

## Planning policy

# Affordable Housing Supplementary Planning Document – Consultation Statement



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## 1 Introduction

- 1.1 This document explains how East Devon District Council has undertaken public consultation in preparing the Affordable Housing Supplementary Planning Document (SPD). It sets out who we consulted, a summary of the main issues raised, and how those issues have been taken into account in preparing the SPD.
- 1.2 Chapter 2 details the consultation undertaken on the first version of the Draft Affordable Housing SPD, held from March to May 2019. Chapter 3 does the same for the second round of consultation, which took place over January and February 2020.
- 1.3 This Consultation Statement has been prepared in a manner consistent with Government regulations.<sup>1</sup>



Affordable housing on a rural exception site in Kilmington

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<sup>1</sup> A consultation statement is required when preparing SPDs in The Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 12(a): <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

## 2 Consultation on the Draft Affordable Housing Supplementary Planning Document – March to May 2019

### Background

- 2.1 The Draft Affordable Housing SPD was published for consultation from Thursday 28 March until Friday 10 May 2019, alongside a screening report for Strategic Environmental Assessment and Habitats Regulations, and an Equalities Impact Assessment. The SPD and supporting documents were made available on the council's website.<sup>2</sup>

### Who we consulted

- 2.2 A wide range of individuals and organisations (over 600 in total) were consulted on the Draft Affordable Housing SPD. A notification email was sent at the beginning of the consultation period to the following:

- Adjoining local planning authorities: Teignbridge District Council, Exeter City Council, Mid Devon District Council, Taunton Deane Borough Council,<sup>3</sup> South Somerset District Council, West Dorset District Council<sup>4</sup>
- County councils within or adjoining East Devon: Devon County Council, Somerset County Council, Dorset County Council<sup>5</sup>
- All parish councils in East Devon
- Registered providers operating in East Devon
- Planning agents/consultancies who have previously engaged on planning matters in East Devon
- Government organisations such as the Environment Agency, Natural England, Historic England, Highways England, Sport England, NHS England
- Voluntary bodies including Libraries Unlimited, Campaign to Protect Rural England, Devon Wildlife Trust and National Trust

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<sup>2</sup> The website for the Affordable Housing SPD is: <http://eastdevon.gov.uk/planning/planning-policy/housing-issues/affordable-housing/>

<sup>3</sup> Note that on 1 April 2019 (after consultation began on the SPD), Taunton Deane Borough Council was replaced by Somerset West and Taunton Council.

<sup>4</sup> Note that on 1 April 2019 (after consultation began on the SPD), West Dorset District Council was replaced by Dorset Council.

<sup>5</sup> Note that on 1 April 2019 (after consultation began on the SPD), Dorset County Council was replaced by Dorset Council.

- Bodies that represent local businesses such as the Local Enterprise Partnership and local chambers of commerce

### **Summary of the main issues raised in consultation and how those issues have been addressed**

2.3 A total of 22 consultation responses were received on the Draft Affordable Housing SPD (March 2019). An overall summary of the main issues raised by chapter is set out below:

#### General

- The restatement of a significant amount of national policy and guidance should be deleted, as this can be changed by the Government at any time.
- The SPD is either intended to guide the determination of planning applications and should therefore be a Development Plan Document (DPD), or has no purpose and serves no function – therefore, the SPD should either be progressed as a DPD, or abandoned.
- The SPD sets out various housing allocation/management approaches which beyond what is necessary for planning purposes.

#### Context and overview of policies and evidence

- The quoted NPPF para 64 has caused some confusion for both local authorities and developers – it should be made clear that at least 10% of the affordable homes should be available for home ownership.
- Support reference to Rentplus as a form of affordable housing.
- Support reference to the affordability challenge in East Devon.

#### Thresholds and targets

- There is no justification for using the Homes England methodology to value land by adding 20% uplift to existing use value. This is not in accordance with national policy, guidance or case law. It is far too simplistic and does not recognise factors such as location, current use, or market comparables. It will not encourage landowners to sell their land and will therefore inhibit housing delivery.
- Support the thresholds and tenures sought.
- The affordable housing target across the entire Axminster Masterplan area should be 25%, rather than part 25%, part 50%.
- Object to requiring at least 66% affordable housing at exception sites.
- Support the reduction of affordable housing contributions where vacant buildings are being reused or redeveloped.

- Object to not applying the vacant building credit in specified circumstances as this would jeopardise housing delivery.
- Concerns about the viability of providing affordable housing, particularly at strategic sites and for the 50% target.

#### Tenure and mix

- Not acceptable to dismiss certain types of affordable housing in the NPPF definition due to “lack of evidence”.
- There should be flexibility on the type of affordable housing sought within the 30% “intermediate or other” tenure.
- Should not prescribe the size (number of bedrooms) as this will depend upon need, deliverability and overall dwelling mix at each site; particularly given the age of the Strategic Housing Market Assessment.
- Object to the use of overage clauses and their application across all sites. It causes a considerable burden by adding risk and delay to development.
- Pleased that the SPD allows the staircasing restriction to be removed for grant funded shared ownership dwellings in a Designated Protected Area (DPA).

#### Design and layout

- Holding up the occupation of market dwellings prior to completion of affordable homes is unduly restrictive.
- Clusters of 10 affordable homes on larger sites is too small, many other south west councils use a figure of 12. It is easier for RPs to manage larger clusters on such sites.
- Requiring a mix of tenures within a single cluster of affordable homes will create design and management issues for smaller clusters.
- Reference should be added to designing out crime.
- Would support a stronger reference to National Space Standards.
- Delete reference to National Space Standards as it introduces uncertainty on the council’s policy – these can be only be introduced in a DPD, not an SPD.
- The additional cost of meeting Building Regulations part M4(2) is significant.

#### Rural exception sites

- Engagement with the parish council or neighbourhood plan steering group when preparing housing needs surveys should be encouraged rather than required, as in some areas any residential development is vigorously objected to by local community organisations.
- The reference to rural exception sites being close to community services should recognise that these may be located in nearby villages, reflecting the NPPF.

### Pre-application, legal agreements, and occupancy

- There are a number of problems with the standard s.106 agreement, the most significant being it would prevent RPs from being able to charge the units, meaning they won't be deliverable without a Deed of Variation, causing additional cost and delay.
- No reference to overage in the standard s.106 agreement.
- It is important for the efficient letting of homes if allocations can be considered from all potential sources at the same time, and priority then given in accordance with the specified areas (i.e. parish first, then neighbouring parishes, elsewhere etc).
- Welcome reference to allowing occupancy for those with a connection to Exeter, but suggest this could also include Mid Devon.

2.4 The following table (figure 2.1) provides a summary of each comment, alongside the council's response showing how those issues have been addressed in the SPD. Changes to the SPD as a result of the comments are noted in *italics*. Note that the paragraph numbers refer to those in the draft SPD published in March 2019.



A group of three affordable homes on a site in Ottery St Mary

**Figure 2.1: Draft Affordable Housing Supplementary Planning Document (March 2019) – comments received and Council response**

Name or organisation	Comment summary	Council response
<p>Barton Willmore on behalf of Taylor Wimpey</p>	<p><b>Introduction</b> Taylor Wimpey is promoting circa 28 ha of land to the east of Honiton with the capacity to deliver up to 550 homes, which has been promoted for residential development since 2011 and most recently as part of the Greater Exeter Strategic Plan – location plan included.</p> <p><b>Tenure and mix</b> Since the Local Plan was adopted, the NPPF definition of affordable housing has been broadened and now includes starter homes, discounted market sales housing and rent to buy. The SPD rightly reflects this broader definition, but the last sentence of para 4.5 is unduly onerous on developers and we object. So long as developers respond to the 30% intermediate mix, there should be flexibility on the types sought – if the Council require a specific intermediate mix, this needs to be established in evidence via an update to the Strategic Housing Market Assessment (SHMA) and carried through into Local Plan policy and guidance. It is inefficient and ineffective to require developers to prepare evidence on intermediate housing mix for every development across the district.</p> <p>Whilst it is useful for the SPD to indicate the size (number of bedrooms) of affordable units sought, this can be unduly restrictive if strictly applied across all applications in all areas of the district, especially as the SHMA is already five years old. The SPD should make it clear that these targets are indicative and subject to negotiation, need, deliverability and overall mix of dwelling sizes across</p>	<p><b>Introduction</b> Noted. The Affordable Housing SPD will not be allocating sites.</p> <p><b>Tenure and mix</b> Up-to-date evidence on housing need will be gathered in reviewing the Local Plan, and outcomes can be reflected in any future revision of this policy. Therefore, agree that it is too onerous and outside the scope of the SPD to require evidence of need within the 30% intermediate or other affordable housing being sought. <i>Change to SPD: delete final/third sentence in para 4.5 relating to requiring evidence to justify the mix of 30% intermediate or other housing.</i></p> <p>It is not the intention of the SPD to strictly apply the property size of affordable housing to all application, rather to indicate overall need. <i>Change to SPD: amend para 4.8-9 to make clear that the number of bedrooms reflect evidence of overall need, rather than being a requirement for every application.</i></p>

