

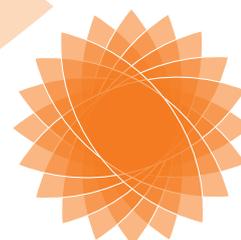


Local Development Framework

Affordable Housing  
Supplementary Planning Document

# Final Consultation Statement

September 2008



**districtnk**  
100 flourishing communities  
North Kesteven District Council

### **Alternative Formats:**

This document is available on request in large print and other accessible formats such as Braille and Audiotape/CD. It is also available on request in other languages. For a copy please contact the Council using the following options:

Phone: 01529 414155 or 01522 699699

Minicom: 01529 308088

E-mail: [talkplanning@n-kesteven.gov.uk](mailto:talkplanning@n-kesteven.gov.uk)

Address: Forward Planning Team  
Planning Services  
North Kesteven District Council  
Kesteven Street  
Sleaford  
Lincolnshire  
NG34 7EF

## CONTENTS

	<u>Page</u>
1.0 <u>Introduction</u>	4
2.0 <u>Requirement for Statement addressing Representations Received on Draft SPD and SA</u>	4
3.0 <u>Affordable Housing SPD: Background and Aims</u>	5
4.0 <u>Details of Public Consultation on Draft SPD and SA</u>	6
5.0 <u>Results of Public Consultation - Representations Received</u>	8
6.0 <u>Summary of Main Issues Raised in Representations</u>	8
7.0 <u>Council Consideration and Response</u>	9
8.0 <u>How Main Issues Raised in Representations have been Addressed in SPD</u>	9
9.0 <u>Monitoring and Implementation</u>	11
 <b><u>Appendices:</u></b>	
<u>Appendix A:</u>	
Copy of Press Notice advertising Draft SPD Documents	13
<u>Appendix B:</u>	
List of Respondents to Consultation	14
<u>Appendix C:</u>	
Table of Representations Received and approved Council Responses	15

## **1.0 Introduction**

1.1 This Final Consultation Statement is produced to accompany the Adopted Affordable Housing Supplementary Planning Document (SPD), and to meet Planning Regulations.

1.2 This Final Consultation Statement sets out how the Council has undertaken formal public Consultation on the Draft Affordable Housing SPD and its accompanying Sustainability Appraisal (SA), in November and December 2006.

1.3 It reports on the subsequent Representations received, the approved Council Responses, the Main Issues raised and how these have been addressed and taken into account in the development of the SPD and SA Report.

1.4 This statement follows on from, and updates, information set out in the earlier Consultation Statement document of November 2006, which accompanied the draft SPD when formal public consultation was undertaken. The earlier Consultation statement (Nov 2006) described the extensive informal pre-SPD "Consultation Undertaken So Far" up to that time, before the Draft Affordable Housing SPD was produced in November 2006.

## **2.0 Requirement for Statement addressing Representations Received on Draft SPD and SA**

### **2.1 SPD**

Under the Town and Country Planning (Local Development) (England) Regulations 2004 a Council shall not adopt an SPD until it has considered any duly made Representations on the draft SPD (Regulation 18).

2.2 The Regulations also require that, alongside the published Adopted Supplementary Planning Document, a Statement be produced (Regulation 19) setting out a summary of the main issues raised in Representations received as a result of the public consultation undertaken (under Regulation 17), and also setting out how these main issues have been addressed in the SPD which the Council intends to adopt. This Statement meets these requirements.

### **2.3 Sustainability Appraisal**

The ODPM Guidance on Sustainability Appraisal of Local Development Documents (Nov 2005) advises that during the public participation stage a Sustainability Appraisal (SA) report must be consulted upon at the same time as the draft SPD. A Draft Sustainability Appraisal report was therefore also published and consulted upon, along with the Draft SPD. The Affordable Housing Sustainability Appraisal analysed the effects of the SPD on

sustainability and the effect on sustainability of producing the document or not. It was clear from the options appraisal that to produce the SPD had the most positive effect on the Sustainability Criteria identified.

2.4 The government Guidance advises that the findings of the SA and consultation responses must be taken into account and the decision-making process documented. Following the adoption of the SPD, a consultation statement must be prepared to show the ways in which responses to consultation have been taken into account. This summary must provide enough information to make clear how the SPD was changed, both as a result of the SA process and responses to consultation, or why no changes were made, or why options were rejected. This Statement also meets these requirements. The new Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 have amended the existing 2004 Regulations in some respects, but have not altered the requirements for this SPD consultation representations statement.

2.5 In response to public consultation representations, the SPD has been altered. The Affordable Housing SA Report has also been altered, including adding clarifying references to other relevant policies and amended SPD objectives.

2.6 Overall, the Council has considered and addressed all these SPD and SA consultation matters and representations received. This Consultation Statement sets out these matters and fulfills the relevant requirements.

### **3.0 Affordable Housing SPD: Background and Aims**

3.1 The Objective of the Supplementary Planning Document (SPD) on Affordable Housing is to assist the Council in meeting affordable housing needs in the District by providing guidance on the process of delivering affordable housing, through the planning system, in accordance with Local and National Planning Policies – notably Policies H5 and H6 in the adopted North Kesteven Local Plan

3.2 This Supplementary Planning Document is supplementary guidance to Policies H5 and H6 of the Adopted North Kesteven Local Plan of September 2007, and is a material consideration in the determination of planning applications. The purpose of the SPD is to expand upon the above Local Plan policies, and to indicate in more detail how they are to be applied in practice.

3.3 The SPD clarifies the process for the delivery of affordable housing provision through the planning system so that the development industry will then have a fuller understanding of how it can meet its obligations under Local Plan Policies, and will be better equipped and prepared to carry out its negotiations for land purchase and to submit its planning proposals. The public will also have a better knowledge of the measures being taken by the Council, on its behalf, to satisfy a basic human need for appropriate housing accommodation.

## **4.0 Details of Public Consultation on Draft SPD and SA**

4.1 The Council's Executive Board approved the Draft Affordable Housing SPD for formal public consultation purposes at its 5 October 2006 meeting.

### **4.2 Documents for Public Inspection:**

A printed Consultation Draft SPD document was produced in November 2006, along with its accompanying draft Sustainability Appraisal Report and other associated SPD documents required under the Planning Regulations.

4.3 In compliance with the Town and Country Planning (Local Development) (England) Regulations 2004 (Regulation 17), the Council made copies of the SPD documents available for Public Inspection for a public consultation period running from Friday 24 November until Friday 22 December 2006. The Council invited comments from everyone on both the draft SPD and accompanying draft Sustainability Appraisal.

4.4 To provide wide public access, copies of the SPD Consultation Draft, associated supporting Documents and a Public Notice were made available for public Inspection free of charge, during normal opening hours, in the following locations: -

- District Council Offices, Sleaford
- Info-Links Offices, North Hykeham
- Info-Links Offices, Metheringham
- All Council's Community Access Points (10)
- County static Libraries, within the District (9)
- County mobile Libraries, within the District (6)

### **4.5 Website:**

The relevant SPD documents, and a letter from the Regional Planning Body (East Midlands Regional Assembly) confirming compliance of the SPD with the Regional Spatial Strategy, were also made available for inspection, and downloading, on the Council's website at [www.n-kesteven.gov.uk](http://www.n-kesteven.gov.uk). An electronic online version of the Response Form was also made available on the Council's website for completing and making representations regarding the SPD.

### **4.6 Publicity:**

The SPD Consultation was publicised through a local advertisement placed in the Public Notices section of the Lincolnshire Echo newspaper on Friday 24 November 2006. A copy of the Press Notice is attached at **Appendix A**.

### **4.7 Extent of consultation**

As the Council's Draft Statement of Community Involvement (SCI) was not at that time formally adopted, the Council consulted on this Draft SPD in accordance with the minimum requirements (at least) of the 2004 Regulations, as advised by national policy PPS12 (Local Development Frameworks, paragraph 4.39).

4.8 The Council sent the relevant SPD Consultation documents pack to “specific consultation bodies”, who the Council thought would be affected by the SPD, and “general consultation bodies” who it considered to be appropriate (in accordance with the requirements of Regulation 17(3)). Additionally, however, the Council also consulted wider, and sent the draft SPD Consultation documents pack to other bodies, organisations and individuals it considered relevant, in the ‘spirit’ of the Draft SCI and based upon the Draft SCI consultation list.

4.9 Documents sent:

Copies of the Draft SPD Consultation documents (234) together with covering letters, were sent out to: -

- All Statutory consultees
- Adjoining authorities
- General consultees considered appropriate
- North Kesteven Parish and Town Councils
- NKDC Councillors
- NK Developers and Agents Forum

Amongst these, the Government Office for the East Midlands (GOEM) was sent a copy of the Draft SPD documents.

4.10 Notification sent:

In addition to the above notification letters (171) advising of the availability of the SPD documents were sent out to a range of other parties, on the Council’s LDF consultation database, including:

- Adjoining Parish Councils
- People/organisations who asked to be notified
- Individual members of the public and parishes
- All other General consultees

## **5.0 Results of Public Consultation - Representations Received**

5.1 In response to the Public Consultation on the draft documents, the Council received 120 separate Comments from 23 different Respondents. Each Respondent's reply has been subdivided into individual Representations/Comments (with an individual Reference Number) on different topics, to aid formulation of Council responses. A List of Respondents to Consultation is attached at **Appendix B**.

5.2 Of all these 120 comments, there were 26 in Support and 94 objections to elements of the SPD or SA. None objected to the principal purpose of the documents.

5.3 Of all these comments, there were 115 comments on the draft SPD and 5 comments on the draft Sustainability Appraisal document.

5.4 The detail of each Representation (SPD or SA), and the Council's approved Response (including approved Changes), is set out in the Table contained in **Appendix C**.

## **6.0 Summary of Main Issues Raised in Representations**

6.1 A Summary of the main Issues raised by the representations is set out below. They concern the following general topic or Issue areas: -

- (1) Affordable Housing development schemes percentages, thresholds and triggers and housing need definition: - are not appropriate or are unsubstantiated (Policy H5 references).
- (2) The SPD does not comply with PPS3.
- (3) Government Policy section of SPD does not reflect PPS3 as published.
- (4) SPD must conform with various Circular 5/05 (Planning Obligations) Paragraphs.
- (5) Definition of affordable housing should be amended - to state that developers can receive grant aid directly, to deliver and own affordable housing.
- (6) Definition/Issue of Perpetuity.
- (7) Reference to 'pepper-potting' should be deleted.
- (8) Early Contact with RSLs is important.

- (9) Tenure Mix on sites important.
- (10) Need to refer to landscaping, local townscape character and wildlife issues in schemes.

## 7.0 **Council Consideration and Response**

7.1 All the consultation representations and comments received, and proposed responses, were presented to and considered by the Council's Executive Board on 17 January 2008 before being recommended for approval and consideration by full Council.

7.2 A full meeting of North Kesteven District Council on 28 February 2008 considered all the representations and comments on the Draft Affordable Housing SPD and accompanying Sustainability Appraisal. At this meeting, the Council approved detailed Responses to all the representations received. The Council also approved an amended version of the SPD for adoption, incorporating text and layout changes as a result of the approved responses.

7.3 All respondents will be informed by letter of the Council's approved detailed responses to the representations they made, and will also be notified of the formal adoption of the SPD.

## 8.0 **How Main Issues Raised in Representations have been Addressed in SPD**

8.1 A description is set out below (paragraph 8.4) of how the Main Issues raised through representations received have been addressed by the Council in the development of the SPD it intends to adopt.

8.2 The Council at its 28 February 2008 meeting considered all the individual Representations and has approved individual Responses to each. The approved Response for each representation is set out in the Officer Recommendation section of the Table contained in the attached **Appendix C**. Any resulting Approved Change to text (where applicable) is also shown in the Proposed Change section of this Table.

8.3 The Issues raised have therefore been taken into account by the approved Council Responses and, where considered necessary, by making changes (deletions and additions) to the text and layout of the Draft SPD or SA. The Council also approved an amended version of the SPD text for adoption at its 28 February 2008 meeting. The Issues raised in Representations have therefore been addressed in the development of the SPD and the SA Report.

