

Pembrokeshire Coast National Park

Local Development Plan (2015-2031)

Session 7 Affordable Housing, Gypsy Travellers' Accommodation

Wednesday 10th July 2019 9.30 am

Hearing Statement

Martina Dunne

(Andrew Davies-Wrigley Private Sector Housing & Housing Strategy Manager
Pembrokeshire County Council)

Bring to the session - paper (note web access available):

- NPA042 Affordable Housing Viability Study May 2017
(Technical update 5th June 2019)
- Housing Background Paper
- Statement of Common Ground

June 2019

PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY

Session/Matter 7 – Affordable Housing, Gypsy and Travellers' Accommodation Wednesday 10 th July 9.30am	
Issue: Are the requirements for affordable housing and Gypsy and Travellers accommodation supported by robust and credible evidence and consistent with national policy? And will they be met during the Plan period?	
Affordable Housing	
1. Is the required level of affordable housing need based on robust evidence?	ADW
a) Is the Local Housing Market Assessment (LHMA) sufficiently robust to inform the Plan's housing strategy?	ADW
1.a) The Local Housing Market Assessment was undertaken in 2014. This was undertaken following Welsh Government methodology designed to produce consistent assessments across Wales. In line with Welsh Government recommendations the Strategic Housing Authority has been attempting, with colleagues from neighbouring authorities, to prepare a regional LHMA since 2017. The outcome of this work will be a regional assessment of need alongside a local assessment of need specific to the Local Planning Authorities (LPA's) covered by the work. The updated LHMA is expected to be available late summer 2019. In the intervening period the need identified in the Combined Housing Register for Pembrokeshire shows the levels of need have not significantly changed across the two LPA areas in Pembrokeshire.	
b) What scale of housing need is identified in the LHMA?	ADW
1.b) The requirement for Affordable Housing in that LHMA (2014) stated an annual need for 1450 affordable rented properties for the 5 years to 2019; and 289 affordable dwellings to purchase over the same period across Pembrokeshire. NPA045 Appendix 1 to the Housing Background Paper shows the need in the National Park area. In the PCNPA area this has been extrapolated to cover 5 years of plan period showing a total 5 year need of 1850 affordable housing units in Table 3 of the Local Development Plan 2 with Focussed Changes and PPW10 edits - Exam06.	
c) What mix of tenure (e.g. intermediate or social rented) and of type dwelling (bedroom size) is required?	ADW
1.c) The majority of affordable rented need identified in the LHMA, and supported by regular reviews of the Combined Housing Register, is for one bedroom units (80%); with the remainder spread across two, three, four and five bedroom properties. This is because of a general lack of provision of one bedroom units across the county due to historical development. The provision of one-bedroom units would therefore need to be	

<p>the primary consideration on smaller sites. However it would not be appropriate to deliver this level of one bedroom units (80%) on larger affordable housing sites where a mixed community would be the aim. This is taken into consideration when new social housing developments are delivered by Registered Social Landlords.</p> <p>Affordable rented units account for over 83% of need identified in the LHMA, with the remainder showing a need for Low Cost Home Ownership (or similar scheme). The requirement for affordable homes to purchase needs to take into consideration the availability of support for the purchase of properties at affordable levels, through schemes such as Homebuy, Rent to Own and Shared Ownership.</p>	
<p>d) Will the affordable housing target of 250 dwellings meet the local housing need; if not what other mechanisms are available?</p>	MD
<p>NPA Response: The affordable housing target will not meet the need. This is because the need forecast is greater than housing land supply can deliver. The Authority is not a housing authority but works closely with its partners on affordable housing initiatives. Inevitably, depending on the initiative the same land is being considered, apart from exception sites which tend to be small in number. The only other route is through the purchase of existing properties through affordable housing contributions which has occurred occasionally but usually when provision on site has not been feasible. The use of the 'new' format of agricultural occupancy condition under TAN6 has not seen any additions to the affordable housing stock. The Authority, following a review of its land ownership, does not have sites suitable for housing.</p>	
<p>2. Are the requirements of Policy 49 clear, and consistent with national policy?</p>	MD
<p>NPA Response: The policy is the product of:</p> <ul style="list-style-type: none"> ▪ working a similar policy under the first Local Development Plan (NPA073-075) and addressing issues emerging through the review of the Plan. ▪ Ensuring that opportunities to maximise affordable delivery are sought. ▪ Alternative Options and Appraisal Background Paper NPA057, page 68 to 70 provides further commentary in terms of consistency with national planning policy. <p>A similar policy has not raised issues in its application through development management and at appeal under Local Development Plan 1 (Exam06 Focused Changes and PPW10 edits) – see Policy 45 and accompanying annual monitoring reports (NPA074 – NPA084). The issue that has arisen is in terms of deliverability of sites and the need to address viability issues.</p>	