Name or organisation	Comment summary	Council response
	<p>a development. Alternatively, the targets could be expressed as a range to enable flexibility at the detailed design stage.</p> <p><b>Design and layout</b> Holding up the build out/occupation of a development where the affordable housing lags behind the open market is unduly restrictive, particularly where this could be down to issues associated with the availability of funding for the affordable housing from Registered Providers or similar sources. Therefore, we object to this wording in the SPD. Timing and phasing of development (including affordable housing) is a matter that can be agreed in a s.106 agreement for individual sites.</p> <p><b>Overage</b> Object to the use of overage clauses and their application across all sites should be removed from the SPD. Viability is a matter for the local plan and affordable housing targets should be set with sufficient flexibility that they can be applied without impacting on viability. Applying an overage clause and reopening viability after obtaining planning permission is overly complex and can add considerable delay to projects.</p>	<p><b>Design and layout</b> Para 5.12 states that the timing of affordable housing delivery applies unless it is not feasible or viable, so it is not considered to be unduly restrictive. Nevertheless, this can be made clearer. Agree that it is a matter for s.106 agreements, but it is felt guidance in the SPD on this issue is useful. <i>Change to SPD: amend text to “encourage” the proposed phasing of affordable housing; and include the cited example on funding availability.</i></p> <p><b>Overage</b> Overage is not a requirement of the SPD – policy on overage is set out in Local Plan Strategy 34. This policy is part of the development plan and cannot be amended through the SPD.</p>
<p>Bell Cornwell on behalf of Clinton Devon Estates</p>	<p><b>Affordable Housing thresholds (para 3.4)</b> This suggests that low density housing proposals below the affordable housing threshold are likely to be refused, to ‘duck’ the requirement. It should be noted that NPPF para 123 does not establish a presumption against low density development and makes it clear that local authorities should “take a flexible approach to applying policies”. This wider context should be properly recognised</p>	<p><b>Affordable Housing thresholds</b> The cited quote relates to “a flexible approach in applying policies or guidance relating to daylight and sunlight” rather than a flexible approach in general. Nevertheless, NPPF para 123c does</p>

Name or organisation	Comment summary	Council response
	<p>so that low density development that is below the threshold will automatically be considered unacceptable.</p> <p><b>Land value and viability (para 3.11)</b>                      We are not clear of the justification for the Homes England methodology of simply adding 20% uplift to the existing use value to identify the land value. This is an extremely crude ‘one size fits all’ approach that pays no regard to key factors such as the wider development potential of one location versus another. For example, the difference in existing agricultural value between a plot on the edge of Exeter and one elsewhere will be modest, but the development value is likely to be much greater. In such circumstances, the viability implications are likely to be very different but this would not be reflected using the Homes England approach. Suggest reference to the Homes England approach is deleted.</p> <p><b>Calculation of Vacant Building Credit (para 3.27)</b>                      Understand the approach for calculating Vacant Building Credit, but the formula set out in para 3.27 appears to be incorrect – suggest it should be:  <math>AH \times (EFS/PFS) = RAH</math></p> <p><b>Delivery of other forms of Affordable Housing (para 4.5)</b>                      It is not acceptable to dismiss certain types of affordable housing on the grounds of ‘lack of evidence’. The NPPF makes clear that these additional tenure types are considered legitimate alternatives, which is more up-to-date than the Local Plan. Other local authorities in Devon are now paying proper regard to these ‘new’ forms of affordable housing, and doing so will assist the delivery of affordable housing.</p>	<p>refer to taking account of other policies in that document.  <i>Change to SPD: to recognise wider context, in para 3.4, at the end of the last sentence add “taking into account the policies in this Framework”.</i></p> <p><b>Land value and viability</b>                      Agree that the Homes England methodology does not have a clear justification; and that location factors will mean that the “existing use value plus” for land value will vary across the district.  <i>Change to SPD: amend para 3.11, 2<sup>nd</sup> sentence: “... in determining the premium for the landowner regard will be had to <del>the approach currently taken by Homes England in assessing funding bids which is a 20% uplift on the existing use value</del> up to date evidence of land values, case law and Government policy and guidance (including the approach taken by Government agencies).” Delete 3<sup>rd</sup> sentence.</i></p> <p><b>Calculation of Vacant Building Credit</b>                      Noted, but the formula as stated in the SPD is correct.</p> <p><b>Delivery of other forms of Affordable Housing</b></p>

Name or organisation	Comment summary	Council response
	<p><b>Rural workers</b>                      There is an opportunity for the Council to make provision for affordable housing to be made available for those in rural employment in addition to those who are eligible through Devon Home Choice. There is a need to make housing accessible for those in rural employment but who currently struggle to access good quality housing within the areas where they work. Broadening eligibility criteria to allow people who can show a clear need to work and live in rural areas will make an important contribution to maintaining the viability of rural communities and the rural economy.</p> <p><b>Evidence to show housing need (para 6.3)</b>                      Clearly, it will be useful for an applicant to act in concert with the local community and ordinarily this will be possible. However, we would suggest that this should not be a prerequisite to providing acceptable evidence of housing need. Experience is clear that NIMBY organisations or NIMBY dominated parish councils can block the initiation of the survey work to provide need evidence. Para 6.3 should be reworded to say it is sufficient for applicants simply to adopt and implement a methodology which has been previously agreed with East Devon and/or its partner organisations (e.g. Devon Communities Together).</p>	<p>The SPD does reflect the NPPF definition of affordable housing, for example in recognising its wider range of tenure mixes (see para 4.4). Whilst para 4.5 sets out the priority is to deliver shared ownership, relevant equity loans and other low cost homes for sale (within the 30% ‘intermediate or other housing’), it does not set this as policy or rule out other tenures. However, the requirement for applicants to provide evidence to justify the mix is considered too onerous and not required in Local Plan policy.  <i>Change to SPD: delete 3<sup>rd</sup> sentence in para 4.5 relating to requiring evidence to justify the mix of 30% intermediate or other housing.</i></p> <p><b>Rural workers</b>                      Para 7.7-15 in the SPD (March 2019) explains who can live in an affordable dwelling. This makes clear that those who are resident or work in an area (parish) would qualify, before those with a connection to neighbouring parishes and elsewhere in East Devon are considered. Therefore, the SPD already explains that rural workers are eligible for affordable housing.</p> <p><b>Evidence to show housing need</b></p>

Name or organisation	Comment summary	Council response
		<p>The local community, which is wider than just the parish council, should be informed of the reasons for the survey, invited to participate, and able to access the results. Agree that it may not always be possible to work with parish councils or neighbourhood plan steering groups.  <i>Change to SPD: para 6.3, amend 1<sup>st</sup> sentence to: "...or followed their methodology and, <u>if possible</u>, undertaken in partnership with the parish council and/or neighbourhood plan steering group."</i></p>
Broadclyst Local History Society	General issues of this nature are too far outside our scope.	Noted.
Clarke Willmott on behalf of Baker Estates Ltd and Blue Cedar Homes Ltd	<p><b>Need for the Affordable Housing SPD</b>                      The SPD largely comprises a restatement of Local Plan policy or national policy and guidance. If the policies contained within a draft SPD fall within any of the cited categories in the regulations, then it must be a development plan document. It is difficult to understand the justification for or the purpose of the SPD. Either 1. the SPD is intended to "guide the determination of applications for planning permission" and should therefore be progressed as a Development Plan Document (DPD) or 2. the SPD has no purpose and serves no function. As a result, the SPD should either be progressed and adopted as a DPD or abandoned. In either event, the SPD process should be stopped.</p> <p><b>Appropriateness of copying content already contained in National Guidance and Policy</b></p>	<p><b>Need for the Affordable Housing SPD</b>                      The purpose of the SPD is to build upon and provide more detailed advice or guidance on affordable housing policies in the development plan (explained in para 1.2). This is consistent with national Planning Practice Guidance (Reference ID: 61-008-20190315). The SPD does not contain policies which are intended to guide the determination of planning applications, so is in accordance with the regulations.</p> <p><b>Appropriateness of copying content already contained in National Guidance and Policy</b></p>

Name or organisation	Comment summary	Council response
	<p>We suggest that the SPD is limited to containing statements which assist with the interpretation of the policies of the local plan. The restatement of a significant amount of national policy and guidance should be deleted, as this can be changed by the Government at any time.</p> <p><b>Comments on the detailed policies of the SPD</b>  <b>Typo – para 2.26:</b> there appears to be a word missing “Devon Home Choice produce a quarterly monitoring report providing <u>information</u> on the number of households...”</p> <p><b>Who delivers new affordable housing (para 2.3)</b>                      It is not strictly true that affordable homes are sold to RPs at a “discounted price” – RPs pay the market value of affordable homes, reflecting the restrictions placed upon the dwellings. Using the term “discounted price” is misleading and suggest this wording is deleted.</p> <p><b>10% for affordable home ownership (para 2.15 and 4.6)</b>                      The cited NPPF para 64 has caused some confusion for both LPAs and developers. To avoid any confusion, we suggest amending para 2.15 (and 4.6) to “...at least 10% of <u>the affordable</u> homes should be available for home ownership...”</p> <p><b>Designated Rural Areas (para 3.2)</b>                      The NPPG makes clear that LPAs may choose to apply a lower threshold in designated rural areas (DRAs). It is not mandatory to set more than 5 dwelling threshold for the payment of an affordable housing contribution. The DRA was put in place in April 1981, and the Council should critically assess whether some of</p>	<p>It is helpful to reflect national policy and guidance in the SPD to provide context on affordable housing issues. However, this text can be reduced where possible to make the document more concise.  <i>Change to SPD: simply references to national policy and guidance – for example, summarise the definition of affordable housing in paragraph 2.1.</i></p> <p><b>Comments on the detailed policies of the SPD</b>  <b>Typo – para 2.26</b>  <i>Change to SPD: add “information” to 2<sup>nd</sup> sentence in para 2.26.</i></p> <p><b>Who delivers new affordable housing</b>  <i>Change to SPD: para 2.3, 1<sup>st</sup> sentence, delete “at a discounted price”.</i></p> <p><b>10% for affordable home ownership</b>                      NPPF para 64 is not entirely clear, but it is considered that footnote 29 means that 10% of the affordable housing contribution should be for affordable home ownership. Therefore, agree with the suggested change.</p>