8.4 The approved Council Responses have addressed the Main Issues raised in the following ways: -

- (1) Affordable Housing development schemes percentages, thresholds and triggers and housing need definition - are not appropriate or are unsubstantiated (Policy H5 references).

These comments do not refer to the SPD's provisions, but refer to the parent Local Plan policies, which have been informed by the District Housing Needs Study, Local Plan Inquiry Inspectors Report and been subject to separate formal public consultation exercises. The parent Local Plan Policies have been modified since the draft SPD consultation in 2006, and are now part of the adopted NK Local Plan – September 2007. No change to the SPD is necessary on these grounds.

- (2) SPD does not comply with PPS3:

The SPD must conform with saved Local Plan policies in the adopted Local Plan. On the 28 June 2007 the Full Council considered a paper assessing the Local Plan against PPS3 and concluded that the parent Plan was in general compliance with the underlying principles of PPS3. This included basing the adopted policies on the latest Housing Needs evidence (2005) that was available.

Council decided that where the Local Plan does not meet all the aims of PPS3, the preparation of the subsequent LDF Core Strategy due to commence soon would meet any of the shortfall. Council also decided that the current Local Plan and the SPD affordable housing definitions reflect PPS3, and the SPD is also considered to comply with the underlying principles of PPS3.

- (3) Government Policy section of SPD does not reflect PPS3 as published:

Agreed – Section 6.0 will be completely re-written to reflect current relevant national planning policy.

- (4) SPD must conform with various Circular 5/05 (Planning Obligations) Paragraphs:

The national guidance on planning obligations set out in Circular 05/05 already separately applies to all relevant planning obligations negotiated, as associated with planning approvals, and is a material consideration for proposals. It is therefore not considered necessary to repeat most of the provisions of this Circular within the SPD, as they already apply nationally. Also, whilst the SPD does not set out to repeat the Circular, the SPD's provisions are already considered to be in conformity with the general guidance and approach set out in the Circular. It is therefore not necessary to amend the SPD as a result of these representations.

- (5) Definition of affordable housing should be amended - to state that developers can receive grant aid directly, to deliver and own affordable housing:

The definition of affordable housing is contained in the Local Plan, which has been subject to proposed modifications to reflect this possibility, and

was adopted in September 2007. However, the SPD will also be amended to acknowledge more that private developers can provide and manage affordable housing themselves and can receive help to pursue this.

- (6) Definition/Issue of Perpetuity:  
Issues of perpetuity are governed by policies H5 and H6 and the supporting affordable housing text in the adopted Local Plan. However, in the light of occupiers right to buy or right to acquire affordable homes, more explanatory text will be added to the SPD on how the Council can attempt to retain affordable homes for future occupiers.
- (7) Delete 'Pepper Potting' reference:  
Alternative wording substituted, regarding designing layouts and mixes so that affordable housing is integrated throughout sites, rather than being segregated, in order to contribute to mixed communities.
- (8) Early contact with RSLs important:  
Agreed – early contact and pre-application process advice for potential developers has been expanded in amended SPD to reflect this, as well as advising first contacting the Council.
- (9) Tenure mix on sites important:  
Agreed – extra text added to SPD to confirm a mix should be provided on each application site.
- (10) Need to refer to landscaping, local townscape character and wildlife issues in schemes:  
These other scheme development issues are already addressed by other Local Plan policies, this SPD refers to affordable housing only.

8.5 Internal discussion has also taken place between Planning, Housing and Legal Officers over issues raised, and what could usefully be included in the SPD. This has led to amendments clarifying process matters and indicating Council preferences for development mechanisms, that are now included in the amended SPD for adoption. A new advisory section “Advice on Options for Provision – Overview on What the Council Expects of Developers” has been added in the advice section.

## **9.0 Monitoring and Implementation**

9.1 Once adopted, the SPD will form part of the Local Development Framework. The success, progress and effects of implementing the SPD will be monitored each year in the Annual Monitoring Report (AMR).

## **Appendices**

### **Appendices Attached:**

**Appendix A:** Copy of Press Notice advertising Consultation Draft Documents

**Appendix B:** List of Respondents to Consultation Draft

**Appendix C:** Table of Representations Received on Consultation Drafts and Approved Council Responses

## Copy of Press Notice in Lincolnshire Echo 24<sup>th</sup> November 2006 - Advertising Draft SPD Documents for Inspection

697616 N Kesteven x133 21/11/06 11:47 AM Page 1

PHOTO HEADLINE

### Planning and Compulsory Purchase Act 2004



The Town and Country Planning (Local Development) (England) Regulations 2004 – Regulation 17

#### Notice of Public Participation

#### Affordable Housing Supplementary Planning Document (SPD) Consultation Draft

North Kesteven District Council has prepared a Draft Supplementary Planning Document (SPD) on Affordable Housing for public consultation.

The Supplementary Planning Document (SPD) provides supplementary guidance expanding upon and supplementing planning Policies in the emerging North Kesteven Local Plan regarding the provision of affordable housing through the planning system in the District.

The SPD's objective and purpose is to assist the Council in meeting affordable housing needs in the District by providing guidance on the process and appropriate mechanisms for delivering affordable housing in accordance with Local and National Planning Policies.

The SPD in particular supplements the emerging Local Plan Policies regarding Affordable Housing: Policy H5 – Affordable Housing, and Policy H6 – Affordable Housing on Rural Exceptions Sites. The SPD will elaborate on how these Policies are to be applied in practice, to secure affordable housing provision within development proposals. It includes guidance on: developer's contributions; delivery mechanisms; legal agreements; and promotes awareness of rural exceptions sites and gives a definition of affordability.

The area the SPD covers is the whole District. The SPD is also a material consideration in the determination of planning applications.

The Council is seeking your comments on this public consultation draft SPD.

Copies of the SPD Consultation Draft and associated documents have been published under the above Regulations, and are available for inspection free of charge at the following locations:

- Reception, District Council Offices, Kesteven Street, Sleaford (Monday - Thursday 8:15am - 5:15pm, Fridays 8:15am - 4:45pm)
- Info-Links Office, The North Kesteven Centre, Moor Lane, North Hykeham (Monday - Friday 9am - 5pm, Saturdays 9am - 12 noon)
- Info-Links Office, 15A High Street, Metheringham (Monday - Thursday 9am - 1pm, Fridays 9am - 5pm, Saturdays 9am - 12 noon)

The Documents will also be available for inspection at the Council's Community Access Points and County Libraries within the District. For details of the addresses please contact the Forward Plans Section.

Representations on the Draft SPD should be submitted in writing and returned to:

- Principal Forward Planning Officer, Forward Planning, Planning Services, North Kesteven District Council, Kesteven Street, Sleaford, Lincolnshire NG34 7EF
- Or by fax to: 01529 413956
- Or by e-mail to: [talkplanning@n-kesteven.gov.uk](mailto:talkplanning@n-kesteven.gov.uk)
- Before 4.45pm on Friday 22 December 2006.

Objections to and representations in respect of the Draft SPD should preferably be on the Response Forms available, and should specify the matters and paragraphs to which they relate, and the grounds on which they are made. Representations by paper or electronic communications should be received by the Council by the date set out above.

Representations will be considered by the Council before preparing a subsequent version of the SPD for adoption.

Further information is available: by visiting the North Kesteven District Council website [www.n-kesteven.gov.uk](http://www.n-kesteven.gov.uk) where copies of documents, and an electronic method for making representations are available; by visiting the Council Offices; by telephoning 01529 414155 and asking for the Forward Plans team; or by emailing [talkplanning@n-kesteven.gov.uk](mailto:talkplanning@n-kesteven.gov.uk)

**Clive Redshaw**  
Corporate Director  
Housing, Community and Planning Services  
November 2006

*Working towards 100 Flourishing Communities*

Date: 23/11/06  
Revis: 21/11/06  
Size: 24x39 DAM  
● [mp.worldwide](http://mp.worldwide)

Op. Val  
2nd Op/Val  
All Lynette - Leeds

Leaflet No. 194739



## **Appendix B**

### **List of Respondents to Consultation**

23 parties responded to Public Consultation on the Draft SPD and SA

<b>Name</b>	<b>Organisation</b>
Mr. A.M.Waddington	Individual
Anthony Riley	Eastern Shires Housing Association
The Manager	Citizens Advice Bureau
Catherine Goodwin	Defence Estates
Jacob Newby	Environment Agency
Rose Freeman	The Theatres Trust
Sandra Rudolf	Heighington Parish Council
Mr. A.R. Gardener	The Witham First District Internal Drainage Board
Rachael Bust	West Lindsey District Council
Mr. S.J. Elkington	Hodgson Elkington
Andrew Pritchard	East Midlands Regional Assembly
Sally Murray	Natural England
Mrs Olwen Hager	Individual
Hanna Mawson	Home Builders Federation
Vashti Gooding	Nottinghamshire County Council
Mr. E.A. Banks	Campaign to Protect Rural England
Neil Kempster	Chestnut Homes Ltd
Douglas Evans	Addleshaw Goddard LLP
Graeme Foster	Government Office for the East Midlands
Natalie Wells	Planning Potential
Jane Gardener	Smith Stuart Reynolds
Sarah Stead	Branston & Mere Parish Council
John Bishop	Legal Services – North Kesteven District Council

## Appendix C

### Draft Affordable Housing Supplementary Planning Document (SPD), and Sustainability Appraisal (SA)

## Representations and Approved Council Responses

---

<i>RefNo</i>	<i>Organisation</i>	<i>SPD or SA</i>	<i>Object/Support</i>	<i>Paragraph No</i>
0001/0001	Individual	SPD	S	0

#### ***Representation***

Affordable homes should be provided in perpetuity, and should be available for rent through the Council and/or a Housing Association.

#### ***Officer Recommendation***

Support is noted and welcomed.

#### ***Proposed Change***

-

---

<i>RefNo</i>	<i>Organisation</i>	<i>SPD or SA</i>	<i>Object/Support</i>	<i>Paragraph No</i>
0001/0002	Individual	SPD	O	0

#### ***Representation***

Most affordable housing should be in locations where there are services and public transport and there is a demand.

#### ***Officer Recommendation***

The SPD supplements the policies in the Local Plan. Trigger levels, percentages, location of housing and design etc. are

subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S.106 agreements to assist in the delivery of development that is otherwise in accordance with the policies of the Local Plan. In this case the location of development is governed by policies C1, C2, H5 and H6 of the Local Plan. Therefore there are no grounds to amend the SPD in relation to these issues. Further, these matters have been subject to formal consultation under the Local Plan modifications. The Local Plan was adopted on the 21st September 2007.

***Proposed Change***

-

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0001/0003	Individual	SPD	O	0

***Representation***

Affordable Housing should not be provided by Section 106 Contributions.

***Officer Recommendation***

It is accepted nationally that affordable housing provision through the planning system is justified and on site provision and contributions can be negotiated as part of proposed planning application schemes for housing, in addition to direct provision by social housing providers. Section 106 contributions or legal agreements are one way of securing this.

***Proposed Change***

-

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0002/0004	Eastern Shires Housing Association	SPD	O	Appendix 1(2)

***Representation***

With regard to the Interim AH Policy, whilst we note and agree with the revised threshold, we feel that paragraph (C)

(regarding economic viability and other Planning objectives) may open up long-running debate throughout the application process.

**Officer Recommendation**

The SPD supplements the policies in the Local Plan. The Interim Council policy has been replaced by the adopted modified Policy H5 in the adopted Local Plan, which will be reflected in a revised Appendix 1. Trigger levels, percentages, location of housing and design etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. In this case, economic viability is governed by parent policy H5 of the Local Plan. Therefore there are no grounds to amend the SPD in relation to these issues. Further, these matters have been subject to formal consultation under the Local Plan modifications. The Local Plan was adopted on the 21st September 2007.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0002/0005	Eastern Shires Housing Association	SPD	S	Appendix 1(4)

**Representation**  
With regard to Policy H6 (Rural Exceptions Sites), Fully in support.

**Officer Recommendation**

Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0002/0006	Eastern Shires Housing Association	SPD	O	20.5

### **Representation**

We consider that early identification with an RSL is important if the RSL can argue for any "additionally" within the affordable housing provision from the developer, by attaching Social Housing Grant to the site and so ensuring your design requirements at paragraph 19.3 can be met or exceeded.

