

Affordable Housing SPD: Statement of Consultation

Planning and Compulsory Purchase Act 2004

Town and Country Planning (Local Planning) (England)
Regulations 2012 Reg12

January 2014

Bassetlaw District Council



BASSETLAW
DISTRICT COUNCIL
NORTH NOTTINGHAMSHIRE

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1 Introduction

- 1.1 As required under regulation 12 of the Town and Country Planning Regulations 2012, this statement of consultation supports the adoption of the updated Bassetlaw Affordable Housing Supplementary Planning Document (SPD) and provides information on the consultation that was undertaken to develop the SPD. In particular, this statement sets out:
- The persons consulted on the draft SPD;
 - A summary of the main issues raised by those persons; and
 - How those issues have been addresses in the Adopted SPD.
- 1.2 The updated Affordable Housing SPD replaces the original Affordable Housing SPD that came into effect on 1 August 2012 and forms part of the Bassetlaw Local Development Framework. The SPD has been produced to expand upon policy set out in the Core Strategy (adopted by the Council in December 2011) in relation to affordable housing. In particular it addresses issues of affordable housing mix and type; viability; commuted sums; rural exceptions; management; design; and S106 agreements.

2 Consultation on the Affordable Housing SPD Update

- 2.1 The Affordable Housing SPD Update was made available for public consultation on Bassetlaw District Council's website for a four week period between 22 November to 20 December 2013.
- 2.2 All interested parties who had previously been consulted on Local Development Framework papers, or had registered an interest with the council asking to be notified of any emerging planning policy, were contacted by email on 22 November 2013, notifying them of the opportunity to respond to the consultation draft Affordable Housing SPD. 1089 companies, agencies and individual residents were notified of the consultation¹. A copy of the consultation email text is shown in Appendix A. These interested parties included:
- A. Relevant national consultation bodies;
 - B. Local consultation bodies including;
 - a. Nottinghamshire County Council; and
 - b. All Parish Councils within the District.
 - C. Local Agents;
 - D. Local Developers;
 - E. Planning Firms;
 - F. Land Development Agents; and
 - G. Local residents and other members of the local community.
- 2.3 Respondents were invited to make representations on the SPD and were directed to complete a consultation response sheet (copy shown in appendix B) and were given the opportunity to respond in the following ways:
- By post to:
Planning Policy Team
Bassetlaw District Council
Queen's Buildings
Potter Street
Worksop
Notts
S80 2AH
 - Fax: 01909 533400
 - In person: please hand in forms at the Council offices in Retford or Worksop, marked for the attention of Planning Policy.
 - Email: future.plans@bassetlaw.gov.uk

¹ A full list of the individuals consulted can be provided by the council on request, subject to the appropriate data protection restrictions.

- 2.4 All interested parties were also sent a reminder email before the close of the consultation as part of a planning policy update email sent 4 December 2013. A copy of this email is shown in Appendix A.
- 2.5 An additional internal consultation event was also held on 03 December 2013 with the Council's Planning Officers.
- 2.6 A summary of the main issues raised through the consultation is set out in section 3.

3 Main Issues Raised Through Consultation

Consultation Responses

3.1 Bassetlaw District Council received 19 consultation representations to the Affordable Housing Consultation SPD². Appendix C sets out the full summary of all comments made by these respondents. The comments raised by these respondents related to the following issues:

- General support for easing the burden of affordable housing commuted sum payments on small-scale developers;
- Respondent wanted to see the threshold at which affordable housing should be provided raised to at least 10 dwellings;
- The examples given need to be updated to reflect the changes proposed;
- Support for the Council's flexible approach allowing affordable housing to be provided off site;
- Support the Council's approach to considering the development viability of schemes;
- Recommended refining the advice on determining a sites viability to take into account the potential uplift in a greenfield sites value subject to planning permission granted;
- Allowing flexibility in using an appropriate net profit margin for a developer in viability appraisals;
- More clarity needed on where commuted sum payments will be spent in relation to the development that triggered the contribution;
- The SPD should make reference to welfare reform;
- The reasons for allowing off site contributions rather than on site should include a consideration of the viability of providing the affordable housing; and
- The consideration of the existing use value of a property needs to include a value premium to incentivise the sale of the land.

3.2 The internal consultation held with Planning Officers raised the following issues:

- The SPD should not refer to thresholds in terms of numbers of units requiring a contribution as this is set in the adopted Core Strategy. The SPD sets the levels of financial contribution for commuted sum payments and this is the area of the SPD that can be updated to reflect more up to date market considerations;
- The delivery of affordable homes through the use of commuted sum payments needs to be better explained including when small scale development will not have to provide a contribution towards affordable housing; and
- The process of calculating commuted sum payments needs to be clearer.

² Each respondent was assigned a respondent number shown in appendix C. The identification of respondents can be provided on request, subject to relevant data protection considerations.

How Consultation Responses were addressed in the SPD

- 3.3 Appendix C sets out the council's response to all comments raised through the public consultation. It also show what changes were agreed to be made to the as a result of comments.
- 3.4 In response to the issues raised through the internal consultation the following changed have been made to the SPD:
- Clarification added to better explain the process of determining when a commuted sum payment will be sought from a development;
 - Clarification of what the minimum commuted sum is needed by the authority (within the different sub areas) to ensure an affordable house can be directly delivered as a result of a residential development; and
 - A clearer step by step process of calculating what affordable housing contribution would be sought from a residential development and when the option is available to applicants to consider seeking discretionary relief from the level of affordable housing commuted sum payments based on the consideration of delivery and development viability.

Appendix A: Copy of Consultation Emails

Consultation email

Tom Bannister

From: Joelle Davies
Sent: 22 November 2013 13:55
To: David Armiger; Tom Bannister; Tim Dawson; Jo White
Subject: Affordable Housing SPD

Dear Sir/Madam,

I am emailing to inform you that the revised Affordable Housing SPD is currently being consulted upon. The public consultation period starts today and will close at 5pm on 20th December 2013.

If you would like to view the document or for information on commenting on the document, please visit the Planning Policy web pages using the link below.

http://www.bassetlaw.gov.uk/planning_and_building/planning_policy/supplementary_planning_docs.aspx

Kind regards,

Jo

Joelle Davies
Major Projects Officer
BA (Hons) MSc (URP) MRTPI

Planning
Bassetlaw District Council
Queens Buildings
Potter Street
Worksop
Nottinghamshire
S80 2AH

01909 533193

Please note that any advice is given at officer level only and does not prejudice any future decision made by the Council.