a) Should the requirements of Table 9 be included in the Policy?	
NPA Response: Yes, please see Focussed Change 22. NPA022	
b) How will off-site or financial contributions for affordable housing be managed?	
NPA Response: The County Council manages affordable housing financial contributions for both planning authorities in Pembrokeshire. The framework for distribution is set out in Appendix 1. The contributions are monitored by the Council's Planning Obligations Officer for both planning authorities.	
c) Should the Plan include a separate policy for securing affordable housing on exception sites in rural areas?	
NPA Response: The approach set out in the Plan which relies upon national planning policy primarily has not caused issues when operated. The reference in Policy 49 and the footnote 163 provides sufficient explanation to readers of the Local Development Plan.	
d) Is reference to Policy 53 necessary?	
NPA Response: Yes. There will be circumstances when all requirements cannot be met in terms of planning obligations. The Authority has sought to identify what the priority will be. This has proved effective in avoiding protracted negotiations particularly where several departments of the County Council are involved.	
3. Are the required affordable housing contributions founded on a credible assessment of viability?	MD
NPA Response: Yes. The Authority is reliant on NPA042 Affordable Housing Viability Study May 2017 for evidence. The study's methodology has been used in many Examinations. The approach has not been fundamentally challenged through the consultation process. The issue of sprinklers is dealt with under a separate question.	
a) Are the affordable housing contributions contained in Table 9 based on robust viability evidence?	
NPA Response: Yes. The Authority is relying on the standard approach set out in NPA042 Affordable Housing Viability Study May 2017. It includes assumptions which have been agreed through engagement with relevant stakeholders when the original study was prepared in 2014. Updates have been undertaken to prepare the current study. There has been ambiguity regarding sprinkler costs and Building Cost Information Service average build costs through recent Local Development Plan Examinations – see Swansea's and Snowdonia's for the difference in approach taken. A comment is provided below – see Q3e) - regarding this. NPA048 Housing Background Paper Appendix 4 provides further commentary on comparing approaches – see Table 3, starting page 13.	

b) How have the site thresholds contained in Table 9 been defined?

NPA Response: The thresholds have been derived by calculating at what point the percentage requirement would result in a whole affordable unit being required on site. This is how the Authority has applied its predecessor the 2014 Viability Study conclusions. Set out below are the conclusions of monitoring the percentage of affordable housing achieved in permissions and completions against the relevant policy requirements since the Authority began to negotiate affordable housing under the current Local Development Plan - adoption date September 2010(NPA077).

The table splits the permissions into those for 30 or more dwellings (the threshold for viability assessment in the Viability Study) and those with 30 or less dwellings.

The 'Row Count' Column refers to the total number of permissions reviewed followed by a series of columns showing numerically and in percentage terms (percentage of the total permissions analysed) how well they performed against policy:

- 'Better than' means higher than the affordable housing policy requirement was achieved.
- 'As per Policy' means the proposal reflected the affordable housing requirement.
- 'Reduced' means that some affordable housing was achieved but it was below the policy requirement.
- 'None' means that no affordable housing was achieved despite there being a policy requirement.
- 'Prior to SPG' means that until the supplementary planning guidance on affordable housing was adopted, no requirement for a financial affordable housing could be made.

Number of units	Row Count ¹	Better Than	%	As per policy	%	Reduced	%	None	%
30 or more units	5	1	1%	2	2%	2	2%	0	0%
less than 30 units	101	3	3%	64	60%	7	7%	20	19%
Total	106	4	4%	66	62%	9	8%	20	19%
Number of units	Row Count	Prior to SPG	%						
30 or more units	5	0	0%						
less than 30 units	101	7	7%						
Total	106	7	7%						

¹ Number of planning permissions (includes 1 appeal decision which was dismissed but considered the principle of an affordable housing requirement).