### **Officer Recommendation**

Agreed. (1) Paragraphs 20.5, 20.6 and 25.1 of the SPD already advise early contact by prospective developers with Council officers and RSLs before a scheme is submitted. However, it is considered appropriate to add extra wording to Paragraphs 20.6 and 25.1 clarifying this approach.

(2) It is also considered appropriate to add extra further wording to Section H – Further Advice and Contacts, to give further information on contact with the council, the process and RSL/private developer involvement.

### **Proposed Change**

Amend the SPD.

(1) Add extra sentence, both after 1st sentence of Paragraph 20.6, and after 1st sentence of Paragraph 25.1, to read:-  
“In the first instance, the prospective developer should contact Council officers regarding a potential affordable housing planning application scheme.”

(2) Add New section 26.0 under Section H, after section 25.0, and re-number subsequent paragraphs - as 27.0 onwards. The inserted New section 26.0 to be titled: ‘Advice on Options for Provision - Overview on What the Council Expects of Developers’. This New section indicates the main basic options for delivery mechanisms, the requirements the Council would expect developers to meet, and a basic process.

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0002/0007	Eastern Shires Housing Association	SPD	O	13.5

### **Representation**

With regard to the Definitions section, the term: New Build HomeBuy is now the new term for "Shared Ownership".

### **Officer Recommendation**

New Build Homebuy is a name for one type of shared home ownership product and may be subject to change over the

lifetime of the SPD. The definitions wording in the draft SPD and amended SPD (section13.0) is considered sufficiently robust, and does not require further amendment.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0002/0008	Eastern Shires Housing Association	SPD	O	13.5

### ***Representation***

With regard to defining Housing Need for North Kesteven, the 25% "affordability" threshold is at odds with the 30% threshold set recently by the Housing Corporation in that Social HomeBuy document (November 2006 - para 2.6 page 10).

### ***Officer Recommendation***

The 25% figure is taken from the definitions set out in the modified and adopted Local Plan (Mod No. 4/15) arising from the North Kesteven Housing Needs Survey, an earlier Council Report, and the Local Plan Inquiry Inspectors Report recommendation which have all adopted the 25% threshold. The 25% threshold is considered appropriate for North Kesteven. The 30% threshold is an indicative national target. The Local Plan was adopted on the 21st September 2007.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0002/0009	Eastern Shires Housing Association	SPD	O	20.7

### ***Representation***

It is worth adding to paragraph 20.7 a reference to the HomeBuy Agent web-site as another

source of information on those in housing need in the area. This is a register of applicants and/or enquiries for Low-Cost Home Ownership which is produced for the County.

### ***Officer Recommendation***

Agreed. A reference to the local Homebuy Agent (home2you) register and web-site will be added, as another source of information on people in housing need – those who have registered their enquiry or application for low-cost or shared home ownership in Lincolnshire. Reference will be added to paragraph 20.7 of the SPD.

A reference will also be added to an updated information section at paragraph 28.0 of the SPD, although this web-site address may change over the lifetime of the SPD.

### ***Proposed Change***

(1) Add new last sentence to paragraph 20.7 of SPD to read:-

" Another source of information on those people in housing need in the Lincolnshire area is Information from the managers of the Homebuy Agent register and web site, regarding people who have registered their enquiries or applications for low-cost or shared home ownership with Homebuy. Contact information for Homebuy is also set out in section 28.0 of the SPD (non Council contacts). "

(2) Add new paragraph 28.2 to 'Non- Council Contacts' section of SPD, to read:

" Homebuy Agent – 'home2you'

Home 2 You is operated by Eastern Shires Housing Association (ESHA), who have been appointed by the Housing Corporation as 'HomeBuy Agent' to provide a one stop property shop and information regarding access to low cost home and shared ownership products in Lincolnshire and Rutland. People can register their enquiry or application for low-cost home or shared ownership there.

Contact:

home2you

80 The Parade

Oadby, Leicester

LE2 5BF

Tel: 0845 845 0800

Email: [homebuy@eshagroup.co.uk](mailto:homebuy@eshagroup.co.uk)

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0003/0010	Citizens Advice Bureau	SPD	S	17.3 to 17.5

**Representation**

It is important for the community to have this balance of affordable housing tenures (mix of social rented and intermediate housing dwellings) on sites.

**Officer Recommendation**

Agreed. Support is noted and welcomed. However, it is therefore considered appropriate to add extra wording to Paragraph 17.5 to clarify that the mix of housing promoted is actually sought on each housing development site subject to planning permission.

**Proposed Change**

Amend the SPD. Add extra clarifying phrase at the end of the last sentence of Paragraph 17.5, to read:-  
 "...provided, on each housing development site."

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0003/0011	Citizens Advice Bureau	SPD	S	19.1

**Representation**

It is important for social integration that affordable housing dwellings are integrated with market housing on sites and indistinguishable from them in design terms.

**Officer Recommendation**

Agreed. Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0003/0012	Citizens Advice Bureau	SA	S	4.8 to 4.10

**Representation**

Support the need to produce the SPD, as set out in Option B.

**Officer Recommendation**

Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0004/0013	Defence Estates	SPD	S	0

**Representation**

Comments made relating to location of development that may affect MOD bases

**Officer Recommendation**

Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0005/0014	Environment Agency	SPD	O	16.7

**Representation**

It should be made clear that where development costs become apparent that could have been anticipated prior to purchase, the need to provide affordable housing will not be considered justification to avoid taking appropriate action, such as flood mitigation measures.

**Officer Recommendation**

The SPD supplements the policies in the Local Plan. Housing development trigger levels, percentages, location of housing and design, flood risk, etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. The SPD does not set the priorities for balancing the different needs of the Local Plan. This will be done on a case by case basis when assessing individual planning applications. Therefore there are no grounds to amend the SPD in relation to these issues. Further, these Local Plan matters have been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on the 21st September 2007. Therefore no change to the SPD is necessary.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0006/0015	The Theatres Trust	SPD	S	0

**Representation**

No comment on SPD/SA

**Officer Recommendation**

No comment has been taken as tacit support.

**Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0007/0016	Heighington Parish Council	SPD	O	9.6 & Appendix 1 (3)

### **Representation**

The Parish Council was not informed or consulted on the change to Local Plan policy H5

### **Officer Recommendation**

The draft SPD anticipated the Local Plan Proposed Modifications consultation - which took place later in January to March 2007. All parish councils were formally consulted as part of that exercise. The Local Plan was subsequently adopted on the 21st September 2007.

### **Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0007/0017	Heighington Parish Council	SPD	O	9.6, 9.7, 16.5 & 16.6

### **Representation**

35% of dwellings as affordable is an unsubstantiated figure and could lead to unoccupied dwellings. This should be revised in light of the current Housing Needs Survey.

### **Officer Recommendation**

The SPD supplements the policies in the Local Plan. Trigger levels, percentages, location of housing and design etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. In this case percentages are governed by policy H5 of the Local Plan. Therefore there are no grounds to amend the SPD in relation to these issues. Further, these matters have been subject to formal consultation under the Local Plan modifications. The Local Plan was adopted on the 21st September 2007.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0007/0018	Heighington Parish Council	SPD	O	10.6 & 17.2

**Representation**

Caution against concentration of 1 & 2 bed units - there will be a need for families with 3 or more children for affordable housing

**Officer Recommendation**

This information stems from evidence in the North Kesteven Housing Needs Study 2005. The emphasis on 1 & 2 bed units is to address imbalances in past development trends which have not served the needs of smaller households, as demonstrated by the Housing Needs Study 2005.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0007/0019	Heighington Parish Council	SPD	S	19.0

**Representation**

Strongly support proposal to disperse affordable housing across developments to create cohesive mixed communities

**Officer Recommendation**

Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0007/0020	Heighington Parish Council	SPD	O	9.9 & Appendix 1 (4)

### **Representation**

Accept Local Plan policy H6 but would like to see an additional condition that coalescence between neighbouring communities should be avoided

### **Officer Recommendation**

The SPD supplements the policies in the adopted Local Plan. Trigger levels, percentages, location of housing and design etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. In this case the coalescence between neighbouring communities is governed by policies C1, C2 and LW2 of the Local Plan. Therefore there are no grounds to amend the SPD in relation to these issues. Further, these matters have been subject to formal consultation under the Local Plan modifications. The Local Plan was adopted on the 21st September 2007.

### **Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0007/0021	Heighington Parish Council	SPD	O	0

### **Representation**

Proposals in SPD will lead to significant increase in the price of other than affordable homes as developers off-set their loss of profit on the affordable sector. This will feed the housing costs spiral throughout District.

### **Officer Recommendation**

The adopted Local Plan policy H5, which this SPD supplements, has the requirement for providing 35% of dwelling units on sites (subject to a threshold). It is recognised that this will affect a developers housing profit calculation compared to potential 100% market housing developments. The level of need for affordable housing locally has been established by the Housing Needs Survey described in the adopted Local Plan. The existence of a Local Plan policy requiring affordable

housing meets national planning policy.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0008/022	The Witham First District Internal	SPD	S	0

**Representation**

The report has no impact upon the activities or interests of the Board.

**Officer Recommendation**

Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0009/023	West Lindsey District Council	SPD	S	0

**Representation**

No comments to make.

**Officer Recommendation**

No comment has been taken as tacit support.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0010/024	Hodgson Elkington	SPD	O	0

### **Representation**

It is essential that any affordable housing allocation is made after full consideration is given to the economic viability of the site. The Council should give clear guidelines as to the financial information required.

### **Officer Recommendation**

Affordable housing is not allocated by this SPD. The adopted Local Plan policy (H5) requires the provision of affordable housing across the District, on all qualifying development sites (i.e. creating 5 or more dwellings or sizes of 0.3 ha or more). The adopted Local Plan policy (H5) also requires that the developer demonstrates to the Council where they consider there are exceptional development costs (which affect the viability of the development) to justify a lower proportion of affordable dwellings on site. The SPD already outlines some approaches to development costs in Section 16. However, as each development site and developer is unique, it is not considered practicable or appropriate to specify detailed financial guidelines applicable to every case.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0011/025	East Midlands Regional Assembly	SPD	S	0

### **Representation**

RSS8 Policy 18 suggests that local housing needs are determined by local needs assessments based on the housing market/journey to work areas. The SPD follows this policy direction and is therefore in compliance with RSS8.

### **Officer Recommendation**

Support is noted and welcomed.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0011/026	East Midlands Regional Assembly	SPD	S	15.1,15.2 & 16.6

**Representation**

The Regional Assembly accepts the analysis presented in paras 15.1 & 15.2 and the arising 35% target provision figure stated in para 16.6.

**Officer Recommendation**

Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0011/027	East Midlands Regional Assembly	SPD	S	0

**Representation**

Since the SPD is directly addressing identified need for affordable housing in pockets of deprivation across the Eastern Sub Area, the Regional Assembly can confirm that the SPD is in general conformity with the RSS.

**Officer Recommendation**

Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
--------------	---------------------	------------------	-----------------------	---------------------

0011/028                      East Midlands Regional Assembly                      SA                      O                      0

**Representation**

The SA should consider the issues of fuel poverty/affordable warmth and energy efficiency along with water efficiency and resource efficiency in housing provision and management.

**Officer Recommendation**

The SPD supplements the policies in the Local Plan. Housing development trigger levels, percentages, location of housing and detailed design etc. are subject to the main policies in the adopted Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S.106 agreements to assist in the delivery of development that is otherwise in accordance with policies of the Local Plan. In this case, renewable energy and energy efficiency etc. are governed by policies C16 & C20 of the Local Plan. Therefore there are no grounds to amend the SPD in relation to these issues. Further, these matters have been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on the 21st September 2007.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0012/029	Natural England	SPD	S	0

**Representation**

Natural England welcomes the SPD and its requirement to seek 35% of affordable housing and the change to the site-size threshold.