Joelle Davies
Major Projects Officer

T : 01909 533193

Reminder email

Tom Bannister

From: Tom Bannister
Sent: 04 December 2013 14:48
To: Tom Bannister
Subject: Bassetlaw District Council Planning Policy - Update December 2013

For your information, this is an update of ongoing work by Bassetlaw District Council's Planning Policy Team.

Site Allocations Preferred Options Document

The Bassetlaw District Site Allocations Preferred Options document was approved for consultation by Cabinet at its meeting on 3rd December 2013. However, as a Key Decision, this approval requires endorsement by the Overview and Scrutiny Committee, which meets on 17th December 2013. After this date, assuming the decision is endorsed, officers will commence the consultation exercise early next year.

This document sets out the Bassetlaw District Council's preferred sites for potential housing and employment growth across Bassetlaw for the next 14 years, and is available on the Site Allocations web pages (see link below). However, the background work and supporting information will not be made available until formal consultation starts on 3rd February 2014.

http://www.bassetlaw.gov.uk/planning_and_building/planning_policy/local_development_framework/site_allocations/preferred_options_consultation.aspx

Formal consultation period

The formal consultation period will be running from 3rd February to 31st March 2014. This is the time when people should comment on the content of the Preferred Options document including the preferred housing and employment sites and their associated policies.

Please note: any letters/emails received before the formal consultation period can only be treated as an objection or support to the principle of the site(s)/policies and detailed comments **WILL NOT** be recorded. Therefore, it is recommended that people wait until the formal consultation period to submit their detailed comments.

Consultation events

The Planning Policy Team will be holding a series of public consultation events throughout February and March 2014. Once the dates for these events are confirmed, they will be published on the council's website, please follow the link above.

Revised Affordable Housing SPD Consultation

You were recently contacted to let you know that the revised Affordable Housing SPD is currently being consulted upon.

We would like to take this opportunity to remind you that public consultation period for Affordable Housing SPD will close at 5pm on 20th December 2013.

If you would like to view the document or commenting on the content of the document, please visit the Planning Policy web pages using the link below.

http://www.bassetlaw.gov.uk/planning_and_building/planning_policy/supplementary_planning_docs.aspx

and finally...

Strategic Housing Land Availability Assessment 2013 and Annual Monitoring Report 2013

The 2013 Strategic Housing Land Availability Assessment (SHLAA) and the 2013 Annual Monitoring Reports will be made available on the Planning Policy pages of the council's website in the next few weeks.

Kind regards

Tom Bannister MRTPI
Principal Planner

Planning Policy and Conservation
Planning Services
Bassetlaw District Council
Queen's Buildings
Potter Street
Worksop
Nottinghamshire
S80 2AH

Tel: 01909 535150

Please note that any advice is given at officer level only and does not prejudice any future decision made by the Council.

Appendix B: Copy of Consultation Response Form

BASSETLAW DISTRICT LOCAL DEVELOPMENT FRAMEWORK

AFFORDABLE HOUSING SPD CONSULTATION RESPONSE SHEET

For us to acknowledge your comments you must provide us with your details below. Please be aware that all responses (except contact information³) will be publicly available:

| | |
|-----------|--|
| Name | |
| Address | |
| Telephone | |
| Email | |

If an email address is provided, we will use this as the primary means of contact.

RESPONSE GUIDE:

Please provide your response to the revised Affordable Housing SPD on the form below. Please indicate the section or paragraph you are answering in the left column with your answer(s) in the response column provided.

Please respond by **5:00pm on 20 December 2013** in one of the following ways:

- Post to:
 - Planning Policy Team
 - Bassetlaw District Council
 - Queen's Buildings
 - Potter Street
 - Worksop
 - Notts
 - S80 2AH
- Fax: 01909 533400
- In person: please hand in forms at the Council offices in Retford or Worksop, marked for the attention of Planning Policy.
- Email: future.plans@bassetlaw.gov.uk

If you require any further information, please do not hesitate to contact the Planning Policy Team on 01909 533493 or 533495 or future.plans@bassetlaw.gov.uk

³ Your contact details will be included within the LDF consultation database and as an interested party you will be notified of any progress with the Local Development Framework.

| Paragraph/section reference | Response |
|-----------------------------|----------|
| | |

Please continue your responses on additional sheets if needed.

Appendix C: Consultation Representations and Response Summary

The following table sets out the comments made by consultees (shown in full wherever possible) as part of the four-week public consultation on the Draft Affordable Housing SPD, which took place between 22 November and 20 December 2013. The table also sets out the Council's response to the comments that have been made and whether any alterations are required.

| Respondent Numbers | | Representation | Council Response | Outcome |
|--------------------|-----|---|---|------------------|
| ID | Rep | | | |
| 1 | 1 | We encourage early engagement with developers to identify any infrastructure constraints and necessary upgrades required. On receipt of a pre planning enquiry, in response, we are able to give an indication of cost/developer contribution to upgrades to network that is required and this would assist in calculating the overall cost of the development. | Comment noted and developers are encouraged to engage with all relevant parties to determine likely cost when providing any viability assessments (including utility providers). | No change to SPD |
| 2 | 1 | It would have been helpful if the number of people on the housing waiting list (3455) could be broken down by sub area and, if available, by type of accommodation required, for example number of bedrooms required and by age (so that elderly persons accommodation requirements might be known). | This SPD is focused on setting out the parameters for off-site contributions, the affordable housing waiting list is only a summary of other information which can be accessed elsewhere such as the affordable housing needs assessment, SHMA or directly from the Council's Strategic Housing Service | No change to SPD |
| 3 | 1 | Having reviewed the document, I confirm that we have no specific comments to make at this stage. | Noted. | No change to SPD |
| 4 | 1 | The principle of market housing providing either funds for or the actual provision of Affordable Housing is, in my opinion, both acceptable and laudable but as with many local policies it is the threshold and levels that I have problems with. | The affordable housing targets are set out in the adopted Core Strategy. These targets cannot be changed by this SPD. This SPD seeks to add additional information to the overall approach of delivering affordable housing. | No change to SPD |