<p>In terms of any conclusions that can be drawn there isn't a pattern geographically (e.g. low market value areas) or with the form of development, e.g., brownfield or conversion, or with the scale of development that would suggest that the policy approach was failing a particular form or scale of development in a particular location. Issues usually arise with the particular site in question for example:</p> <ul style="list-style-type: none"> - The cost of accessing the site – a long road in - Existing use value - Listed building - Design approach needed on a narrow site - Conversion – costs of - Constrained by need to conserve historic wall 	
<p>c) Does Table 9 reflect the findings of the Affordable Housing Viability Study (NPA042), and if not why not?</p>	
<p>NPA Response: Yes. Table 9 of Exam06 (Local Development Plan 2 with Focussed Changes and PPW edits) reflects the Affordable Housing Viability Study. It includes the addition of sprinkler costs. See below under 'e').</p> <p>Please note there is a minor error in Table 9 of Local Development Plan 2 with Focussed Changes and PPW edits (Exam 06) which requires the insertion of Post Code SA34 0 in 'South East Coast' as a Matters Arising Change. This error does not affect the overall conclusions or calculations within the table.</p>	
<p>d) How have the levels of contribution taken into account rising build costs, planning obligations, sustainable urban drainage systems and other associated requirements?</p>	
<p>NPA Response: Building Cost Information Service average build costs are taken from January 2017. There is a buffer between the residual land value calculated and the land value benchmark to allow for increases in costs (please see Housing Background Paper NPA48 Appendix 4 Table 8, page 24).</p> <p>Planning obligations have been taken account of. See Session 1 Q9 regarding sustainable drainage costs. Please see Housing Background Paper NPA48 Appendix 4 from page 12 which provides more detail on the assumptions used. Other assumptions may change also, such as the fluctuating housing market.</p> <p>Indicator 24, Chapter 5 sets out the framework for monitoring annually.</p>	
<p>e) Do the BICS build costs take into account the cost of providing fire sprinklers, if so what allowance per dwelling is made for the provision?</p>	
<p>NPA Response: Average build costs (Build Cost Information Service) will include sprinklers where the project submitted includes it – See section on Sprinkler Costs in Appendix 4 to the</p>	

Housing Background Paper NPA48, paragraph 16. If there are older projects without sprinklers included then the average build cost will not fully reflect the cost of sprinklers.	
f) Is Table 9 sufficiently clear, particularly with regard to the differing requirements for the geographical areas, and should these areas be shown on the proposals map?	
NPA Response: These areas can be shown on the Proposals Map as a Matters Arising Change. Exam13	
4. Will the Plan deliver the affordable housing requirement?	MD
a) Is the affordable housing target of 250 dwellings based on robust evidence?	
<p>NPA Response: With regard to question 4 and 4a) the derivation of the affordable housing target at Preferred Strategy stage came from what the provision through existing permissions, possible allocations (based on their housing market area location) and windfalls would provide.</p> <p>Table 6 of the Local Development Plan (Exam06 Local Development Plan Focussed Changes and PPW Edits) sets out the most up to date picture of the likely affordable housing provision which is a subset of the approach taken in Table 5. Given the need to negotiate (see also the response to Q3b) and fact that the provision figure needs to have a contingency like the overall housing provision figure the target of 250 is reasonable.</p>	
b) How will the affordable housing target be delivered?	
<p>NPA Response: The most common mechanisms in order of popularity are:</p> <ol style="list-style-type: none"> 1. A Registered Social Landlord delivers part of a private site usually building out themselves. 2. Millbay Homes (part of Ateb Registered Social Landlord) develops a private site and affordable housing provision for Ateb). 3. Private developer develops and sells to a Registered Social Landlord. 4. Registered Social Landlord develops an exception site. 5. Affordable housing financial contributions used to bring forward some of the above options or to purchase a property to use as affordable housing. <p>More recently there has been increased interest and activity around:</p> <ul style="list-style-type: none"> ▪ Community Land Trusts ▪ Pembrokeshire County Council developing housing under its build programme. 	
c) How will off-site contributions be secured, and what mechanisms	

