



Forest of Dean

— DISTRICT COUNCIL —

Affordable Housing
Supplementary Planning Document

Statement of main issues raised

April 2010



Affordable Housing Supplementary Planning Document Statement of main issues raised April 2010

1. STATUTORY REQUIREMENTS

Regulation 18 of the Town and Country Planning (Local Development) (England) Regulations 2004 sets out the requirements that must be followed in relation to the adoption of Supplementary Planning Documents (SPD).

Regulation 18 (4) (b) states that on adoption of a SPD the local planning authority should make available a consultation statement setting out:

- A summary of the main issues raised in the representations made to the draft SPD
- How these main issues have been addressed in the SPD which it is intended to adopt

2. Consultation on the Affordable Housing SPD

Five periods of consultation have been undertaken.

At a very early stage before drafting the SPD officers from the Strategic Planning team and the Strategic Housing service worked together to consider the scope and content of the SPD.

Following this a procedure of early consultation was undertaken which included;

- An early draft of the SPD relating to the main issues was provided to a number of officers in the Council, specifically those whose work relates to the issues under discussion.
- Following comments received the initial draft document was then refined and then to help the process an informal public consultation draft assessment of the initial draft was carried out, with all members of the Council as well as external bodies such as developers, housing associations and other stakeholders consulted. Some of the comments received were taken into account and the document further refined.
- The third period of consultation was in relation to the sustainability appraisal. A scoping report, which included an outline of the SPD, was sent to statutory consultees in November 2008 to comply with the Strategic Environmental Assessment Directive and Sustainability Appraisal guidance. Comments were invited on the Sustainability

Appraisal (SA) only. No comments were received. Those consulted were:

English Nature (Natural England)
English Heritage
The Environment Agency
Countryside Commission (Natural England)
Gloucestershire County Council
Office of the Deputy Prime Minister (Regional Office)

- The fourth period of consultation was the formal six-week period (23rd December 2008 – 5th February 2009) where the Draft SPD and SA were presented for consultation. Representations received were recorded, assessed and where appropriate amendments made to the SPD or SA. The cabinet then adopted the document on the 9th April 2009. Following a challenge on the SPD in relation to a technical point the document was withdrawn.
- The fifth period of consultation was the formal six-week period (6th July 2009 to 3rd August 2009) where the Draft SPD was presented for consultation. Representations received were recorded, assessed and where appropriate amendments made to the SPD.

3. Changes to the SPD

At the end of the consultation period, representations on the SPD had been received from 13 organisations and individuals.

A summary of the issues raised in the representations received and how these issues were addressed in revising the SPD for adoption are set out in Appendix 1 to this statement. None of the changes to the SPD were considered significant, most probably due to the continued engagement of stakeholders throughout the development of the document.

A summary of the issues raised in the representations received and how these issues were addressed in revising the SPD for adoption are set out in Appendix A to this statement.

All representations were considered at the Council meeting of 8th April 2010, when the SPD was adopted.

Appendix One – Statement of Main Issues

From	Reference	Comment	FoDDC Response
National Grid	AHSPDj1	I wish to inform you that on this occasion National Grid will not be providing comments	Comment noted
Redmarley Parish Council	AHSPDj2	Councillors found the document too lengthy and complex.	Comment noted
Redmarley Parish Council	AHSPDj3	The full definition of Affordable Housing (P9) should be given in all communications, especially surveys. 4.14 should also achieve the first sustainable objective in 1.10, i.e. sites should primarily be sustainable and have full access to all services such as transport facilities and amenities for successive occupiers.	Comment noted
Redmarley Parish Council	AHSPDj4	Jobs are hard to find in rural areas. Where will occupants of the AH find work?	The SPD is intended to guide the implementation of certain development plan policies. While the comment above may be correct, it is not considered appropriate for this SPD.
Robert Hitchins Ltd	AHSPDj5	The draft SPD seeks to restrict affordability, prescribe the transfer price of affordable housing and seeks to establish new policy outside of adopted statutory documents in respect of viability issues and construction standards.	The Council disagrees that the SPD seeks to restrict affordability, prescribe the transfer price of affordable housing and that it seeks to establish new policy in respect of viability issues and construction standards. Each aspect of this general comment has been addressed as part of the council consideration and response to individual comments where the particular area of concern has been raised.

<p>Robert Hitchins Ltd</p>	<p>AHSPDj6</p>	<p>Paragraph 2.6 of the draft SPD considers specialist affordable housing including extra care and supported housing need across the district. The Council should be mindful that there is no requirement within the adopted LP affordable housing policies for developers to provide a proportion of specialist affordable housing. Whilst the Council may wish to suggest such provision they cannot require it. There should not be an attempt by the Council to create new policy within the draft SPD outside of statutory adopted documents which have been subject to independent examination; to do so would be contrary to PPS12.</p>	<p>PPS 3 promotes and requires that Local Planning Authorities should ensure the delivery of inclusive, mixed communities and the development of sustainable housing, which provides access to amenities for older people and those with disabilities.</p> <p>PPS3 (p9) further states, “Local Planning Authorities should plan for a mix of housing on the basis of the different types of households that are likely to require housing over the plan period. This will include having particular regard to: The accommodation requirements of specific groups, in particular, families with children, older and disabled people.” The government agenda for creating mixed communities which includes the provision of adapted accommodation is further reflected in the governments Lifetime Homes, Lifetime Neighbourhoods A National Strategy for Housing in an Ageing Society which aims to provide adaptable housing which can accommodate wheelchair or specially adapted housing needs. The Council considers that there is sufficient government guidance and planning policy statement to warrant the seeking of wheelchair or specially adapted housing to help meet need and create a mix of housing. Local Plan policy (R) FH13 reflects the PPS3 position in that it will seek to deliver a range of property types of affordable housing to meet housing need (which can include extra care or supported housing needs). Therefore the Councils considers that this paragraph is not seeking to create new policy within the draft SPD outside of statutory adopted documents or planning policy statements.</p> <p>In relation to “where it is agreed with the developer the Council may negotiate a proportion of affordable housing to be provided to meet extra care or supported housing needs.” The introduction of such wording would prevent the Council from entering into negotiations for the provision of such accommodation, if the developer would not agree to enter into such negotiations. The provision of wheelchair and specially adapted housing will be an issue for pre-application discussions and negotiation and the paragraph will be amend to include the following wording.</p> <p>Proposed Modification 2.7 “Specialist affordable housing provided to meet extra care or supported housing needs will be an issue for pre-application discussions and will be on a negotiation basis taking into account many factors that could affect delivery.</p>
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<p>Robert Hitchins Ltd</p>	<p>AHSPDj7</p>	<p>Paragraph 2.7 should be amended to reflect national guidance which defines key worker housing as a form of intermediate affordable housing and can therefore be provided where appropriate.</p>	<p>Delivering Affordable Housing 2006 (paragraph 60) state “The Government wants to help front line public sector workers in areas where they are being priced out of their community.” DAH goes on to state It is Government policy to assist keyworkers groups into HomeBuy schemes, particularly Social HomeBuy and New Build HomeBuy. The Gloucestershire SHMA demonstrates that there is little demand for key worker schemes, which could be attributed to that many of the Key workers would not be eligible to apply under the Homebuy criteria as they are relatively well paid.</p> <p>While there is no demonstrable demand for key worker housing it is agreed that key worker housing is intermediate housing, and the paragraph will be amended to clarify it will be considered as a form of intermediate affordable housing provided under (R)FH13 where appropriate when it is accompanied by evidence that shows a genuine local need for the type scale and tenure of the proposed dwellings</p> <p>Proposed Modification</p> <p>2.8 Affordable housing provision for key workers will usually comprise of a type of intermediate affordable housing. The Council uses the definitions of Key workers set out in Annex B:PPS3</p> <p><i>“The Government’s definition of key workers includes those groups eligible for the Housing Corporation funded Key Worker Living programme and others employed within the public sector (i.e. outside of this programme) identified by the Regional Housing Board for assistance.”</i></p> <p>2.9 While there is no demonstrable demand for key worker housing, key worker housing provision may form part of the intermediate affordable housing provided under (R)FH13 (but should not reduce the amount of priority social rented housing unless there are specific site circumstances) where appropriate. Any proposal which intends to provide key worker housing should be accompanied by evidence that shows a genuine local need for the type scale and tenure of the proposed dwellings</p>
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<p>Robert Hitchins Ltd</p>	<p>AHSPDj8</p>	<p>Paragraph 3.4 of the draft SPD should reflect the detail within the draft RSS contains regional targets for monitoring purposes, it is the responsibility of each local authority area to determine an appropriate percentage affordable housing provision in accordance with the findings of a robust and credible SHMA.</p>	<p>Comments in respect of the draft RSS are noted. It is agreed that individual LPAs should derive their own percentage of affordable housing using evidence such as the SHMA as the amount of affordable housing required could be in excess of the 35% quoted in the RSS draft policy H1. The percentage of affordable housing sought (40%) is limited by the viability study accompanying the SHMA and is below that required to meet the local need identified in the SHMA. It is therefore considered reasonable.</p> <p>The issue of the importance of the draft RSS in relation to the seeking of 40% by the planning inspector at the Land off Lydney bypass and Highfield Road Lydney Appeal in May 2009. The Inspector conclusion, regarding the importance of the Draft RSS in relation to the seeking of 40% of housing on a new development was as follows;</p> <p><i>“The emerging RSS covers the period to 2026 (14). The proposed development the subject of this appeal is projected to cover a similar period – to 2024 (137). In the context of such a lengthy timespan, the downturn represented by the ‘credit crunch’, even though severe, can be regarded as a temporary and relatively short-term element. No evidence demonstrates otherwise. Though at the time of writing the RSS remains at Modifications stage, the Secretary of State has proposed no further modifications to RSS policy as a reflection of the ‘credit crunch’. RSS policy is intended to provide continuity and certainty over a lengthy period, and it is not to be expected that such policy should itself be hastily amended to reflect sudden and/or temporary changes in circumstances.”</i></p> <p>(Paragraphs 214 page 35-Inspector report, Land off Lydney bypass and Highfield Road, Lydney APP/P1615/A/08/2082407)</p> <p>The Secretary of State letter confirms the view that the <i>“as the strategy is at an advanced stage, the secretary of state give considerable weight to its policies” Para 11 of letter of 6th October 2009</i></p> <p>The council considers that paragraph 3.4 is correct and no amendment is considered necessary.</p>
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Robert Hitchins Ltd	AHSPDj9	Further information is provided on the LP saved policies within paragraph 3.7 of the draft SPD including policy (R)FH.12 however this policy is not listed within the previous paragraph 3.6 as a saved policy. Paragraphs 3.6 and 3.7 should be amended to accord with each other.	(R)FH12 is a saved policy so the SPD will be amended to make this clear Proposed Modification 3.6 to include (R) FH.12 Affordable Housing - Eligibility and Continuing Availability
Robert Hitchins Ltd	AHSPDj10	Further information is provided on the LP saved policies within paragraph 3.7 of the draft SPD including policy (R)FH.12 however this policy is not listed within the previous paragraph 3.6 as a saved policy. Paragraphs 3.6 and 3.7 should be amended to accord with each other.	See Response to AHSPDj9
Robert Hitchins Ltd	AHSPDj11	Paragraphs 4.2 and 4.3 of the draft SPD should be amended to reflect the latest available data and a more accurate picture of the current housing market. Paragraph 4.3 of the draft SPD should be amended to reflect the accepted income to lending ratio as detailed with the SHMAPG2. Paragraph 4.4 of the draft SPD should be deleted once paragraphs 4.2 and 4.3 are amended to reflect accurate and up to date figures that accord with the latest market conditions.	Agreed that Paragraphs 4.2 and 4.3 will be amend to reflect the latest available data for house prices and income and simplified to reflect the difficulties in accessing the housing market and paragraph 4.4 will be deleted Proposed modification 4.2 House prices within the Forest of Dean Administrative Boundary (FoDAB) have risen substantially since 2002 with prices appearing to peak in late 2007 and then reduce up to Q2 2009. Despite the recent drop in house prices the average house price in Q3 2009 reached £196,670. Taking the average house price of £196,830 at Q3 2009 coupled with the average earnings at the same period of £23,093 ¹ means that there was an average house price to average earnings income ratio of 8.5:1 4.3 Using a purchase income threshold of 90% mortgage availability, and a three and half times gross income to lending ratio, to purchase an average priced house at Q3 2009 of £196,830 would require a household income of £50,613. 4.4 <i>deleted</i>