| Respondent Numbers | | Representation | Council Response | Outcome |
|--------------------|-----|--|---|--|
| ID | Rep | | | |
| | | Para 3.1 - The targets set out in the table to this paragraph show higher thresholds in the rural areas than in the Worksop area. Within the Worksop area there are villages such as Cuckney and Nether Langwith which are not identified as sustainable villages yet they have a much lower threshold (15%) than say Tuxford, Ranskill, North Leverton etc, all of which are well serviced and can certainly be classified as sustainable. | | |
| | 2 | Para 4.6 - This paragraph gives the alternative scenario that offsite provision could also take the form of improvement to existing stock. I understood from the CIL training event that contributions would not be used for a maintenance programme. This aspect needs clarifying as developers would certainly have problems with funding the Council's (A1 Housing) maintenance budget. This is not what the levy is for, it is simply to produce more housing. | Reference to improving existing stock is only given as an example of when it may be possible to demonstrate that an off-site contribution would be preferable to on-site provision of affordable housing. It would only be considered on individual and robustly justified cases and would be a separate consideration to any existing planned maintenance budgets. Please note that the Affordable Housing in not a levy and the CIL is not covered by this SPD. | No change to SPD |
| | 3 | Para 4.20 - If I understand paragraph 4.28 correctly, any commuted sum contributions will not be collected unless that sum equates to the full provision of an affordable house then the example of 2 No. houses in Tuxford is now superfluous and should be removed or at least modified. | Agree that the addition of Paragraph 4.28 and the corresponding table requires the examples given to be updated. | Change example given in paragraph 4.20 |
| | 4 | Para 4.26 - This example also clearly shows a commuted sum of £40,000, still not to the full provision of 1 No. Affordable House, this too needs | Agree that the addition of Paragraph 4.28 and the corresponding table requires the examples given to be updated. | Change example given in paragraph 4.20 |

| Respondent Numbers | | Representation | Council Response | Outcome |
|--------------------|-----|--|---|------------------|
| ID | Rep | | | |
| | | modifying. | | |
| | 5 | Para 4.28 - Again, I trust I have interpreted this correctly and, if so, it is a step in the right direction but I still feel the thresholds are too low and will continue to hinder construction and progress. | For Bassetlaw, the thresholds at which affordable housing contributions must be considered are set in the adopted Core Strategy. This SPD can add additional information to these thresholds but cannot change them. | No change to SPD |
| | 6 | Paras 4.32 to 4.35 - These paragraphs set the thresholds for small scale developments. Their inclusion clearly shows that the Council have concerns over the diminishing small scale and single development sector. A threshold of 10 No. should be applied which would help development, given that many adjoining local authorities have higher levels set than Bassetlaw and indeed some do not intend to implement until there are positive signs that the economy is on course for steady growth. | Each Local Authority must justify its own affordable housing targets based on its own evidence. For Bassetlaw, the thresholds at which affordable housing contributions must be considered are set in the adopted Core Strategy, therefore this SPD cannot change them. | No change to SPD |
| 5 | 1 | No comment to make on your consultation. | Noted | No change to SPD |
| 6 | 1 | It is acknowledged that the Council's motives are noble but suspect that the concept was conceived when the economy was buoyant. In relation to this it needs to be appreciated that this is no longer the case and that even the Government acknowledges that it will still be sometime before the economy reaches levels that existed prior to 2008. It is therefore our view that discussions should take place to appraise the levels and thresholds that the Council has set. May other local authorities are settling thresholds | This SPD and the Bassetlaw Core Strategy it relates to are a long term plan (up to 2028) It is considered that the Core Strategy (and by extension this SPD) provides a long term strategy that is flexible enough to allow changes in market conditions to be fully considered, which is why any application relating to affordable housing provision can seek to reduce its contribution through an viability assessment. Each Local Authority must justify its own affordable | No change to SPD |

| Respondent Numbers | | Representation | Council Response | Outcome |
|--------------------|-----|--|--|------------------|
| ID | Rep | | | |
| | | considerably higher than Bassetlaw including Doncaster Metropolitan Borough Council which or who seem to have set a level of 14 while others have not introduced the system at all. | housing targets based on its own evidence. For Bassetlaw, the thresholds at which affordable housing contributions must be considered are set in the adopted Core Strategy. This SPD can add additional information to these thresholds but cannot change them. | |
| | 2 | A further point that needs to be appreciated is that 25 years ago Bassetlaw could claim that it had building companies that could equal any organisation in the county as an example the North East Building Group where are they now? On this issue it is respectfully suggested that the Council's present policy is hindering and even acting as a deterrent to allow small building companies to grow which we acknowledge is not the Council's intention. The result of this is that should a project of any size be proposed in Bassetlaw, contractors would have to be brought in from outside who would most probably bus their own personnel in that would derive no benefit to Bassetlaw. All that we are asking is that a full appraisal be carried out before a final decision is reached. | <p>This representation is not supported, the Planning process cannot protect the commercial viability of one company over another. It is not considered that the level of affordable housing contribution sought on a planning application will change the location of any contractor hired to develop a planning permission. It is the choice of whom ever it is that implements the permission.</p> <p>A full appraisal of the separate elements of this SPD have been carried out either during the development of the Adopted Core Strategy, the original Affordable housing SPD and the new section proposed in this updated version.</p> | No change to SPD |
| 7 | 1 | It is acknowledged that the Council's motives are noble but suspect that the concept was conceived when the economy was buoyant. In relation to this it needs to be appreciated that this is no longer the case and that even the Government acknowledges that it | This SPD and the Bassetlaw Core Strategy it relates to are a long term plan (up to 2028) It is considered that the Core Strategy (and by extension this SPD) provides a long term strategy that is flexible enough to allow changes in market conditions to be fully considered, | No change to SPD |