<p>are in place to ensure that the level of contributions sought are appropriate?</p>																															
<p>NPA Response: Criterion b) Policy 49 sets the framework for off-site financial provision. The details will be provided in Supplementary Planning Guidance. The current approach under Supplementary Planning Guidance provides for a 'per square metre' charge for proposals based on the affordable housing requirement for the area and is available to view (NPA085). Officers of the Authority are currently discussing a combined approach with Pembrokeshire County Council for Local Development Plan 2.</p> <p>An example of what might be used in terms of method is set out in Appendix 2.</p> <p>These contributions can be challenged through the District Valuers Office.</p>																															
<p>d) Will Policy 50 ensure a balanced mix of house types, tenures and sizes, and is the required density level appropriate for the National Park?</p>																															
<p>NPA Response: Please see commentary on Policy 50 in the Alternative Options Background Paper (NPA057) page 70 and 71. Improvements have been sought to assist in its application.</p> <p>The density of allocations has been monitored under the current Local Development Plan. The Annual Monitoring Reports show no issues arising – Indicator 24 for Policy 44 (NPA077 to NPA084). Policy 50 offers flexibility in terms of density depending on the character of the local area. Other issues may affect the density proposed such as specific site constraints.</p> <p>In terms of affordable housing provision the Authority relies primarily on the evidence contained in the Local Housing Market Assessment regarding the nature of affordable housing provision.</p>																															
<p>5. Is the spatial distribution of affordable housing sound and does it adequately reflect local needs?</p>																															
<p>NPA Response: Below is a table showing provision alongside need. Provision of affordable housing is unlikely keep pace with the continuing need for such housing.</p> <table border="1" data-bbox="236 1688 1267 2031"> <thead> <tr> <th>Table 3 LDP</th> <th>5 Year Need</th> <th>% of total</th> <th>Table6 LDP</th> <th>Component of Affordable Land Supply</th> <th>% of total</th> </tr> </thead> <tbody> <tr> <td>Tenby</td> <td>440</td> <td>24%</td> <td>Tenby</td> <td>33</td> <td>9%</td> </tr> <tr> <td>Newport etc.</td> <td>516</td> <td>28%</td> <td>Newport etc.</td> <td>194</td> <td>54%</td> </tr> <tr> <td>Rural Centres & Countryside</td> <td>892</td> <td>48%</td> <td>Rural Centres & Countryside</td> <td>132</td> <td>37%</td> </tr> <tr> <td>Total</td> <td>1848</td> <td>100%</td> <td>Total</td> <td>359</td> <td>100%</td> </tr> </tbody> </table>	Table 3 LDP	5 Year Need	% of total	Table6 LDP	Component of Affordable Land Supply	% of total	Tenby	440	24%	Tenby	33	9%	Newport etc.	516	28%	Newport etc.	194	54%	Rural Centres & Countryside	892	48%	Rural Centres & Countryside	132	37%	Total	1848	100%	Total	359	100%	
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Gypsy and Traveller Accommodation	
6. Is the Plan based on a sound assessment of Gypsy and Traveller accommodation needs?	ADW
a) Is the Gypsy and Travellers Accommodation Assessment (GTAA) robust enough to inform the Plan's strategy?	ADW
<p>a) The Gypsy and Traveller Accommodation Assessment (GTAA) was last undertaken in 2015 (LOC01). The assessment followed the Welsh Government methodology for producing a GTAA. Every family on local authority (Pembrokeshire County Council) managed and private sites were approached as part of the survey along with households in bricks and mortar accommodation self-identifying as members of the Gypsy and Traveller community. The GTAA provides a 5 year forecast and an extrapolation to forecast need to 2031.</p>	
b) Does the GTAA identify a need for new Gypsy and Traveller pitches, both permanent and transit, in Pembrokeshire over the Plan period, and how will this be met?	ADW
<p>b) All local authority managed (Pembrokeshire County Council) sites, the majority of private sites and all those in bricks and mortar accommodation are located outside of the Park area. GTAA 2015 identified a need for 32 residential pitches, plus 2 travelling show people's yards by the end of 2020. The GTAA did not identify a specific need for new pitches in the PCNPA area. The need predominantly came from families on existing sites either because of current overcrowding or future need arising from children growing up and requiring their own pitches. The residents primary requirement is for any new pitches to be located close to where they currently live. Since Nov 2015 a total of 30 pitches have received planning permission, including 12 at the local authority managed Kingsmoor site in Kilgetty of which 10 pitches are currently under construction.</p> <p>A new GTAA is currently being undertaken in line with Welsh Government requirements. Surveys are currently being undertaken (June 2019), expected completion end of July, analysis in August, initial draft findings September, draft report anticipated October that will need corporate County Council approval before being submitted to Welsh Government.</p>	
7. Does Policy 51 provide a clear and consistent framework for assessing proposals for additional Gypsy and Travellers sites, and is it consistent with national policy?	MD
<p>NPA Response: The Authority has operated this policy framework for a series of Development Plans. The Policy has worked without issue for development management purposes and at appeal. The policy has had some minor editing to deal with issues raised through review of Local Development Plan 1 (NPA002).</p>	

<p>Regarding the issue raised by Welsh Government in relation to 'criterion a)' please see NPA017 Consultation Report 'Main Issues' starting page 139. Attached at Appendix 3 is an advice note provided by the Planning Inspectorate December 2018 setting out how planning authorities should consider such proposals which should assist with dealing with this objection. The Plan should provide clarity regarding the criteria to be applied with requirements specified in policy wording – Test 2.</p>	
<p>One Planet Development</p>	<p>MD</p>
<p>8. Are the requirements of Policy 52 clear and consistent with the requirements of national policy?</p>	
<p>NPA Response: The requirements of Policy 52 are those which are in addition to national planning policy. They are not in conflict with national planning policy. They provide for local considerations appropriate for this planning authority area. The development of national planning policy and guidance followed the implementation of a low impact policy in the National Park for several years and those elements set out in Policy 52 are considered worthy of retention for the local area. There are specific sensitivities that need to be addressed in particular the issue of the proposal being proposed in a National Park. Elements duplicated in national planning policy have been taken out. See Policy 52, Alternative Options & Appraisal, NPA057.</p>	

CABINET

Report of: **Head of Housing**

Date: **22 February 2016**

Cabinet Portfolio: **Housing**

USE OF AFFORDABLE HOUSING S106 CONTRIBUTIONS

Purpose of Report

To agree a policy framework to determine the use of contributions received for affordable housing through the planning process pursuant to Section 106 of the Town and Country Planning Act 1990.