Robert Hitchins Ltd	AHSPDj12	Paragraphs 4.2 and 4.3 of the draft SPD should be amended to reflect the latest available data and a more accurate picture of the current housing market. Paragraph 4.3 of the draft SPD should be amended to reflect the accepted income to lending ratio as detailed with the SHMAPG2. Paragraph 4.4 of the draft SPD should be deleted once paragraphs 4.2 and 4.3 are amended to reflect accurate and up to date figures that accord with the latest market conditions.	See Response to comment AHSPDj11
Robert Hitchins Ltd	AHSPDj13	Paragraphs 4.2 and 4.3 of the draft SPD should be amended to reflect the latest available data and a more accurate picture of the current housing market. Paragraph 4.3 of the draft SPD should be amended to reflect the accepted income to lending ratio as detailed with the SHMAPG2. Paragraph 4.4 of the draft SPD should be deleted once paragraphs 4.2 and 4.3 are amended to reflect accurate and up to date figures that accord with the latest market conditions.	See Response to comment AHSPDj11
Robert Hitchins Ltd	AHSPDj14	Paragraph 4.5 of the draft SPD provides average market rental costs by dwelling type however no source has been given for this data to determine whether the figures provided are accurate or allow for	<p>Agreed Paragraph 4.5 containing the average market rental costs will be updated and source include.</p> <p>Proposed modification</p> <p>The Private Rental Market also provides a market solution for Households. Average market</p>

		<p>future reference for updated data in the future.</p>	<p>rental costs by dwelling type at the end of October 2009 were:</p> <ul style="list-style-type: none"> • 1 bed - £411pcm • 2 bed - £500pcm • 3 bed - £618pcm • 4 bed+ - £783pcm <p>Source :rightmove.co.uk(29/10/09)</p>
<p>Robert Hitchins Ltd</p>	<p>AHSPDj15</p>	<p>Paragraphs 4.6 to 4.10 address the issue of housing need and the Strategic Housing Market Assessment (SHMA) 2009. The original SHMA report was prepared by Fordham Research Ltd however the Steering Group determined that there was gaps in the methodology applied and have sought to repair this deficiency by removing Chapter 9 of the document and replacing it with Estimating Housing Need and Demand in Gloucestershire - Technical Report for the Gloucestershire SHMA of February 2009 ("Technical Report"). The SHMA (and, the Technical Report) is premised upon 2007/08 housing market cost and price information. An SHMA itself does not constitute Policy but rather it is part of the shared evidence base that local planning authorities should use; Failure to found the evidence base</p>	<p>Paragraphs 4.6 to 4.10 provides details from the Strategic Housing Market Assessment Practice Guidance second version 2007 (SHMAPG2) compliant Strategic Housing Market Assessment signed off in February 2009 on the level of housing need including tenure type identified within the Forest of Dean.</p> <p>The issue of the SHMA as a robust and credible indicator of housing need was considered by the planning inspector at the Land off Lydney bypass and Highfield Road Lydney Appeal in May 2009. The inspector conclusion regarding the robustness and credibility of the SHMA (with which the Secretary state concurred in para 13 of his letter of 6th October was:</p> <p><i>“The SHMA was issued in February 2009 following procedure outlined by the SHMA Practice Guidance V2 August 2007, and appropriate audit accepted by the SHMA Partnership (124). The SHMA together with related documents indicates that there is evidence of need for a proportion of affordable housing greater than the Council’s ‘starting point’ of 40%, and for at least a 70%/30% social rented/intermediate tenure split (24, 28).”</i></p> <p><i>“In the context of the current case, therefore, a figure of 40% affordable housing as a starting point for negotiation is neither unrealistic nor unreasonable, and is justified. The Secretary of State’s decision of 2008 on the Lydney A appeal does not indicate that the figure of 40% is unrealistic but, on the contrary, that it is ‘expected’ (11).</i></p> <p><i>“Whilst the SHMA acknowledges the need for its own early updating (23), that does not disqualify the document from current recognition as an element of a robust and credible</i></p>

		<p>appropriately conflicts with PPS12 Bearing in mind that the SHMA is in conflict with PPS12 for being founded upon out-of-date information, that it relies upon a viability study which pre-dates it (and is based entirely on cost and price levels from Q3 of 2007) and that the Council now seek to refer to it for development control purposes it is entirely appropriate that it should be subject to robust scrutiny through the normal LDF examination procedures and given little weight until that exercise has been completed, it is therefore inappropriate for the Council to include data from the SHMA within the draft SPD. It should be made clear within this section that the affordable housing provision on any site will be negotiated in accordance with the LP policy.</p> <p>REQUIRED MODIFICATION(S):Amend paragraphs 4.6 to 4.10 to confirm that affordable housing will be negotiated in accordance with the LP policy and that only limited weight can be given to findings of the SHMA.</p>	<p><i>evidence base (125, 127)."</i></p> <p>The robustness of the SHMA was further examined when independently reviewed by Ecotec during summer 2009 as part of the South West Regional Assembly Housing Body commissioned research into Strategic Housing Market Assessments in the South West. The findings of this research were published in September 2009 and the report concludes that <i>"the end result is an SHMA that is robust in its core findings"</i> (page 112, ECOTEC South West Audit Report- The Methods, Findings and Impact of Strategic Housing Market Assessments in the South West"</p> <p>As the Local Plan Policy (R) FH.13 requires</p> <p><i>"An element of affordable housing will be sought by negotiation on all housing sites which are of 15 units or more or are larger than 0.5ha in towns and villages of greater than 3000 population or are of 5 units or more or larger than 0.2ha in other locations. The provision sought will be related to evidence of local need in the District, including housing need surveys, and to the suitability of the site in question."</i></p> <p>The findings of the SHMA therefore carry significant weight.</p> <p>Section 6 of the draft SPD sufficiently demonstrates how affordable housing will be negotiated in accordance with the local plan policies and therefore no modification is required to these paragraphs.</p>
Robert Hitchins Ltd	AHSPDj16	REQUIRED MODIFICATION(S):Amend paragraphs 4.6 to 4.10 to confirm that affordable housing will be negotiated in accordance with the LP policy and that only limited weight can be given	See Response to comment AHSPDj15

		to findings of the SHMA.	
Robert Hitchins Ltd	AHSPDj17	REQUIRED MODIFICATION(S):Amend paragraphs 4.6 to 4.10 to confirm that affordable housing will be negotiated in accordance with the LP policy and that only limited weight can be given to findings of the SHMA.	See Response to comment AHSPDj15
Robert Hitchins Ltd	AHSPDj18	REQUIRED MODIFICATION(S):Amend paragraphs 4.6 to 4.10 to confirm that affordable housing will be negotiated in accordance with the LP policy and that only limited weight can be given to findings of the SHMA.	See Response to comment AHSPDj15
Robert Hitchins Ltd	AHSPDj19	REQUIRED MODIFICATION(S):Amend paragraphs 4.6 to 4.10 to confirm that affordable housing will be negotiated in accordance with the LP policy and that only limited weight can be given to findings of the SHMA.	See Response to comment AHSPDj15
Robert Hitchins Ltd	AHSPDj20	Paragraph 4.12 of the draft SPD considers wheelchair and specially adapted housing need across the district. The Council state that developers should speak with the Council at 'pre-application stage' and such housing will be negotiated on a site by site basis. The Council should be mindful that there is no requirement within the adopted LP affordable housing policies for developers to provide a proportion of affordable housing which is designed to meet the special needs of specific	<p>PPS 3 promotes and requires that Local Planning Authorities should ensure the delivery of inclusive, mixed communities and the development of sustainable housing, which provides access to amenities for older people and those with disabilities.</p> <p>PPS3 (p9) further states, "Local Planning Authorities should plan for a mix of housing on the basis of the different types of households that are likely to require housing over the plan period. This will include having particular regard to: The accommodation requirements of specific groups, in particular, families with children, older and disabled people." The government agenda for creating mixed communities which includes the provision of adapted accommodation is further reflected in the governments Lifetime Homes, Lifetime Neighbourhoods A National Strategy for Housing in an Ageing Society which aims to provide adaptable housing which can accommodate wheelchair or specially adapted housing needs. The Council considers that there is sufficient government guidance and planning policy statement to warrant the seeking of wheelchair or specially adapted housing</p>

		<p>households. Whilst the Council may wish to suggest such provision they cannot require it. There should not be an attempt by the Council to create new policy within the draft SPD outside of statutory adopted documents which have been subject to independent examination; to do so would be contrary to PPS12.</p>	<p>to help meet need and create a mix of housing. Local Plan policy (R) FH13 reflects the PPS3 position in that it will seek to deliver a range of property types of affordable housing to meet housing need (which can include wheelchair or specially adapted housing needs). Therefore the Councils considers that this paragraph is not seeking to create new policy within the draft SPD outside of statutory adopted documents or planning policy statements.</p> <p>In relation to “where it is agreed with the developer the Council may negotiate a proportion of affordable housing to be provided to meet extra care or supported housing needs.” The introduction of such wording would prevent the Council from entering into negotiations for the provision of such accommodation, if the developer would not agree to enter into such negotiations. The provision of wheelchair and specially adapted housing will be an issue for pre-application discussions and negotiation and the paragraph reflects this approach and no amendments are therefore considered necessary.</p>
<p>Robert Hitchins Ltd</p>	<p>AHSPDj21</p>	<p>Paragraphs 5.7 to 5.11 of the draft SPD seek to allow the Council to restrict and control the intermediate housing being delivered by requiring applicants to submit proposed costs of the intermediate housing products for the Council to approve. It is beyond the remit of the Council to insist that they undertake such affordability ~testing'. Intermediate products will be sold through the Zone Agent for the area whose responsibility it is to ensure that the products are allocated to households in need and who meet the eligibility criteria. The HCA place an emphasis on intermediate housing products being sold to buyers who "purchase the maximum share they can afford sustainably" [1] and therefore intermediate housing</p>	<p>SHMAPG2 was published as a supportive document to supplement PPS3 and provides updated national guidance to Local Authorities. SHMAPg2 page 59 provides guidance that intermediate housing “should not cost its occupiers more than 25% of gross household income.” In accordance with Government guidance SHMAPG2 the council considers that intermediate housing will have to be made available at a cost low enough to enable the occupants to spend less than 25% of their gross income on housing costs.</p> <p>Taking on board comments that were received during the informal consultation period the council acknowledges that in accordance with SHMAPG2 which provides guidance that intermediate housing “should not cost its occupiers more than 25% of gross household income.</p> <p>PPS3 Housing (November 2006) Sates and Annex B of Delivering Affordable Housing (DAH) (November 2006), which is that;</p> <p><i>“Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market”. Affordable housing should:</i></p> <ul style="list-style-type: none"> - <u><i>Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.</i></u>