| Respondent Numbers | | Representation | Council Response | Outcome |
|--------------------|-----|---|--|------------------|
| ID | Rep | | | |
| | | <p>will still be sometime before the economy reaches levels that existed prior to 2008. It is therefore our view that discussions should take place to appraise the levels and thresholds that the Council has set. May other local authorities are settling thresholds considerably higher than Bassetlaw including Doncaster Metropolitan Borough Council which or who seem to have set a level of 14 while others have not introduced the system at all.</p> | <p>which is why any application relating to affordable housing provision can seek to reduce its contribution through an viability assessment.</p> <p>Each Local Authority must justify its own affordable housing targets based on its own evidence. For Bassetlaw, the thresholds at which affordable housing contributions must be considered are set in the adopted Core Strategy. This SPD can add additional information to these thresholds but cannot change them.</p> | |
| | 2 | <p>A further point that needs to be appreciated is that 25 years ago Bassetlaw could claim that it had building companies that could equal any organisation in the county as an example the North East Building Group where are they now? On this issue It is respectfully suggested that the Council's present policy is hindering and even acting as a deterrent to allow small building companies to grow which we acknowledge is not the Council's intention. The result of this is that should a project of any size be proposed in Bassetlaw, contractors would have to be brought in from outside who would most probably bus their own personnel in that would derive no benefit to Bassetlaw. All that we are asking is that a full appraisal be carried out before a final decision is reached.</p> | <p>This representation is not supported, the Planning process cannot protect the commercial viability of one company over another. It is not considered that the level of affordable housing contribution sought on a planning application will change the location of any contractor hired to develop a planning permission. It is the choice of whom ever it is that implements the permission.</p> <p>A full appraisal of the separate elements of this SPD have been carried out either during the development of the Adopted Core Strategy, the original Affordable housing SPD and the new section proposed in this updated version.</p> | No change to SPD |

| Respondent Numbers | | Representation | Council Response | Outcome |
|--------------------|-----|--|---|---|
| ID | Rep | | | |
| 8 | 1 | We support the council's position at paragraph 3.1 to maintain, in line with the adopted Core Strategy (2011), the affordable housing targets set out within the previous Affordable Housing SPD (June 2012) which identifies an affordable housing target of 15% provision in Worksop. | Support noted | No change to SPD |
| | 2 | We support the council's flexible approach at paragraphs 4.5 – 4.8 to recognise that in certain cases it will be more appropriate to allow affordable housing to be provided off-site. | Support noted | No change to SPD |
| | 3 | We also support the council's acknowledgement (at paragraphs 2.4 and 4.36 and at Chapter 5) that a development's viability will be considered for any application triggering an affordable housing contribution. This is important to ensure that proposed housing schemes are deliverable. | Support noted | No change to SPD |
| | 4 | With relation to development viability, paragraph 5.3 should be amended in order to ensure that it is equally applicable to large-scale development sites as well as small-scale infill sites. In order to ensure that financial appraisals are accurate and reliable for determining a site's viability, we recommend that the second sentence of paragraph 5.3 is amended to read: <i>"It should also include a valuation of the site in its existing, or in the case of a vacant or derelict site, its</i> | In paragraph 5.3 - regarding vacant or derelict sites the proposed deletion of " <i>not its purchase price or hope value</i> " is not supported. A reduction in Section 106 contributions cannot not be used to allow a developer to offset the price they have paid for a site. Agree changes to paragraph 5.3 regarding greenfield sites multiplier. Paragraph will be changed to reflect this. | Change text as shown in Council's response. |

| Respondent Numbers | | Representation | Council Response | Outcome |
|--------------------|-----|--|--|------------------|
| ID | Rep | | | |
| | | <i>last use (ie before any application for residential development) not its purchase price or hope value. <u>For greenfield sites, the Existing Use Value of the site will have an uplift (“multiplier”) applied to reflect an appropriate return to the landowner to mitigate the risk it takes in bringing forward the land for development”</u></i> | | |
| 9 | 1 | <p>I wish to support the Revised Affordable Housing SPD because it provides Bassetlaw District Council with deliverable contribution thresholds in each of its defined sub areas. The previous threshold of one acted as a barrier to local small builders who generally build on plots for one to two properties and the contribution made development unaffordable for them.</p> <p>Additionally, the SPD had a perverse impact on the defined objective to increase affordable housing numbers because it was undeliverable, particularly in Bassetlaw’s rural areas where there is mainly infill building on small plots of land.</p> <p>Significantly, this adjustment brings the council more in line with Affordable Housing Levies across the country.</p> | Support Noted | No change to SPD |
| 10 | 1 | <p>My main view and concern particularly for the AHC is that it is levied at the wrong place and/or affecting those who are most vulnerable. Small builders and associated trades, including your smaller scale agents</p> | <p>The threshold at which affordable housing contributions are sought is set in the Adopted Core Strategy and cannot be changed in this SPD. However this SPD does allow flexibility on the level of offsite</p> | No change to SPD |

| Respondent Numbers | | Representation | Council Response | Outcome |
|--------------------|-----|--|---|------------------|
| ID | Rep | | | |
| | | <p>such as myself. In short it is going to affect business in the area considerably.</p> <p>I can only say IF it has to be levied that it should come in at a higher 'build number' so that larger concerns only have to pick this up and all smaller projects from 'one offs' up to say five or six are not affected by this at nil contribution. This will help tradesmen be around for 'other building jobs and extensions etc.'</p> <p>As I write this I don't have time to check with the neighbouring authorities but I'm led to believe each are starting to levy charges at over 12 to 15 in number.</p> | <p>contribution that will be sought from developers (especially at smaller scales) both in terms of the ability to deliver affordable housing improvements and more specifically, to address the impact affordable housing contributions may have on the viability of development schemes. If an affordable housing contribution can be shown by an applicant that it will render a development unviable then it can be reduced or removed entirely. It is not considered that the principle of seeking an affordable housing contribution (at the levels set in the Adopted Core Strategy) will stop development if the guidance in the proposed Affordable Housing SPD is followed.</p> | |
| 11 | 1 | <p>The Parish Council would like to state that Mattersey should not be included in the 35% category for the Affordable Housing target for future developments in the area. The reasons are:</p> <ol style="list-style-type: none"> 1. There is no demand in the village for affordable housing, this has been proved by the difficulty the Housing Associations have had in letting property in Mattersey Thorpe. 2. There are no facilities e.g. only one Post Office, no pub, one bus service - and these are being eroded. 3. According to the site allocations there are only 13 houses over 16 years which are expected to be built in the village boundary. | <p>The identification of Mattersey as a Rural Service Centre with an affordable housing target of 35% is set in the Adopted Core Strategy that underwent the appropriate consultation and formal examination process to determine its validity. Therefore, this SPD cannot change the percentage levels of affordable housing sought per village.</p> | No change to SPD |
| 12 | 1 | Preparation of this advice on Affordable Housing is | Comments and support noted | No change to SPD |