Background and Context

The Local Development Plans (LDP's) of both the Pembrokeshire County Council (PCC) and Pembrokeshire Coast National Park Authority (PCNPA) include provision for the payment of commuted sums on planning applications for the purpose of providing affordable housing in the County. The Affordable Housing Supplementary Planning Guidance (SPG) as adopted by PCC on 14 September 2015 provides that "affordable housing is a type of housing available exclusively to people in housing need for sale or rent below market rent (Affordable Housing). The primary means of delivering affordable housing through planning is on-site provision through cross subsidy.

The PCNPA requires the commuted sum to be paid to PCC as the Strategic Housing Authority; these sums, together with commuted sums negotiated by PCC Planning are retained by PCC for this specified purpose. The LDP's provide that if the money is not spent or allocated for the purpose of Affordable Housing within five years of the date of receipt, the money has to be returned to the developer together with inflationary interest. If the money is not spent on any scheme which does not come within the definition of Affordable Housing, the commuted payment also has to be returned.

Since 2009, over £200,000, received as contributions, has been spent or allocated for affordable housing schemes in Pembrokeshire. No contributions have been returned as a result of a failure to identify a suitable scheme. PCC's LDP and PCNPA's SPG reference the need for contributions to initially be spent in specific geographical areas, dependent upon the location of the generating development. However in both cases, this area is widened after three years to a larger geographical

area to ensure that a suitable scheme can be identified. PCC has five years within which to spend any contribution.

The Affordable Housing contributions currently held are shown in the attached Appendix. It should be noted that the Appendix only shows those contributions actually received and being held by PCC; other contributions have been negotiated in approved planning permissions but have not been received to date and are dependent upon either commencement of development of a consent or set trigger dates by reference to the occupation of a set percentage of dwellings on a development site. Progress on sites is monitored to ensure payment at the correct time. Sums are monitored by the County Council to ensure that opportunities for spend are not lost.

For transparency, it would be helpful to formally adopt a policy framework in relation to spending commuted sums for Affordable Housing.

Detailed Consideration

Research of other Local Authority approaches in other areas (England and Wales) was undertaken to inform a position in Pembrokeshire.

As the LDP requires commuted sums to be spent in specific geographical areas it would be beneficial to have a range of alternative options for spend which could then be tailored depending upon what opportunities present in a particular location.

A range of options for the use of contributions in Pembrokeshire are proposed and detailed below. All are deemed appropriate in terms of falling within the definition of Affordable Housing in the LDPs and from case law.

A. Support for Home Buyers in Housing Need

- Support the development of low cost home ownership schemes for potential purchasers to buy properties at less than the market value under the Affordable Housing SPG. For example, this could include providing funding to ensure a scheme is viable to provide LCHO.

B. Tackling Empty Homes

- Supplement the current Houses into Homes Loan Scheme, subject to those properties brought back into use falling within the definition of Affordable Housing.
- Purchasing and refurbishment of long-term empty properties to manage as affordable housing (either by RSL or PCC)

C. Direct delivery of Affordable Housing

- Top up existing Social Housing Grant (SHG) schemes to make the SHG funding go further

- To fund the cost of building new affordable housing on PCC or PCNPA council owned land where the site is considered to be available, suitable and achievable
 - To purchase land for new affordable housing schemes provided either directly by the Council or through RSLs
 - To purchase existing properties on the open market for letting as affordable housing
- D. Development of supported / adapted housing
- Provide funding for or contributions to Affordable Housing which meets specifically identified housing needs e.g.
 - Learning Disabilities
 - Extra Care housing
 - Other customer groups
- E. To fund the cost of area regeneration of Council HRA housing estates that would provide new affordable housing (potentially supplementing HRA investment)
- To support the Council's capital programme for the provision of affordable homes (post HRA exit) either through direct provision in building affordable homes or via the purchase of land or properties on the open market
 - Support new build development of affordable housing or create additional units or a different tenure mix within the existing stock
- F. Initiatives that support regeneration projects such as offering loans / grants to tackle poor housing conditions
- Using funding as a lever to generate additional resources / funding from external sources to provide affordable housing
 - To contribute to forward funding / pump priming of schemes
 - To reduce funding gaps in pipeline / current affordable housing schemes and other similar initiatives
- G. Support established community groups to develop "home grown" affordable housing initiatives such as Community Land Trusts
- Fund activities directly related to the delivery of affordable housing
 - To fund the project costs in delivering specific schemes
 - Contribute to the purchase of land
- H. Any other measures that can be categorised as affordable housing
- Any other initiatives that will increase the supply of affordable housing within the County

It is also proposed that, where appropriate, the viability of schemes will be assessed to ensure that contributions are not being used to support schemes that are capable of providing cross-subsidy.