Name or organisation	Comment summary	Council response
	<p>the areas designated should be treated differently. It would be appropriate to allow the exemption to apply wider than the four parishes outside the DRA to support smaller housebuilders.</p> <p><b>Subdivision of sites in relation to the small sites exemption (para 3.5)</b> There are a number of situations in which land within the same ownership may be legitimately divided into smaller sites and/or developed at different times. Whilst we agree that the Council should be careful to guide against abuse of the small sites exemption, it should not be mandatory. Instead, suggest the policy states that these factors will be taken into account in assessing whether there has been an abuse of the policy.</p> <p><b>Viability (para 3.11)</b> There are a number of problems with the approach to viability testing, stated to be taken by Homes England, for example:</p> <ul style="list-style-type: none"> <li>- Viability policies must be adopted through the DPD process – it would be unlawful to adopt policies which seek to direct or control the consideration of development viability in a SPD.</li> <li>- The Local Plan policies have not been viability tested in accordance with the NPPF 2018 or the Planning Practice Guidance (PPG). Applying an inflexible approach to viability testing in this respect is likely to result in an increased number of unviable developments. Landowners will simply not release their land for development. As a result, the number of affordable dwellings (and general needs housing) that can be delivered will reduce.</li> <li>- The SPD does not accurately reflect the national approach to viability, as the PPG states that evidence of market comparables on policy compliant schemes is a key component of determining benchmark land values. The</li> </ul>	<p><i>Change to SPD: amend para 2.15 (and 4.6) to “...at least 10% of <u>the affordable</u> homes should be available for home ownership...”</i></p> <p><b>Designated Rural Areas</b> Agree that LPAs may choose to apply a lower threshold in DRAs, and this is the approach the Council is taking. There have been a number of significant developments since 1981, but the DRAs are set by Government legislation and it is not within the power of the Council to amend them.</p> <p><b>Subdivision of sites in relation to the small sites exemption</b> Agree that more flexibility is required to account for situations where land within the same ownership may be legitimately divided. <i>Change to SPD: amend para 3.5 to say “...the council will consider <u>whether</u> the proposal <u>should be treated</u> as a single site...”</i></p> <p><b>Viability</b> The SPD intends to provide more detailed advice or guidance on policies in the adopted local plan, and does not contain policies that seek to direct or control development.</p>

Name or organisation	Comment summary	Council response
	<p>PPG certainly does not support the use of a blanket percentage uplift to reflect the premium that should be paid to the landowner.</p> <ul style="list-style-type: none"> <li>- There is no formal or informal policy statement which would support the existing use value (EUV) plus 20% approach being advocated by the Council. No evidence or reference has been provided to demonstrate that Homes England (HE) use this approach. We are aware of one instance where HE applied a EUV plus 20% “rule of thumb” but it does not appear to be used by HE in the vast majority of sites we are involved in. The use of a blanket EUV plus 20% approach is not supported by the NPPF or PPG (Ref. ID 10-016-20180724). Therefore, the reference to Homes England adopting an approach of applying a “20% uplift on the existing use value” should be deleted.</li> <li>- EUV plus 20% will undermine the deliverability of the Local Plan. In many rural areas the EUV will be around £10,000 per acre, and an additional £2,000 per acre will not encourage any (other than the most desperate landowners) to part with their land. There is currently no widely adopted “rule of thumb” for determining the landowners premium, so it is inappropriate to apply a set percentage.</li> <li>- Therefore, we would suggest that para 3.11 should be deleted and replaced with “Viability appraisals will be expected to follow the approach advocated in national policy and guidance and supported by appropriate evidence”.</li> </ul> <p><b>Overage provisions (para 3.14-15)</b>                      Overage policy should be amended to reflect that overage provisions may not be reasonable or appropriate in all cases, reflecting appeal decision APP/U1105/W/16/3165906 at Rolle College Playing Field, Exmouth. Viability</p>	<p>Agree that the Local Plan policies were adopted prior to the NPPF 2018 and latest PPG on viability, however this does not automatically mean the Local Plan is out-of-date (NPPF para 213). The recent viability study (Jan 2019) prepared for the CIL review and Cranbrook Plan does reflect latest guidance.</p> <p>The PPG has been amended since this response was submitted, which subtly changed the approach to establishing benchmark land values: “market evidence can also be used as a cross-check of benchmark land value but should not be used in place of benchmark land value” (PPG Reference ID: 10-014-20190509). So, market evidence is a factor to consider, but is not a “key component” as suggested. Nevertheless, agree that a blanket percentage uplift is not stated in the PPG. The Homes England approach to calculating benchmark land values is not supported by national policy or guidance, and including reference to it may be misleading.</p> <p><i>Change to SPD: amend para 3.11, 2<sup>nd</sup> sentence: “... in determining the premium for the landowner regard will be had to <del>the approach currently taken by Homes England in assessing funding bids which is a 20% uplift on the existing use value.</del> up</i></p>

Name or organisation	Comment summary	Council response
	<p>review provisions should only be applied for multi-phase developments where there is likely to be considerable delay between phases; otherwise there is considerable burden on SME developers by requiring additional viability evidence as development progresses.</p> <p><b>Affordable housing in developments for older persons/sheltered housing</b> It is unlikely to be practical in most cases for affordable housing to be delivered on site for older persons/sheltered housing developments, given service charges and management issues. Therefore, need to recognise that off-site affordable housing may be more appropriate in such schemes.</p> <p><b>Pepper potting and clusters (para 5.6-7)</b> Defining a cluster as being dwellings which “share the same frontage” is likely to cause problems in practice, as roads can be relatively long and frontages can be located some distance away from each other, or there may only be one road frontage. Therefore, clusters should be defined as dwellings which are immediately adjacent to each other. Specifying cluster sizes undermines the flexibility needed to enable the best design of a scheme. It is often easier for RPs to manage clusters of affordable housing, rather than pepper potted units, so clusters of 10 on larger sites are too small. It is unrealistic for property management reasons to disperse affordable housing on exception sites – it is likely that on these small site, with a high percentage of affordable housing, will probably fall within one cluster.</p> <p><b>Space standards (para 5.11)</b></p>	<p><i>to date evidence of land values, case law and Government policy and guidance (including the approach taken by Government agencies).” Delete 3<sup>rd</sup> sentence.</i></p> <p><b>Overage provisions</b> Overage policy is set in the Local Plan, and cannot be amended through an SPD. The cited appeal decision recognises that “overage requirement is not conditional upon whether the proposed development is a single or multi-phase scheme”. Although the appeal was allowed, it was based upon the specific circumstances of that scheme and was prior to adoption of the Planning Obligations SPD which contains further detail on overage.</p> <p><b>Affordable housing in developments for older persons/sheltered housing</b> The Local Plan (Strategy 34) allows off-site contributions in some circumstances – this policy cannot be changed through the SPD. Para 4.18 in the SPD already states that off-site contributions may be acceptable for sheltered housing.</p> <p><b>Pepper potting and clusters</b></p>

Name or organisation	Comment summary	Council response
	<p>Stating that “dwelling size is an important issue for design quality and to avoid overcrowding” introduces uncertainty and should be deleted. It would be unlawful to adopt policies that introduce space standards through a SPD.</p> <p><b>Standard s.106 agreement for affordable housing</b>                      There are a number of problems with this, but the most significant is it would prevent RPs from being able to charge the units, which would mean the units would not be deliverable without a Deed of Variation being entered into, resulting in additional cost and delay.                      It is unlawful for planning obligations to go beyond what is necessary – this is breached several times, for example it is not necessary to duplicate controls that already exist through the planning system or through statutory regimes.                      The standard draft should be as concise and user-friendly as possible, so it does not need to be renegotiated each time.                      Preventing the commencement of development until the Affordable Housing Scheme has been submitted to and approved by the Council is unnecessary, and there is no reason why development should not commence (e.g. site preparation works, infrastructure).                      We have been through the draft s.106 wording in detail and made suggested comments and track changes.</p>	<p>Defining clusters as only those which are immediately adjacent to each other could lead to larger than desirable clusters if, for example, 10 are one side of the road and 10 are on the other. Clusters of greater than 10 can be acceptable where justified. Note the point in relation to exception sites.</p> <p><i>Change to SPD: amend para 5.9 to “...affordable housing on exception sites should still be dispersed <del>where physically</del> if possible.”</i></p> <p><b>Space standards</b>                      The SPD is not seeking to introduce space standards, merely highlighting it as an issue to consider in affordable housing design.</p> <p><b>Standard s.106 agreement for affordable housing</b>                      The suggested comments and track changes have been considered and the standard s.106 revised where appropriate.</p>
<p>Cranbrook Town Council</p>	<p>The map on page 48 (affordable housing thresholds) should be updated to include the parish of Cranbrook.</p> <p>Agree with:</p>	<p><i>Change to SPD: update map of affordable housing thresholds to include Cranbrook parish.</i></p>