| Respondent Numbers | | Representation | Council Response | Outcome |
|--------------------|-----|---|--|------------------|
| ID | Rep | | | |
| | | <p>welcome and supported. The main areas of interest for National Trust are Section 6 and 7:</p> <ul style="list-style-type: none"> • Section 6 – Rural Exception Sites – the requirements in relation to such sites are noted and supported. National Trust would be concerned if, in particular, requirements relating to siting, scale, design (i.e. in accordance with the NPPF and Bassetlaw’s DPDs) or need were lessened. • Section 7 – Section 106 Agreements – the requirements are noted and supported, in particular that developments on Rural Exceptions sites shall remain available as affordable housing in perpetuity. | | |
| 13 | 1 | Natural England does not consider that this Affordable Housing SPD poses any likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation. | Comment noted | No change to SPD |
| 14 | 1 | Thank you for consulting Nottinghamshire County Council on the above document, we have no strategic planning comments to make. | Comment noted | No change to SPD |
| 15 | 1 | Para 4.15 - It is not clear how the indicative commuted sums have been calculated. Whilst it is stated that that the calculations have been made on the basis of RICS BCIS (Building Cost Information | The indicative commuted sums were calculated and consulted on in the original SPD (which this draft only seeks to add to not change) the use of the BCIS costs were considered a reasonable basis for this | No change to SPD |

| Respondent Numbers | | Representation | Council Response | Outcome |
|--------------------|-----|--|---|---|
| ID | Rep | | | |
| | | Service) build costs, no details of the build costs are provided. Greater transparency is needed to demonstrate that the method and assumptions used to calculate building costs are robust and in line with current market conditions. | calculation and no objection was raised in the original SPD consultation. Full details of the BCIS build costs are available directly from RICS. | |
| | 2 | In calculating the commuted sums for affordable housing, other planning gain contributions have been assumed to be £5,000 per unit across all tenures. However, there is no evidence set out within the SPD to demonstrate how this figure has been reached. Requirements for contributions vary greatly across different development sites, and each proposal will have its own particular circumstances and be required to deliver different contributions depending on these circumstances. A detailed breakdown is needed to demonstrate how this sum has been arrived at and there needs to be an acknowledgment that developer contributions will vary from site to site, and that this will have an impact on the proportion of affordable housing that can be delivered. | The planning gain contributions are used to allow the indicative figures to be developed and the figure of £5,000 was used and consulted on in the original version of this SPD and no objections were raised at that time. In addition this figure is used to create a generic 'indicative' sum, section 5 of this SPD allows any applicant to specify the exact costs of their development and therefore demonstrate the viability of their scheme and its ability to provide the indicative commuted sum payment or a reduced payment specific to the site, therefore providing the flexibility sought by this respondent. | No change to SPD |
| | 3 | A developer net profit margin of 15% on gross development value has been assumed. This is not considered to be an appropriate assumption on profit. The National Planning Policy Framework states at paragraph 173 that "to ensure viability, the costs of any requirements likely to be applied to the development, such as requirements for affordable | 15% was accepted as reasonable at the Core Strategy Examination as a reflection of the fact that policy was being set for the long term. The Council accepts that 20% may be appropriate for some developments in the current market and as such specific reference to allowing flexibility in using | Change to Development Viability section in line with Council's response |

| Respondent Numbers | | Representation | Council Response | Outcome |
|--------------------|-----|--|--|---------|
| ID | Rep | | | |
| | | <p>housing, infrastructure contributions or other requirements should, when taking into account of the normal costs of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”</p> <p>There is clear evidence that 20% developer profit is a reasonable and realistic figure for developer profit, and this is confirmed by recent appeal decisions and also by Inspectors conducting examinations into CIL charging schedules. In an appeal decision dated 8th January 2013, the Inspector concluded that “the national house builder’s figures are to be preferred and that a figure of 20% of GDV, which is at the lower end of the range, is reasonable” (Land at The Manor, Reading, Appeal reference APP/X0360/A/12/2179141). This conclusion was made on the basis of evidence submitted by the appellant which comprised of correspondence from six national housebuilders setting out their average profit levels.</p> <p>The Newark and Sherwood Community Infrastructure Levy Charging Schedule Examiner’s Report (August 2011) also confirmed the “standard assumption of 20% developer’s profit”.</p> | <p>different levels of developer profit depending on market forces will be added to the development viability section of the SPD</p> | |

| Respondent Numbers | | Representation | Council Response | Outcome |
|--------------------|-----|--|---|--|
| ID | Rep | | | |
| | | It is recommended that the Council's assumption on developer profit level in the SPD is amended from 15% to 20% in line with market conditions and current advice. | | |
| | 4 | <p>4.21 and 4.27 - The worked example demonstrates that where the requirement for affordable housing results in a number that is not a whole number, the residual requirement would be sought as a financial contribution.</p> <p>Paragraph 4.27 states that it is the primary aim that commuted payments will be spent on delivering affordable homes in the area they are collected, or in the wider sub area to deliver an affordable home in a nearby settlement. However, there is no reference as to a spending period and at what point the contribution would be returned to the developer if an alternative site/project could not be found to spend the contribution on. Greater clarity is required on the way in which the commuted sums would be spent and how they could be demonstrated to be meet the tests of the Community Infrastructure Levy Regulations (2011).</p> | <p>Additional clarity to be added to paragraph 4.27 to show how commuted sums will be spent, ensuring any affordable housing delivered relates as close to the application site as is practicable in line with the delivery process set out in section 4 of the SPD.</p> <p>The SPD does not define the spending period for commuted sums collected. It is standard Council procedure to negotiate these periods for each Section 106 agreement to ensure the specific factors of the corresponding application can be accounted for.</p> | Make changes to paragraph 4.27 in line with Council's response |
| 16 | 1 | 2.2 Reference to rural exception sites – this inclusion within the NPPF was the result of lobbying by the Housing Association sector. There is no reference in this draft SPD to the ability to cross-subsidise | Add footnote reference to Rural Exception Sites section of SPD to note that exceptions can be made to allow cross-subsidising of rural affordable housing only in line with the recommendations of the NPPF. | Add new text in line with Council's response |