		<p>products should be tailored towards the individual circumstances of the purchaser rather than a 'one size fits all' approach to suit the Councils affordability aspirations.</p> <p>REQUIRED MODIFICATION(S): Delete paragraphs 5.7 to 5.11 as the Council are seeking to control affordability. Dwellings for social rent will be let in accordance with the Target Rent regime and intermediate dwellings will be sold through the local Zone Agent to eligible persons. [1] Housing Corporation National Affordable Housing Programme 2008-11 Prospectus, page 31, paragraph 102</p>	<p style="text-align: right;">(PPS3, Annex B: Definitions)</p> <p>PPS3 and DAH provide further definitions that</p> <p>Intermediate housing is: "Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above." (PPS3, Annex B: Definitions)</p> <p>The Council have followed the guidance given in PPS3 (para 9) and DAH (para 3) to ensure that access to low cost home ownership is widened within the parameter of affordable housing definitions. The SPD lays out how the affordability of intermediate affordable housing will be determined using national guidance and LP Policies. The Council does not seek to prescribe these products but rather that paragraphs 5.7 –5.11 are intended to aid the planning process by making applicants aware how affordability is calculated, in order to provide guidance on the price that developers might expect for Intermediate housing to deliver intermediate affordable housing through which meets the requirements of PPS3. Such recommended levels also helps the Council address the South West Regional Assembly target that 60% of households accessing Newbuild homebuy will have incomes of £25,000 or less. (Regional Housing Body information note April 2008)</p> <p>The Council considers that paragraphs 5.7 –5.11 provides enough flexibility that the council will consider all options in the provision of intermediate housing at the time of application, provided they can clearly demonstrate that they meet requirements of PPS3. No change proposed</p>
Robert Hitchins Ltd	AHSPDj22	<p>REQUIRED MODIFICATION(S): Delete paragraphs 5.7 to 5.11 as the Council are seeking to control affordability. Dwellings for social rent will be let in accordance with the Target Rent regime and intermediate dwellings will be sold through the local Zone Agent to eligible persons. [1] Housing Corporation National</p>	See Response to comment AHSPDj21

		Affordable Housing Programme 2008-11 Prospectus, page 31, paragraph 102	
Robert Hitchins Ltd	AHSPDj23	<p>REQUIRED MODIFICATION(S): Delete paragraphs 5.7 to 5.11 as the Council are seeking to control affordability. Dwellings for social rent will be let in accordance with the Target Rent regime and intermediate dwellings will be sold through the local Zone Agent to eligible persons. [1] Housing Corporation National Affordable Housing Programme 2008-11 Prospectus, page 31, paragraph 102</p>	See Response to comment AHSPDj21
Robert Hitchins Ltd	AHSPDj24	<p>REQUIRED MODIFICATION(S): Delete paragraphs 5.7 to 5.11 as the Council are seeking to control affordability. Dwellings for social rent will be let in accordance with the Target Rent regime and intermediate dwellings will be sold through the local Zone Agent to eligible persons. [1] Housing Corporation National Affordable Housing Programme 2008-11 Prospectus, page 31, paragraph 102</p>	See Response to comment AHSPDj21
Robert Hitchins Ltd	AHSPDj25	<p>REQUIRED MODIFICATION(S): Delete paragraphs 5.7 to 5.11 as the Council are seeking to control affordability. Dwellings for social rent will be let in accordance with the Target Rent regime and intermediate</p>	See Response to comment AHSPDj21

		<p> dwellings will be sold through the local Zone Agent to eligible persons. [1] Housing Corporation National Affordable Housing Programme 2008-11 Prospectus, page 31, paragraph 102</p>	
<p>Robert Hitchins Ltd</p>	<p>AHSPDj26</p>	<p>Paragraph 6.7 of the draft SPD states that the LP sets a starting point requirement at a 40% affordable housing contribution. However it is the supporting text to the LP policy that refers to a 40% requirement not the LP policy itself. Supporting text to a LP policy is not policy and therefore paragraph 6.7 of the draft SPD is incorrect. The level of need to establish the 40% figure was determined using data from a housing needs survey conducted in 1999 and compared against both the remaining Structure Plan requirement and also the number of dwellings to be delivered through identified eligible sites, both of which equated to an estimated 40% provision at that point in time. It is inappropriate to set a target for the percentage of affordable housing to be delivered using data from a 1999 survey. The element of affordable housing to be provided should be sought by negotiation in accordance with the LP policy and be based upon robust and up to date</p>	<p>The SPD provides supplementary guidance on the Councils affordable housing policies adopted in the Local Plan, which have been subject to independent examination.</p> <p>The issue of the council seeking 40% in accordance with the Local Plan Policy (R) FH.13 was considered by the planning inspector at the Land off Lydney bypass and Highfield Road Lydney Appeal in May 2009. The inspector conclusion regarding the seeking of 40% affordable housing in accordance with the Local Plan (with which the Secretary of State concurred in paragraph 13 of his letter of 6th October was:</p> <p><i>“In the context of the current case, therefore, a figure of 40% affordable housing as a starting point for negotiation is neither unrealistic nor unreasonable, and is justified. The Secretary of State’s decision of 2008 on the Lydney A appeal does not indicate that the figure of 40% is unrealistic but, on the contrary, that it is ‘expected’ (11).</i></p> <p>In addition the Council have also undertaken a SHMA and a financial viability appraisal in accordance with PPS3, which supports and justifies the Council Local Plan Policy (R) FH.13 for a 40% affordable housing contribution on all qualifying sites.</p> <p>The purpose of the draft SPD is not to set policy or alter policy but to provide guidance on local plan policies in relation to the delivery of affordable housing. The SPD is unable to change policy to a lower affordable housing percentage requirement and given that paragraph 6.8 refers to the occasions on grounds of viability where the affordable housing consideration might need to be reduced the council considers it is not necessary to amend the SPD in relation to this issue</p>

information to be provided by a SHMA. This is confirmed within paragraph 2.59 of the LP which states: "As the policy makes clear, the negotiation process will be the key to actual provision and as part of its responsibilities the Council will need to ensure that it has up to date information regarding housing need at all times". (page 29) The 40% affordable housing sought by the Council within the LP is in accordance with the definition of affordable housing within Circular 06/98 which included both subsidised and non subsidised affordable housing. The PPS3 definition of affordable housing no longer includes non subsidised affordable housing. In order to comply with the requirements of PPS3 the Council should remove all identified need for this type of housing from within the 40% sought. Thus resulting in a lower percentage requirement'.

REQUIRED MODIFICATION(S):
Amend paragraph 6.7 of the draft SPD to confirm that the element of affordable housing sought will be negotiated based on up to date housing needs evidence and the suitability of the site in question in accordance with the LP policy.

<p>Robert Hitchins Ltd</p>	<p>AHSPDj27</p>	<p>Paragraph 7.2 and Appendix G of the draft SPD should be amended to acknowledge that local authorities are required by national guidance to have reference to a robust and credible SHMA when considering the level, tenure, type, and mix of affordable housing to be delivered. Reference should be made within paragraph 7.2 and Appendix G to a PPS3 compliant SHMA and to how the level and type of affordable housing sought will be responsive to the availability of public subsidy and reasonable levels of developer contribution. Appendix G should be amended to reflect that minimum dwelling sizes can only be specified for grant funded dwellings and then the sizes will be determined by the Housing Quality Indicator minimum sizes. [1] PPS3, paragraph 22, page 9 [2] PPS3, paragraph 29, page 10 and DAH paragraph 94, pages 22 to 23</p>	<p>Paragraph 7.2 and Appendix G of the draft SPD based on a robust and credible SHMA provides guidance to potential developers on the type and size of affordable housing that the council will seek to deliver in the four main town areas. The issue of the SHMA as a robust and credible indicator of housing need was considered by the planning inspector at the Land off Lydney bypass and Highfield Road Lydney Appeal in May 2009. The inspector conclusion regarding the robustness and credibility of the SHMA (with which the Secretary state concurred in paragraph 13 of his letter of 6th October was:</p> <p><i>“The SHMA was issued in February 2009 following procedure outlined by the SHMA Practice Guidance V2 August 2007, and appropriate audit accepted by the SHMA Partnership (124). The SHMA together with related documents indicates that there is evidence of need for a proportion of affordable housing greater than the Council’s ‘starting point’ of 40%, and for at least a 70%/30% social rented/intermediate tenure split (24, 28).”</i></p> <p><i>“In the context of the current case, therefore, a figure of 40% affordable housing as a starting point for negotiation is neither unrealistic nor unreasonable, and is justified. The Secretary of State’s decision of 2008 on the Lydney A appeal does not indicate that the figure of 40% is unrealistic but, on the contrary, that it is ‘expected’ (11).”</i></p> <p><i>“Whilst the SHMA acknowledges the need for its own early updating (23), that does not disqualify the document from current recognition as an element of a robust and credible evidence base (125, 127).”</i></p> <p>The robustness of the SHMA was further examined when independently reviewed by Ecotec during summer 2009 as part of the South West Regional Assembly Housing Body commissioned research into Strategic Housing Market Assessments in the South West. The findings of this research were published in September 2009 and the report concludes that “the end result is an SHMA that is robust in its core findings” (page 112, ECOTEC South West Audit Report- The Methods, Findings and Impact of Strategic Housing Market Assessments in the South West”</p> <p>Paragraph 7.2 and Appendix G will be amended to clearly indicate that the affordable housing provision that will be sought has been based on data from the SHMA The types and sizes of the properties outlined in the SPD are not a mandatory requirement</p>
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			<p>but are provided as guide to help speed up the planning process by providing guidance to perspective applicants on the types and likely sizes of affordable housing to be sought by the council.</p> <p>Proposed Modification Paragraph 7.2 last line - A guide to the type of properties that will be sought in the four main town areas based on data from the SHMA can be found in Appendix G.</p> <p>Appendix G Provided below is a guide to the Council's Partner RSLs different size requirements for different affordable housing dwelling types. In addition the table also provides guidance on the approximate proportion of house types that the Council will seek for social rented properties for sites in the four main town areas. The proportion of house types is intended to act a guide and is based on further analysis of data from the SHMA. Where there is a provision of extra care units or sheltered accommodation the below guidance will be altered to take into the account the need for elderly accommodation.</p>
Robert Hitchins Ltd	AHSPDj29	<p>The draft SPD attempts to restrict the tenure split for affordable housing provision at paragraphs 7.3 and 7.4 (7.4 & 7.5 in the hard copy of the draft SPD). However it fails to acknowledge that the affordable housing provision including the tenure will be a matter for negotiation as per the LP policy.</p> <p>REQUIRED MODIFICATION(S): Amend paragraphs 7.3 and 7.4 (paragraphs 7.4 and 7.5 in the hard copy of the draft SPD) to confirm that although the Council have a preferred tenure split for affordable housing provision this will be a matter of</p>	<p>Paragraphs 4.6 to 4.10 provides details from the Strategic Housing Market Assessment Practice Guidance second version 2007 (SHMAPG2) compliant Strategic Housing Market Assessment signed off in February 2009 on the level of housing need including tenure type identified within the Forest of Dean.</p> <p>The issue of the SHMA as a robust and credible indicator of housing need was considered by the planning inspector at the Land off Lydney bypass and Highfield Road Lydney Appeal in May 2009. The inspector conclusion regarding the robustness and credibility of the SHMA (with which the Secretary state concurred in para 13 of his letter of 6th October was:</p> <p><i>"The SHMA was issued in February 2009 following procedure outlined by the SHMA Practice Guidance V2 August 2007, and appropriate audit accepted by the SHMA Partnership (124). The SHMA together with related documents indicates that there is evidence of need for a proportion of affordable housing greater than the Council's 'starting point' of 40%, and for at least a 70%/30% social rented/intermediate tenure split (24, 28)."</i></p>