Name or organisation	Comment summary	Council response
	<ul style="list-style-type: none"> <li>- The principle that affordable housing will be sought from all major developments.</li> <li>- Reducing the affordable housing target in Cranbrook. However the proposed reduction to 15% is unlikely to provide any additional infrastructure funding due to the proposed dowry for suitable alternative natural greenspace and shift to more social rent.</li> <li>- The affordable housing tenures of 70% social or affordable rent and 30% intermediate or other affordable housing. However, as the District Council does not own any of their council housing stock in Cranbrook (unlike every other town), it deprives local residents of housing support services.</li> <li>- Pepper potting or dispersing affordable housing throughout a scheme to create a balanced community. However, this is not achieved at Cranbrook because of the disproportionate delivery of lower-banded properties across all sectors, meaning a lower precept is received by the Town Council.</li> </ul>	<p>The affordable housing target and infrastructure delivery at Cranbrook is covered by the Cranbrook Plan and outside the scope of this SPD.</p> <p>The comment is correct in saying that the district council do not own any stock in Cranbrook, the affordable housing is managed by Registered Providers in Cranbrook, who will provide appropriate support.</p> <p>The delivery of (small) market housing is outside the scope of this SPD.</p>
<p>David Lock Associates on behalf of East Devon New Community Partnership (EDNCp)</p>	<p><b>Under what circumstances might a lower amount of affordable housing be acceptable</b>                  Should reference Cranbrook DPD policy CB11 as well as Local Plan Strategy 34. Para 3.13: add other reasons why it may not be “otherwise appropriate”, such as additional development costs (including brownfield sites) and the provision of significant community benefits – both are referenced in Strategy 34 and CB11. The Cranbrook DPD (para 3.69) references a diversified mix might warrant a reduced scale of affordable housing provision – this should be referenced in the SPD.</p> <p><b>Overage clause</b></p>	<p><b>Under what circumstances might a lower amount of affordable housing be acceptable</b>                  It is considered premature to specifically reference Cranbrook DPD policies until that plan is adopted, and could be amended through the Examination.                  It would be helpful to reference the viability issues that may vary affordable housing mix, but in chapter 4 rather than this section.  <i>Change to SPD: in chapter 4, add reference to additional costs associated with brownfield sites,</i></p>

Name or organisation	Comment summary	Council response
	<p>An overage clause is not an effective basis for delivery as it adds risks and delay to development. It contradicts national policy that viability should be conducted primarily at the plan-making stage. The SPD should remove the obligation to seek an overage clause, apart from in exceptional circumstances.</p> <p><b>Tenure mix</b>                      Welcome reference to negotiation of an alternative tenure mix, but periods of depressed markets are not likely to be the only circumstance when this might be appropriate. Should also add:</p> <ul style="list-style-type: none"> <li>• To meet a need for a broad range of affordable products</li> <li>• To support the delivery of additional units than would otherwise be achieved</li> <li>• To ensure diversification or secure wider community or other sustainability objectives</li> <li>• To recognise financial context for registered providers</li> <li>• To reflect more up-to-date evidence of local need.</li> </ul> <p>Add to para 4.2 “in appropriate circumstances related to viability, the council will require viability evidence...”</p> <p><b>What size and type of affordable housing is sought in East Devon?</b>                      The evidence in the 2014 Strategic Housing Market Assessment (SHMA) is dated and partially contradicted by the Devon Home Choice data in terms of 1 to 2 bedroom housing need. There is more flexibility in the SHMA than implied in the SPD. Guidance on property sizes is new policy as the mix articulated in the SPD is not reflected in Strategy 34 or CB11. It should be explicit that the mix of affordable housing will in all cases (particularly strategic sites) be a matter for</p>	<p><i>mitigation of contamination, and provision of significant community benefits which could change the affordable housing mix, as stated in Strategy 34.</i></p> <p>The reference to the Cranbrook Plan in relation to a diversified mix warranting a reduced scale of provision is specific to that new settlement, where there is not an existing ‘stock’ of homes, and not to be applied across the district.</p> <p><b>Overage clause</b>                      Overage is required in the Local Plan, so cannot be changed through the SPD.  <i>Change to SPD: Para 3.14, clarify that overage is a requirement of the Local Plan (Strategy 34), and not being introduced by the SPD.</i></p> <p><b>Tenure mix</b>                      These points are noted, but the Local Plan only allows an alternative tenure mix to reflect viability considerations. It is not possible to amend this through the SPD.</p> <p><b>What size and type of affordable housing is sought in East Devon?</b>                      Noted and agreed.</p>

Name or organisation	Comment summary	Council response
	<p>negotiation in the light of all relevant factors, including deliverability and social and community balance. For example, the agreed mix at Cranbrook is 9% 1 bed, 46% 2 bed, 45% 3 and 4 bed.</p>	<p><i>Change to SPD: amend para 4.8-10 to be clear that the SHMA and Devon Home Choice are evidence of need, and not policy requirements. State that the size and type of affordable housing will be a matter for negotiation in the light of all relevant factors, including deliverability and social and community balance.</i></p>
<p>David Poor, Exmouth Town Councillor</p>	<p>The timing of the consultation period is inappropriate, being less than 1 week after local elections.</p> <p>I do not understand why developers in Exmouth and Sidmouth do not have to pay any contributions towards affordable housing if they build between 5 and 10 new properties. Exmouth will have more infill developments and a bigger need for affordable housing.</p>	<p>The consultation period was appropriate as it lasted for six weeks, longer than the required minimum of four weeks, and started over a month before the local elections.</p> <p>The affordable housing threshold is set by national policy and legislation. In “designated rural areas” a lower threshold of seeking contributions from developments of 6-9 dwellings can be sought. Exmouth, Sidmouth, Seaton and Honiton are not within this designated area, so the threshold is “major development” (10 dwellings or 0.5 ha or more).</p>
<p>Devon and Cornwall Police</p>	<p>Designing out opportunities for crime, fear of crime, anti-social behaviour and conflict in the built environment contributes to delivering sustainable developments. Crime Prevention through Environmental Design (CPTED) combined with the principles and practices of Secured by Design (SBD) considers the following elements:</p>	<p>Noted and agreed.</p> <p><i>Change to SPD: in para 5.1 add reference to designing out crime/crime prevention through environmental design.</i></p>

Name or organisation	Comment summary	Council response
	<ul style="list-style-type: none"> <li>• Access and movement</li> <li>• Structure</li> <li>• Surveillance</li> <li>• Ownership</li> <li>• Physical protection</li> <li>• Activity</li> <li>• Management and maintenance.</li> </ul> <p>In light of this, a reference to ‘designing out crime/crime prevention through environmental design’ should be included in chapter 5 under “how can affordable housing be well-designed?”</p>	
Highways England	No comment.	Noted.
McMurdo Land Planning and Development Ltd on behalf of Stuart Partners Ltd	<p><b>Thresholds</b> Support the approach to thresholds as it fully aligns with the updated NPPF (2018), and it allows applicants to justify circumstances where it might not be appropriate to meet Local Plan targets. Object to setting an “at least 66%” figure for rural exception sites because this will hamper delivery and is not consistent with the updated NPPF.</p> <p><b>Land values and viability</b> Object to the reference to a 20% uplift on the existing use value as this is not consistent with the methodology for determining benchmark land values in the</p>	<p><b>Thresholds</b> Support noted. The “at least 66%” figure at rural exception sites is set in the Local Plan (Strategy 35) and cannot be changed in the SPD. This is consistent with the NPPF (para 77) which allows some market housing on rural exception sites to facilitate their delivery.</p> <p><b>Land values and viability</b> It is agreed that the Homes England approach to calculating benchmark land values is not</p>

Name or organisation	Comment summary	Council response
	<p>NPPF and PPG, and would stifle strategic scale delivery as landowners would not release land.</p> <p>The full release of all development information for an overage clause is overly onerous and challenging, particularly for strategic development with multiple developers. The overage requirement fails to reference the cost implications of delivering strategic sites. Sample copies of overage clauses are not provided for review, so fully informed comments cannot be made.</p> <p><b>Off-site provision</b> Support allowing affordable housing to be provided off-site through a monetary contribution in lieu.</p> <p><b>Brownfield land</b> Support the reduction of affordable housing contributions where vacant buildings are being reused or redeveloped. Object to instances where the council will consider not applying vacant building credit where there is an extant or recently expired permission for the same or substantially the same development. There may be good reasons to do this to ensure viable delivery e.g. to increase density or improve design. This would jeopardise the delivery of housing development on brownfield sites.</p> <p><b>Self-build</b> Object as fails to acknowledge that self-build could provide market or affordable housing.</p> <p><b>Phasing</b></p>	<p>supported by national policy or guidance, but agree it may be misleading, so delete. <i>Change to SPD: amend para 3.11, 2<sup>nd</sup> sentence: "... in determining the premium for the landowner regard will be had to <del>the approach currently taken by Homes England in assessing funding bids which is a 20% uplift on the existing use value</del> up to date evidence of land values, case law and Government policy and guidance (including the approach taken by Government agencies)."</i> <i>Delete 3<sup>rd</sup> sentence.</i></p> <p>The policy requirement for overage is already set in the Local Plan (Strategy 34) and cannot be amended by the SPD. <i>Change to SPD: add the overage clause to the standard s.106 agreement in appendix three.</i></p> <p><b>Off-site provision</b> Support noted.</p> <p><b>Brownfield land</b> General support is noted. Government guidance (PPG) allows authorities to consider whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.</p>