To assist with monitoring an annual report will be presented to Cabinet identifying contributions received, spend and commitment. In addition

PCNPA will continue to include a summary of receipt and spend in its Development Plan Annual Monitoring Report.

Comments by Chief Finance Officer

The financial issues are shown in the body of the report and the Appendix.

Comments by Head of Legal and Committee Services / Monitoring Officer

There are no legal issues arising from this Report.

Comments by Head of Human Resources

There are no human resources issues arising from this report.

RECOMMENDATIONS

- 1) That the options for spend presented at A to I above be adopted as a framework for spending Affordable Housing Contributions received through the planning process pursuant to Section 106 of the Town and Country Planning Act 1990.
- 2) That the allocation of spend within this framework to qualifying projects be administered by the Housing Division.
- 3) In respect of option H, that delegated powers be granted to the Cabinet Member for Housing and the Head of Housing to jointly agree appropriate spend.
- 4) That an annual monitoring report be presented to Cabinet in May of each year identifying contributions received, spend and commitment of Affordable Housing Contributions held.

REASON FOR RECOMMENDATION

To approve a policy framework for the allocation of contributions received through the planning process for affordable housing.

Background Documents: None

Appendix 2 Extract from Pembrokeshire County Council's LDP 1 Supplementary Planning Guidance on Affordable Housing

- a. A commuted sum will be charged on each new dwelling on developments where on-site contributions are not feasible.
- b. On small sites, where the general contribution is 10%, the commuted sum is set at **£5,087.50 per property.**
- c. How the sum was calculated:
 - The sum should be directly related or linked to what a developer contributes towards providing on-site affordable housing; the sum will enable a Registered Social Landlord to develop a new affordable home.
 - Policy GN.28 states that on windfall sites within settlements, other than 'local villages', the affordable housing target is 10%. This means that 1 in 10 new homes on a windfall site will be affordable; 9 market dwellings and 1 affordable dwelling.
 - Acceptable Cost Guidance (ACG) is the notional development cost of an affordable home (including land acquisition).
 - The Plan area has settlements in ACG Bands 1, 2 & 3. The average ACG value of an affordable home to be provided by developers in Bands 1 & 2 is £97,301.
 - On a typical development site, when providing an affordable home the developer will receive 55% of ACG from a Registered Social Landlord (RSL). On the 'average' affordable house this equates to £53,515.
 - The notional remainder is 45% of ACG - £43,785.
 - This value is *theoretically* covered jointly by the 9 market dwellings on the development site. Therefore it can be said that each market dwelling makes a financial contribution of £4,865 (£43,785 / 9) towards affordable housing.

- The average size of new dwellings in the Plan area is approximately 92.5 square metres. The cost per square metre of [floorspace](#) for the 9 market dwellings, assuming an average [floorspace](#) of 92.5m² = £52.60 (£43,785 / (92.5 x 9))
 - A further consideration is that when an RSL pays 55% of ACG for an affordable home it does not need to pay to acquire land to build an affordable dwelling. However, on receipt of commuted sums the RSL will usually need to acquire land to develop the affordable dwelling. Therefore the 9 market dwellings should also pay the theoretical land acquisition element of the remaining 55% of ACG.
 - The cost of plots for affordable housing varies. Using 90 of the most recent dwellings built by Pembrokeshire Housing Association as evidence, it is assumed that a reasonable land cost for an affordable home on an exception site is £4,640. (This is the 25th percentile cost of plots purchased by PHA recently). 55% of this figure is £2,551, and split evenly across the 9 market homes it is calculated as £3.07 per square metres.
 - The Commuted Sum is therefore £52.60 + £3.07 per square metre of [floorspace](#) = £55.67. This is rounded to **£55** for convenience.
- d. In summary the approach has sought to identify the nominal cost incurred by a developer in providing the onsite cost to Affordable Housing. From that figure it goes on to calculate the comparable contribution that ought to be sought for off-site contributions. In essence it seeks to recognise the fact that the off-site contribution should include the provision of land which would normally be provided on-site.
- e. The calculation above relates to a general 10% affordable housing contribution level. In some areas, the contribution level will be different, and it may also change over time. The table below shows how the commuted sum will relate to different levels of affordable housing contributions.

