

Question	Name Rep No	Representation	Response
	AH126 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.
	AH12 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.
	AH55 Cllr John Edwards- Winser AH73 Brenda Hambrook Otford Parish Council	It is unclear on what basis a contribution is made. Is this on the sale price, the building price, the 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>Para 6.5 has been amended to confirm that the affordable housing contribution is based on the cost of 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>
	AH95 Peter Hadley Robinson Escott Planning	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	This is accepted in the amendment to para 6.3
	AH100	The SPD should be fully reviewed having regard to the new draft National	Para 39 of the draft NPPF states that plans and

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	<p>Peter Hadley Robinson Escott Planning</p>	<p>Planning Policy Framework. The SPD should demonstrate how it accords with the aims of para 39 of the NPPF.</p>	<p>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>AH103 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>AH13 Christine Lane Edenbridge Town Council</p>	<p>Yes</p>	<p>Noted.</p>
	<p>AH118 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 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>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>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>AH119 Tim Daniells Millwood Homes</p>	<p>Policy Context is clearly set out.</p>	<p>Noted.</p>

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	AH7 Thomas Rand	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.
	AH48 Tracy Godden Dunton Green Parish Council	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.
	AH62 Trevor R Hall Kent Police	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.
	AH74 Brenda Hambrook Otford Parish Council	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.
Is the guidance clear in identifying what development should contribute ?2 11 Responses	AH8 Thomas Rand AH14 Christine Lane Edenbridge Town Council AH49 Tracy Godden Dunton Green Parish Council	Yes	Noted
	AH80 Y Tredoux Kemsing Parish Council		
	AH120 Tim Daniells Millwood Homes		
	AH1 McCarthy and Stone	Support the approach that only development falling in Use Class C3 be required to provide affordable housing or financial contribution and that	Noted, but sheltered housing schemes that provide individual residential units will fall within

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	Retirement Lifestyles Ltd The Planning Bureau	sheltered housing scheme will not have to provide on site affordable housing.	Use Class C3 and will be expected to contribute under the policy
	AH56 Cllr John Edwards-Winser	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.	The policy follows the conclusions of the Affordable Housing Viability Assessment. It was considered to be a sound approach at the Core Strategy Examination.
	AH63 Trevor R Hall Kent Police	The guidance is clear but would like to see within the exclusions any development comprising solely of key worker accommodation.	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.
	AH69 Churchill Retirement Living Greg Hilton Planning Issues	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.	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.
	AH113 Hugh D'Alton Sevenoaks Town Council	Housing shortfall for West Kent Area not just Sevenoaks District. 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. Money is already taken in the form of S106 agreements, where is it being spent currently?	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. 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. 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.

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	<p>AH114 Hugh D'Alton Sevenoaks Town Council</p>	<p>Confirm 4.3 includes almshouses, Rockdale and similar housing. Would like to see Rockdale style housing developments added to the list of exempt developments.</p>	<p>Clarity is needed in deciding what types of development should contribute. The SPD follows the Core 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>
<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? 3</p> <p>13 Responses</p>	<p>AH2 McCarthy and Stone Retirement Lifestyles The Planning Bureau</p> <p>AH96 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>AH35 Michael Allwood TCHG</p>	<p>Remove reference to social rented provision in table 5.1.</p>	<p>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>
	<p>AH111 Angela Howells Westerham parish council</p>	<p>Supports para 5.8.</p>	<p>Noted</p>
	<p>AH15 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? 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</p>

			the policy. Para 5.6 allows for flexibility in the balance between different tenures.
AH50 Tracy Godden Dunton Green Parish Council	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.
AH57 Cllr John Edwards-Winser	The term "social rent" is unclear. Define difference between Social Rented and Affordable Rented and the 'independent assessor'?		Definitions of 'social rented housing' and 'affordable rented housing' are included in the glossary (appendix 5).
AH75 Brenda Hambrook Otford Parish Council	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? In para 6.11 why is there only reference to West Kent Housing, not the other 'registered providers'? 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.		Para 5.9 reflects the current economic climate, which mean that grant funding to support affordable housing development is unlikely. Para 6.11 refers to the West Kent Strategic Housing Market Assessment and not the West Kent Housing Association. Delivery of affordable housing will be monitored through the Council's LDF Annual Monitoring Report.
AH115 Hugh D'Alton Sevenoaks Town Council	Would prefer to see the requirement for houses rounded down rather than up. Or for the excess to be a monetary contribution. 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.		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. Para 5.12 is necessary to ensure that affordable housing is delivered in accordance with Core Strategy Policy SP3.
AH121 Tim Daniells Millwood Homes	Take account of viability issues and policy should be flexible to allow this through submission of economic viability statements.		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.
AH3 McCarthy and Stone	The SPD should not be as prescriptive on the methodology when there are alternatives and potential negotiated settlements to be made depending upon		Para 6.6 notes that the proposed methodology is just one method of calculating the financial