		<p>negotiation in accordance with the LP policy.</p>	<p><i>“In the context of the current case, therefore, a figure of 40% affordable housing as a starting point for negotiation is neither unrealistic nor unreasonable, and is justified. The Secretary of State’s decision of 2008 on the Lydney A appeal does not indicate that the figure of 40% is unrealistic but, on the contrary, that it is ‘expected’ (11).</i></p> <p>Local Plan Policy (R) FH.13 requires</p> <p><i>“An element of affordable housing will be sought by negotiation on all housing sites which are of 15 units or more or are larger than 0.5ha in towns and villages of greater than 3000 population or are of 5 units or more or larger than 0.2ha in other locations. The provision sought will be related to evidence of local need in the District, including housing need surveys, and to the suitability of the site in question.”</i></p> <p>As the affordable housing provision tenure split sought is based on the findings of the SHMA the council considers that the seeking of a tenure split 70/30 in favour of social rented is justified. The section on site viability clearly indicates that where the required tenure split will impact on the viability of the scheme that the council may consider altering the tenure split and/or other measures to aid viability. Where the viability of the scheme is not affected the council would seek to deliver the required tenure split to best meet housing need and therefore considers that no amendment is required at paragraph 7.4.</p> <p>No change proposed</p>
Robert Hitchins Ltd	AHSPDj30	<p>REQUIRED MODIFICATION(S): Amend paragraphs 7.3 and 7.4 (paragraphs 7.4 and 7.5 in the hard copy of the draft SPD) to confirm that although the Council have a preferred tenure split for affordable housing provision this will be a matter of negotiation in accordance with the LP policy.</p>	<p>See Response to comment AHSPDj29</p>

Robert Hitchins Ltd	AHSPDj31	<p>Paragraphs 7.9, 7.10, 7.12 and 7.21 should be deleted as the Council's analysis of RSL finance procedures is too simplistic. Furthermore, the Council appear to be seeking to place themselves in a position through the wording of this section of the draft SPD which will enable them to prescribe fixed transfer prices to be paid by a RSL to a developer which is contrary to national guidance.</p> <p>[1] Housing Corporation National Affordable Housing Programme 2008-11 Prospectus, page 31, paragraph 102</p>	<p>PPS3 describes affordable housing as <i>“Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market”. Affordable housing should:</i></p> <ul style="list-style-type: none"> - <i><u>Meet the needs of eligible households</u> including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.</i> <p>And intermediate housing as <i>“Housing at prices and rents above those of social rent, but below market price or rent and which meet the criteria set out above. These can include shared equity products (e.g.HomeBuy), or other low cost homes for sale and intermediate rent” (PPS3, Annex B: Definitions)</i> and in addition:</p> <p>The Council has not prescribed, dictated, or fixed transfer costs in the mentioned paragraphs but rather inform how affordable housing can be financed if required and how site viability will be tested to ensure that the affordable housing meets the outputs required by PPS3. No change proposed</p>
Robert Hitchins Ltd	AHSPDj32	<p>Paragraphs 7.9, 7.10, 7.12 and 7.21 should be deleted as the Council's analysis of RSL finance procedures is too simplistic. Furthermore, the Council appear to be seeking to place themselves in a position through the wording of this section of the draft SPD which will enable them to prescribe fixed transfer prices to be paid by a RSL to a developer which is contrary to national guidance.</p>	<p>See Response to comment AHSPDj31</p>

		[1] Housing Corporation National Affordable Housing Programme 2008-11 Prospectus, page 31, paragraph 102	
Robert Hitchins Ltd	AHSPDj33	<p>Paragraphs 7.9, 7.10, 7.12 and 7.21 should be deleted as the Council's analysis of RSL finance procedures is too simplistic. Furthermore, the Council appear to be seeking to place themselves in a position through the wording of this section of the draft SPD which will enable them to prescribe fixed transfer prices to be paid by a RSL to a developer which is contrary to national guidance.</p> <p>[1] Housing Corporation National Affordable Housing Programme 2008-11 Prospectus, page 31, paragraph 102</p>	See Response to comment AHSPDj31
Robert Hitchins Ltd	AHSPDj34	<p>Paragraph 7.21 also seeks to restrict the price payable by a RSL for a shared ownership dwelling based on a fixed initial equity share of 40% and a rent on the unsold equity of 1.5%. Once again by prescribing the inputs by which affordable housing is to be delivered the Council will effectively act to preclude competition and innovation between providers. The Housing Corporation place an emphasis on intermediate housing products being sold to buyers who "purchase the maximum share they</p>	<p>PPS3 describes affordable housing as <i>"Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market". Affordable housing should:</i></p> <ul style="list-style-type: none"> - <i>Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.</i> <p>And intermediate housing as</p> <p><i>"Housing at prices and rents above those of social rent, but below market price or rent and which meet the criteria set out above. These can include shared equity products (e.g.HomeBuy), or other low cost homes for sale and intermediate rent"</i> <i>(PPS3, Annex B: Definitions)</i></p>

		<p>can afford sustainably" [1] and therefore intermediate housing products should be tailored towards the individual circumstances of the purchaser rather than a 'one size fits all' approach to suit the original acquisition costs of the dwelling.</p> <p>REQUIRED MODIFICATION(S): Paragraph 7.21 should be deleted as the Council's analysis of RSL finance procedures is too simplistic. Furthermore, the Council appear to be seeking to place themselves in a position through the wording of this section of the draft SPD which will enable them to prescribe fixed transfer prices to be paid by a RSL to a developer which is contrary to national guidance.</p>	<p>SHMAPG2 published as a supportive document to supplement PPS3 provides updated national guidance to Local Authorities that intermediate housing "should not cost its occupiers more than 25% of gross household income." In accordance with Government guidance SHMAPG2 the council considers that intermediate housing will have to be made available at a cost low enough to enable the occupants to spend less than 25% of their gross income on housing costs.</p> <p>The initial equity sale and subsequent rental charge indicated in the paragraph is not a mandatory requirement but is provided as guide to help speed up the planning process by providing guidance to perspective applicants on the amount of initial equity and subsequent rental charges that can be provided while ensuring that the intermediate housing is provided in accordance with PPS3. Section 5 of the SPD provides further guidance that the Council will consider other levels of initial equity sales and rental charges where the applicants can demonstrate that the affordable housing will still be provided in accordance with PPS3. Paragraph 7.21 will be amended to further reflect section 5.</p> <p>Proposed Modification. Line added to end of paragraph</p> <p>Where applicants propose to provide shared ownership housing at rates other than 40% equity sales with a rental charge of 1.5 % of the retained equity, it will be necessary for them to submit details of the proposals in terms of equity shares, residual rents, and other housing costs to enable the council to test that the proposed housing meets the requirements of PPS3.</p>
Robert Hitchins Ltd	AHSPDj35	<p>Paragraphs 7.22 to 7.31 should be amended to reflect the wording of the adopted LP (which does not require developers to provide the Council with financial viability information which will then be assessed by an independent valuer) and to align with the emphasis within national guidance upon negotiation and collaborative working</p>	<p>Policy (R) FH.13 allows for the viability of each scheme to be considered individually in order to maximise the provision of affordable housing. The SPD gives guidance on how the site-by-site viability assessment is undertaken in support of current policy and does not raise new policy. This is considered appropriate and relevant. Where the provisions of Policy (R) FH.13 can be met a viability assessment would not be required.</p> <p>The process outlined in the SPD would only be followed where an applicant makes a case that contributions including the affordable housing provision sought indicate that the scheme would become unviable. It is not understood how the Council can have regard to economic viability as a basis for not achieving maximum provision of affordable housing, or the</p>

		<p>practices. [1] Paragraph 11, page 7 [2] Paragraph 10, page 3 [3] Paragraph 29, page 11 [4] Paragraph 29, page 10 [5] Paragraph 29, page 11 of PPS3 sets out that local authorities must undertake an informed economic assessment to ensure the viability of any district wide thresholds and proportions proposed.</p>	<p>achievement of other contributions, without a consistent and clear assessment process, which incorporates all the necessary information. It is reasonable for the Council to require sound evidence to be provided in order to make a robust assessment of all aspects. The evidence required will not be available without an 'open book' approach, and the SPD makes clear that this process will be confidential in order to alleviate fears with regard to commercial sensitivity. National policy and Homes and Community Agency guidance further supports the Council's approach; that affordable housing is delivered through the planning process without grant unless a robust viability case is made and proven. Should a viability case be proven and affordable housing contribution reduced as a result then, in seeking grant funding for 'additionality' the and Homes and Community Agency will accept a comparable viability assessment, which the Council's assessment procedure provides.</p> <p>No change proposed</p>
Robert Hitchins Ltd	AHSPDj36	<p>Paragraphs 7.22 to 7.31 should be amended to reflect the wording of the adopted LP (which does not require developers to provide the Council with financial viability information which will then be assessed by an independent valuer) and to align with the emphasis within national guidance upon negotiation and collaborative working practices. [1] Paragraph 11, page 7 [2] Paragraph 10, page 3 [3] Paragraph 29, page 11 [4] Paragraph 29, page 10 [5] Paragraph 29, page 11 of PPS3 sets out that local authorities must undertake an informed economic assessment to ensure the viability of any district wide thresholds and proportions proposed.</p>	See Response to comment AHSPDj35

Robert Hitchins Ltd	AHSPDj37	<p>Paragraphs 7.22 to 7.31 should be amended to reflect the wording of the adopted LP (which does not require developers to provide the Council with financial viability information which will then be assessed by an independent valuer) and to align with the emphasis within national guidance upon negotiation and collaborative working practices.</p> <p>[1] Paragraph 11, page 7 [2] Paragraph 10, page 3 [3] Paragraph 29, page 11 [4] Paragraph 29, page 10 [5] Paragraph 29, page 11 of PPS3 sets out that local authorities must undertake an informed economic assessment to ensure the viability of any district wide thresholds and proportions proposed.</p>	See Response to comment AHSPDj35
Robert Hitchins Ltd	AHSPDj38	<p>Paragraphs 7.22 to 7.31 should be amended to reflect the wording of the adopted LP (which does not require developers to provide the Council with financial viability information which will then be assessed by an independent valuer) and to align with the emphasis within national guidance upon negotiation and collaborative working practices.</p> <p>[1] Paragraph 11, page 7 [2] Paragraph 10, page 3 [3] Paragraph 29, page 11 [4] Paragraph 29, page 10 [5] Paragraph 29, page 11 of PPS3</p>	See Response to comment AHSPDj35

		sets out that local authorities must undertake an informed economic assessment to ensure the viability of any district wide thresholds and proportions proposed.	
Robert Hitchins Ltd	AHSPDj39	<p>Paragraphs 7.22 to 7.31 should be amended to reflect the wording of the adopted LP (which does not require developers to provide the Council with financial viability information which will then be assessed by an independent valuer) and to align with the emphasis within national guidance upon negotiation and collaborative working practices.</p> <p>[1] Paragraph 11, page 7 [2] Paragraph 10, page 3 [3] Paragraph 29, page 11 [4] Paragraph 29, page 10 [5] Paragraph 29, page 11 of PPS3 sets out that local authorities must undertake an informed economic assessment to ensure the viability of any district wide thresholds and proportions proposed.</p>	See Response to comment AHSPDj35
Robert Hitchins Ltd	AHSPDj40	<p>Paragraphs 7.22 to 7.31 should be amended to reflect the wording of the adopted LP (which does not require developers to provide the Council with financial viability information which will then be assessed by an independent valuer) and to align with the emphasis within national guidance upon</p>	See Response to comment AHSPDj35

		<p>negotiation and collaborative working practices.</p> <p>[1] Paragraph 11, page 7 [2] Paragraph 10, page 3 [3] Paragraph 29, page 11 [4] Paragraph 29, page 10 [5] Paragraph 29, page 11 of PPS3 sets out that local authorities must undertake an informed economic assessment to ensure the viability of any district wide thresholds and proportions proposed.</p>	
Robert Hitchins Ltd	AHSPDj41	<p>Paragraphs 7.22 to 7.31 should be amended to reflect the wording of the adopted LP (which does not require developers to provide the Council with financial viability information which will then be assessed by an independent valuer) and to align with the emphasis within national guidance upon negotiation and collaborative working practices.</p> <p>[1] Paragraph 11, page 7 [2] Paragraph 10, page 3 [3] Paragraph 29, page 11 [4] Paragraph 29, page 10 [5] Paragraph 29, page 11 of PPS3 sets out that local authorities must undertake an informed economic assessment to ensure the viability of any district wide thresholds and proportions proposed.</p>	See Response to comment AHSPDj35