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| | | affordable units with open market units on Rural Exception sites – despite that ability being stated within the NPPF. If you are able to cross-subsidise with open market units on rural exception sites, you may as well allocate open market sites. | Allocation of open market sites is not the function of this SPD. | |
| | 2 | There is no reference in this SPD to Welfare Reform or the need for smaller units – which must surely exist?? Aging population and need for downsizing also?? | The latest SHMA will take into account these factors. Reference to this will be added to the policy context section of this SPD | Add new text in line with Council's response |
| | 3 | A1 Housing needs to make its stock management plan available if it is going to receive commuted sums – will they not be selling off larger units and reinvesting? | It is the Strategic Housing Service of the Council who will manage the affordable housing commuted sum payments held by the Council. A1 Housing's stock management plan does not need to be made available as part of this. | No change to SPD |
| | 4 | 2.5 Conversion of rural buildings for affordable housing – this is incredibly expensive especially in a low value area like Bassetlaw where 80% open market rents delivers extremely low/unviable returns. DEFRA remain wedded to "Home on the Farm" as a result of lobbying from organisations reliant on charitable donations but DEFRA has been made repeatedly aware that conversion of rural buildings to affordable housing does not stack up. I am sure that the point was made to Bassetlaw as part of Core Strategy consultation (will forward). | The cost in purchasing and using existing buildings for affordable housing across the district is considered to be a viable option as set out in the 'beacon value' information in the SPD. | No change to SPD |
| | 5 | 2.6 Trigger of one new unit – the Autumn Statement 2013 undertook to consult on a minimum trigger of | The affordable housing target triggering the need to address affordable housing is set in the adopted Core | No change to SPD |

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| | | <p>10 units for affordable housing contributions. Rural planners publicly responded that this would “decimate” affordable housing in rural areas. This is untrue – the vast majority of rural settlements, unless tiny hamlets, can support and more likely need, schemes of 10 units (or more). Once the 10 unit trigger is reached, the affordable housing %age is levied at 10%, 25%, 35% whatever. Planners need to get on with allocating sites.....the [REDACTED] site has been identified for just 6 units when it can (sympathetically) sustain more. Smaller schemes are more expensive to build out – 10 will represent a more viable number in rural areas – which is why the Federation of Master Builders, who represent small developers, proposed this threshold. Bassetlaw may need to wait until the national Autumn Statement consultation is completed before adopting the subject draft SPD because change may be required. Knock on effects to Site Allocations SPD are likely – we would anticipate higher numbers on the R.Troop and Son site for example.</p> | <p>Strategy. There are currently no changes to national policy to alter this. If national policy brings in any relevant changes this SPD will be revised accordingly.</p> <p>The allocation of land is not the function of this SPD.</p> | |
| | 6 | <p>2.7 Whilst 2007 is only 6 years ago, it is of course light years away from where we currently find ourselves post credit crunch. 2007 represented the height of the UK property boom and a time of plentiful HCA development grant. My own experience</p> | <p>Update paragraph 2.7 to reflect the emerging SHMA and allow flexibility to incorporate the most up to date findings into affordable housing negotiations as and when they come in.</p> | <p>Add new text in line with Council’s response</p> |

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| | | <p>of the Fordham’s work (in Bolsover within the HMA) is that the value of existing housing stock, in terms of supply, was totally miscalculated. Erroneous calculations were also made in terms of housing need because undue credence was given to the Housing Waiting list. The result was that new affordable housing frequently led to vacancies in older social housing stock</p> <p>Since 2007, the Localism Act has enabled discharge of the homelessness duty into the private rented sector whilst National Planning Policy Guidance (led by Matthew Taylor, anticipated after Xmas) is likely to say that the Statutory Housing Waiting list cannot be used to calculate housing need because flexibilities in Localism means that the data is no longer robust (if it ever was).</p> <p>It seems strange that Bassetlaw is consulting on old data when new data, framed in terms of new legislation and guidance (Localism, the NPPF, NPPG) is apparently around the corner? Will you not need to go out again?</p> <p>You will need a new viability appraisal based on the new Housing Market Assessment and should commission jointly with neighbours – there are some startling disparities between that of Bolsover and Bassetlaw where adjoining settlements are concerned (Cuckney et al – highlighted in a previous response,</p> | <p>Add reference that the Council’s housing need waiting list is updated annually and is shared with Registered Housing Providers and is considered to reflect the needs of affordable tenants across the district.</p> | |

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| | | can forward) which throws into question all the figures used. | | |
| | 7 | In the context of old data and the need for a new viability appraisal, can the table at 3.1 be said to be correct? | The affordable housing targets are set out in the adopted Core Strategy. These targets cannot be changed by this SPD. | No change to SPD |
| | 8 | 3.4 The Strategic Housing Market Assessment is not fine grained enough for rural areas – unless the update has been commissioned differently. | The SHMA is an overview used to aid discussion a stated in policy, it is considered fit for purpose for aiding in determining type and tenure of affordable housing needed in Bassetlaw. | No change to SPD |
| | 9 | 3.8 and 3.10 appear to conflict with each other. 3.10 states that a private developer can deliver and retain control over affordable housing so long as a section 106 is entered into whereas 3.10 states that the developer must have contractual arrangements with the HCA. The proposal at 3.8 is simpler/more streamlined because not all developers will want to enter into contractual arrangements with the HCA. What if development grant is not available? | Disagree that there is conflict but will clarification to the affordable housing providers section to explain the different options available to developers in delivering affordable housing. | Add new text in line with Council's response |
| | 10 | 3.11 I refer back to the Localism Act and the ability to discharge the homelessness duty into the private rented sector. Homeless households can be some of the most vulnerable households within a Local Authority area. If they are allowed to access the private rented sector (as a means to make best use of existing housing stock), why are general needs households treated with kid gloves? | The Council has an agreed policy to use the private sector for homeless discharge. No change to this SPD is needed. | No change to SPD |
| | 11 | Private developers delivering, retaining and managing | Comments noted – add flexibility to paragraph 3.11 to | Add new text in |