Name or organisation	Comment summary	Council response
	<p>Object to the approach to phasing affordable and market housing delivery as it fails to consider the complexities of delivering infrastructure and housing on strategic development sites or the role of s.106 agreements in securing such balanced delivery.</p>	<p><i>Change to SPD: in para 3.29, add reference to PPG Reference ID 23b-028-20190315 which states “it may be appropriate for authorities to consider...” the listed bullet points.</i></p> <p><b>Self-build</b>                      Para 4.15 does acknowledge that self-build can be affordable if it meets the government definition, but could word more positively.  <i>Change to SPD: amend para 4.15 to be worded more positively: “...although self-build can often be a cheaper way of buying a house, it will typically not be considered affordable housing, unless it meets the definition in national policy.”</i></p> <p><b>Phasing</b>                      The balanced delivery of market and affordable dwellings can help foster social cohesion. Para 5.12 promotes this, but does not require if there are feasibility or viability issues. Agree that phasing can vary according to the site.  <i>Change to SPD: in para 5.12, state that the delivery of affordable housing in relation to market housing will be included in the s.106. Make clear that the stated phasing is an example that we would expect, rather than a requirement for all sites.</i></p>

Name or organisation	Comment summary	Council response
LiveWest Ltd	<p><b>Context and Overview of Policies and Evidence</b> The explanation of the affordable housing types reproduces the definition in the NPPF, and does not reflect that the NPPF may be amended in the future. It should not simply replicate national policy, and should reference any successor national policy which may be published in the future.</p> <p><b>Tenure and mix</b> Should not restrict the bedroom size mix as need may change over time and there may be specific evidence available for individual settlements. The SHMA is now four years old and should be updated urgently. Amend para 4.8 to reference “any more up to date evidence”.</p> <p>Pleased that the SPD allows the staircasing restriction to be removed for grant funded shared ownership dwellings in a Designated Protected Area (DPA). For non-granted dwellings in DPAs, EDDC will remove the restrictions under certain conditions, which includes where it can be evidenced that the restriction is making the home unaffordable to potential purchasers due to high interest rates or deposits required by lenders.</p> <p>There is no requirement in the NPPF for shared ownership homes in DPAs to be retained in perpetuity when they have not been grant funded. Therefore, request that this blanket restriction should be removed as it will cause delay to home ownership while the evidence is gathered and s.106 amended.</p> <p><b>Design and Layout</b> Requiring a mix of tenures within a single cluster of affordable homes will create design and management issues for smaller clusters. Therefore, request that this</p>	<p><b>Context and Overview of Policies and Evidence</b> Noted and agreed. <i>Change to SPD: in para 2.1, simplify definition of affordable housing with reference the NPPF, and the fact that this could change in the future.</i></p> <p><b>Tenure and mix</b> Para 4.8-10 seek to provide context on bedroom need, rather than “restricting” bedroom size. The council has appointed consultants to undertake work on housing need in East Devon. <i>Change to SPD: amend para 4.8-10 to be clear that the SHMA and Devon Home Choice are evidence of need, and not policy requirements. State that the size and type of affordable housing will be a matter for negotiation in the light of all relevant factors, including any more up to date evidence, deliverability and social and community balance.</i></p> <p>The NPPF Annex 2 definition does only refer to shared ownership dwellings being available for future eligible households where public grant funding is required. However, DPAs are dealt with separately under secondary legislation,</p>

Name or organisation	Comment summary	Council response
	<p>requirement is deleted as it will create unnecessary complications and restrictions on the location of affordable homes by tenure on a site.</p> <p>Would support a stronger reference to National Space Standards in the SPD.</p> <p><b>Rural Exception Sites</b> The requirement in para 6.14 to access at least four of the listed community services and facilities by walking or cycling is too restrictive, and may prevent affordable homes from being developed where there is a housing need and local facilities in neighbouring settlements could be accessed by public transport or car.</p> <p><b>Legal agreements</b> Accept that priority should be given to those with the most immediate relationship to the settlement (e.g. connection to a Parish), but it is important for the efficient letting of homes if allocations can be considered from all potential sources at the same time. Therefore, the ‘sequential’ approach in para 7.11 is not supported – these should all be sought simultaneously, with priority given in accordance with the specified areas.</p> <p>Welcome the reference to those with a connection to Exeter in para 7.11(iii), but suggest this could also include Mid Devon. Would prefer that the specific written agreement of East Devon be limited to points iv and v in para 7.11.</p> <p>Making affordable homes for sale subject to a perpetuity restriction in the s.106 will create barriers to affordable home ownership as potential purchasers will not be able to secure mortgages at competitive loan rates and will encounter problems when selling on their share. The NPPF only requires affordable homes</p>	<p>which does require shared ownership dwellings to be retained in perpetuity.</p> <p><b>Design and Layout</b> Management issues relating to a mix of tenures in small clusters are noted. <i>Change to SPD: para 5.7, amend to state: “<u>On larger sites, the affordable housing within each cluster should include a mix of tenures.</u>”</i></p> <p>The support for a stronger reference to National Space Standards is welcomed, but these can only be introduced in a Local Plan or other Development Plan Document, not an SPD.</p> <p><b>Rural Exception Sites</b> Agree that transport accessibility should be worded more flexibly. <i>Change to SPD: amend para 6.14: “... can be reasonably accessed by residents, <u>preferably by walking, cycling or public transport in order to...</u>”</i></p> <p><b>Legal agreements</b> Agree that it would be more efficient if allocations from all potential sources can be considered at the same time.</p>

Name or organisation	Comment summary	Council response
	<p>for sale in perpetuity at Rural Exception Sites. Suggest that para 7.18 is deleted and reference to affordable homes being in perpetuity is removed from the standard s.106 agreement in appendix three.</p> <p><b>Appendix Three – standard s.106 agreement for affordable housing</b>                      Local connection should allow for consideration of nominations to adjoining districts outside of Devon.                      Prefer that the definition of Shared Ownership Lease should have the reference to restrictions to 80% removed.</p>	<p><i>Change to SPD: add text in para 7.12 to say that “...Potential occupants can be sought from these areas simultaneously, with priority given according to the hierarchy explained above.”</i></p> <p>It is not considered that the issue relating to local connection extends into Mid Devon – it primarily relates to sites to the east of Exeter. Agree that specific written agreement is not necessary, and that closer working between the council and RPs can ensure affordable homes are occupied by those with a local connection.</p> <p><i>Change to SPD: replace para 7.12 with: “The council will work with Registered Providers to ensure that new affordable homes are occupied by people that meet this local connection test”.</i></p> <p>There is no restriction that requires affordable homes for sale only on Rural Exception Sites in the NPPF – Annex 2 allows affordable homes for sale to be available in perpetuity where public grant funding is provided. Para 7.18 already states that “where possible (i.e. allowed in the NPPF definition of affordable housing)...”, but could better link with the preceding paragraphs that further explain this issue.</p>

Name or organisation	Comment summary	Council response
		<p><i>Change to SPD: amend para 7.18 to “where possible (i.e. allowed in the NPPF definition of affordable housing, <u>as explained above</u>)...”</i></p> <p><b>Appendix Three – standard s.106 agreement for affordable housing</b>                      It is considered more appropriate to restrict nominations to within Devon. The approach to the removal of the restricted 80% shared ownership is explained in para 4.11 onwards.  <i>Change to SPD: Para 7.10, add “...local housing needs, <u>current practice is that</u> local connection criteria...”. Para 7.11: delete point v relating to those with a connection to adjoining districts outside Devon.</i></p>
Natural England	No comment on the SPD as the topic does not relate to our interests. A SPD requires a Strategic Environmental Assessment only in exceptional circumstances, as set out in the Planning Practice Guidance. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered under the Habitats Regulations in the same way as any other plan or project. You are required to consult Natural England if the SPD requires a Strategic Environmental Assessment or Habitats Regulations Assessment.	Noted. A screening report for Strategic Environmental Assessment and Habitats Regulations was published for consultation alongside the SPD. The screening report concluded that neither a full Strategic Environmental Assessment nor an ‘appropriate assessment’ was required.
PCL Planning Ltd on behalf of Client Group	<p><b>General comments</b>                      The scope of the SPD goes beyond that which it is necessary to consider for the planning process, as it sets out various housing allocation/ management</p>	<p><b>General comments</b>                      The housing allocation approaches will be set out in the s.106 (where required), so is relevant to</p>

Name or organisation	Comment summary	Council response
<p>(Kier Living, Waddeton Park Ltd, Greendale and Devonshire Homes Ltd)</p>	<p>approaches that are not directly relevant to planning decisions. This should be removed and published separately. Similarly, there's unnecessary duplication of national policy – the documents' role is to provide guidance on Local Plan policies.</p> <p><b>Not fettering schemes of 0-5 units</b> If a financial contribution is sought on schemes within a designated rural area of 6-9 units then financial contributions should only be sought from units 6-9 (not 0-5).</p> <p><b>Uncertainty/risk/overage</b> The council need to recognise that viability assessment is a 'risk based guesstimate' not a science. Therefore it is not possible, upon submission of applications, to be specific about the amount of affordable housing to be provided given it's often not clear what other planning obligations are being sought. This uncertainty is why overage payments are not appropriate. If the council wish to seek overage payments, they should bear the costs if the development turns out to be less viable. Re-assessment post completion is unnecessary, bureaucratic and can't be assessed with accuracy.</p> <p><b>Benchmark land value</b> It is not Government policy that existing use value plus 20% should be adopted as a benchmark, and is at odds with the assessment made in preparing the Local Plan (CIL viability study, 2013). This is a new policy approach that has not been examined and cannot be lawfully pursued via an SPD as it is intended to guide the determination of planning applications. If the council continues to adopt the document as a SPD, rather than a DPD, it will be acting unlawfully and will likely</p>	<p>planning decisions. However, agree that this text can be simplified. Agree that unnecessary duplication of national policy should be avoided. <i>Change to SPD: rationalise text relating to housing allocation/management and national policy.</i></p> <p><b>Not fettering schemes of 0-5 units</b> Agreed, this was set out in figure 3.1 in the SPD.</p> <p><b>Uncertainty/risk/overage</b> Planning applications need to demonstrate how they have complied with Local Plan policies to enable a decision to be made, so are required to set out the level of affordable housing being proposed. Overage is required in the Local Plan, so cannot be changed through the SPD. <i>Change to SPD: Para 3.14, clarify that overage is a requirement of the Local Plan (Strategy 34), and not being introduced by the SPD.</i></p> <p><b>Benchmark land value</b> The SPD states regard will be had to this approach to benchmark land values, and is not intending to guide the determination of applications. However, agree that a blanket percentage uplift to adopt benchmark land value</p>