	Retirement Lifestyles The Planning Bureau	the form and viability of the scheme.	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 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>AH70 Churchill Retirement Living Greg Hilton Planning Issues</p>	<p>The approach is clear, but is fundamentally flawed. The use of 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"> - differentiate the land value percentage between flatted development and housing development forms across the district, or; - to simply require the relevant percentage of the residual land value of the whole development. <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>The 38.8% figure for the residual land value was recommended as a district-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>
36 Responses	<p>AH11 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>

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	<p>AH20 Nureni Adeleye</p> <p>AH25 Tatham Homes Ltd</p> <p>AH30 Direct Build Services</p> <p>AH38 Regalpoint Homes Ltd</p> <p>AH43 Fernham Homes Ltd</p> <p>AH83 Kentmere Homes Ltd</p> <p>AH88 Portfolio Homes</p> <p>AH97 Peter Hadley Robinson Escott Planning</p> <p>AH102 Berkeley Homes (Captial) Plc</p> <p>AH107 Graham Norton Wealden Homes</p> <p>AH122 Tim Daniells Millwood Homes</p> <p>AH127 Paul Crick Kent County Council</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 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 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>
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	<p>AH21 Nureni Adeleye AH26 Tatham Homes Ltd AH31 Direct Build Services AH39 Regalpoint Homes AH44 Fernham Homes Ltd AH84 Kentmere Homes Ltd AH89 Portfolio Homes AH108 Graham Norton Wealden Homes</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 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>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 is not considered necessary to produce an annual list of locations where affordable housing is needed.</p>
	<p>AH94 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>AH97 Peter Hadley Robinson Escott Planning</p> <p>AH116 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</p>

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			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.
AH101 Hobson	If the money is collected to increase provision of affordable housing it should be used to directly to increase provision of affordable housing. It should be a requirement that money taken from a development is used exclusively in the parish that the development took place. This could help in acquiring land for rural exception schemes.		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. 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.
AH107 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.
AH109 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.
AH10 Thomas Rand AH81 Y Tredoux Kemsing Parish Council	Yes, the methodology for calculating contributions for off site provision is clear.		Noted.
AH128 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.

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	<p>AH16 Christine Lane Edenbridge Town Council</p> <p>AH51 Tracy Godden Dunton Green Parish Council</p>	<p>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.</p> <p>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?</p> <p>The Open Market Value is taken from the Affordable Housing Viability Assessment (September 2009). How often will this be reviewed? Market value fluctuations could have a significant impact.</p>	<p>An amendment is proposed to clarify the explanation of the calculation and the worked example.</p> <p>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.</p> <p>The Open Market Value is not taken from the Viability Assessment. Only the residual land value percentage is taken from the Assessment.</p>
	<p>AH36 Michael Allwood TCHG</p>	<p>Point 6.1 Suggest off site payment is method of last recourse.</p>	<p>The policy generally gives preference to on-site provision and is based on an assessment of the different economic viability considerations on different sites.</p>
	<p>AH76 Brenda Hambrook Otford Parish Council</p> <p>AH58 John Edwards-Winser</p>	<p>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.</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p>
	<p>AH112 B Ide Shoreham Parish Council</p>	<p>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.</p>	<p>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.</p>

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		<p>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.</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 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.</p>
<p>Are the procedures clearly set out?5 20 Responses</p>	<p>AH24 Nureni Adeleye AH29 Tatham Homes Ltd AH34 Direct Build Services AH42 Regalpoint Homes Ltd AH47 Fernham Homes Ltd AH87 Kentmere Homes Ltd AH92 Portfolio Homes</p>	<p>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.”</p>	<p>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.</p>
	<p>AH98 Peter Hadley Robinson Escott Planning</p>	<p>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.</p>	
	<p>AH110 Graham Norton Wealden Homes</p>	<p>Pre application discussions should take four weeks for the council to perform.</p>	
	<p>AH4 Thomas Rand</p>	<p>Yes</p>	
	<p>AH66 Trevor R Hall Kent Police</p>		<p>Noted</p>

