The requirement to view 'all relevant and financial information behind an appraisal' is unlikely to be commercially acceptable to most developers who wish to keep their margins private.</p>	<p>No objections on this point have been received from the development industry.</p>
<p><a href="#">AH99</a> Peter Hadley Robinson Escott Planning</p>	<p>Paragraph 8.3 &amp; 8.5 of the SPD are unreasonable. it is unreasonable for the Council to make the developer pay for a further appraisal on the Council's behalf. Such reports, where required should be at the Council's expense and obtained using monies already accrued to support affordable housing provision.</p>	<p>The requirement for developers to pay for independent validation of viability information is consistent with para 32 of the HCA guidance 'Investment and Planning: Responding to the Downturn'.</p>
<p><a href="#">AH104</a> United House Planning Potential Ltd</p>	<p>More flexibility should be given to the affordable housing in all circumstances whereby it can be demonstrated through an independent assessment of viability that the Council's thresholds cannot be met</p>	<p>Policy SP3 allows for lower levels of provision to be negotiated where the standard requirement would lead to development not being viable. Section 8 of the SPD provides further guidance.</p>
<p><a href="#">AH105</a> United House Planning Potential Ltd</p>	<p>Flexibility is required for all new housing schemes to ensure that new homes can be delivered as per the Government's objectives this should be acknowledged in the SPD.</p>	<p>See response to AH104.</p>
<p><a href="#">AH106</a> Graham Norton Wealden Homes</p>	<p>Viability issues in relation to schemes of less than five units. From a developer's perspective, these small sites should be free of any affordable housing provision.</p>	<p>This would be contrary to the adopted Core Strategy policy, which was subject to independent examination and based on a robust local evidence base.</p>
<p><a href="#">AH124</a> Tim Daniells Millwood Homes</p>	<p>A 38.8% multiplier does not reflect economic conditions today.</p> <p>This approach fails to recognise that sites will be previously developed and will have a certain existing use value. The application of 38.8% is likely to render most sites with an average existing use value unviable. In these situations planning permission should be granted where schemes demonstrate they are able to deliver housing but not an off site affordable contribution, or a lower level of contribution than that which would have been set by the formula.</p>	<p>The residual land value percentage is based on advice from independent consultants and is a key part of the formula that enables a relatively simple calculation to be made of financial contributions. The SPD allows for applicants to make a case that applying the formula to their specific proposal would result in a contribution that would render development non-viable. They may argue for a different residual land value figure where it can be justified in the context of individual sites. However, deleting the figure altogether would mean that the SPD provides much less clear guidance to developers on the likely contribution to be required.</p>

Do you have any comments on arrangements for monitoring?  7 Responses	<a href="#">AH130</a> Paul Crick Kent County Council	Non viability does not suggest seeking alternative funding sources	Para 8.7 states that 'the Council will expect the developer to fully explore options available to either achieve economic viability or to make a reduced housing/financial contribution.
	<a href="#">AH5</a> Thomas Rand	Council should listen to Registered Providers. Local Estate Agents should also be consulted.	Meetings with Registered Providers and local agents formed part of the consultation. Information was also obtained from local estate agents in the preparation of the Affordable Housing Viability Assessment.
	<a href="#">AH18</a> Christine Lane Edenbridge Town Council	The calculations are based on the Affordable Housing Viability Study (2009) it will be crucial that this is current and accurate and regularly reviewed.  How will the "reasonable profit" percentage be judged? What right of appeal would the developer have?	The Affordable Housing Viability Assessment is up to date but will be kept under review.  Appendix 4 refers to the Homes and Communities Agency's guidance that 17.5% to 20% of Gross Development Value is a reasonable profit margin. Where applications are refused as a result of inadequate provision of affordable housing as a result of an unreasonable developer's profit, applicants would be able to appeal through the usual planning appeal procedures.
	<a href="#">AH53</a> Tracy Godden Dunton Green Parish Council	Affordable Housing Viability Study (2009) must be current, accurate and frequently reviewed. Who decides what percentage is a reasonable profit for a developer? What right of appeal would a developer have?	See response to AH18 above.
	<a href="#">AH60</a> Cllr John Edwards-Winser	The requirement for SDC to view 'all relevant and financial information behind an appraisal' is unlikely to be commercially acceptable to most developers who will wish to keep their margins and finances private.	No objections on this point have been received from the development industry
	<a href="#">AH72</a> Churchill Retirement Living Planning Issues	Support all but 8.5 - the Council should limit the cost to the applicant of external advice. It is unrealistic to require all information submitted at the pre-application stage with regard to viability.	The requirement for developers to pay for independent validation of viability information is consistent with para 32 of the HCA guidance 'Investment and Planning: Responding to the Downturn'.
	<a href="#">AH68</a> Trevor R Hall Kent Police	Kent Police is content with the proposed monitoring arrangements	Noted.
	<a href="#">AH79</a> Brenda Hambrook Otford Parish Council	It would benefit to know The number of affordable homes built in a 12 month period; The geographic grouping of those new homes;	The Council's LDF Annual Monitoring Report provides information on the delivery of affordable housing and will continue to do so.

	<a href="#">AH61</a> Cll John Edwards-Winser	The areas from which the new residents have previously come. If more than 50% of new residents have come from other regions, then councillors should have the option to amend the Core Strategy.	The allocation of affordable housing to those in need are subject to national policies.
	<a href="#">AH131</a> Paul Crick Kent County Council	Appendix 4 <ul style="list-style-type: none"> <li>• Purchase price of land is not relevant</li> <li>• Profit margin given is restrictive</li> <li>• Other costs include planning obligations. It is not clear whether SDC are prioritising and if so what are the priorities?</li> </ul> Appendix 5 KCC support the definition of Residual Land Value	<p>It is proposed to amend Appendix 4 to refer to existing use value rather than purchase price as existing use value is a more appropriate starting point for the appraisal. .</p> <p>The 17.5% to 20% of Gross Development Value is set out as a reasonable profit margin in the Homes and Communities Agency guidance.</p> <p>The draft Developer Contributions SPD sets out the Council's general approach to prioritising contributions. Affordable housing is generally seen as the top priority.</p>
	<a href="#">AH19</a> Christine Lane Edenbridge Town Council <a href="#">AH54</a> Tracy Godden Dunton Green Parish Council	Who will scrutinise and identify any changes required to the Core Strategy policy and SPDs. What penalties will be in place to scheme providers for not submitting responses? Will any and all changes be subject to full consultation?	SDC will consider the need for amendments to the Core Strategy and SPDs. Any amendments will be subject to consultation. Any amendments to the Core Strategy would also need to be subject to independent Examination.