Robert Hitchins Ltd	AHSPDj42	<p>Paragraphs 7.22 to 7.31 should be amended to reflect the wording of the adopted LP (which does not require developers to provide the Council with financial viability information which will then be assessed by an independent valuer) and to align with the emphasis within national guidance upon negotiation and collaborative working practices.</p> <p>[1] Paragraph 11, page 7 [2] Paragraph 10, page 3 [3] Paragraph 29, page 11 [4] Paragraph 29, page 10 [5] Paragraph 29, page 11 of PPS3 sets out that local authorities must undertake an informed economic assessment to ensure the viability of any district wide thresholds and proportions proposed.</p>	See Response to comment AHSPDj35
Robert Hitchins Ltd	AHSPDj43	<p>Paragraphs 7.22 to 7.31 should be amended to reflect the wording of the adopted LP (which does not require developers to provide the Council with financial viability information which will then be assessed by an independent valuer) and to align with the emphasis within national guidance upon negotiation and collaborative working practices.</p> <p>[1] Paragraph 11, page 7 [2] Paragraph 10, page 3 [3] Paragraph 29, page 11 [4] Paragraph 29, page 10 [5] Paragraph 29, page 11 of PPS3</p>	See Response to comment AHSPDj35

		sets out that local authorities must undertake an informed economic assessment to ensure the viability of any district wide thresholds and proportions proposed.	
Robert Hitchins Ltd	AHSPDj44	<p>Paragraphs 7.22 to 7.31 should be amended to reflect the wording of the adopted LP (which does not require developers to provide the Council with financial viability information which will then be assessed by an independent valuer) and to align with the emphasis within national guidance upon negotiation and collaborative working practices.</p> <p>[1] Paragraph 11, page 7 [2] Paragraph 10, page 3 [3] Paragraph 29, page 11 [4] Paragraph 29, page 10 [5] Paragraph 29, page 11 of PPS3 sets out that local authorities must undertake an informed economic assessment to ensure the viability of any district wide thresholds and proportions proposed.</p>	See Response to comment AHSPDj35
Robert Hitchins Ltd	AHSPDj45	<p>Paragraphs 7.22 to 7.31 should be amended to reflect the wording of the adopted LP (which does not require developers to provide the Council with financial viability information which will then be assessed by an independent valuer) and to align with the emphasis within national guidance upon</p>	See Response to comment AHSPDj35

		<p>negotiation and collaborative working practices.</p> <p>[1] Paragraph 11, page 7 [2] Paragraph 10, page 3 [3] Paragraph 29, page 11 [4] Paragraph 29, page 10 [5] Paragraph 29, page 11 of PPS3 sets out that local authorities must undertake an informed economic assessment to ensure the viability of any district wide thresholds and proportions proposed.</p>	
Robert Hitchins Ltd	AHSPDj46	<p>The requirement within paragraph 7.36 that dwellings are constructed to Housing Corporation (Homes and Communities Agency) standards must be amended to reflect that this will only be required where there is an input of public subsidy. Amendments must also acknowledge that the Council cannot enforce standards not set out within adopted statutory policy.</p>	<p>Delivering Affordable Housing 2006 identifies (paras 96-99) that even if Homes and Community Agency grant is not provided the Council should ensure that affordable housing is built to specific design and construction standards.</p> <p>PPS3 (para 15) encourages sustainable construction, including for affordable housing, and links to the Code for Sustainable Homes. In addition the DCLG publication “Greener Homes for the Future” states that from April 2008 all new social housing must be built to a minimum of CSH Code Level 3.</p> <p>The Council does not seek anything more onerous than current national guidance from the Government and the guidance does not prescribe the standards referred to, it raises awareness of the standards and asks that developers ‘have regard to’ them.</p> <p>No change proposed</p>
Robert Hitchins Ltd	AHSPDj47	<p>Amend paragraph 7.44 to confirm that whilst the Council would prefer developers to work with their ‘partner’ RSLs, it is not a requirement and restrictive practices will not be adopted to preclude the selection of non-‘partner’ RSLs. Amend appendix C to clarify that there is no requirement to select one of the</p>	<p>Delivering Affordable Housing 2006 clearly states in paragraph 48 that whether a provider is a RSL or unregistered body, the key is that good management and ownership are ensured.</p> <p>The section titled Delivery of affordable housing (and S.106 requirements) with which the mentioned paragraph is contained clearly states at Paragraph 7.41:</p> <p>“The Council’s preference is for affordable housing delivery by one of its partner RSL’s but, consistent with the guidance in Delivering Affordable Housing (CLG 2006), it will not prescribe which organisation the developer chooses to work with. A developer may</p>

		<p>preferred 'partner' RSLs. [1] DAH, paragraphs 48 and 49, page 13</p>	<p>wish to work with a RSL, which is not in partnership with the Council, or with another, unregistered affordable housing provider.”</p> <p>As this paragraph clearly states it is not a requirement of council that a developer must work with a 'partner' RSL it is considered unnecessary to amend 7.44 or appendix C to restate paragraph 7.41. The section Delivery of Affordable Housing (and S.106 requirements) aims to ensure that the affordable housing meets the requirements of both PPS3 and DAH in ensuring that the affordable housing will be properly managed, and thus the council does not consider that seeking information that ensures the above is a restrictive practice, nor does the council understand how it can be constituted as adopting restrictive practice.</p> <p>There are no amendments are required</p>
<p>Robert Hitchins Ltd</p>	<p>AHSPDj48</p>	<p>The draft SPD at paragraph 7.50 seeks to restrict the recycling of capital receipts to within the Forest of Dean area. This is contrary to the Capital Funding Guide, which states: "Investment in new social housing is now shaped primarily by regional and sub-regional (or housing market area) strategies. As a minimum, spending must be within the Region within which the credit to the fund was generated AND in line with the relevant Regional Housing Strategy". (Capital Funding Guide, paragraph 6.4.3) The draft SPD should be amended to reflect that recycled subsidy can be spent anywhere within the region.</p> <p>REQUIRED MODIFICATION(S):</p>	<p>Partially agreed</p> <p>Recycling of subsidy is a fundamental part of the definition of affordable housing in PPS3 Annex B namely:</p> <p><i>“Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:</i></p> <ul style="list-style-type: none"> • <i>Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.</i> • <i>Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision”</i> <p>DAH par 100 goes onto say that where the owner is private the planning obligation should ensure the units remain affordable.</p> <p>The purpose is to retain the benefit of the developer subsidy for delivery of replacement affordable housing so ensuring it is retained in perpetuity.</p>

		<p>Amend paragraph 7.50 to state that the recycling of subsidy can occur anywhere within the region in accordance with the requirements of the Capital Funding Guide.</p>	<p>The council recognises that where affordable housing has been delivered by funding from the HCA it will be governed by the requirements of the HCA Capital Funding Guide. However the proposed amendment does not consider any money invested from other sources such as the local authority or developer contributions and does not recognise that the HCA Capital Funding Guide does not govern these contributions. The council does not consider it appropriate for the local authority to invest money into delivering affordable housing and any recycled monies to be then spent outside of the district. The council also considers that developer's contributions, which have been secured as part of the obligations for developments, and which have been permitted and developed within the council administrative area have been secured for the district. The council therefore considers that the subsidy secured upon these developments should <i>be recycled for alternative affordable housing provision within the council administrative area.</i></p> <p>Proposed Modification. In order to be able to replace any affordable housing lost to full ownership or interim stair-casing receipts, the Council will require net capital receipts to be recycled towards the provision of additional affordable housing in the Forest of Dean, however where HCA funding has been provided to deliver the affordable housing the council will expect any net capital receipts to be recycled accordance with the requirements of the HCA Capital Funding Guide. Such requirements will be included within a legal obligation.</p>
Robert Hitchins Ltd	AHSPDj49	<p>Paragraphs 7.57 to 7.61 of the draft SPD attempt to deal with the alternative methods of affordable housing contribution through commuted sums. Appendix F attempts to set a mechanism for the calculation of the sum to be paid however this method has not been established through policy and does not reflect that circumstances will be different on a site by site basis. Any commuted sums payable should be</p>	<p>PPS3 (para 29) places an onus of local authorities to set out the approach to seeking developer contributions for the provision of affordable housing. This also includes "...off-site provision or a financial contribution in lieu of on-site provision (of broadly equivalent value)..."</p> <p>The Local Plan policy (R)FH.13 reflects the PPS3 position in stating:</p> <p>"An element of affordable housing will be sought by negotiation on all housing sites which are of 15 units or more or are larger than 0.5ha in towns and villages of greater than 3000 population or are of 5 units or more or larger than 0.2ha in other locations. The provision sought will be related to evidence of local need in the District, including housing need surveys, and to the suitability of the site in question. The provision of affordable housing</p>

		<p>negotiated in accordance with the LP policy as with on-site contributions.</p> <p>REQUIRED MODIFICATION(S): Delete reference to appendix F within the draft SPD as the calculation method stated has not be set within policy and does not reflect a negotiated provision in accordance with the LP policy.</p>	<p>should be made on the same site but exceptionally, and by agreement with the developer, a commuted sum may be sought equivalent to the appropriate affordable housing share on the site in order that the affordable housing may be provided closer to where the need for it arises.”</p> <p>The council considers that there is sufficient support for their position and, and in line with PPS3 and the Local Plan, Appendix F sets out the Councils approach to seeking a financial contribution in lieu of on-site provision where required.</p> <p>There are no amendments are required</p>
Robert Hitchins Ltd	AHSPDj50	<p>REQUIRED MODIFICATION(S): Delete reference to appendix F within the draft SPD as the calculation method stated has not be set within policy and does not reflect a negotiated provision in accordance with the LP policy.</p>	See Response to comment AHSPDj49
Robert Hitchins Ltd	AHSPDj51	<p>REQUIRED MODIFICATION(S): Delete reference to appendix F within the draft SPD as the calculation method stated has not be set within policy and does not reflect a negotiated provision in accordance with the LP policy.</p>	See Response to comment AHSPDj49
Robert Hitchins Ltd	AHSPDj52	<p>REQUIRED MODIFICATION(S): Delete reference to appendix F within the draft SPD as the calculation method stated has not be set within policy and does not reflect a negotiated provision in accordance with the LP policy.</p>	See Response to comment AHSPDj49