**Officer Recommendation**

Support is noted and welcomed. However, the percentage contribution and site-size threshold for development schemes are not set by the SPD, but are actually set by the parent Policy H5 in the adopted Local Plan 2007.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0012/030	Natural England	SPD	O	19.1

**Representation**

Reference should be made within section 19.1 to the need for development to have regard for and be in keeping with local landscape/townscape character, including local vernacular/design characteristics.

**Officer Recommendation**

The SPD supplements the policies in the Local Plan. Housing development trigger levels, percentages, location of housing and design etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S.106 agreements to assist in the delivery of development that is otherwise in accordance with the policies of the Local Plan. In this case, the design of development is governed by policy C17, and considerations of local character and appearance are covered by Policies C1 and C2, of the Local Plan. Therefore there are no grounds to amend the SPD in relation to these issues. Further, these matters have been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on 21st September 2007.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0012/031	Natural England	SPD	O	19.1

**Representation**

Reference should be made to promoting sustainable design and construction; and sustainable patterns of development. New housing should meet the needs of local communities as well as being in sympathy with its surroundings, appropriate landscaping and screening will assist with this.

### ***Officer Recommendation***

The SPD supplements the policies in the Local Plan. Housing development trigger levels, percentages, location of housing and design etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S.106 agreements to assist in the delivery of development that is otherwise in accordance with the policies of the Local Plan. In this case, the design of new development proposals and landscaping are governed by Policies C17 and C18, and considerations of local character and appearance are covered by Policies C1 and C2, of the Local Plan. Therefore there are no grounds to amend the SPD in relation to these issues. Further, these matters have been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on the 21st September 2007.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0012/032	Natural England	SPD	O	Appendix 3

### ***Representation***

The Specimen S.106 document would benefit from a section which highlights the community, social, economic and public health benefits that public open space can provide and how it can provide linkages between developments both for people and for wildlife.

### ***Officer Recommendation***

(1) A Section 106 agreement or planning obligation is a mechanism for achieving affordable housing or other infrastructure related to developments. The benefits of achieving all such other infrastructure provisions will be set out in parent Local Plan policies. A specimen Section 106 agreement is not the place to justify such provision.

(2) However, there is large amount of detail unrelated to affordable housing contained in the specimen example of a North Kesteven planning legal agreement (section 106) set out in Appendix 3, which is considered confusing and unhelpful. It is therefore considered appropriate to delete this Appendix 3 as it stands.

(3) The Council refers to the provisions of the national model planning obligation (section 106) agreement outlined in

Appendix 4 when drawing up legal agreements and planning obligations. It then inserts appropriate clauses relating to affordable housing provision, depending on the individual circumstances of the proposed development. It is considered appropriate to insert a Revised Appendix 3, setting out a reference to some of the standard clauses that the Council would wish to include in a legal agreement (Section 106) or planning obligation related to affordable housing, dependent on the circumstances of the proposed development negotiated.

**Proposed Change**

Amend the SPD. Delete existing Appendix 3 to Draft SPD containing specimen NK legal agreement. Replace it with completely new Revised Appendix 3 to SPD regarding use of legal agreements and planning obligations, reference to the national model outlined in Appendix 4, and use of standard clauses.

---

<i>RefNo</i>	<i>Organisation</i>	<i>SPD or SA</i>	<i>Object/Support</i>	<i>Paragraph No</i>
0012/033	Natural England	SA	O	0

**Representation**

There is some concern in relation to the breadth of documents referenced, these should include PPS1, Sustainable Communities: Homes for all and PPG17 and others. Additionally any local transport or rights of way documents should be considered and referenced.

**Officer Recommendation**

The SPD makes reference to documents concerned with achieving affordable housing. It was not felt necessary to refer to other documents not directly concerned with affordable housing.

**Proposed Change**

-

---

<i>RefNo</i>	<i>Organisation</i>	<i>SPD or SA</i>	<i>Object/Support</i>	<i>Paragraph No</i>
0012/034	Natural England	SA	O	0

### **Representation**

It is suggested that further information is needed on the baseline and that cumulative impacts should be addressed.

### **Officer Recommendation**

The baseline level and further information on housing need in the District is set out in the NK Housing Needs Study 2005 (Fordhams Study). This is described in the supporting text of the adopted Local Plan 2007, and in the SPD. The cumulative impact of securing the development and implementation of affordable housing schemes on sites will address and meet the identified local shortfall in affordable housing.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0012/035	Natural England	SA	S	0

### **Representation**

Are pleased to see the intention in Table 1 of the SA to assess the effects on landscape character on undeveloped land before and after affordable housing development has been completed. Procedures should be put in place to facilitate this and Natural England would be interested in any findings experienced over time.

### **Officer Recommendation**

Support is noted and welcomed.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0013/036	Individual	SPD	O	19.1

### **Representation**

More should be made on design aspects to assist in refusing schemes on design grounds.

### ***Officer Recommendation***

The SPD supplements the policies in the Local Plan. Housing development trigger levels, percentages, location of housing and design etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. In this case the design of developments is governed by Policy C17, and considerations of local character and appearance are covered by Policies C1 and C2, of the Local Plan. Therefore there are no grounds to amend the SPD in relation to this issue. Further, these matters have been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on the 21st September 2007.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0014/037	Home Builders Federation	SPD	O	0

### ***Representation***

The HBF is concerned that until a Housing Market Assessment has been completed, the present policy is not founded on a robust and credible evidence base. Traditional 'bottom up' housing needs surveys have shortcomings in relation to other more recent need/demand assessment methods.

### ***Officer Recommendation***

The SPD supplements the policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S.106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. The adopted parent Local Plan 2007 policies refer to the latest completed housing needs assessment for the District - the North Kesteven Housing Needs Study 2005. Matters relating to the affordable housing policy have been subject to formal consultation under the Local Plan modifications. The Local Plan was adopted on the 21st September 2007. Therefore there are no grounds to amend the SPD in relation to this issue.

### ***Proposed Change***

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0014/038	Home Builders Federation	SPD	O	13.0 to 13.5

**Representation**

The HBF consider that the definition of affordable housing should include low cost market housing.

**Officer Recommendation**

The SPD supplements the policies in the Local Plan. Definitions of affordable housing are subject to the main policies in the adopted Local Plan, which is in accordance with the underlying principles of national policy in PPS3. The definition in PPS3 (2006) and the Local Plan (2007) excludes low cost market housing, which the government does not consider to be affordable housing. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S.106 agreements to assist in the delivery of development that is otherwise in accordance with the policies of the Local Plan. The definition of affordable housing has been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on the 21st September 2007.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0014/039	Home Builders Federation	SPD	O	16.0 to 16.7

**Representation**

It is inappropriate for all sites to be required to provide for 35% affordable housing and this option should be amended to include 'where appropriate'. Increased proportions i.e. 35% or higher are not conducive with achieving sustainable mixed communities as PPS3 suggests. There is a need to balance and mix communities to reflect the assessed needs of the market and not a aspirational figure that is imposed irrespective of urban & rural characteristics.

**Officer Recommendation**

The SPD supplements the policies in the Local Plan. Housing development trigger levels, percentages, location of

housing and design etc. are set by the main parent policies in the adopted Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. In this case, percentages are governed by Policy H5 of the Local Plan. Therefore there are no grounds to amend the SPD in relation to these issues. Further, these matters have been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on the 21st September 2007.

**Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0014/040	Home Builders Federation	SPD	O	17.0 to 17.5

**Representation**

A blanket policy on tenure would not take into account the specific characteristics of each site. Should be determined in accordance with the need and demand within a locality and not overall across the district. Similarly with housing types, policy should not prescribe dwelling mix - should be on site by site basis.

**Officer Recommendation**

The SPD does not promote a blanket policy on tenure. Each scheme will be considered on its merits. The reference to dwelling size and tenure is based on the findings of the Housing Needs Study 2005, which highlighted an overwhelming need for small properties for rent.

**Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0014/041	Home Builders Federation	SPD	O	18.0 to 18.3

**Representation**

The affordable housing threshold makes no allowance for site suitability, viability or deliverability. It is unclear how such onerous proportions will help redress the current under provision of affordable housing. Will make sites more costly to develop, stifle development and put strain on RSLs partnering with developers. PPS3 stresses that policy should be viable. Where developer has already secured land at a certain price, prior to this SPD, it may now become unviable to develop

**Officer Recommendation**

The SPD supplements the policies in the Local Plan. Housing development trigger levels, percentages, location of housing and design etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. In this case, thresholds are governed by policy H5 of the Local Plan. Therefore there are no grounds to amend the SPD in relation to this issue. Further, these matters have been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on the 21st September 2007.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0014/042	Home Builders Federation	SPD	O	19.0 to 19.2

**Representation**

The HBF does not consider it necessary for the SPD to include any additional quality standards. Existing building regulations provide a robust framework for developing houses. Changes to standards need to be made with detailed consideration so that the cost of achieving the requirement does not outweigh the benefit of the change.

**Officer Recommendation**

The design considerations contained in paragraphs 19.0 to 19.2 reflect the policies in the Local Plan and advice contained in PPS3 which state that affordable housing should be indistinguishable from market housing.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0015/043	Nottinghamshire County Council	SPD	S	0

**Representation**

No comments to make.

**Officer Recommendation**

No comment has been taken as tacit support.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0016/044	Campaign to Protect Rural England	SPD	S	0

**Representation**

CPRE strongly supports the policies and supporting commentary set out in the SPD

**Officer Recommendation**

Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0016/045	Campaign to Protect Rural England	SPD	S	18.0

**Representation**

CPRE particularly welcomes the site-size threshold of 5 dwellings/0.3 Ha

**Officer Recommendation**

Support is noted and welcomed. This is actually set by the parent adopted Local Plan Policy H5.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0016/046	Campaign to Protect Rural England	SPD	S	17.0

**Representation**

CPRE support the statement concerning dwelling size and tenure.

**Officer Recommendation**

Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0016/047	Campaign to Protect Rural England	SPD	S	19.0

**Representation**

CPRE are pleased to see the reference to the need to integrate affordable houses into the overall design of housing projects.

**Officer Recommendation**

Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0016/048	Campaign to Protect Rural England	SPD	S	20.0, 21.0, 22.0 & 23.0

**Representation**

CPRE considers these arrangements to be soundly based.

**Officer Recommendation**

Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0017/049	Chestnut Homes Ltd	SPD	O	16.2

**Representation**

The 35% quoted figure is higher than the guidance within the Draft RSS which indicates a 29% target within the Central Lincolnshire Housing Market Area. No justification has been given for this increase and therefore NKDC would have a policy that would not be in accordance with an integral part of its Development Plans.

**Officer Recommendation**

The SPD supplements the policies in the Local Plan. Housing development trigger levels, percentages, location of

housing and design etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. In this case percentages are governed by the parent adopted Policy H5 of the Local Plan. Therefore there are no grounds to amend the SPD in relation to these issues.

Further, these matters have been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on the 21st September 2007.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0017/050	Chestnut Homes Ltd	SPD	O	16.2

### ***Representation***

The 35% figure could prejudice the ability of housebuilders to deliver the required housing numbers within the district.

### ***Officer Recommendation***

The SPD supplements the policies in the Local Plan. Housing development trigger levels, percentages, location of housing and design etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. In this case percentages are governed by the parent adopted Policy H5 of the Local Plan. Therefore there are no grounds to amend the SPD in relation to these issues. Further, these matters have been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on the 21st September 2007.

### ***Proposed Change***

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0017/051	Chestnut Homes Ltd	SPD	O	0

**Representation**

The provision of affordable housing is not the only function of the planning system and the proposed policies are in danger of prejudicing other equally important policy objectives.