Affordable housing requirement	5%	10%	15%	20%	25%	50%
<i>Commuted sum/m²</i>	<i>£27.50</i>	<i>£55</i>	<i>£82.50</i>	<i>£110</i>	<i>£137.50</i>	<i>£275</i>
Commuted sum provided per property	£2543.75	£5087.50	£7631.25	£10175	£12718.75	£25437.50

- f. So using the table above a single property in a location expected to provide 10% affordable housing would contribute £5087.50.
- g. A development of 96 properties in a location expected to provide a 10% affordable housing contribution - resulting in a requirement for 9.6 affordable homes. This would generally be delivered by providing 9 units on site and a 0.6 of a property via a commuted sum. 90 properties are providing 9 units on site and the remaining 6 properties should provide a commuted sum at the 10% rate ($£5087.50 \times 6 = \underline{£30,525}$).



Adeilad y Goron,
Parc Cathays,
Caerdydd,
CF10 3NQ

Ffôn/tel: 0303 444 5940
Epost/email:
wales@pins.gsi.gov.uk

Crown Buildings,
Cathays Park,
Cardiff, CF10 3NQ

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Date: December 2018

Annwyl Chief Planning Officer,

In 2018 we held a number of events throughout Wales. The aim was to explain how the Inspectorate and Inspectors work and to provide practical advice. We also took the opportunity to discuss any procedural issues or processes that we could improve to our mutual benefit. A number of matters were raised and we promised to consider them all and respond.

Reasons for conditions

A number of people pointed out that our traditional way of setting out reasons for conditions in a paragraph in the decision, rather than listed after each condition, causes difficulties for you when updating live decision notices. From 31 March 2019 we will list reasons with the conditions.

I would ask that you ensure that suggested conditions are submitted in every case and to only submit conditions that satisfy the tests in Circular 16/14. Further, Article 24 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 requires decision notices to state clearly and precisely the full reasons for conditions, and to specify all relevant development plan policies and proposals (my emphasis). It is necessary, therefore, to ensure that LDP policies are specified with every condition/reason.

Member overturns

In all bar HAS and CAS appeals LPAs have the opportunity to submit a statement of case and can set out why Members decided not to follow the advice of their officers. It was suggested in one session that, where a planning committee is filmed, the recording of the debate could be submitted to substantiate the reasons for refusal. Whilst this is possible we are concerned with regard to accessibility and also that such a submission may not satisfy GDPR requirements. Consequently, it would be better, in my view, for a comprehensive minute to be taken. However, we have issued a guidance note relating to the submission of video evidence which I attach for your information should you wish to do so.

Planning obligations

Planning obligations should be submitted at the same time as the appeal. We will

accept them later but it is standard practice for Inspectors to give parties no more than one week after an event to submit a completed agreement.

It is appreciated that, where an application is to be refused for other reasons, LPAs are reluctant to ask applicants to go to the cost of preparing a planning obligation to cover matters where there is often agreement. Even where there is agreement, if the requirement is necessary in order for planning permission to be granted, LPAs should consider including the lack of an obligation as a reason for refusal. This will avoid, as happened recently, an appellant seeking an award of costs on the grounds that the LPA had introduced a new reason for refusal at the appeal stage.

Appeals relating to gypsies

As establishing the status of appellants in these cases is important it is our standard practice to ask for certain information from appellants and LPAs. It became clear at the stakeholder meetings that not many people are aware of this and a number felt that it may be a useful tool for LPAs when considering the proposal at application stage. I see no reason why this should not be shared and a copy is attached.

We are currently updating the guidance on our website to advise appellants of the supporting information we need in these cases. Until that is completed, if the information set out in the questionnaire has not been provided we will give appellants one week to do so. We will then share that with the LPA. The questionnaire will be sent to LPAs with the start date letter in order that it can provide the information as part of its statement of case at the 4 week stage. Both sides will then submit final comments if they wish to by week 6.

Once our guidance has been updated and is available online the expectation will be that appellants should provide this information on submission and we will not ask for further information at this stage. However, Inspectors retain the discretion to request further information should they deem it necessary.

The feedback we have had from those who attended the events has been good and we will be using that to inform our plans for 2019. Should you have any ideas please let us know.

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A Thickett

Director Wales.

Because this appeal appears to involve the use of land as a caravan site for occupation by Gypsies, Travellers or Travelling Showpeople, the Inspector is likely to need certain information from both the appellant and the Council in order to determine the appeal. Where this information is not sent electronically two copies should be provided. Provided all timescales are adhered to, you will have an opportunity to comment before a decision is made on the appeal.

All the following information should be provided by the appellant with the statement of case. The Council should provide their evidence as part of their statement of case, if not already provided as part of the application documents, or questionnaire.