Name or organisation	Comment summary	Council response
	<p>fail at judicial review as did the <u>Skipton Properties</u> and <u>William Davis</u> decisions in the High Court. Since affordable housing is the residual element in a viability assessment, then the SPD proposes a significant change to the operation and meaning of Strategies 34 and 35.</p>	<p>is not stated in national policy or guidance; and that this approach differs from the CIL viability study.  <i>Change to SPD: amend para 3.11, 2<sup>nd</sup> sentence: "... in determining the premium for the landowner regard will be had to <del>the approach currently taken by Homes England in assessing funding bids which is a 20% uplift on the existing use value</del> up to date evidence of land values, case law and Government policy and guidance (including the approach taken by Government agencies)."</i>  <i>Delete 3<sup>rd</sup> sentence.</i></p>
<p>R Galling</p>	<p>There is no work in Buckerell so it would be inappropriate to have more affordable housing, which should be within walking distance of workplaces and schools.</p>	<p>Noted. Proposals for affordable housing at Buckerell will be considered against Local Plan Strategy 35, which requires schemes to be close to a range of community services and facilities.</p>
<p>Rapleys LLP on behalf of The Crown Estate</p>	<p><b>Section 3: Thresholds and targets</b>                      Table 3.2 confirms the Local Plan affordable housing target of 25% within the Axminster built-up area boundary (BUAB), and 50% outside. The Axminster North Eastern Urban Extension Masterplan (January 2019) establishes that further land (outside of the defined built-up area boundary) is necessary to deliver the objectives of a new relief road for Axminster in addition to new homes and jobs. This is based on viability work at 25% affordable housing, so any increase in affordable housing (to 50%) would have a direct impact on its deliverability.</p>	<p><b>Section 3: Thresholds and targets</b>                      The Axminster masterplan work is noted, but the affordable housing target can only be changed through a revision of the Local Plan, not the SPD. The Axminster masterplan is a material consideration when determining the planning application(s) at the site.</p> <p><b>Commuted sums</b></p>

Name or organisation	Comment summary	Council response
	<p>Section 3 and table 3.2 should be amended to make clear that the affordable housing target across the Axminster Masterplan Study Area is 25%.</p> <p><b>Commuted sums</b> Para 3.8 states that where the application of targets does not lead to a 'round' number, the remaining proportion will be paid as a commuted sum. This is not required in Strategy 34 and its introduction now is unreasonable and conflicts with national planning guidance.</p> <p><b>Overage clause</b> An overage clause in respect of land to the East of Axminster to claw back up to 50% in respect of that part of the site that falls outside the built-up area boundary would not be reasonable. The endorsed Masterplan for the site establishes a site wide 25% affordable housing target.</p> <p><b>Tenure, Mix and Size</b> It is important that the Council does not rule out alternative tenure mixes that facilitate the delivery of strategic objectives, for example on land to the east of Axminster. Greater flexibility should be included in the SPD to encourage affordable housing to reflect the other tenure mixes in NPPF annex 2 definition, which includes Starter Homes and discounted market sales housing.</p> <p>Whilst the SHMA 2015 evidence on unit sizes is noted, it is important that obligations attached to outline consents do not place prescriptive requirements on the size of affordable housing units. This should be established at the detailed design stage to enable the development to respond to market conditions at the time of construction.</p>	<p>Disagree – Strategy 34 states that “Affordable housing shall be provided on site unless it is...not mathematically possible...In such cases a payment towards an off-site contribution will be required in lieu of on-site provision.” Therefore, the position set out in the SPD para 3.8 does already form part of Strategy 34.</p> <p><b>Overage clause</b> Whilst the Axminster Masterplan has been endorsed by the council, the Local Plan remains the development plan, which should be reflected in the SPD. The Axminster Masterplan is a material consideration when determining the planning application(s) at the site.</p> <p><b>Tenure, Mix and Size</b> The SPD does reflect the NPPF definition of affordable housing, for example in recognising its wider range of tenure mixes (see para 4.4). Whilst para 4.5 sets out the priority is to deliver shared ownership, relevant equity loans and other low cost homes for sale (within the 30% 'intermediate or other housing'), it does not set this as policy or rule out other tenures. However, the requirement for applicants to provide evidence to justify the mix in the 30% 'intermediate or other' category is</p>

Name or organisation	Comment summary	Council response
		<p>considered too onerous and not required in Local Plan policy.  <i>Change to SPD: delete 3<sup>rd</sup> sentence in para 4.5 relating to requiring evidence to justify the mix of 30% intermediate or other housing.</i></p> <p>Whilst outline consents do sometimes contain unit sizes, this is not a requirement.</p>
<p>Savills on behalf of Taylor Wimpey</p>	<p><b>Introduction</b>                      Taylor Wimpey control land at Sherwood Cross, adjacent to the north west of Feniton (location plan appended). In summary, it is considered that the SPD is unduly restrictive and does not accord with the NPPF on the following four issues, which advocates that plans should be sufficiently flexible to adapt to rapid change.</p> <p><b>Overage clause arrangements</b>                      Whilst provisions which enforce the reappraisal of viability at a particular phase in a project may be agreed on a site by site basis where appropriate, this will not necessarily be acceptable either in principle or at 50% of additional profit being recovered by the council. The arrangements should be bespoke and respond to the circumstances of a particular site e.g. in some cases the nature of the land transaction will render such an approach impractical. Therefore, we recommend that the 50% figure be removed from the SPD and the percentage of profit to be agreed between the applicant and EDDC should be determined on an ad-hoc basis in the s.106.</p> <p><b>Evidence of need for intermediate housing</b></p>	<p><b>Introduction</b>                      The land at Sherwood Cross, Feniton is noted, but land allocations are not being considered in the SPD. A response to the four issues is given below.</p> <p><b>Overage clause arrangements</b>                      The requirement for an overage clause where affordable housing provision is below the policy target is already set out in the Local Plan (Strategy 34). It is considered that stating that the council seeks to recover 50% of any additional profit provides certainty for developers (and the community). This does not preclude site-specific issues varying this percentage.  <i>Change to SPD: amend para 3.15, second sentence: <u>"It is EDDC practice seek to recover the amount of affordable housing that would have</u></i></p>

Name or organisation	Comment summary	Council response
	<p>Concerned that para 4.5 states that an applicant should provide evidence to justify the mix of affordable housing being proposed within the 30% “intermediate or other” tenures. This is unnecessary and unjustified because all of the additional affordable housing products in the NPPF will meet a need for those unable to afford to buy or rent on the open market. Notwithstanding this, updated evidence is being prepared for the Greater Exeter Strategic Plan which can inform the determination of planning applications. In the meantime, the council should be flexible.</p> <p><b>Size and mix of affordable housing required</b> The proposed dwelling mix in para 4.8 is very heavily weighted towards smaller properties and apartments, which are characteristic of predominantly urban locations and may not be appropriate within the more rural areas of the district. Until an updated SHMA or other assessment of local housing need has been published, the proposed dwelling mix should not be prescriptively applied and a bespoke approach should be applied appropriate to the location of the site.</p> <p><b>On-site delivery of affordable housing</b> Para 5.12 restricts the occupation of open market dwellings prior to completion of affordable homes. This places an unnecessary restrictive burden on the delivery of housing. Developers may build affordable housing first in order to obtain grant funding early, or later on because of the specific characteristics of a site (e.g. there may be a need to focus revenue on infrastructure delivery in order to ‘open up’ a site). Therefore, the phasing of affordable housing delivery should be agreed on a bespoke basis and implemented through a s.106, rather than being prescribed in the SPD.</p>	<p><i>been required in a scheme by obtaining 50% of any additional profit, capped to...</i></p> <p><b>Evidence of need for intermediate housing</b> The SPD does reflect the NPPF definition of affordable housing. However, agree that the requirement for applicants to provide evidence to justify the mix is considered too onerous and not required in Local Plan policy. <i>Change to SPD: delete 3<sup>rd</sup> sentence in para 4.5 relating to requiring evidence to justify the mix of 30% intermediate or other housing.</i></p> <p><b>Size and mix of affordable housing required</b> The SPD provides guidance on the size and mix of required affordable dwellings, and is not intended to be “prescriptively applied”. Although the SHMA is now four years old, the latest evidence of bedroom need for those registered on Devon Home Choice broadly reflects the SHMA. The SPD (para 4.10) recognises that specific needs evidence may be available in rural areas where a housing needs study has been produced. Nevertheless, some further clarity would be helpful on this issue. <i>Change to SPD: amend para 4.8-10 to be clear that the SHMA and Devon Home Choice are</i></p>