Robert Hitchins Ltd	AHSPDj53	<p>REQUIRED MODIFICATION(S): Delete reference to appendix F within the draft SPD as the calculation method stated has not be set within policy and does not reflect a negotiated provision in accordance with the LP policy.</p>	See Response to comment AHSPDj49
Robert Hitchins Ltd	AHSPDj54	<p>Paragraphs 8.1 to 8.5 refer to the Councils expectations for the development standards of affordable dwellings. Paragraphs 1.28 and 1.29 of these representations detail the amendments required to the draft SPD in respect of the standards including Code for Sustainable Homes 'requirements'. Whilst the Council can 'encourage' the provision of Lifetime Homes standard dwellings there is no LP policy requirement for such provision and therefore the Council cannot require such provision.</p> <p>REQUIRED MODIFICATION(S): Amend paragraphs 8.1 to 8.5 to reflect that the Homes and Communities Agency's standards are only required where grant funding is being provided in accordance with the Homes and Communities Agency guidance. Amend wording of paragraph 8.3 to reflect that Lifetime Homes standard is not a policy requirement and cannot be 'required'.</p>	<p>Delivering Affordable Housing 2006 identifies (paras 96-99) that even if Homes and Community Agency grant is not provided the Council should ensure that affordable housing is built to specific design and construction standards.</p> <p>PPS3 (para 15) encourages sustainable construction, including for affordable housing, and links to the Code for Sustainable Homes. In addition the DCLG publication "Greener Homes for the Future" states that from April 2008 all new social housing must be built to a minimum of CSH Code Level 3.</p> <p>PPS 3 promotes and requires that Local Planning Authorities should ensure the delivery of inclusive, mixed communities and the development of sustainable housing, which provides access to amenities for older people and those with disabilities.</p> <p>PPS3 (p9) further states, "Local Planning Authorities should plan for a mix of housing on the basis of the different types of households that are likely to require housing over the plan period. This will include having particular regard to: The accommodation requirements of specific groups, in particular, families with children, older and disabled people." The government agenda for creating mixed communities which includes the provision of adapted accommodation is further reflected in the governments Lifetime Homes, Lifetime Neighbourhoods A National Strategy for Housing in an Ageing Society which aims to provide adaptable housing which can accommodate wheelchair or specially adapted housing needs. Lifetime Homes is a Government objective to be achieved on all new affordable housing by 2011 as set out in the CLG strategy 'Lifetime Homes, Lifetime Neighbourhoods: A National Strategy for Housing in an Ageing Society' (Feb 2008).</p> <p>The Council considers that there is sufficient government guidance and planning policy statement to warrant the seeking of specially adapted housing to help meet need and create</p>

			<p>a mix of housing. Local Plan policy (R) FH13 reflects the PPS3 position in that it will seek to deliver a range of property types of affordable housing to meet housing need (which can include specially adapted housing).</p> <p>The Council does not seek anything more onerous than current national guidance from the Government and the guidance does not prescribe the standards referred to, it raises awareness of the standards and asks that developers 'have regard to' them.</p> <p>There are no amendments are required</p>
Robert Hitchins Ltd	AHSPDj55	<p>REQUIRED MODIFICATION(S): Amend paragraphs 8.1 to 8.5 to reflect that the Homes and Communities Agency's standards are only required where grant funding is being provided in accordance with the Homes and Communities Agency guidance. Amend wording of paragraph 8.3 to reflect that Lifetime Homes standard is not a policy requirement and cannot be 'required'.</p>	See Response to comment AHSPDj54
Robert Hitchins Ltd	AHSPDj56	<p>REQUIRED MODIFICATION(S): Amend paragraphs 8.1 to 8.5 to reflect that the Homes and Communities Agency's standards are only required where grant funding is being provided in accordance with the Homes and Communities Agency guidance. Amend wording of paragraph 8.3 to reflect that Lifetime Homes standard is not a policy requirement and cannot be 'required'.</p>	See Response to comment AHSPDj54

Robert Hitchins Ltd	AHSPDj57	<p>REQUIRED MODIFICATION(S): Amend paragraphs 8.1 to 8.5 to reflect that the Homes and Communities Agency's standards are only required where grant funding is being provided in accordance with the Homes and Communities Agency guidance. Amend wording of paragraph 8.3 to reflect that Lifetime Homes standard is not a policy requirement and cannot be 'required'.</p>	See Response to comment AHSPDj54
Robert Hitchins Ltd	AHSPDj58	<p>REQUIRED MODIFICATION(S): Amend paragraphs 8.1 to 8.5 to reflect that the Homes and Communities Agency's standards are only required where grant funding is being provided in accordance with the Homes and Communities Agency guidance. Amend wording of paragraph 8.3 to reflect that Lifetime Homes standard is not a policy requirement and cannot be 'required'.</p>	See Response to comment AHSPDj54
Robert Hitchins Ltd	AHSPDj59	<p>The draft SPD states at paragraph 8.6 that the Council will 'aim to ensure' that clustering is not concentrated in groups of more than 6 dwellings except in instances of blocks of flats. It is inappropriate to impose specific cluster sizes, particularly if they are at odds with the normal size of blocks of properties developed. There is no definitive affordable housing cluster</p>	<p>Agreed. PPS3 allows for the Council to make specific requirements to integrate affordable housing, of which the size and the rural nature of developments are taken into account.</p> <p>While the paragraph already provides flexibility by stating.</p> <p>“The Council will aim to ensure that affordable housing is not concentrated in clusters greater than six properties although this will be determined on a site-specific basis...”</p> <p>The paragraph will be amended to provide greater clarity to distinguish between the rural villages under 3000 in population and the larger market towns within the district</p>

		<p>size identified within national guidance or adopted LP policy - national guidance does not prescribe cluster sizes of affordable housing, but instead places an emphasis upon the creation of sustainable communities. [1] It is therefore appropriate to apply a flexible approach and to reach negotiated agreement with developers on this issue, particularly as there is no adopted LP policy which identifies that the Council will seek specific clusters of affordable housing. Guidance on this issue can be found within the Housing Corporation's 'National Affordable Housing Programme 2008-11 Prospectus' which states that: "we will only support developments containing a single concentration of more than 25 Social Rented homes on an exception basis." (paragraph 77, page 27)</p> <p>REQUIRED MODIFICATION(S): Delete reference within paragraph 8.6 of the draft SPD of clustering in groups of no more than 6 dwellings and confirm a flexible approach will be taken through negotiation with developers with reference to site specific circumstances.</p> <p>[1] PPS3, paragraph 9, page 6</p>	<p>Proposed Modification</p> <p>The Council will aim to ensure that affordable housing is not concentrated in clusters greater than six properties in towns and villages under 3000 in population and 15 properties in other locations although this will be determined on a site-specific basis, recognising that where developments contain a block of flats or other circumstances it may be appropriate to group affordable units, rather than be interspersed throughout a development.</p>
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Robert Hitchins Ltd	AHSPDj60	<p>Paragraph 8.9 of the draft SPD seeks to restrict the phasing and delivery of the affordable housing dwellings in relation to the percentage of market dwellings. Whilst it is accepted that appropriate safeguards are required to ensure the delivery of the affordable housing, the phasing must be appropriate to the specific site and therefore should be negotiated between the Council and the developer on a site-specific basis. The phasing suggested by the Council within the draft SPD will prevent the necessary integration with the market dwellings as desired by the Council from occurring as it would necessary to segregate the affordable housing within the site in order to deliver the units within the restrictive phasing requirements' as specified by the Council.</p> <p>REQUIRED MODIFICATION(S): Amend text within paragraph 8.9 to reflect that the phasing and delivery of the affordable housing units will be negotiated on a site by site basis to reflect the site specific circumstances.</p>	<p>Officer Response/Recommended Change Agreed that amendments need to be made to reflect that larger developments could require different stages for when the affordable needs to be transferred by. For smaller rural schemes the council considers that 60% is an adequate point at which the affordable housing should be transferred.</p> <p>Proposed Modification</p> <p>To help enable the delivery and timing of affordable housing units, the Council will seek to ensure a phasing of affordable housing (where applicable) throughout the housing development and for the affordable housing to be transferred or available for occupation by no later than completion of 60% completion of the Market Dwellings although this will be determined on a site-specific basis, recognising that for larger developments different phasing maybe required. This will be set out as a planning obligation subject to consultation with the developers.</p>
Robert Hitchins Ltd	AHSPDj61	This comment is a summary of all the comments provided by the consultee Robert Hitchins in regards to the Affordable Housing Supplementary Planning Document.	As this particular comment is summary of all the individual comments received by the consultee Robert Hitchins, the comment has been answered through officers responses to each individual comment raised and thus no further response is required.

The Coal Authority	AHSPDj63	<p>The main areas of planning interest to the Coal Authority in terms of policy making relate to the safeguarding of coal as a mineral in accordance with the advice contained in MPS1 and MPG3 in England. Whilst most past mining is generally benign potential problems can be triggered and uncovered by development activities. In our view, the planning processes in coalfield areas needs to take account of the coal mining legacy issues. The principal source of guidance is PPG14. Mining legacy matters and mine entries should be considered by the Local Planning Authority to ensure site allocations and other policies and programmes will not lead to future public safety hazards. Although mining legacy is as a result of mineral workings it is important that new development delivered through the Local Development Framework, recognises the problems and how they can be positively addressed. Land instability and mining legacy is not a complete constraint on the new development, rather it can be argued that because mining legacy matters have been addressed the new development is safe, stable and sustainable. Whilst we appreciate that the Affordable Housing SPD is primarily concerned with the</p>	Comment noted. No amendment required as a result of the comment.
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Pc Bob Lloyd	AHSPDj64	<p>Would it be possible to specifically mention the "Secured by Design" standards within the document in the design section? The encouragement for greater take up of this standard for new developments will gradually improve the security of the housing stock in the Forest of Dean. Furthermore the recommendation for using sound CPTED principles during the site layout design stage would be a significant step forward.</p>	<p>While the council acknowledges the positive enhancements that the "Secured by Design" standards can bring to a development due to the volume of requests to mention additional standards and other documentation it has been decided not mention specifically anything on Secure by Design as it is considered that it does not directly impact on the provision of affordable housing. The comment will be passed to development control for discussion regarding the principal of overall developments.</p> <p>No change proposed</p>

Tetlow King Planning	AHSPDj65	No comment	Comment noted
Gloucestershire County council	AHSPDj66	GCC supports the production of this document as a means of delivering more affordable houses in the Forest of Dean.	Comment noted and support welcomed
Gloucestershire County council	AHSPDj67	There appears to be some minor typos in Table 1 - Calculation of Housing in the Forest of Dean Total newly arising need, gross per year should be 2.4 + 2.3? 3.8 should be 131? 5.1d should be 279?	Minor typos will be amended accordingly.
Gloucestershire County council	AHSPDj68	In general, public transport provision is an important consideration for the location of affordable housing to ensure that all people, including those who don't have access to a car in their household can be mobile. This should particularly be considered for the criteria for site allocations for exception sites on page 24/25	Agree, though it is also recognised that rural areas where there may be particular housing need often do not have good accessibility by public transport and it is the role of the planning system to strike a balance between the benefits of the development and the costs. The section on exception sites recognises that exception sites should be situated in locations where the new housing can be satisfactorily accommodated in terms of access to services; accessibility etc. that includes transport, which includes ease of access by public transport, and therefore it is not considered necessary to make any amendments to the document.
Gloucestershire County council	AHSPDj69	Pre-application discussions (p. 33) may also be advisable with the County Council to get advice on transport issues.	Agree Proposed Modification Paragraph 7.33 Developers of sites likely to qualify for the provision of affordable housing are strongly encouraged to begin discussions with the Council as early as possible. It is also recommended that the County Council be contacted as early as possible especially in respect of transport and access.