Information to be provided by the appellant(s):

- Gypsy status: if this is being claimed, provide details of family background and travel for work purposes over the last 10 years. If no travelling for work purposes has taken place recently, or it is proposed to give up the travelling lifestyle, please also provide details of this.
- Who will be living on the site? Give names (if known) and family relationships.
- If more than one family (parent(s) and children) intend to occupy the site, how long have they travelled together and how important is it that they stay together? Do they want to be treated as a single group, for the purposes of the appeal, or as individual families?
- Do any of the residents have any particular educational or health needs? Where possible, these should be supported by written evidence from educational or medical authorities.
- How many caravans will normally be on the site, and what type (touring or static)?
- Are any buildings (day rooms, stables, toilet blocks etc.) proposed?
- Is any business use of the site proposed?
- What efforts have been made to find an alternative site, e.g. approaching Council's housing and planning departments including applications for a pitch on a Local Authority site, estate agents, land owners, other gypsies and travellers? Written evidence should be provided wherever possible.
- Is the permission sought on a temporary or permanent basis? If temporary how long for and why?
- If the appeal were unsuccessful what alternative accommodation options are realistically available?

Information to be provided by the local planning authority:

- Copies of any adopted or emerging development plan policies concerning Gypsy site provision together with the supporting text.
- Copies of any quantitative assessment of need for Gypsy sites undertaken within the last 5 years, or details of any being undertaken or planned. If none, explain why.
- Details of any planned provision of new or enlarged Gypsy sites.
- A copy of the most recently published Bi-annual Gypsy Count data for their region comprising the Caravan Count (Table 1) and count of Local Authority Sites (Table 2). This can be found on the Welsh Assembly Government website:

<http://new.wales.gov.uk/topics/statistics/headlines/housing2010/100526/?lang=en>

- A copy of the two most recent statistical returns submitted by the local authority to the Statistics for Wales Gypsy Count (undertaken in January and July of each year).
- Details of levels of occupancy, plot turn over, waiting lists, current vacancies (if any) and criteria for acceptance on all local authority sites in the area.
- For private, authorised sites, the address, number of caravans authorised and whether subject to a personal and/or temporary condition (with expiry date).
- Details of all unauthorised gypsy sites/encampments known to exist in the authority's area, including addresses, number of caravans, length of occupation and enforcement action taken (if any).
- Details of all planning applications and appeals concerning Gypsy sites in the authority's area in the past five years, and their outcomes.
- Conditions, with reasons, the Council would wish to see imposed were the appeal(s) to be allowed.

Session 7 – Affordable Housing, Gypsy and Travellers Accommodation

Representor	Change sought	Why NPA do not think this is a sound approach
Welsh Government 1569/167 1569/FC13	The inclusion of sprinkler costs – see NPA19 Deposit Representations, NPA17 Consultation Report and NPA023 Focussed Changes representations and response.	The Authority has proposed 2 Focus Changes No's 16 and 23 in response.
1569/168	Including an affordable housing target for each submarket area and including flexibility in the policy wording - see NPA19 Deposit Representations, NPA17 Consultation Report and NPA023.	Test 2 in terms of appropriateness for the Plan area is at issue in terms of defining submarket area targets for affordable housing. The submarket areas are there to advise on what percentage of affordable housing is likely to be achievable from allocations and windfalls. The accuracy of such categorisation would be difficult to evidence for windfall sites in particular. Test 3 is an issue in terms of deliverability with a policy position that seems to advertise negotiation from the outset.
1569/172	The change sought is not set out.	
1569/173	A statement of common ground is requested in terms of the Gypsy Traveller Accommodation	This has been provided – NPA026.

Representor	Change sought	Why NPA do not think this is a sound approach
	Assessment's identification of need.	
1569/FC17	See NPA023 – Focussed Changes Representation and Response.	See NPA023 - A matters arising change would resolve this issue.
1569/FC18	See NPA023 – Focussed Changes Representation and Response.	See across.
1569/FC21	See NPA023 – Focussed Changes Representation and Response.	See Hearing Session 7 Statement Answer to Q3b
Home Builders Federation 2025/126	Amendments to the affordable housing figure requirements – see NPA 17 Consultation Report – page 115 to 117.	A Focussed Change is proposed in response regarding sprinkler costs.
Saundersfoot Community Council 2906/140 2906/251	See NPA 17 Consultation Report – Pages 99 to 103 and pages 120 to 137 where the representation is listed.	See across. Test 2 in terms of appropriateness of the Plan for the area and Test 3 in terms of deliverability are the main issues.
J Meyrick (Hayston) 4464/FC11	Propose changes to phasing and potential extension of site allocation HA11.	<p>Please see the National Park Authority response to the Focussed Change representation in NPA23.</p> <p>Welsh Water has also advised that (in June 2019) the connection regarding the foul drainage will cost about £110,000 (estimate).</p> <p>These costs if additional can be accommodated in the residual uplift over the land value benchmark.</p>

Representor	Change sought	Why NPA do not think this is a sound approach
		<p>See Candidate Site Assessment No 86. Issue arises under Test 2 - appropriateness for the Plan area. The site area will need to be limited with future growth beyond 2031 in order to protect the character of the village.</p>