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	<p>AH82 Y Tredoux Kemsing Parish Council AH123 Tim Daniells Millwood Homes</p>		
	<p>AH129 Paul Crick Kent County Council</p>	<p>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.</p> <p>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</p>	<p>Noted. KCC will be brought in to pre application discussions where necessary.</p>
	<p>AH17 Christine Lane Edenbridge Town Council</p>	<p>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?</p> <p>On page 32 it says planning application will not be refused if S106 not completed 7.4 on page 17 says it will.</p>	<p>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.</p> <p>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.</p>
	<p>AH37 Michael Allwood TCHG</p>	<p>Principle is sound. Must be time limited, suggest a maximum of 4 weeks pre-app discussion.</p>	<p>The Council's policy is to respond promptly to pre-application enquiries. Indicative timescales are set out on its website.</p>
	<p>AH52 Tracy Godden Dunton Green Parish Council</p>	<p>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.</p>	<p>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.</p>
	<p>AH59 Cllr John Edwards- Winser</p>	<p>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</p>	<p>The Council's policy is to respond promptly to pre-application enquiries. Indicative timescales are set out on its website. The response times</p>

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<p>Do you have any comments on the guidance regarding viability issues?6</p> <p>29 Responses</p>	<p>AH77 Brenda Hambrook Oxford Parish Council</p>	<p>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.</p>	<p>for Registered Providers will be a matter for these organisations, in the first instance.</p> <p>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.</p>
	<p>AH117 Hugh D'Alton Sevenoaks Town Council</p>	<p>Concerned at the increased level of bureaucracy and would be interested to know how Sevenoaks District Council plans to manage the increased workload.</p>	<p>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.</p>
	<p>AH22 AH23 Nureni Adeleye AH27 AH28 Tatham Homes Ltd AH32 AH33 Direct Build Services AH40 AH41 Regalpoint Homes Ltd AH45 AH46 Fernham Homes Ltd AH85 AH86 Kentmere Homes Ltd AH90 AH91 Portfolio Homes</p>	<p>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.'</p> <p>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.'</p>	<p>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>
	<p>AH78 Brenda Hambrook Oxford 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>AH99 Peter Hadley Robinson Escott Planning</p>	<p>Paragraph 8.3 & 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>AH104 United House</p>	<p>More flexibility should be given to the affordable housing in all circumstances whereby it can be demonstrated through an independent assessment of</p>	<p>Policy SP3 allows for lower levels of provision to be negotiated where the standard requirement</p>

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	Planning Potential Ltd	viability that the Council's thresholds cannot be met	would lead to development not being viable. Section 8 of the SPD provides further guidance.
	AH105 United House Planning Potential Ltd	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.	See response to AH104.
	AH106 Graham Norton Wealden Homes	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.	This would be contrary to the adopted Core Strategy policy, which was subject to independent examination and based on a robust local evidence base.
	AH124 Tim Daniells Millwood Homes	A 38.8% multiplier does not reflect economic conditions today. 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.	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.
	AH130 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.
	AH5 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.
	AH18 Christine Lane Edenbridge Town	The calculations are bases on the Affordable Housing Viability Study (2009) it will be crucial that this is current and accurate and regularly reviewed.	The Affordable Housing Viability Assessment is up to date but will be kept under review.

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<p>Do you have any comments on arrangements for monitoring? 7 7 Responses</p>	<p>Council</p>	<p>How will the "reasonable profit" percentage to be judged? What right of appeal would the developer have?</p>	<p>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 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.</p>
	<p>AH53 Tracy Godden Dunton Green Parish Council</p>	<p>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?</p>	<p>See response to AH18 above.</p>
	<p>AH60 Cllr John Edwards-Winser</p>	<p>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.</p>	<p>No objections on this point have been received from the development industry</p>
	<p>AH72 Churchill Retirement Living Planning Issues</p>	<p>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.</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>AH68 Trevor R Hall Kent Police</p>	<p>Kent Police is content with the proposed monitoring arrangements</p>	<p>Noted.</p>
	<p>AH79 Brenda Hambrook Otford Parish Council AH61 Cll John Edwards-Winser</p>	<p>It would benefit to know The number of affordable homes built in a 12 month period; The geographic grouping of those new homes; 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.</p>	<p>The Council's LDF Annual Monitoring Report provides information on the delivery of affordable housing and will continue to do so. The allocation of affordable housing to those in need are subject to national policies.</p>
	<p>AH131 Paul Crick Kent County Council</p>	<p>Appendix 4 •Purchase price of land is not relevant •Profit margin given is restrictive •Other costs include planning obligations. It is not clear whether SDC are prioritising and if so what are the priorities?</p>	<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>Appendix 5 KCC support the definition of Residual Land Value</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>
	<p>AH19 Christine Lane Edenbridge Town Council AH54 Tracy Godden Dunton Green Parish Council</p>	<p>Who will scrutinise and identify any changes required to the Core Strategy policy and SPD's. What penalties will be in place to scheme providers for not submitting responses? Will any and all changes be subject to full consultation?</p>	<p>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.</p>