<p>Malvern Hills AONB Office & Wye Valley AONB Offices</p>	<p>AHSPDj70 & AHSPDj71</p>	<p>In response to the most recent consultation on the Core Strategy we included the following paragraph - "Whilst the principle of providing affordable homes is supported, the reliance on rural exception schemes to make provision in rural areas can present a threat to the high quality landscapes of the AONBs. Policy on affordable homes is set out clearly, but there is a need to identify potential locations where possible in the Local Development Framework. Targeting developments on existing settlements would help to give more certainty to developers and help to avoid applications at unsuitable locations within the AONBs". Having read through the draft SPD, the issues raised in this paragraph do not appear to have been addressed. The section on rural exception schemes does not appear to provide any more detail than the proposed planning policy. There could be an opportunity here to set out some criteria to inform the choice of potential exception sites and set out likely constraints to be considered. The presence of 2 AONBs is an important consideration where exception sites potentially extend existing settlements outside their recognised boundaries. Issues such as visual impacts, landscape</p>	<p>Partially agree, the SPD will be amended to make clear the need to consider the AONB designation and its impact on any scheme. Whilst proposals within or affecting the AONB will need to be considered carefully, AONB designation should not prevent consideration of affordable housing schemes.</p> <p>Proposed Modification The term 'amenity' includes such matters as landscape, character, and biodiversity. Developments will need to take account of national and local planning policy, including any protective designations such as AONB and PPS 1 and PPS 25.</p>
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<p>Malvern Hills AONB Office & Wye Valley AONB Offices</p>	<p>AHSPDj72 & AHSPDj73</p>	<p>We welcome the proposal under 4.17 for Local Housing Needs Surveys to be undertaken by Parish Councils to determine specific local needs as we consider that it is crucial to have up to date information. The use of the Rural Housing Enabler to provide advice and help to ensure the quality of surveys is welcomed.</p>	<p>Comment noted and support welcomed</p>
<p>Malvern Hills AONB Office & Wye Valley AONB Offices</p>	<p>AHSPDj74 & AHSPDj75</p>	<p>The guidance does not attempt to identify any particular locations for exception sites that could give more certainty to applicants and regulatory bodies. The SPD states that exception sites should be in or adjacent to settlement boundaries, but for sites outside the boundary we would need to see justification as to why they could not be located within the boundary and evidence from the Local Housing Needs Surveys as to the need. This would then need to be assessed against the likely impacts on the open character of the AONB and its landscape. It is disappointing that the reference to AONBs from the previous SPD has been removed.</p>	<p>The guidance cannot identify sites or make policy. The Local Authority intends to consider the allocation of affordable exceptions sites in its forthcoming allocations DPD. No change proposed</p>

Malvern Hills AONB Office & Wye Valley AONB Offices	AHSPDj76 & AHSPDj77	We are pleased to see a commitment to encouraging high standards of environmental design, incorporating the requirements of Level 3 of the Code for Sustainable Homes	Comment noted and support welcomed
Malvern Hills AONB Office & Wye Valley AONB Offices	AHSPDj78 & AHSPDj79	For sites within the AONBs, the guidance should encourage pre-application discussions with the relevant AONB Unit at an early stage in the design process to seek initial views on the proposed location and to agree key issues that need to be addressed.	<p>Agree add to guidance the AONB office as consultees at the pre application stage.</p> <p>Proposed Modification Paragraph 7.33</p> <p>Developers of sites likely to qualify for the provision of affordable housing are strongly encouraged to begin discussions with the Council as early as possible. It is also recommended that the County Council be involved especially in respect of transport and access. For sites within Areas of Outstanding Natural Beauty developers are encouraged to contact the AONB office as consultees at the pre-application stage. The Council will prioritise pre –application discussions which will secure affordable housing provision.</p>
Malvern Hills AONB Office & Wye Valley AONB Offices	AHSPDj80 & AHSPDj81	The issue of affordable housing is addressed through the Malvern Hills AONB Management Plan 2009 -2014 under the section on Built Development and Guiding Principles DP1, DP2, DP3 and DP5, and Strategic Objective DO2 are considered to be relevant in protecting the character of the AONB. Similarly, affordable housing is supported by the Wye Valley AONB Management Plan 2004-2009, which is currently being reviewed. The main Strategic Objective is WV-C4 and the general	The issues raised above relate to design which is a separate issue to those considered in this SPD. The issue of design guidance for the FoDDC is currently being discussed with the review of the existing SPG in mind, and the AONB partnerships will be involved in this. No change proposed

		development policies WV-D2, WV-D3 and WV-D4 are also relevant in achieving a high standard of design. In summary, we believe that to be effective the guidance needs to go much further in relation to addressing impacts of exception sites on AONBs.	
McCarthy & Stone Retirement Lifestyles Ltd	AHSPDj82	Paragraph 3.3 needs to be updated to reflect the current position with the RSS.	<p>Further work in connection with the RSS Sustainability Appraisal is under way. Following this the RSS itself should be able to progress either with or without further consultation. The RSS in its draft form is a material consideration in planning applications and the Core Strategy and other LDF documents are being written in its context. The Policy, which has been referred to in the SPD, is the policy, which is contained, in the current Draft RSS and therefore the council considers that at this present time the mentioned paragraph is correct.</p> <p>No change proposed</p>
McCarthy & Stone Retirement Lifestyles Ltd	AHSPDj83	It is considered that 'open book' appraisals are contrary to the planning principle that planning permission runs with the land and not the applicant. Requesting an 'open book' appraisal will be information specific to the applicant and not necessarily specific to that which is being proposed, in particular the price the applicant may have had to pay for the land. An open book appraisal would be tantamount to a personal consent. Given the Council's comments an open book appraisal is likely to be counter productive and take significantly longer to resolve the issue of viability. Instead, as	<p>Policy (R) FH.13 allows for each scheme to be considered individually in order to maximise the provision of affordable housing. The SPD gives guidance on how the site-by-site viability assessment is undertaken in support of current policy. This is considered appropriate and relevant. Where the provisions of Policy (R) FH.13 can be met a viability assessment would not be required.</p> <p>The process outlined in the SPD would only be followed where an applicant makes a case that contributions including the affordable housing provision sought indicate that the scheme would become unviable.</p> <p>When assessing viability the council will endeavour to agree as many of the inputs as possible however where inputs cannot be agreed it is reasonable for the Council to require sound evidence to be provided in order to make a robust assessment of all aspects. The evidence required will not be available without an 'open book' approach, and the SPD makes clear that this process will be confidential in order to alleviate fears with regard to commercial sensitivity. National policy and Homes and Community Agency guidance further supports the Council's approach; that affordable housing is delivered through the planning process without grant unless a robust viability case is made and proven. Should a viability</p>

		<p>suggested by the SPD a viability assessment using one of the established viability toolkits should be used which utilise existing or alternative use values rather than what a developer actually paid for the site. A landowner would never sell to a developer for less than the existing use value, and in most cases it will be significantly more so there is no prospect of the Council being short changed on affordable provision if existing or alternative use values are utilised. Indeed, in a recent case for my Client the inspector highlighted the advantage of a generic approach to appraisals rather than an open book appraisal. In this case both parties approached the question of economic viability on a generic basis, using site-specific circumstances, but applying generic inputs to the appraisal.</p>	<p>case be proven and affordable housing contribution reduced as a result then, in seeking grant funding for 'additionality' the and Homes and Community Agency will accept a comparable viability assessment, which the Council's assessment procedure provides.</p> <p>No change proposed</p>
<p>McCarthy & Stone Retirement Lifestyles Ltd</p>	<p>AHSPDj84</p>	<p>The costs of any independent agency should be borne by the Council or the very least be met 50:50 developer and Council. The applicant would have already paid a substantial fee for the Council to determine the application and the Council should use this fee to pay for any independent consultants. If it went to appeal on viability the Appellant would not pay for someone to produce the Council's evidence!!</p>	<p>Local Plan Policy (R) FH.13 sets a requirement that as a starting point, 40% of the proposed dwellings will be sought as affordable housing on qualifying housing sites . Proposed developments, which provide the required planning contributions, will not be expected to undertake a viability assessment. However where applicants request an exception to the Local Plan requirements i.e. less affordable housing provision due to financial viability then the Council considers that is only fair and reasonable for the applicant to cover the additional cost of the extra works that would have to be undertaken to justify the exception proposed. The council acknowledges that the current economic situation has impacted on developers and therefore any costs incurred in engaging an independent agency to assess the viability of a proposed development will be borne by the council and the applicant 50:50</p>

		<p>SO why should they pay further for the Council to determine the application in the first place. Equally, the cost of the independent agency would be another development cost that the developer would have to include within his viability appraisal. The result being that it would proportionately reduce the sum available to the developer to provide affordable housing with. It seems wholly contrary to delivering the maximum amount of affordable housing that is financially possible to impose a further development cost upon the developer which would reduce the amount of affordable housing that could be provided.</p>	<p>Proposed Modification Where applicants make the case that 40% affordable housing is not deliverable individual site viability assessments will be undertaken to assess the applicant's position. In these cases applicants will be required to submit detailed site finances alongside the application. In the event that the Council uses an independent agency (which may be the District Valuer) to assess the viability of a proposed development; The Council will expect the additional costs incurred in undertaking a viability assessment to be shared equally between the applicant and the Council. The results of the appraisal will be discussed with the developer.</p>
Natural England	AHSPDj85	<p>Section 3 - Planning Policy Context Not in this section, and extremely useful for the production of this SPD is the work done by the Commission for Rural Communities (CRC) on affordable rural housing issues. There are several recommendations in the Affordable Rural Housing Commission Report, published last year, which would benefit this publication.</p>	<p>While the council acknowledges that the Affordable Rural Housing Commission Report contains several recommendations due to the volume of requests to mention additional standards and other documents it has been decided not to add anything specifically from the Affordable Rural Housing Commission Report to the SPD.</p> <p>No change proposed</p>
Natural England	AHSPDj86	<p>Section 6.11 and 6.12 Although the definitions here refer specifically to Exception Sites, the point of concern applies to the whole document. The</p>	<p>Agreed Noted,</p> <p style="text-align: center;">Proposed modification</p>

		<p>concept of not adversely effecting the amenity of a site, in which 'amenity' is determined as "landscape, character and biodiversity" is insufficient for iterating the Council's duty to ensure that all developments (and not just exception sites) are required to ensure no net loss of biodiversity. Furthermore, without a saved policy, or until such time as the Forest of Dean adopts a specific SPD, and as the need to be mindful of biodiversity is a requirement of all public bodies under the NERC Act 2006 , Natural England Natural England would request that this SPD states clearly that all developments must "maintain, enhance and restore" the biodiversity of a site, as per the recommendation of PPS9. If that is not achievable on site, then off site mitigation must be sought.</p>	<p>6.12 The term 'amenity' includes such matters as landscape, character, and biodiversity. Developments will need to adhere to the full spectrum of national and local planning policy, dependant on the nature and location of development such as PPS 1 and PPS 25. National Policy, requires that all developments must “maintain, enhance and restore” the biodiversity of a site, as per the recommendation of PPS9. If that is not achievable on site, then off site mitigation will be sought</p>
Natural England	AHSPDj87	<p>Section 6.11 and 6.12 Although the definitions here refer specifically to Exception Sites, the point of concern applies to the whole document. The concept of not adversely effecting the amenity of a site, in which 'amenity' is determined as "landscape, character and biodiversity" is insufficient for iterating the Council's duty to ensure that all developments (and not just exception sites) are required to</p>	<p>See Response to comment AHSPDj86</p>

		<p>ensure no net loss of biodiversity. Furthermore, without a saved policy, or until such time as the Forest of Dean adopts a specific SPD, and as the need to be mindful of biodiversity is a requirement of all public bodies under the NERC Act 2006 , Natural England Natural England would request that this SPD states clearly that all developments must "maintain, enhance and restore" the biodiversity of a site, as per the recommendation of PPS9. If that is not achievable on site, then off site mitigation must be sought.</p>	
Natural England	AHSPDj88	<p>This section and the policy on which it is based (R)FH.10, rightly require the developer to ensure the "optimum use" of land, and while Natural England approves of the aim, it important to note that this should not be to the detriment of the local environment, or the quality of living for the eventual residents. While the policy requires that applications should take account of "The characteristics of the site and its surroundings", this is not sufficiently robust enough to protect and enhance the habitats and biodiversity of the site. Truly "sustainable" design must seek to incorporate the development into the environment, connecting the</p>	<p>While the council acknowledges that the Green Infrastructure is still being developed and the potential benefits that this may have, due to the volume of requests to mention additional standards and other documents it has been decided not to add anything specifically regarding Green Infrastructure to the SPD.</p> <p>No change proposed</p>