Name or organisation	Comment summary	Council response
		<p><i>evidence of need, and not policy requirements. State that the size and type of affordable housing will be a matter for negotiation in the light of all relevant factors, including deliverability and social and community balance.</i></p> <p><b>On-site delivery of affordable housing</b>                      The SPD (para 5.12) provides guidance on the delivery of affordable housing vs market housing, but recognises that feasibility or viability issues could change this at specific sites. It could be made clearer that a bespoke phasing programme could be agreed.  <i>Change to SPD: para 5.12-3, add that “examples of where this phasing may not be feasible or viable could include situations where there is a need to focus revenue from the development on infrastructure delivery in the first instance to ‘open up’ a site.”</i></p>
South West Water	No comment.	Noted.
Sturt and Company Ltd on behalf of	<p><b>Three Dragons Excel toolkit</b>                      Concerns over the use of a non-industry standard Excel viability appraisal for setting CIL and Affordable Housing SPD. Failure to disclose this toolkit questions the Local Authority’s statutory Duty to Co-operate.</p>	<p><b>Three Dragons Excel toolkit</b>                      A viability appraisal is not required for the Affordable Housing SPD, as it does not set policy. The Duty to Co-operate applies to Local Plans</p>

Name or organisation	Comment summary	Council response
Cranbrook LVA LLP	<p><b>Gross Development Value (GDV)</b> Concerns about the private sector sales prices and rate. For affordable housing, the Cranbrook Plan viability study uses a high GDV compared to actual contracts agreed with registered providers (RPs) in the area – the consultation response includes four recently agreed contract prices, which average at £1,532 per sq m, compared to £1,920 sq m in the Cranbrook assessment, some 20% higher. It appears that the draft Policy is based upon unrealistic affordable housing prices which do not reflect the market place.</p> <p>The CIL Review and Cranbrook Plan DPD viability study has incorrectly allowed a tenure mix of 70% equity share and 30% shared ownership, contrary to the proposed tenure mix of 70% affordable rent.</p> <p><b>EDDC viability guidance</b> The SHMA 2014/15 only identifies a housing need of 272 dwellings per year, and should be updated as it is expected the need is now higher.</p> <p><b>Rest of East Devon Affordable Housing targets</b> The target of 50% of all dwellings to be affordable is very high compared to adjoining communities which are only set at 25%. It is extremely unlikely that the scheme comprising 50% affordable housing will be viable in East Devon where the differential in values is modest.</p> <p><b>Suitably qualified professional</b> In para 3.10, we request that any professional providing viability advice should be a Chartered Surveyor with experience of valuing land.</p>	<p>that include policies on strategic matters that cross administrative boundaries, and not SPDs.</p> <p><b>Gross Development Value</b> The SDP does not set policy so is not subject to viability assessment. Nevertheless, the CIL Review and Cranbrook Plan DPD viability study included consultation with Registered Providers which informed the affordable housing values.</p> <p>Foot note 46 in the CIL Review and Cranbrook Plan DPD viability study explains that Affordable Rent Transfer Values are listed under the Equity Share heading within the summary. Therefore, the viability study has applied the correct tenure mix.</p> <p><b>EDDC viability guidance</b> Consultants have been commissioned to undertake a district-wide housing needs study.</p> <p><b>Rest of East Devon Affordable Housing targets</b> Affordable housing targets are set in the Local Plan, and the SPD does not change these.</p> <p><b>Suitably qualified professional</b></p>

Name or organisation	Comment summary	Council response
	<p><b>Existing use value plus premium</b> The approach to calculating benchmark land value outlined in para 3.11 (only 20% of existing use value) does not reflect the multiplier required when assessing the benchmark land value of a greenfield site. There is well documented professional guidance that sets out how this should be assessed (see RICS 2012 guidance and Harman Report). More flexibility is needed to ensure a wide range of sites come forward for development.</p> <p><b>Affordable units mix and size</b> Unclear whether or not the 70% rented element is Social Rent or Affordable Rent. It should be Affordable Rent, as Social Rent would lower values further. The bedroom need in the SPD (50% one bedroom, 40% two bedroom, 10% three and four bedrooms plus) is different to the assumptions used in the Cranbrook viability study.</p> <p>The SPD needs to make it clear that there will be no local rent caps imposed on the Affordable Rent units, as the definition of Affordable Rent is nationally accepted.</p> <p><b>Design Standards</b> The additional costs of meeting part M4(2) of the Building Regulations is a significant cost that needs to be taken into account. The Cranbrook viability study has used the lowest build cost which would not allow essential design requirements.</p> <p><b>Rural Exception Sites</b></p>	<p>Noted, but this is considered to be too prescriptive.</p> <p><b>Existing use value plus premium</b> The SPD states regard will be had to this approach to benchmark land values, but agree that a blanket percentage uplift to adopt benchmark land value is not stated in national policy or guidance. <i>Change to SPD: amend para 3.11, 2<sup>nd</sup> sentence: "... in determining the premium for the landowner regard will be had to <del>the approach currently taken by Homes England in assessing funding bids which is a 20% uplift on the existing use value</del> up to date evidence of land values, case law and Government policy and guidance (including the approach taken by Government agencies)."</i> <i>Delete 3<sup>rd</sup> sentence.</i></p> <p><b>Affordable units mix and size</b> Policy on affordable housing mix is set out in Local Plan Strategy 34 as a target of 70% social or affordable rent and 30% intermediate or other – this cannot be changed through the SPD. The assumptions used in the Cranbrook Plan viability study were appropriate for that plan – the figures quoted from the SHMA are district-wide.</p>

Name or organisation	Comment summary	Council response
	<p>The set figure of 66% having to be affordable on rural exception sites does not provide sufficient flexibility. Instead it should allow the minimum number of private dwellings to justify the delivery of affordable housing. There is no clear guidance on how benchmark land values are to be assessed for rural exception sites.</p> <p><b>Standard section 106 agreement</b> There is no reference to overage in the standard s.106 agreement in appendix three. These overage documents must be subject to a separate consultation with lawyers and valuers. Sites with overage lead to increased risk and cost. This has not been factored into the profit levels used in the viability assessment.</p> <p>The ‘mortgagee in possession’ clause should be circulated to commercial banks for their input to ensure it meets the requirements of lending institutions.</p>	<p>The council cap rents at Local Housing Allowance rates – this cannot be amended through the SPD, the purpose of which is to provide guidance on Local Plan policies.</p> <p><b>Design Standards</b> Policy on accessible and adaptable homes is already set in the Local Plan, and cannot be changed in the SPD. The Cranbrook Plan viability study assumes that all affordable and 20% of market homes meet part M4(2).</p> <p><b>Rural Exception Sites</b> Policy on rural exception sites is already set in the Local Plan and cannot be changed in the SPD. It is not the role of the SPD to provide guidance on benchmark land values.</p> <p><b>Standard section 106 agreement</b> Agree that it would be useful to add the overage clauses to the standard s.106 agreement. The requirement for overage is already set out in the Local Plan. Viability assessment is not required for the SPD. <i>Change to SPD: Overage clauses have been added to the standard s.106 agreement.</i></p>

Name or organisation	Comment summary	Council response
<p>Tetlow King Planning Ltd on behalf of Rentplus UK Ltd</p>	<p>Rentplus UK Ltd are an innovative company providing affordable rent to buy housing, with rent set at the lower 80% market rate (affordable rent) or Local Housing Allowance with a planned route to ownership at 5, 10, 15 or 20 years after delivery.</p> <p><b>Definitions</b> The reproduction of national policy in para 2.1 is unnecessary and should be removed.</p> <p><b>Who delivers new affordable housing?</b> Para 2.3, footnote 5 is only partly true as some for-profit providers of affordable housing are also regulated by Homes England. Therefore, remove reference to not-for-profit.</p> <p>The inclusion of specific references to rent to buy and Rentplus within para 2.4 are welcomed, is in accordance with the new definitions in the NPPF, and mark East Devon District Council out as an authority that wishes to encourage delivery of affordable homes for local people aspiring to purchase.</p> <p><b>What mix of affordable homes should be provided?</b> Support reference to affordable rent to buy in para 4.4 as forming part of the ‘intermediate or other affordable housing’ in Strategy 34. This is useful in providing certainty to developers.</p> <p>Para 4.5 is significantly unhelpful in enabling the full range of affordable housing tenures to be delivered. The council should not wait until new strategic-level evidence to accept a wider mix being delivered; developers may still provide other</p>	<p><b>Definitions</b> Noted and agreed. <i>Change to SPD: in para 2.1, simplify definition of affordable housing with reference the NPPF.</i></p> <p><b>Who delivers new affordable housing?</b> Noted and agreed. <i>Change to SPD: remove “not-for-profit” from footnote 5.</i></p> <p>Support for reference to rent to buy and Rentplus is noted.</p> <p><b>What mix of affordable homes should be provided?</b> Support for reference to affordable rent to buy is noted.</p> <p>The SPD does reflect the NPPF definition of affordable housing, for example in recognising its wider range of tenure mixes (see para 4.4). Whilst para 4.5 sets out the priority is to deliver shared ownership, relevant equity loans and other low cost homes for sale (within the 30% ‘intermediate or other housing’), it does not set this as policy or rule out other tenures. However, the requirement for applicants to provide evidence to justify the</p>