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| | | affordable housing will not let the fabric of the new units decline because they will have invested £80,000 upwards in developing each unit. If there is no HCA grant/public money going into the unit, why is a regulatory regime required? Private Sector Offers, enabled by the Localism Act, contain “safeguards” and should be used to sign off new affordable housing delivered by the private sector. | ensure regulatory regimes are only sought when required. | line with Council’s response |
| | 12 | 3.13 – 3.17 does not consider the rural situation. Local lettings policies are required for rural settlements and there are a considerable number of LA’s who follow this approach (can forward) because without it, local people in historic “bronze” categories are continually trumped by urban households in gold or silver categories – despite having no local connection to the rural settlement concerned. Those in housing need in rural areas are more likely to represent households in bronze Choice Based Lettings categories because their housing issues tend to be linked to pure affordability as opposed to “other” vulnerabilities. DCLG Statutory Allocations Guidance encourages Local Lettings Policies and is currently being updated. It may be better for Bassetlaw to await new guidance because it could change this section of the subject document. Current Guidance references case law which confirms the importance of not just relying on | The Council’s letting policy is for social housing need. The Council will allocate based on this need and is to be the appropriate approach. No change needed to the SPD. | No change to SPD |

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| | | priority needs categories when allocating housing and this is likely to be reiterated in new guidance. | | |
| | 13 | 4.28 s106 contributions are not for district-wide “pots”. They are provided for specified local areas relevant to the area in which they were collected. 4.30 Despite the fact that it is cheaper to purchase a Right to Buy in Worksop or Harworth than Everton, you need to frame your s106 policy geographically tighter as they are not designed for district wide contributions. You are sort of doing this in table 2 pg16 when you identify the higher cost and therefore contributions required in eg: Northern Rural – but as far as I can see you do not follow this through in the text. | Comments noted – this SPD does not create a district wide pot but identifies a process for spending commuted sum payments close to the area of the corresponding planning application. | No change to SPD |
| | 14 | 4.34 See earlier statements ref: the Autumn statement and minimum trigger of 10 units consultation. | The affordable housing targets are set out in the adopted Core Strategy. These targets cannot be changed by this SPD. | No change to SPD |
| | 15 | 6.3 Cross-subsidy omitted. Does the Trent Valley Partnership have development finance? There are stalled rural exception sites all over the country owing to lack of finance – the ability to cross-subsidise should be welcomed and was introduced to lessen the requirement for grant. | The TVP identify need but are not a delivery function. Add footnote reference to Rural Exception Sites section of SPD to note that exceptions can be made to allow cross-subsidising of rural affordable housing only in line with the recommendations of the NPPF. (same as response to rep 16.1) | Add new text in line with Council’s response |
| | 16 | 7.2 4th bullet point – please take out word “exception” in brackets when referring to local | The word “exception” is required for clarity in this section. | No change to SPD |

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| | | lettings policies | | |
| | 17 | 7.5 Please see earlier comments about framing s106 contributions tighter geographically. | Comments noted – this SPD does not create a district wide pot but identifies a process for spending commuted sum payments close to the area of the corresponding planning application. | No change to SPD |
| | 18 | Development Viability Guidance - Somewhere it is stated that developer profit of 15% should be used. This should only be on volume schemes – for small schemes 25% is standard. | 15% was accepted as reasonable at the Core Strategy Examination as a reflection of the fact that policy was being set for the long term when identifying commuted sums. However, the Council accepts that 20% may be appropriate for some developments in the current market and as such specific reference to allowing flexibility in using levels of developer profit depending on market forces will be added to the development viability section of the SPD. | Add new text in line with Council's response |
| | 19 | Quoted NPPF definition includes: "It may also be owned by other persons and provided under equivalent rental arrangements to the above as agreed with the local authority" Please could use of Private Sector Offers be included within the preceding text/document body? The Bassetlaw interpretation of delivery and management is narrow. | The SPD uses the definition of Affordable Housing as set out in the NPPF including the section quoted. It would be inappropriate for the council to unnecessarily modify this definition. | No change to SPD |
| | 20 | Appendix D - Surprised that you are not targeting smaller right to buy properties. You must have more demand for them now that welfare reform is in place. | Through this SPD the Council is seeking to purchase the smallest houses available (to meet known demand) in the different sub market areas. The table | No change to SPD |

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| | | The next draft of this document needs to cost 2 and 1 bed RTB's surely? | in Appendix D is used to determine the average value of buildings it does not set out the type of houses the council will seek to buy. The choice of houses to buy will be based on availability, the SHMA, any other relevant evidence and defined need. | |
| 17 | 1 | STW have no comments to make on this particular document but we are keen to work with you by continuing to provide information to assist in the development of your Plan. | Noted | No Change to SPD |
| 18 | 1 | Paragraph 4.1 - No reference is made to any viability considerations in relation to the deliverability of on-site provision. We therefore recommend that paragraph 4.1 should be redrafted to reflect the following change: "The Council will normally expect developments to deliver affordable housing on-site unless there are demonstrable viability reasons why this cannot be achieved. Usually this will..." | Agree that specific reference to development viability can be included in the consideration of on-site provision with appropriate signposting to the development viability section of the SPD. | Add text in line with council response |
| | 2 | Paragraph 4.3 - references that in "exceptional circumstances" it may be appropriate to have affordable housing in one location within the development. This wording is considered to be insufficiently precise as it does not define what the Council considers "exceptional circumstances" to be and this therefore needs to be clarified. | To create a narrow definition of what would be considered an exceptional circumstance would restrict the flexibility of the SPD and could exclude reasonable development options that may be able to apply. | No change to SPD |
| | 3 | Paragraph 4.8 - references that developers will need to provide evidenced based reasons why on-site | This paragraph is not about viability considerations (this is covered by a separate section of the SPD) it | No change to SPD |