		<p>people to the place. The temptation to maximise the capacity of a development at the expense of every other aspect will ensure only short term gain for the developer, and none for the local authority. Green Infrastructure, is gaining credence and popularity as a principle of good land use planning. It is included in the emergent Regional Spatial Strategy and County Strategic Infrastructure Delivery Plan. A thorough understanding of the existing GI resource, along with guiding principles enshrined in policy (such as principles of maximum land cover) would do much to mitigate against potential damage to the habitats, amenity, flood protection and general green space resource of the Forest. Because there is not the necessary policy in place yet at either national or local levels that require GI planning, Natural England can only recommend that the Forest incorporate the principle into this SPD, with the hope that a specific Green Infrastructure Strategy will be developed within the LDF.</p>	
Walt Williams	AHSPDj89	<p>The SWDRA quoted figure in paragraph 3.2 is assumed at 6000-10000 units /year for period up to 2016 – is this indisputable?</p>	<p>This figure is quoted for information and will have been the subject of separate examination as part of the RSS EiP.</p> <p>No change proposed</p>

Walt Williams	AHSPDj90	Some of the document quotes out of date periods such we are beyond 'early 2009' – is this supposed to be a retrospective consult document?	Noted, these will be reviewed and updated where appropriate
Walt Williams	AHSPDj91	In paragraph 3.4 are the quoted 310 /year and 35% AH accepted as un-challengeable figures?	The 310 per year is the draft RSS figure, which is still subject to further review but through the RSS process not this SPD. The SPD quotes the figures as those in the current version of the RSS and could be amended if there was a change in the RSS. No change proposed
Walt Williams	AHSPDj92	Paragraph 4.6/5.1 Who has decided upon a 5yr payback- how does this tie in with the district local plan period of 2011 or the SWRDA period up to 2026? How does this accommodate long distance developments such as Lydney, which are outside of this period?	The Comment appears to relate as to why the calculation of housing needs appears to have been calculated to be met over a five-year period. Government Document Strategic Housing Market Assessment Practice Guidance V2 2007 provides guidance on the undertaking of SHMAs to calculate housing need and this recommends that the quota of housing required to meet housing need should be based upon meeting need over a period of five years, hence why the figures have been produced to meet housing need over a five year period.
Walt Williams	AHSPDj93	Paragraph 5.0 The 289 figure needs rechecking figures culminating in 5.1e need confirming 5.1d-3.8 = 389	Table will be checked and minor typos amended
Walt Williams	AHSPDj94	It seems to be that some builders aim for small sites just under 15 units to avoid the AH issue, Cannot there be some precaution to avoid this situation occurring to often	The purpose of the SPD is not to set policy or alter systems but to provide guidance on local plan policies in relation to the delivery of affordable housing. This SPD reflects current policy. The proposed Core Strategy proposes a lowering of the threshold to address the issue raised. No amendment required.
Walt Williams	AHSPDj95	Where did the proof of 40% requirement appear? Is this defensible? How is it related to the 35% quoted by SWDRA? The 40%	The Council's Local Plan sets a requirement that as a starting point, 40% of the proposed dwellings will be sought as affordable housing on qualifying housing sites where Policy (R) FH.13 applies. The purpose of the SPD is not to set policy or alter systems but to provide guidance on local

		<p>seems to be more than an upper limit than a starting point. It is feasible that any development can produce more than this in reality; otherwise the backlog quoted earlier will never be achieved.</p>	<p>plan policies in relation to the delivery of affordable housing. This SPD reflects current policy. Any amendment to the starting point, of a 40% affordable housing provision would be issue to be considered in the development of the proposed Core Strategy.</p> <p>No change proposed</p>
Walt Williams	AHSPDj96	<p>Paragraph 7.6 this paragraph doesn't seem clear – is it saying that what is requested is not the need or is it that the identified need could vary from 40%AH & 70/30 split?</p>	<p>The paragraph is contained in a section, which provides guidance based on the housing need identified by the SHMA of what type, and tenure of affordable housing the council will seek on all qualifying sites. However the council recognises that there are circumstances including planning or viability circumstances, which could affect the developers' ability to provide exactly what the council are seeking. In these cases the council will consider varying from the 40%AH & 70/30 split or the type of housing sought to enable the scheme to be delivered.</p> <p>No change proposed</p>
Walt Williams	AHSPDj97	<p>Should there be an option to refuse to accept a low level of AH on site economics grounds if external variables such as economic situation is not appropriate to achieve a suitable amount- even with some grant aid? The recent Lydney situation had this problem where a developer, not intending to start for at least 5 years, is quoting an argument based upon current poor circumstances. Such applications need to be shelved or have a foolproof set of guidelines of economic factors for sliding scales adjustments for AH at say the 12 month before ' first build' date</p>	<p>Permission can be refused because the authority are not satisfied with the proposed AH provision (Lydney). Other measures are currently being examined, though they are not part of this SPD</p> <p>No change proposed</p>

Walt Williams	AHSPDj98	<p>Surely any is deliverable if housing levels are not the determining factor? Paragraph 7.18 does not read well. It does not specify what right the Council has but just says 'the full provision can be delivered accordingly' – which means nothing and infers that the agreement will only be effective to gain the full 40% provision or required tenure mix-what about a less than full provision if funding does not reach full 40%, say on a large scheme such as Lydney – also what is 'full provision' as 40% is only quoted as a starting point (an updated housing assessment may require more than 40%)?</p>	<p>The paragraph is set within the context of the section financing affordable housing. The section highlights the different ways that affordable housing can be funded and the mentioned paragraph highlights that public subsidy can be inputted to achieve the council objectives. In relation to achieving the objective paragraph 7.31 of the section provides further guidance that if financial viability of a scheme is such that it cannot deliver the councils objectives of 40% and the required tenure mix that a combination of options are available which can be implemented to restore the viability of the scheme and help deliver the according affordable housing provision.</p> <p>In relation to what is 'full provision' the Local Plan states that 40% affordable housing will be sought on all qualifying sites this is considered as the upper amount of affordable housing that will be sought form eligible developments unless a proposal is made voluntarily for a greater percentage. The purpose of the SPD is not to set policy or alter systems but to provide guidance on local plan policies in relation to the delivery of affordable housing. This SPD reflects current policy.</p> <p>No change proposed</p>
Walt Williams	AHSPDj99	<p>Not clear where some of these figures come from, how they apply to FOD or how they can apply over variable financial conditions – or how they tie in with <25%Gross Income cost to occupant of section 5.6 – who determines the Gross Income Level to be used – is there a wage target level for people on the housing list, etc?</p>	<p>See response to comment AHSPDj21 and AHSPDj34</p>
Walt Williams	AHSPDj100	<p>Paragraph 7.23 infers that 40% is the upper/ maximum figure not a starting point, as though greater than 40% will never occur</p>	<p>Correct, unless a proposal is made voluntarily for a greater percentage.</p> <p>No change proposed</p>

Walt Williams	AHSPDj101	Paragraph 7.28 Also assumes 40% a maximum achievable	Correct, unless a proposal is made voluntarily for a greater percentage. No change proposed
Walt Williams	AHSPDj102	Is there an ongoing review of affordability, which is time independent, as it was noted earlier that affordability varies with a number of factors?	As social rented housing is charged in accordance with target rents this help ensure that social rented housing will always remain affordable. In relation to intermediate housing the affordability of intermediate housing will be reviewed accordingly by the council as and when schemes commence and transfer negotiations begin. No change proposed
Walt Williams	AHSPDj103	Would the recycled subsidy have a interest position built for the number of years since granted as in a capital gains calculations, and should it be defined somewhere?	No. The subsidy has been provided to deliver the affordable housing. If interest was added this could prevent households in the case of shared ownership properties staircasing out, as the purchase price would be increased, as it would also have to include the interest. This would be contrary to government objectives, which is to encourage owners of shared ownership properties to staircase out where possible. No change proposed
Walt Williams	AHSPDj104	Could contribution provisions be used for sites with less than 15 build cut off point, as too many small sites will reduce land availability for AH in general over the years in an area short of development space?	The commuted sum paid will be used to facilitate the provision of affordable housing within the councils administrative area. The Local Plan policy (R)FH.13 states: “An element of affordable housing will be sought by negotiation on all housing sites which are of 15 units or more or are larger than 0.5ha in towns and villages of greater than 3000 population or are of 5 units or more or larger than 0.2ha in other locations. The provision sought will be related to evidence of local need in the District, including housing need surveys, and to the suitability of the site in question. The provision of affordable housing should be made on the same site but exceptionally, and by agreement with the developer, a commuted sum may be sought equivalent to the appropriate affordable housing share on the site in order that the affordable housing may be provided closer to where the need for it arises.” As developments only over the prescribed threshold are required to provide affordable housing the money cannot be used on sites below the threshold unless the developer voluntarily proposes to provide affordable housing as part of the development. No change proposed

Walt Williams	AHSPDj105	Paragraph 9.0 is very broad, grey paragraph without detail of monitoring intervals, overall timescale compared with earlier objectives and without details or referrals to aspirations/levels for such as older people and special mobility requirement	The paragraph highlights that monitoring will be undertaken on yearly basis. This is intended as a guide and not to provide a detailed list within the SPD which would extend the length of the document unnecessarily. No amendment required.
Environment Agency	AHSPDj106	Section 8.4 indicates that all new affordable homes will achieve at least Level 3 of the code for sustainable homes. While we pointed out in our previous letter that we would prefer 4, we understand that the SPD cannot change the saved policies and therefore cannot require level 4 for future affordable housing. However we note that the use of Sustainable Drainage system (SuDS) as a design solution (which could help to improve water efficiency through water use) is missing in this chapter. We would recommend that this is reconsidered and the following or similar sentence is added in section 8.4 "The expectation is that, the use of SuDS will be incorporated."	Agree, Proposed Modification The HCA expects all new affordable housing will achieve at least Level 3 of the Code for Sustainable Homes, which replaces the previous Ecohomes Assessment. The Code is an environmental assessment method for new homes, which aims to protect the environment by providing guidance on the construction of high performance homes built with sustainability in mind. It is the expectation of the Environment Agency that the use of SuDS will be incorporated in achieving the above standards.
Natural England	AHSPDj107	Not in this section, and extremely useful for the production of this SPD is the work done by the Commission for Rural Communities (CRC) on affordable rural housing issues. There	See Response to comment AHSPDj85

		are several recommendations in the Affordable Rural Housing Commission Report, published last year, which would benefit this publication.	
Natural England	AHSPDj108	<p>Although the definitions here refer specifically to Exception Sites, the point of concern applies to the whole document. The concept of not adversely effecting the amenity of a site, in which 'amenity' is determined as "landscape, character and biodiversity" is insufficient for iterating the Council's duty to ensure that all developments (and not just exception sites) are required to ensure no net loss of biodiversity.</p> <p>Furthermore, without a saved policy, or until such time as the Forest of Dean adopts a specific SPD, and as the need to be mindful of biodiversity is a requirement of all public bodies under the NERC Act 2006, Natural England Natural England would request that this SPD states clearly that <i>all</i> developments must "maintain, enhance and restore" the biodiversity of a site, as per the recommendation of PPS9. If that is not achievable on site, then off site mitigation must be sought.</p>	See Response to comment AHSPDj86

Natural England	AHSPDj109	<p>This section and the policy on which it is based (R)FH.10, rightly require the developer to ensure the “optimum use” of land, and while Natural England approves of the aim, it important to note that this should not be to the detriment of the local environment, or the quality of living for the eventual residents. While the policy requires that applications should take account of “The characteristics of the site and its surroundings”, this is not sufficiently robust enough to protect and enhance the habitats and biodiversity of the site. Truly “sustainable” design must seek to incorporate the development into the environment, connecting the people to the place. The temptation to maximise the capacity of a development at the expense of every other aspect will ensure only short term gain for the developer, and none for the local authority.</p> <p>Green Infrastructure, is gaining credence and popularity as a principle of good land use planning. It is included in the emergent Regional Spatial Strategy and County Strategic Infrastructure Delivery Plan. A thorough understanding of the existing GI resource, along with guiding principles enshrined in policy (such as</p>	See Response to comment AHSPDj88
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