**Officer Recommendation**

The SPD deals with how affordable housing will be delivered. It does not give any preference to affordable housing over any other policies in the Local Plan. Each planning application proposal will be considered on its merits in the light of all other relevant Policies in the adopted Local Plan 2007.

**Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0017/052	Chestnut Homes Ltd	SPD	O	16.4&Appendix 1(3)

**Representation**

Paragraph 16.4 appears to render paragraph c) of revised policy H5 irrelevant. In fact, much of section 16 could be argued to be at odds with the intentions of paragraph c) of revised policy H5. Major regeneration benefits of brownfield sites may be lost. Suggest section 16 is redrafted so it does not conflict with paragraph c) of revised policy H5.

**Officer Recommendation**

This SPD is concerned with providing supplementary guidance on the mechanisms and process for providing affordable housing, to supplement parent Local Plan Policies. Section 16 of the SPD gives more guidance on the process and practice of how Local Plan Policies will be applied, and is therefore not considered to be at odds with the Local Plan, but to complement it. The Paragraph 16.4 gives an example of how Policy H5 will be applied in practice. Affordable housing is considered to be a requirement for all relevant schemes under the provisions of Policy H5, including those on previously developed land and buildings (brownfield), and is not an 'optional' development cost. Therefore there are no grounds to

amend the SPD in relation to this issue. Objections to parent Policy H5 were considered under the proposed Local Plan proposed modifications process. The Local Plan was adopted on 21 September 2007.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0017/053	Chestnut Homes Ltd	SPD	O	19.1

### **Representation**

Random pepper-potting is not an appropriate mechanism to achieve the integration of affordable housing into an overall development.

### **Officer Recommendation**

Agreed. Paragraph 19.1 will be changed - the 'pepper potting' phrase will be removed. The last sentence of paragraph 19.1 will be amended accordingly, to reflect the approach set out in the government's national residential design guidance: "Better Places to Live by Design" (DETR, Chapter 4).

### **Proposed Change**

Delete last sentence of paragraph 19.1, add new sentence to read; "Also, the affordable housing should, as far as is practicable, be integrated throughout the development, rather than segregated, to contribute towards creating mixed communities and avoid concentrations of affordable housing."

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0017/054	Chestnut Homes Ltd	SPD	O	20.0 to 23.0

### **Representation**

With regard to delivery mechanisms, being too prescriptive within SPDs could prejudice genuine affordable housing proposals via the private sector and this should be recognised within the guidance.

**Officer Recommendation**

The SPD sets out the mechanisms for achieving affordable housing via planning conditions and legal agreements. It does not prescribe what their content might be.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/055	Addleshaw Goddard LLP	SPD	O	0

**Representation**

Local Plan to be revised to reflect PPS3

**Officer Recommendation**

On 28/6/07 Full council considered a paper assessing the Local Plan against PPS3 and concluded that the Plan was in general compliance with the underlying principles of PPS3. It also decided that where the Local Plan does not meet all the aims of PPS3, the preparation of the subsequent LDF Core Strategy due to commence in Autumn 2007 would meet any of the shortfalls.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/056	Addleshaw Goddard LLP	SPD	O	0

**Representation**

SPD should meet criteria of para 4.40 of PPS12 which states must be compliant with saved document.

### ***Officer Recommendation***

The SPD is considered to be compliant with the criteria in para 4.40 of PPS12 (Local Development Frameworks) in that it conforms with the saved parent policies in the adopted North Kesteven Local Plan of September 2007.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0018/057	Addleshaw Goddard LLP	SPD	O	27.0

### ***Representation***

Not possible to have list of preferred partners (contrary to Delivering Affordable Housing paragraph 44)

### ***Officer Recommendation***

Paragraph 27.0 does not comprise a list of preferred partners, but is rather a list of non-council contacts to assist developers who may be required to provide affordable housing. This list is purely illustrative and not exclusive. The definition of potential affordable housing providers in the adopted Local Plan 2007 has been subject to modifications during the adoption process, to reflect PPS3. This removed the apparent emphasis on affordable housing being provided only by RSLs and the Council, and the Local Plan now also refers to possible provision by “other persons or bodies”. This new Local Plan definition accords with PPS3 and the advice in the governments ‘Delivering Affordable Housing’ (Paragraph 44) that “Unregistered bodies may also own and manage affordable housing under contract to the Housing Corporation which duplicate the conditions followed by RSLs.” The new Local Plan definition will be repeated, for clarity, in a revised section 13.0 of the SPD.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0018/058	Addleshaw Goddard LLP	SPD	O	27.0

### ***Representation***

The Council should not prescribe who will provide affordable housing as this is contrary to paragraph 49 of Delivering Affordable Housing.

### ***Officer Recommendation***

The governments 'Delivering Affordable Housing' (Paragraph 49) advises local authorities not to prescribe who should provide affordable housing in local development documents. Paragraph 27.0 does not prescribe who should provide affordable housing, but is rather a list of non-council contacts to assist developers who may be required to provide affordable housing. This list is purely illustrative and not exclusive.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0018/059	Addleshaw Goddard LLP	SPD	O	0

### ***Representation***

SPD must conform to paragraphs 5,7,10,13,27 of Circular 5/05.

### ***Officer Recommendation***

The draft SPD, at Paragraph 20.1, simply refers to the use of planning obligations by stating that in most cases voluntary planning obligations are used to achieve an agreement setting out detailed arrangements for affordable housing provision in development schemes subject to planning permission, and that it does not rule out other solutions. The objectors have referred to conforming to particular Paragraphs of Circular 05/05.

B5:- As a matter of course, outside the SPD's provisions, local planning obligations negotiated for affordable housing provision will be related to the relevant planning approval, and will also be considered in the light of national guidance and Circular 05/05. These obligations will be relevant to planning, necessary and directly related in scale and kind to the development, and reasonable; and therefore meeting the tests in Paragraph B5 of Circular 05/05.

B7:- The SPD supplements Policies in the Adopted Local Plan 2007 which seek the provision of affordable housing on development sites.

This planning policy requirement and presumption that affordable housing is provided on site stems from established current local, county, regional and national planning policy on housing provision. The SPD's provisions therefore conform to, and are not contrary to, Paragraph B7 of Circular 05/05, as the SPD does not set out that planning obligations should be used purely for securing a share in developers profits. Affordable housing is required to be built as part of the housing mix on new developments, to meet identified local need. The SPD's guidance supplements and follows existing planning policy - that seeks affordable housing to be provided within developments.

B10: The parent policies (H5 and H6) in the Adopted Local Plan 2007, and not the SPD, set out the percentage requirement for the developers contribution to affordable housing provision on sites, and the cases where affordable housing is inappropriate. The SPD conforms with the Local Plan, and thus Paragraph B10 of Circular 05/05 in this respect.

B11, B13 & B14:- Paragraphs B11, B13 and B14 of Circular 05/05 also give an acceptable example of what might reasonably be achieved through the use of planning obligations, stating that a requirement through planning obligations for the provision of an element of affordable housing in residential or mixed-use developments with a residential component should be in line with local policies on the creation of mixed communities, and should be provided in-kind and on-site. The SPD's provisions conform with this.

B27:- In accordance with Paragraph B27 of Circular 05/05, the Adopted Local Plan 2007 already has existing 'high level' policies relating to the use of planning obligations or agreements to ensure the required appropriate provision and contributions according to planning policy. These include, for example, Policies C4 (infrastructure provision), H5 (affordable housing), H6 (Rural exceptions sites). The SPD's reference to using planning obligations conforms with these policies, and with Paragraph B27 of the Circular.

The national guidance on planning obligations set out in all Circular 05/05 already separately applies to all relevant planning obligations negotiated, as associated with planning approvals. It is therefore not considered necessary to repeat all the provisions of this Circular within the SPD, as they already apply nationally.

Therefore, whilst the SPD does not set out to repeat the Circular's provisions, the SPD is already considered to conform with the general guidance and approach set out in it. It is therefore not necessary to amend the SPD as a result of this representation.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/060	Addleshaw Goddard LLP	SPD	O	0

### **Representation**

"Delivering Affordable Housing" supports a cascade mechanism and therefore it should not be assumed that the developer should meet the whole costs in those situations where grant aid is not forthcoming.

### **Officer Recommendation**

Paragraph 21.3 accepts that where an RSL is not included there will be a lower number of units provided to ensure that the developer does not pay any more than if an RSL was involved. Paragraph 21.3 assumes that an RSL involvement brings financial contributions e.g. grant aid, but doesn't acknowledge the fact that grant aid may be available to the developer, so it would be appropriate to revise the wording.

### **Proposed Change**

Add new wording to end of paragraph 21.3 to read: "It is acknowledged that grant aid is available to both RSLs and private developers to provide affordable housing, that meets the national investment plans of the National Affordable Housing Programme (NAHP) managed by the Housing Corporation."

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/061	Addleshaw Goddard LLP	SPD	O	0

### **Representation**

SPD appears to make new policy contrary to national guidance and requests that each section of the SPD should link directly back to the 'saved' policy.

### **Officer Recommendation**

The SPD supplements the saved parent policies in the adopted Local Plan of September 2007. Housing development trigger levels, percentages, location of housing, design etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S.106 agreements to assist in the delivery of development that is otherwise in accordance with the policies of the Local Plan. The SPD does not make new policy.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/062	Addleshaw Goddard LLP	SPD	O	10.0 to 10.6

### **Representation**

Fordhams study should not be used as a basis because it is out of date and does not conform to current status of 'Housing Market Assessment'. Furthermore the proposals of HNS are unrealistic and are not carried forward by NKDC.

### **Officer Recommendation**

The Housing Needs Study was adopted by the Council in March 2005. Its findings are considered robust and relevant to the current housing need situation in the North Kesteven District. There is therefore no need to revise this SPD, which is based on modified and now adopted Local Plan Policy.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
--------------	---------------------	------------------	-----------------------	---------------------

0018/063

Addleshaw Goddard LLP

SPD

O

0

**Representation**

The SPD is vague on the guidance given to the mix of size of dwellings and should include %'s of different types of dwellings that are to be provided

**Officer Recommendation**

It is considered that specifying the percentages of different types of dwellings that are to be provided would be too prescriptive on the basis of the information currently available to the Council. The policies that will be set out in the future LDF will set these targets. An SPD is not a policy setting document and will supplement the policies in the LDF as and when they are adopted.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/064	Addleshaw Goddard LLP	SPD	S	3.1

**Representation**

Supports reference to PPS1 in Para 3.1

**Officer Recommendation**

Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/065	Addleshaw Goddard LLP	SPD	O	0

### **Representation**

The Council should undertake a financial assessment of each policy. This financial model should be included within the SPD to allow the model to be tested.

### **Officer Recommendation**

The SPD does not set Local Plan policy so it would be inappropriate to include such a test within the SPD.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/066	Addleshaw Goddard LLP	SPD	O	6.1 & 6.2

### **Representation**

Paragraphs 6.1 and 6.2 of the SPD should be deleted as they do not reflect PPS3 as published.

### **Officer Recommendation**

Agreed. Paragraphs 6.1 to 6.3 will be completely revised to reflect that previous national planning policy and guidance in PPG3 and Circular 6/98 have been cancelled and have been replaced as planning policy by PPS3 (published 29 November 2006), along with related advice and guidance. Replacement paragraphs will be inserted in the SPD.

### **Proposed Change**

Delete existing Paragraphs 6.1 to 6.3 on National Policy in SPD. Replace it with completely new revised Paragraphs 6.1 to 6.15 to SPD – explaining the main requirements of PPS3 and related new guidance in relation to Local Plans and affordable housing. Renumber subsequent paragraphs.

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/067	Addleshaw Goddard LLP	SPD	O	6.4

### **Representation**

Paragraph 6.4 should be amended to clarify that circular 5/05 is a material consideration.

### **Officer Recommendation**

Agreed. Paragraph 6.4 in Draft SPD will be amended to clarify that Circular 05/05 on Planning Obligations is a material consideration when planning obligation agreements are being drawn up.