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| | | <p>provision is not “appropriate”. This wording is imprecise and we believe that it should be redrafted to reflect the following change in relation not only to the “appropriateness” but also viability: “Applicants will need to provide evidenced based reasons why on-site provision is not appropriate and/or viable. Such reasons may include...” An additional bullet point should be added to the list after paragraph 4.8 as follows:</p> <ul style="list-style-type: none"> • Provision of affordable housing on-site would render the development unviable | <p>gives examples of when on-site provision is not appropriate and off-site contributions should be considered instead. The proposed changes do not reflect this aim.</p> | |
| | 4 | <p>Paragraph 4.15 - The assumed developer net profit margin of 15% on gross development value is not sufficient or reflective of the net profit expectations of residential developers in the current market. Higher net profit requirements are particularly driven by lenders providing development finance with net profit hurdle rates of 20%+. The implication of applying an insufficient profit margin assumption within the residual appraisal methodology will be to overstate development viability and therefore to overstate the extent to which schemes can provide commuted sum payments. Net profit on GDV should be set in the range 20-25% in order to properly reflect current market risk and finance costs.</p> | <p>15% was accepted as reasonable at the Core Strategy Examination as a reflection of the fact that policy was being set for the long term when identifying commuted sums.</p> <p>However, the Council accepts that 20% may be appropriate for some developments in the current market and as such specific reference to allowing flexibility in using levels of developer profit depending on market forces will be added to the development viability section of the SPD.</p> | <p>Add new text in line with Council’s response</p> |
| | 5 | <p>Paragraph 4.26 - As drafted paragraph 4.26 is not</p> | <p>Amend the Existing Use Value section of the SPD to</p> | <p>Add new text in</p> |

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| | | <p>sufficiently clear and it should be significantly improved with reference to a stepped procedure as opposed to a case study.</p> <p>The case study presented at paragraph 4.26 illustrates that the Council expects to capture 100% of the differences between the Existing Use Value (EUV) of the site and the Residual Value of the scheme for 100% Market Housing as a commuted sum payable. This approach fails to account for the need to allow for a value premium over EUV to incentivise sale of the land by the land owner. This is contrary to paragraph 173 of the NPPF which seeks to ensure that there is a competitive return to a willing land owner and willing developer to enable the development to be deliverable. Whilst the NPPF provides no advice as to what constitutes a competitive return, paragraph 38 of the attached appeal decision refers to the glossary of terms appended to the very recent RICS guidance note Financial viability in planning (RICS GN). It states that a competitive return in the context of land and/ or premises equates to the Site Value (SV), that is to say the Market Value subject to the assumption that the value has regard to development plan policies and all other material considerations and disregards that which is contrary to the development plan.</p> <p>The procedure as currently drafted will overstate the</p> | include reference to the need for consideration to be given to allow for a value premium over EUV to incentivise sale of the land by the land owner. | line with Council's response |

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| | | net difference between Residual Value (100% market housing) and EUV. This inflationary effect of the proposed procedure will have the effect of overstating scheme viability and propensity to sustain commuted sum payments. | | |
| | 6 | <p>Paragraph 5.3</p> <p>The reference to “a reasonable profit margin to the developer” at paragraph 5.3 needs to be revised to reflect the representations made in relation to paragraph 4.26. The revised paragraph 5.3 should read:</p> <p>“The financial appraisal should be presented on a residual land value basis taking into account [...] a reasonable profit margin to the developer (please see Appendix A for further details) and sufficient margin over existing use value (EUV) to incentive the sale of sites by a land owner.”</p> | Agree paragraph 5.3 to be amended to include reference to the need for a sufficient margin over existing use value (EUV) to incentive the sale of sites by a land owner. | Add new text in line with Council’s response |
| | 7 | Paragraph 5.5 as drafted only allows for upward revision of the percentage of affordable housing on review in circumstances where developments are not commenced or completed within certain timeframes. This is a potentially punitive procedure that fails to reflect that not commenced/ completed developments may result from a deterioration of scheme viability. In such circumstances, developments may be stalled due to affordable housing and other S106 requirements. Paragraph 5.5 | <p>The SPD seeks to ensure a baseline for establishing the minimum requirement for affordable housing contribution form a relevant application to provides the best value. Paragraph allows for an increase in contribution to be sought if appropriate.</p> <p>Mechanisms already exist to allow a developer to seek a reduction in their commitment through the normal procedures of re-negotiating section 106 agreements with the council. Additional processes for</p> | No change to SPD |

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| | | therefore needs to be revised to: “...for the purposes of determining whether the percentage of affordable housing should decrease or increase for the balance of development still to be completed.” | this do not need adding to the SPD | |
| 19 | 1 | <p>The original 2012 SPD is considered to be totally unacceptable, and if eventually adopted, would have had a devastating effect on the area and it’s economy. Revisions in the new draft SPD, portray a welcome dilution of the original Document, however we believe the changes will not be anywhere near sufficient, and the resulting policy will seriously impact on the construction industry and local economy as a whole.</p> <p>Central Government has introduced successfully, a Help To Buy Scheme, which has boosted the housing market considerably, enabling many who previously wouldn’t have been able to afford a home of their own, to obtain a mortgage to buy their first house. Bassetlaw District Council however, through the proposed Affordable Housing SPD, will in our opinion, trigger the opposite effect, through the severe thresholds and commuted sums proposed . Doncaster Metropolitan Borough Council, in common with all local authorities, have an affordable homes policy, but whilst protecting the major investments in the</p> | The Affordable Housing targets are set out in the adopted Core Strategy. These targets cannot be changed by this SPD. However it is considered that the revised Affordable Housing SPD presents sufficient flexibility to ensure any affordable housing contributions sought will not render a development unviable. | No change to SPD |

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| | | <p>locality, which they themselves have encouraged, i.e., vast commercial, industrial and residential development, massive road infrastructure, international airport, transport networks, and plans for a world class international golf course, just to name a few, their affordable homes policy triggers at 14 houses or more, over the complete DMBC area. Additionally, they have not introduced CILs. Such policy will ensure continued growth in the Doncaster region.</p> <p>In Bassetlaw, the severe affordable homes thresholds and commuted sums, coupled with CILs, will slow down dramatically, land sales/negotiations, with neither vendor purchaser prepared to give way on amounts demanded under terms of the Council's policy. The contributions required by the Council, plus CIL charges, on top of land values, will render development schemes unviable. We believe this is already happening, having spoken to many clients in the housing market, including buyers, vendors, developers, housebuilders, chartered surveyors, and bankers, within the Bassetlaw region since adoption in June 2012. Indeed, the small builder seriously fears for his future in this region. Rather bluntly, most of whom we have advised on the Council's affordable homes intentions, have reacted</p> | | |

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| | | <p>with shock and disbelief.</p> <p>We seriously fear for the future of Bassetlaw's construction and housing industry, and ultimately, the local economy, unless a sensible threshold level target for affordable homes, commuted sums, and more realistic consideration is given to the demand for CILs, by the District Council.</p> | | |