### **Proposed Change**

Add extra explanatory sentences to end of Draft SPD Paragraph 6.4 (or where renumbered), to read:

“Planning obligations (or Section 106 agreements) are private agreements negotiated, usually in the context of planning applications, between local planning authorities and persons with an interest in a piece of land, and intended to make acceptable development which would otherwise be unacceptable in planning terms. Obligations can also be secured through unilateral undertakings by developers. The national guidance on Planning Obligations in Circular 05/05 is a material consideration when planning obligation agreements are being drawn up.”

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/068	Addleshaw Goddard LLP	SPD	O	20.0 to 20.3

### **Representation**

The SPD should be amended to reflect paragraph 3 of circular 5/05, which states that Planning Obligations must be negotiated. The blanket approach outlined in the SPD is not acceptable.

### **Officer Recommendation**

The SPD already contains references to negotiating when seeking to obtain the provision of affordable housing through planning obligations. Officers do not consider that a blanket approach has been outlined in the SPD. Each scheme will be considered on its merits having regard to the policies contained in the Local Plan.

### **Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/069	Addleshaw Goddard LLP	SPD	O	0

### **Representation**

The SPD fails tests set out in paragraph 5 of circular 5/05 and should be reviewed.

### **Officer Recommendation**

The respondents have not provided any detailed comments to substantiate how they consider the SPD fails the 5 tests in paragraph B5 of Circular 05/05 on Planning Obligations.

The SPD, at Paragraph 20.1, only states that in most cases voluntary planning obligations are used to achieve an agreement setting out detailed arrangements for affordable housing provision in development schemes subject to planning permission, but does not rule out other solutions.

Additionally, Paragraph B3 of Circular 05/05 states that planning obligations agreements are intended to make acceptable development which would otherwise be unacceptable in planning terms; and to *prescribe* the nature of development, *compensate* for loss or damage from development, or to *mitigate* a development's impact. Paragraph B3 also gives an acceptable example, stating that planning obligations might be used to prescribe the nature of development by requiring that a given proportion of housing is affordable. Paragraphs B11, B13 and B14 also give an acceptable example of what might reasonably be achieved through the use of planning obligations, stating that a requirement through planning obligations for the provision of an element of affordable housing in residential or mixed-use developments with a residential component should be in line with local policies on the creation of mixed communities, and should be provided in-kind and on-site.

As a matter of course, local planning obligations negotiated for affordable housing provision will be related to the relevant planning approval, and will also be considered in the light of national guidance and Circular 05/05. These obligations will be relevant to planning, necessary and directly related in scale and kind to the development, and reasonable.

The national guidance set out Circular 05/05 already separately applies to all planning obligations negotiated. The SPD's provisions are not considered to fail the tests set out in its paragraph B5, and no change is necessary.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/070	Addleshaw Goddard LLP	SPD	O	0

### **Representation**

The SPD does not conform to paragraph 7 of Circular 5/05 as it attempts to seek or control the developers profit.

### **Officer Recommendation**

Paragraph B7 of Circular 5/05 states that: ' Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development, i.e. as a means of securing a betterment levy.'

The SPD supplements Policies in the Adopted Local Plan 2007 which seek the provision of affordable housing on development sites.

This planning policy requirement and presumption that affordable housing is provided on site stems from established current local, county, regional and national planning policy on housing provision. Affordable housing is required to be built as part of the housing mix on new developments to meet identified local need.

The SPD's provisions therefore conform to, and are not contrary to, Paragraph B7 of Circular 05/05, as the SPD does not set out that planning obligations should be used purely for securing a share in developers profits. The SPD's guidance supplements and follows existing planning policy - that seeks affordable housing to be provided in developments.

### **Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/071	Addleshaw Goddard LLP	SPD	O	0

**Representation**

The SPD can only seek affordable housing when it is in line with the LDF or saved policy.

**Officer Recommendation**

Agreed. The SPD is a mechanism for achieving affordable housing in accordance with the policies of the Local Plan. It does not seek to do any more than this. No evidence has been provided contrary to this.

**Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/072	Addleshaw Goddard LLP	SPD	O	0

**Representation**

The SPD does not conform to Paragraph 27 of circular 5/05 because it does not abide by PPS12 paragraph 4.40 and Circular 5/05.

**Officer Recommendation**

This SPD supplements the Local Plan. The Local Plan policies cannot be changed by the SPD.

**Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/073	Addleshaw Goddard LLP	SPD	O	20.0 to 20.3

**Representation**

The SPD does not conform to paragraph 28 of circular 5/05 because the obligations it promotes are not in line with Circular 5/05.

**Officer Recommendation**

The SPD supplements the Local Plan. Policies concerned with planning obligations are contained there. The SPD's purpose is to provide a means of implementing the policy.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/074	Addleshaw Goddard LLP	SPD	O	13.0 to 14.3

**Representation**

The definition and meaning of affordable housing does not reflect PPS3.

**Officer Recommendation**

The definition of affordable housing is contained in the Local Plan, which has been subject to proposed modifications and was adopted in September 2007. The definition in the Local Plan is in accordance with the underlying principles of, and definition in PPS3. For clarity, the SPD will be amended to show the new Local Plan definition.

**Proposed Change**

Under section 13.0 (Definition of Affordable Housing), Delete Paragraphs 13.1 to 13.5 of Draft SPD, and Insert completely New Paragraphs 13.1 and 13.2 giving the replacement definitions wording as set out in the adopted Local Plan.

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/075	Addleshaw Goddard LLP	SPD	O	13.0 to 13.5

**Representation**

The definition of affordable housing should be amended to state that developers (under the terms of the Housing Act

2004) can receive grant aid directly to deliver and own affordable housing.

**Officer Recommendation**

The definition of affordable housing cannot be changed through the SPD consultation process as it is defined by the Local Plan. The definition of affordable housing is contained in the Local Plan, which has been subject to proposed modifications and was adopted in September 2007. However, paragraph 21.3 will be amended to acknowledge that grant aid may be available to the developer.

**Proposed Change**

Add new wording to end of Paragraph 21.3, to read: “It is acknowledged that grant aid is available to both RSLs and private developers to provide affordable housing, that meets the national investment plans of the National Affordable Housing Programme (NAHP) managed by the Housing Corporation.”

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/076	Addleshaw Goddard LLP	SPD	O	20.4 to 20.8

**Representation**

TWD objects to the need to provide affordable housing in perpetuity. Affordable Housing only needs to be available to first occupants and subsequent occupiers in accordance with ‘Delivering Affordable Housing’.

**Officer Recommendation**

The SPD supplements the policies in the Local Plan. Housing development trigger levels, percentages, location of housing and design etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. In this case issues of perpetuity are governed by policies H5 & H6 and the supporting affordable housing text in the adopted Local Plan. Therefore there are no grounds to amend the SPD in relation to this issue. Further, these matters have been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on the 21st September 2007.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/077	Addleshaw Goddard LLP	SPD	O	0

**Representation**

The SPD should include a draft 'Mortgagee in Possession Clause' which will be used in every S106 agreement and will enable the provider to raise private funding to deliver the product.

**Officer Recommendation**

It is not considered appropriate within an SPD document to specify and detail such a clause to feature in every S.106 legal agreement and every case, as each legal agreement, affordable housing scheme and provider is different and distinct. The Council will refer to the National Model Planning Obligation (Section 106) Agreement.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/078	Addleshaw Goddard LLP	SPD	O	14.2

**Representation**

The SPD should not limit the proportion of ownership of a shared equity project to 75% as this is contrary to Council policy PPS3 and Delivering Affordable Housing.

**Officer Recommendation**

Agreed. The SPD will be amended accordingly.

**Proposed Change**

Delete last sentence of Paragraph 14.2.  
Add New wording , in a new Paragraph 14.4, to read:

“ Future affordable housing occupiers will potentially be subject to existing national social housing provisions, including entitling social housing occupiers to exercise the ‘right to buy’ (local authority tenants) or the ‘right to acquire’ (registered social landlord tenants). This enables an occupier to gain or increase ownership of a proportion of the equity of the property, and progress to part-own or fully own their properties. Certain shared ownership/shared equity products enable tenants to “staircase out” in steps moving from part rent/part own to full ownership (e.g. Homebuy) of a property. However, both the adopted Local Plan and PPS3 state that Affordable housing secured through the planning system should 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. “

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/079	Addleshaw Goddard LLP	SPD	O	16.2

**Representation**

TWD objects to the reference in paragraph 16.2 to the need for the financial implications of complying with affordable housing policy to be taken into account in the purchase value of the site as this is contrary to circular 5/05 paragraph 3. This appraisal may prevent land from being developed and render it unviable.

**Officer Recommendation**

Paragraph B3 of Circular 5/05 indicates that the use of planning obligations are a means of complying with planning policy ensuring that developments provide what is required of them. Paragraph 16.2 suggests that any land transaction should take account of the requirements imposed on them by planning policy.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/080	Addleshaw Goddard LLP	SPD	O	16.3

### ***Representation***

The Council must demonstrate how the policy will be resourced and provide a robust business plan, including an understanding of how much SHG will be propelled by Housing Corporation and the impact this will have on delivery of Affordable Housing.

### ***Officer Recommendation***

The SPD supplements the parent policies in the Local Plan. It provides guidance on negotiating affordable housing and the associated process of planning conditions and S.106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. In this case, the parent Local Plan Policy H5 places the onus on the developer to demonstrate, for the Council's consideration, the exceptional development costs it considers justify a variation from the Policy's core requirements. Objections to planning policy, which is contained in the Local Plan, have been considered during consultation on the Local Plan modifications. The Local Plan was adopted on the 21st September 2007.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0018/081	Addleshaw Goddard LLP	SPD	O	16.4 to 16.5

### ***Representation***

The Council cannot determine what is not an 'abnormal' at this stage.

### ***Officer Recommendation***

Paragraph 16.4 illustrates a type of abnormal development cost and is not definitive. Paragraph 16.5 stresses that affordable housing is a normal development cost and cannot be considered an abnormal, which is supported by PPS3 (paragraph 29, bullet point 5) which presumes that affordable housing will be provided on the application site.

### ***Proposed Change***

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/082	Addleshaw Goddard LLP	SPD	O	16.4

**Representation**

TWD object to the only exceptional development cost being development of Listed building. A more flexible approach is required to guarantee the delivery of affordable housing.

**Officer Recommendation**

Paragraph 16.4 is an illustration of an abnormal cost. It is not prescriptive but illustrative.

**Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/083	Addleshaw Goddard LLP	SPD	O	16.4

**Representation**

Paragraph 16.4 should be deleted unless the Council can provide evidence in support

**Officer Recommendation**

Paragraph 16.4 is an illustration of an abnormal cost. It is not prescriptive but illustrative.

**Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/084	Addleshaw Goddard LLP	SPD	O	16.7

**Representation**

Paragraph 16.7 cannot be supported unless the Council can provide some evidence.

**Officer Recommendation**

It is common practice amongst Local Planning Authorities to specify what is not considered justification for reducing affordable housing provision. Known development costs should be taken into account during land acquisition, and in formulating development proposals..

**Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/085	Addleshaw Goddard LLP	SPD	O	16.0 to 16.7

**Representation**

All of Section 16 should be deleted unless evidence can be provided.

**Officer Recommendation**

The SPD's Section 16 sets out facts about the adopted Local Plan affordable housing policy. It also sets out clear explanatory supplementary planning guidance on how the Council will require affordable housing provision as part of development schemes in accordance with Plan policy. No evidence is therefore required to justify this Section's inclusion.

**Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/086	Addleshaw Goddard LLP	SPD	O	17.1

**Representation**

Paragraph 17.1 should be revised to reflect Fordham's conclusion that 64% of affordable housing should be one and two

bed dwellings.

**Officer Recommendation**

Paragraph 17.1 does acknowledge that the bulk of housing need is for 1 & 2 bedroom dwellings.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/087	Addleshaw Goddard LLP	SPD	S	17.3

**Representation**

Reference to tenure in paragraph 17.3 is supported.

**Officer Recommendation**

Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/089	Addleshaw Goddard LLP	SPD	O	17.3

**Representation**

Paragraph 17.3 requires the support of a financial model.

**Officer Recommendation**

It is not considered that paragraph 17.3 requires the support of a financial model. However, this paragraph will be amended to reflect the revised definition of affordable housing contained in the adopted Local Plan 2007, which accepts

that other parties can own and manage affordable housing other than Councils and RSLs.

### ***Proposed Change***

Add new wording to end of Paragraph 17.3, to read: “However, the definition of affordable housing set out in the adopted Local Plan does recognise that social rented housing may also include rented housing owned or managed by other persons or bodies (such as private developers and Arms Length Management Organisations (ALMOs)) as well as by local authorities and registered social landlords, and provided under equivalent rental arrangements, as agreed with the local authority or with the Housing Corporation as a condition of grant. “

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0018/090	Addleshaw Goddard LLP	SPD	O	0

### ***Representation***

Paragraph 94 of Delivering Affordable Housing states that the cascade mechanism must be included in policy and not an SPD.

### ***Officer Recommendation***

Reference to a cascade mechanism is not included in the SPD or in Para 94 of 'Delivering Affordable Housing' (DCLG November 2006). Affordable housing schemes would be subject to Local, Regional or National planning policies.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0018/091	Addleshaw Goddard LLP	SPD	O	0

### ***Representation***

Paragraph 95 of Delivery Affordable housing states that the developer cannot be expected to bear the entire costs of providing affordable housing.

**Officer Recommendation**

The SPD does not preclude the possibility of other forms of funding.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/092	Addleshaw Goddard LLP	SPD	O	19.1

**Representation**

The requirement to pepperpot affordable housing throughout a development should not be included unless supported by a report prepared by the Council with tenants and customers attitudes and views taken into account.

**Officer Recommendation**

Agreed. Paragraph 19.1 will be changed - the 'pepper potting' phrase will be removed. The last sentence of paragraph 19.1 will be amended accordingly, to reflect the approach set out in the government's national residential design guidance: "Better Places to Live by Design" (DETR, Chapter 4).

**Proposed Change**

Delete last sentence of paragraph 19.1, add new sentence to read: "Also, the affordable housing should, as far as is practicable, be integrated throughout the development, rather than segregated, to contribute towards creating mixed communities and avoid concentrations of affordable housing."

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/093	Addleshaw Goddard LLP	SPD	O	19.1

**Representation**

TWD objects to first sentence of paragraph 19.1 which states that affordable housing should not be separated or concentrated together.

### **Officer Recommendation**

The SPD seeks to integrate affordable housing into developments to create mixed communities in line with government advice contained in PPS3.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/094	Addleshaw Goddard LLP	SPD	O	19.3

### **Representation**

Paragraph 19.3 should not require developers to accept RSL design requirements or scheme development standards as the appropriate standards will be set by Building Regulations and the 'Code of Sustainable Homes'. This approach is contrary to Paragraph 30 of PPS1.

### **Officer Recommendation**

Paragraph 19.3 ('RSL Requirements') simply highlights the need for affordable housing design to adhere to RSL housing association or Housing Corporation design standards where they are included or a partner in a scheme. It is not applicable to all housing designs, which will be subject to national building standards anyway.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/095	Addleshaw Goddard LLP	SPD	O	20.0 to 23.4 & Appendix 3

### **Representation**

Section F and the S106 model are contrary to PPS1, PPS3, DAH and circular 5/05 and TWD have therefore not commented in detail on this. The section should be re-drafted to reflect the current policy context at the national level.

TWD reserves the right to make comments on the revised version when it is published.

**Officer Recommendation**

The respondents have not provided any detailed comments to substantiate their objections that can be responded to. However, the SPD supplements policy in the adopted and saved Local Plan 2007, modified after public consultation. This adopted Plan conforms generally with the adopted Structure Plan, the Regional Spatial Strategy and national policy. The SPD will be redrafted in line with any adopted Local Plan changes. It should be noted that the S.106 model at Appendix 4 of the SPD consists entirely of extracts from the Governments (DCLG) National Model Planning Obligation (Section 106) Agreements, giving good policy and practice.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/096	Addleshaw Goddard LLP	SPD	O	0

**Representation**

The SPD fails to be legitimate, conform with the saved policy and with current Government policy and practice.

**Officer Recommendation**

The respondents have not provided any detailed comments to substantiate their objections that can be responded to. However, the SPD supplements policy in the adopted and saved Local Plan 2007, modified after public consultation. This adopted Plan conforms generally with the adopted Structure Plan, the Regional Spatial Strategy and national policy. The SPD will be redrafted in line with any adopted Local Plan changes.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0018/097	Addleshaw Goddard LLP	SPD	O	0

**Representation**

TWD recommends that key developers, including TWD, are invited to a roundtable discussion to discuss the issues with the objective of finding a legitimate way forward.

**Officer Recommendation**

Wide public consultation has been undertaken on the draft SPD and on modifications to parent policies in the (now adopted) Local Plan 2007, and changes have been made. A roundtable discussion is not considered necessary.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0019/088	Addleshaw Goddard LLP	SPD	O	17.3 to 17.5

**Representation**

The SPD should state that the amount of Affordable Housing of each tenure may change dependent on the amount of SHG available to the scheme.

**Officer Recommendation**

Paragraphs 17.3 to 17.5 are not prescriptive, but illustrative and leave scope open for negotiation.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0019/098	Government Office for the East Midlands	SPD	O	0

**Representation**

The implementation of the terms of the draft SPD on the 5th October 2006 is in advance of the outcome of the

consultation process. This would not appear to accord with the statutory requirements for the preparation of SPDs.

### ***Officer Recommendation***

It is accepted that the reference in the consultation covering letter to implementing the Draft SPD from 5 October 2006 was misleading on the Council's behalf.

It is acknowledged that stating that implementation of the draft SPD in advance of the outcome of the consultation process and its formal adoption would not appear to accord with the statutory requirements for the preparation of SPDs.

However, the Council's intention in the draft SPD was to set out, as a material consideration, the Council's existing current affordable housing planning policies and guidance, drawing them together in one public document. The reference to implementation was particularly concerned with utilising the parent Revised Local Plan Policy H5 on Affordable Housing - which had been recently agreed by full Council on 7 September 2006 as a Proposed Modification to the Local Plan, and was therefore repeated in the draft SPD document. This revised parent Local Plan policy H5 was based on the corporate approach in the New Interim Council Affordable Housing Policy, previously adopted by Full Council on 15 December 2005, which is also set out in the draft SPD for information.

In the context of the level of housing need and shortfall in affordable housing identified in the North Kesteven Housing Needs Study 2005, it was therefore considered appropriate at the time to draw together and list, as soon as possible, the Council's latest affordable housing policies together into one "signposting" document, a document which did not exist at the time. Therefore, the draft SPD's key intention was as a composite reference or signpost document drawing key attention to implementing the requirements of existing approved revised affordable housing policies approved elsewhere - it was not implementing a new policy itself.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0019/099	Government Office for the East Midlands	SPD	O	0

### ***Representation***

The programme for the SPD is ahead of that detailed in the formal revision to the LDS and this will need to be reflected.

### ***Officer Recommendation***

Agreed. The public consultation on the draft SPD (24 November 2006 to 22 December 2006) was ahead of that detailed in the LDS at the time. However, the Council deferred consideration of representations on the draft SPD until full consideration and adoption of the parent affordable housing policies in the saved Local Plan had been completed. The Local Plan this SPD supplements was adopted on 21 September 2007. Agreed - the LDS timetable for the SPD will be revised accordingly.

### ***Proposed Change***

No change proposed to Affordable Housing Supplementary Planning Document (SPD) text. However, the programme set out in separate Local Development Scheme (LDS) will be revised separately and accordingly.

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0019/100	Government Office for the East Midlands	SPD	O	0

### ***Representation***

Paragraph 6.3 refers to Draft Planning Policy Statement 3: Housing. PPS3 has now been published and the SPD will need to be thoroughly checked before adoption to ensure that it accords with PPS3 and reflects its publication.

### ***Officer Recommendation***

Agreed. The adopted Local Plan 2007 Policies that the SPD supplements are in accordance with the underlying principles of PPS3. The SPD will be modified, after public consultation, to conform and relate to the modified saved parent affordable housing Policies and text set out in the adopted Local Plan 2007. This includes adding references to the SPD regarding accordance with PPS3 (section 6.0), and references to the new definitions of affordable housing (section 13.0) as set out in the adopted Local Plan and PPS3. The SPD will therefore be amended to reflect government advice published in PPS3. The SPD is therefore also considered to be in accordance with the underlying key principles of PPS3.

### ***Proposed Change***

Amend the SPD, to insert new and revised text describing the affordable housing SPDs relationship with PPS3 (section 6.0), and references to the new definitions of affordable housing (section 13), both in accordance with adopted Local Plan policies and PPS3.

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0019/101	Government Office for the East Midlands	SPD	O	9.0 to 9.10 & Appendix (1)(2) & (3)

### **Representation**

The SPD could usefully highlight which is the relevant parent policy contained in Appendix 1 to avoid confusion as to which thresholds the SPD is supporting.

### **Officer Recommendation**

Agreed. The SPD will be amended to indicate the relevant parent Policies in the Local Plan. The Local Plan was Adopted on 21 September 2007 and its Policies saved for a period of 3 years. For clarity and to avoid confusion, the adopted parent Local Plan Affordable Housing Policies (H5 and H6) and their supporting explanatory text, as adopted after modification and public consultation, will be set out in the SPD in a revised Appendix 1, and referred to in a revised section 9.0 of the SPD.

### **Proposed Change**

(1) Delete existing Appendix 1 of SPD. Replace it with a new revised Appendix 1 to SPD – showing Adopted Local Plan Policies and supporting text. The revised Appendix 1 gives extracts from the adopted North Kesteven Local Plan 2007, showing both the parent adopted Affordable Housing Policies H5 and H6 and the relevant supporting affordable housing text, taken from the Local Plan’s Housing chapter.

(2) Delete existing Paragraphs 9.3 to 9.10 of SPD in section 9.0 of SPD. Replace it with completely new revised Paragraphs 9.3 to 9.9 to SPD – describing the adopted Local Plan Policies.

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0019/102	Government Office for the East Midlands	SPD	O	0

### **Representation**

Local Plan policies may change following modifications and there may be a need to revise the SPD should parent policies change before adoption. The Local Plan will be saved for three years and it will be necessary for the SOS to approve

saving of policies beyond this date. At such time, the SPD may need revision should the parent policies fall.

**Officer Recommendation**

Agreed. The SPD will be amended to indicate the revised relevant adopted parent Policies in the Local Plan, which was adopted on 21 September 2007, after modification and public consultation stages. For clarity, the SPD will be amended to show the current Local Plan affordable housing policy, incorporating any adopted modifications. The SPD will set out both the adopted parent Affordable Housing Policies (H5 and H6) along with their supporting Local Plan introductory and explanatory text. These will feature in a revised Appendix 1 to the SPD, and referred to in a revised section 9.0 of the SPD.

**Proposed Change**

(1) Delete existing Appendix 1 of SPD. Replace it with a new revised Appendix 1 to SPD – showing Adopted Local Plan Policies and supporting text. The revised Appendix 1 gives extracts from the adopted North Kesteven Local Plan 2007, showing both the parent adopted Affordable Housing Policies H5 and H6 and the relevant supporting affordable housing text, taken from the Local Plan’s Housing chapter.

(2) Delete existing Paragraphs 9.3 to 9.10 of SPD in section 9.0 of SPD. Replace it with completely new revised Paragraphs 9.3 to 9.9 to SPD – describing the adopted Local Plan Policies.

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0020/103	Planning Potential	SPD	O	15.0 to 15.2

**Representation**

Target for affordable housing provision is excessive and does not reflect National guidance in PPS3 and 'Delivering Affordable Housing'.

**Officer Recommendation**

The SPD supplements the policies in the Local Plan. Housing development trigger levels, percentages etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S.106 agreements to assist in the delivery of development that is otherwise in accordance with the Local Plan. In this case a target is not set, but percentages are set by Policy H5 of the Local Plan.

Therefore there are no grounds to amend the SPD. Further, these matters have been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on the 21st September 2007.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0020/104	Planning Potential	SPD	O	15.1

### ***Representation***

Para 15.1 should make reference to other providers of affordable housing and the fact that not all provision is through planning gain. This fact should also be recognised within Policy H5.

### ***Officer Recommendation***

The draft SPD is only concerned with the provision of affordable housing actively negotiated through the planning system. Paragraph 15.1 (last sentence) already recognises that not all affordable housing provided, which contributes to targets, comes through planning gain negotiations. It is not therefore considered necessary or appropriate to list all other providers in this planning document. This fact is already recognised in the supporting text to Policy H5 in the Adopted Local Plan - September 2007 (Ref: Proposed modification 4/16 - new paragraph 4.36b (Jan 2007)). Therefore there are no grounds to amend the SPD.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0020/105	Planning Potential	SPD	O	4.1

### ***Representation***

Para 4.1 states that Policy H5 is not under review as part of consultation. Policy H5 should be open to review to reflect Central Government Guidance and the emerging RSS.

**Officer Recommendation**

Policy H5 of the Local Plan has been reviewed as part of the consultation process on the modifications to the Local Plan. The Local Plan was adopted on the 21st September 2007.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0020/106	Planning Potential	SPD	O	0

**Representation**

The SPD should accord with Policy 15 of the RSS which identifies an overall target of 29% affordable housing in the Central Lincolnshire HMA.

**Officer Recommendation**

Affordable housing targets will be set in the forthcoming Local Development Framework. The purpose of the SPD is not to set policy but rather to supplement the parent Policies in the adopted Local Plan 2007.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0020/107	Planning Potential	SPD	O	0

**Representation**

The affordable housing policy should set a target for affordable housing and not a requirement as is currently the case.

**Officer Recommendation**

Affordable housing targets will be set in the forthcoming Local Development Framework. The purpose of the SPD is not to

set policy but rather to supplement the parent Policies in the adopted Local Plan 2007.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0020/108	Planning Potential	SPD	O	Appendix 1(3)

### **Representation**

Revised Policy H5 should include a reduced target for affordable housing that also considers the availability of appropriate finances.

### **Officer Recommendation**

The SPD supplements the policies in the Local Plan. Housing development trigger levels, percentages, location of housing and design etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. In this case percentages are governed by Policy H5 of the Local Plan. Therefore there are no grounds to amend the SPD on these grounds. Further, this matter has been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on the 21st September 2007.

### **Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0020/109	Planning Potential	SPD	S	16.3, 16.4 & 16.7

### **Representation**

Gladedale support paras 16.3, 16.4 & 16.7 in their acceptance that the redevelopment of an important listed building would be justification for a reduced affordable housing requirement.

**Officer Recommendation**

Support is noted and welcomed.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0020/110	Planning Potential	SPD	O	16.4

**Representation**

The Sleaford Maltings should be included as a specific example of an important listed building in paragraph 16.4 - "...reducing the affordable housing percentage requirement will be where a proposal involves the development of an important listed building such as the former Bass Maltings, Sleaford".

**Officer Recommendation**

Assessments including reference to paragraph 16.4 will be made at the time of the submission of any planning application. It would not be appropriate to refer to any particular listed building in the SPD.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0020/111	Planning Potential	SPD	O	Appendix 1(3)

**Representation**

Policy H5 should be reworded to accord with PPS3 and 'Delivering Affordable Housing' as follows: "Policy H5 - Affordable Housing - The Council set an overall target for the amount of affordable housing provision over the plan period of 29% based on an assessment of all housing needs and a realistic assessment of supply. This will apply where..."

### ***Officer Recommendation***

The SPD supplements the policies in the Local Plan. Housing development trigger levels, percentages, location of housing and design etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. In this case percentages are governed by Policy H5 of the Local Plan. Therefore there are no grounds to amend the SPD in relation to this issue. Further, this matter has been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted in September 2007.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0020/112	Planning Potential	SPD	S	Appendix 1(3)

### ***Representation***

Gladedale supports the policy that economic liability of the development may prejudice or outweigh the delivery of affordable housing.

### ***Officer Recommendation***

Support is noted and welcomed. However, this refers to the (now adopted) parent Local Plan Policy H5, and not the SPD.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0021/113	Smith Stuart Reynolds	SPD	O	11.2

### ***Representation***

Paragraph 11.2 should not state that "the willingness of the host community to accept such a development" will be a factor in considering rural exception sites as it may prevent those who are in housing need from obtaining a suitable home.

The phrase should be deleted.

**Officer Recommendation**

Paragraph 11.2 reports the actual findings and conclusions of the Housing Needs Study 2005. Therefore the deletion of this phrase is not necessary or appropriate.

However, it is considered useful to aid clarity by adding an explanatory extra sentence after the end of the 2nd sentence of paragraph 11.2. This will explain that in practice the Council will liaise closely with Parish Councils and communities - when establishing where a local need for affordable housing is identified and agreed; and when rural exceptions affordable housing sites are proposed.

**Proposed Change**

Amend the SPD to insert the following extra sentence after the end of the 2nd sentence of paragraph 11.2 to read:- "In practice the Council will liaise closely with Parish Councils and communities - when establishing where a local need for affordable housing is identified and agreed; and when rural exceptions affordable housing sites are proposed."

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0021/114	Smith Stuart Reynolds	SPD	O	13.0 to 13.5

**Representation**

The definition of affordable housing should be revised to accord with PPS3.

**Officer Recommendation**

The SPD supplements the policies in the Local Plan. Definitions of affordable housing are set out with the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S.106 agreements to assist in the delivery of development that is otherwise in accordance with the policies of the Local Plan. The definition of affordable housing has been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on the 21st September 2007.

**Proposed Change**

-

---

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0021/115	Smith Stuart Reynolds	SPD	O	15.0 to 15.2

### **Representation**

AHEL object to the lack of a target for the amount of affordable housing to be provided as this is contrary to para 29 of PPS3 and is not helpful to those charged with providing affordable housing. The target should take into account the economic viability of land for housing within the area. The SPD should include such a target.

### **Officer Recommendation**

This SPD supplements the adopted Local Plan, which has been subject to public consultation. The supporting text to Policy H5 in the adopted Local Plan September 2007 has already addressed the issue of a numerical target for affordable housing provision (ref: Proposed modification 4/16 - new paragraph 4.36b (Jan 2007)). This adopted Local Plan 2007 text includes the statement that the Council will not currently set a numerical target for the provision of new affordable housing units in this Plan. As referred to in PPS3 it states it will however seek to achieve the highest number of affordable units possible on development sites by applying a percentage requirement to relevant developments. There are therefore no grounds to amend this SPD.

### **Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0021/116	Smith Stuart Reynolds	SPD	O	16.2

### **Representation**

AHEL object to the provision in para 16.2 of the SPD to a requirement of 35% affordable housing as this is contrary to national and regional guidance. The Council should set a district wide target in accordance with draft RSS8 which sets an interim affordable housing target of 29% in the Central Lincolnshire HMA, followed by site specific targets, taking into account the economic viability of the site and other requirements. The interim targets should be reviewed once the HMA for Central Lincolnshire has been completed. Preparation of the SPD should be suspended until the panel report of the examination in public of the RSS and the Housing Market Assessment for the Central Lincolnshire HMA has been received.

### ***Officer Recommendation***

The SPD supplements the policies in the Local Plan. Housing development trigger levels, percentages, location of housing and design etc. are subject to the main policies in the Local Plan. This SPD provides guidance on negotiating affordable housing and the associated process of planning conditions and S106 agreements to assist in the delivery of development that is otherwise in accordance with the policies in the Local Plan. In this case percentages are governed by Policy H5. Therefore there are no grounds to amend the SPD in relation to these issues. Further, this matter has been subject to formal consultation under the Local Plan modifications process. The Local Plan was adopted on the 21st September 2007.

### ***Proposed Change***

-

---

<b><i>RefNo</i></b>	<b><i>Organisation</i></b>	<b><i>SPD or SA</i></b>	<b><i>Object/Support</i></b>	<b><i>Paragraph No</i></b>
0021/117	Smith Stuart Reynolds	SPD	O	19.2

### ***Representation***

Paragraph 19.2 should be deleted as it imposes onerous requirements on developers who do not have access to Housing Corporation funding and is in contravention of para 48 of 'Delivering Affordable Housing' and the 'Code for Sustainable Homes' which makes clear that such standards are an issue for Building Control and not the Planning System.

### ***Officer Recommendation***

Paragraph 19.2 reflects other policies in the Local Plan, e.g. policy C20 and accords with emerging government guidance such as the supplement to PPS 1 - 'Climate Change' 2006.

### ***Proposed Change***

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0022/118	Branston & Mere Parish Council	SPD	O	10.5 to 11.2

### **Representation**

Figures quoted are not proven - further investigation is essential to determine the true percentage of need.

### **Officer Recommendation**

The figures quoted in the SPD originate from the Housing Needs Study 2005, which is considered a robust source of local housing need evidence. The objector has provided no evidence as to why this study should be doubted, or rejected.

### **Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0022/119	Branston & Mere Parish Council	SPD	O	20.1

### **Representation**

The need for infrastructure remains vital. The developers contribution towards affordable housing is not enough and provision to maintain and grow the infrastructure are vital to protect village life. More clarification on S.106 payments towards open spaces is needed.

### **Officer Recommendation**

The SPD deals with how affordable housing will be delivered. It does not give any preference to affordable housing over any other policies in the Local Plan. Each planning application proposal will be considered on its merits in the light of all other relevant Policies in the adopted Local Plan 2007.

### **Proposed Change**

-

<b>RefNo</b>	<b>Organisation</b>	<b>SPD or SA</b>	<b>Object/Support</b>	<b>Paragraph No</b>
0023/120	Legal Services - NKDC	SPD	S	20.4

### **Representation**

Support, but to reflect the practicalities and legal situation regarding wording of perpetuity approaches in SPD, suggest re-wording of paragraph 20.4. The new wording to read as follows:

“Ideally affordable housing should be made available to those in housing need in perpetuity, i.e. that dwellings provided under this policy remain as being affordable not only to the first occupier, but also to all subsequent occupiers. However, even if the accommodation is to be administered by a housing association, then it cannot be assumed that perpetual affordability will be achieved, because, properties offered for rent may in some circumstances become the subject of Right to Buy, and thence enter the open market, and those on equity share arrangements, unless situated in a rural settlement of less than 3,000 population, or provided exclusively for the elderly must now, under Housing Corporation terms for funding, be made available on terms allowing owners to ‘staircase out’ to 100% ownership. Through legal agreements with developers and/or Registered Social Landlords, the Council can secure a number of mitigating measures such as guaranteed ‘buy back’ by the landlord, or rights to nominate new qualifying purchasers for a limited period before the property is placed on the open market. In some cases, it may be possible to secure reinvestment of surplus monies from the sale of shares of equity in further affordable housing in the District. It must also be appreciated that financial institutions will usually only lend to finance the purchase of shares of equity, if, in the event of default and re-possession, they are free to sell without restriction. Limited requirements to first offer such properties to the Council to purchase or nominate qualifying purchasers may, however, be secured. “

### **Officer Recommendation**

Agreed. The wording on approaches to meeting need in perpetuity in the SPD needs revision following representations made on the modifications to the Local Plan. Proposed new SPD paragraph 14.4 already also refers to the right for tenants to part own or fully own their property in stages (i.e. staircasing). It is therefore proposed to include completely revised and explanatory new replacement wording in section 20.0 of the SPD, based on the representation received.

### **Proposed Change**

Amend the SPD. Delete Paragraph 20.4. Replace it with completely new revised Paragraphs 20.4 and 20.5 regarding approaches to ‘meeting need in perpetuity’. Re-number subsequent paragraphs.