Name or organisation	Comment summary	Council response
	<p>sources of evidence on how each product will meet housing need. Para 4.5 should be amended to ensure the council does not restrict the tenures which can be delivered, and so limit the opportunities for local people who can instead afford to rent to buy. Amend para 4.5 as follows: “...so there is currently a lack of <u>strategic district-wide</u> evidence regarding the need for these types of affordable housing in East Devon. <del>Therefore, the councils’ priority is to deliver shared ownership, relevant equity loans, and other low cost homes for sale.</del>”</p> <p>The council should be prioritising a new SHMA to enable a better appreciation of affordable housing need.</p>	<p>mix is considered too onerous and not required in Local Plan policy.  <i>Change to SPD: delete 3<sup>rd</sup> sentence in para 4.5 relating to requiring evidence to justify the mix of 30% intermediate or other housing.</i></p> <p>The council has commissioned consultants to produce a study on local housing need.</p>
<p>Tetlow King Planning Ltd on behalf of South West HA Planning Consortium</p>	<p><b>Definitions</b>                      Para 2.1 should be removed as it simply reproduces the NPPF Annex 2. To ensure its longevity and consistency, the SPD should only refer to the national definition.</p> <p><b>How “affordable” is housing in East Devon?</b>                      The inclusion of text on the affordability challenge in East Devon is supported. The SPD will play an important role in facilitating the delivery of genuinely affordable housing, with the council working in partnership with local Housing Associations.</p> <p><b>What are the key sources of evidence?</b>                      The SHMA is quite dated and evidence should be updated to inform the Local Plan review. Members of the Planning Consortium would welcome direct input into this evidence, to ensure that this takes into account local experience of affordable housing needs and delivery.</p>	<p><b>Definitions</b>                      Noted and agreed.  <i>Change to SPD: in para 2.1, simplify definition of affordable housing with reference the NPPF.</i></p> <p><b>How “affordable” is housing in East Devon?</b>                      Support noted.</p> <p><b>What are the key sources of evidence?</b>                      The council has commissioned consultants to produce a study on local housing need. It is envisaged that this will include a stakeholder workshop that involves Registered Providers. The council make housing need surveys available to Registered Providers.</p>

Name or organisation	Comment summary	Council response
	<p>The funding of housing need surveys for three parish councils each year through Devon Communities Together is supported, as this can provide an excellent source of evidence of housing need. The council should make these publicly available to improve transparency and reduce costs in evidencing local needs at application.</p> <p><b>What mix of affordable housing tenures should be provided?</b>                      Para 4.5 suggests that the council will seek to restrict delivery of affordable housing to non-rented affordable housing tenures. This should be removed as it limits the opportunity to meet the need for the wider range of tenures in the revised NPPF.</p> <p><b>What size and type of affordable housing is being sought in East Devon?</b>                      Until the SHMA is updated, the council should not be seeking to restrict the types and sizes of affordable housing. Developers should instead be encouraged to deliver homes that will meet local needs, with reference to the SHMA and any more up to date evidence.</p> <p><b>How should affordable housing be ‘pepper-potted’ or dispersed throughout a development?</b>                      The inclusion of a mix of tenures within an affordable housing cluster can create significant design issues as different tenures cannot always be easily accommodated alongside each other. Therefore, the following text in para 5.7 should be deleted “the affordable housing within each cluster should include a mix of tenures”.</p>	<p><b>What mix of affordable housing tenures should be provided?</b>                      Agree that the SPD should reflect the NPPF definition of affordable housing, and that para 4.5 was worded too restrictively by identifying council priorities without up-to-date evidence.  <i>Change to SPD: delete 3<sup>rd</sup> sentence in para 4.5 relating to requiring evidence to justify the mix of 30% intermediate or other housing.</i></p> <p><b>What size and type of affordable housing is being sought in East Devon?</b>                      Noted and agreed.  <i>Change to SPD: amend para 4.8-10 to be clear that the SHMA and Devon Home Choice are evidence of need, and not policy requirements. State that any more up to date evidence could outweigh the SHMA.</i></p> <p><b>How should affordable housing be ‘pepper-potted’ or dispersed throughout a development?</b>                      Design issues relating to a mix of tenures are noted – suggest greater flexibility so this just relates to larger sites.</p>

Name or organisation	Comment summary	Council response
	<p><b>Are there any design standards that affordable housing should meet?</b>                      Para 5.11 should be deleted as it introduces uncertainty for developers when seeking to understand the council’s policy on national internal space standards. These standards may only be set in policy and not through an SPD.</p> <p><b>What evidence on housing needs is required to justify a rural exception site?</b>                      It may not always be possible to produce a rural housing needs survey in partnership with a parish council or neighbourhood plan steering group, such as in areas where any residential development is vigorously objected to. Para 6.3 should be amended as follows to allow for flexibility and prevent robust housing needs surveys being rejected because of a lack of formal community support: <i>“...or followed their methodology and, if possible, undertaken in partnership with the parish council and/or neighbourhood plan steering group.”</i></p> <p><b>Where can rural exception sites be built?</b>                      The NPPF (para 78) recognises that development in one village may support services in a village nearby. Provision of affordable housing in one rural village will support local people in accessing housing, but also support neighbouring village services. Therefore, para 6.13 and its accompanying list should be amended. Para 6.14 should either be deleted, as it is reliant on superseded guidance, or amended to allow for access by walking, cycling, other sustainable modes of transport, or car.</p> <p><b>How is the delivery of affordable housing legally secured?</b>                      It is unreasonable to expect submission of a completed unilateral undertaking with the submission of a planning application, given that a development may be</p>	<p><i>Change to SPD: para 5.7, amend to state: “On larger sites, the affordable housing within each cluster should include a mix of tenures.”</i></p> <p><b>Are there any design standards that affordable housing should meet?</b>                      Para 5.11 highlights the importance of dwelling size for design quality, but is clear that there are no space standards in the Local Plan.</p> <p><b>What evidence on housing needs is required to justify a rural exception site?</b>                      Agree that it may not always be possible to work with parish councils or neighbourhood plan steering groups.  <i>Change to SPD: para 6.3, amend 1<sup>st</sup> sentence to: “...or followed their methodology and, if possible, undertaken in partnership with the parish council and/or neighbourhood plan steering group.”</i></p> <p><b>Where can rural exception sites be built?</b>                      The policy position in the NPPF is noted, but the list in para 6.13 is taken from Local Plan Strategy 35, and can’t be amended through the SPD. Agree that reference to superseded guidance should be deleted, and more flexibility should be provided on what constitutes “close”.</p>

Name or organisation	Comment summary	Council response
	<p>subject to additional planning obligation requests, and the detail of a planning permission cannot be confirmed until the point of determination or receipt of an officer’s report. The expectation that a draft heads of terms be submitted is more reasonable, and should replace the text in para 7.5.</p> <p><b>Affordable homes in perpetuity</b> The act of securing affordable housing in perpetuity is exclusively applied to rural exception sites, as noted in NPPF Annex 2. The NPPF refrains from securing all affordable housing in perpetuity as it can cause a number of issues for affordable housing providers and purchasers when attempting to secure mortgages for properties restricted in this manner. This can create barriers to affordable home ownership. Therefore, references to retaining affordable housing in perpetuity should be removed unless relating to rural exception sites.</p>	<p><i>Change to SPD: Amend para 6.14 to state: “Close should mean that these services and facilities can be reasonably accessed by future residents, preferably by walking, cycling, or public transport.” Delete footnote 74.</i></p> <p><b>How is the delivery of affordable housing legally secured?</b> Agree that the submission of a completed unilateral undertaking is unreasonable where additional planning obligation requests are required (which would mean a s.106 is required rather than a unilateral undertaking in any case). <i>Change to SPD: para 7.5, amend 2<sup>nd</sup> sentence: “In these cases, <del>the completed unilateral undertaking securing payment of the contribution</del> a draft heads of terms must be provided with the planning application at the point of submission.”</i></p> <p><b>Affordable homes in perpetuity</b> Disagree – the NPPF Annex 2 definitions allows affordable housing to be secured in perpetuity to all sites, not just exception sites.</p>
<p>The Cavanna Group of Companies</p>	<p><b>What is and overage clause, and when does it apply?</b> Question how reasonable paras 3.14-15 are. Would the council accept this principle in reverse? If the developer makes less than expected profit will the</p>	<p><b>What is and overage clause, and when does it apply?</b></p>

Name or organisation	Comment summary	Council response
	<p>council cover the 50% of the loss of profit? All the risk is with the developer, and none with the council. This should be deleted.</p> <p><b>Cluster size</b> 10 is modest for a cluster size, with many other south west councils using a figure of 12.</p> <p>Registered Providers prefer to separate the tenures because of management and maintenance issues, so the requirement in para 5.7 for affordable housing within each cluster to include a mix of tenures should be deleted.</p> <p>The cluster sizes in figure 5.1 are misleading – the largest cluster is 7 in total which is contrary to the figure of 10 (which should be greater anyway). The clusters shown should all be greater, and a more accurate example should be provided.</p>	<p>Policy on overage is set in the Local Plan (Strategy 34) which requires an overage clause to be sought in respect of future profits where levels of affordable housing fall below policy targets. The council seek to recover 50% of additional profit, capped at the policy target, to incentivise developers to achieve higher profits. The notion of risk is inherent to the development industry. In such examples, a lower level of affordable housing will reduce risk in delivering the development.</p> <p><b>Cluster size</b> Para 5.7 makes clear that clusters of more than 10 dwellings can be justified. Of the south west examples that were reviewed, Exeter state clusters of no more than 10 units, Cornwall state 6-8 dwellings, whilst Mid Devon, Taunton and Teignbridge do not specify a figure.</p> <p>Management issues relating to a mix of tenures in small clusters are noted. <i>Change to SPD: para 5.7, amend to state: “<u>On larger sites</u>, the affordable housing within each cluster should include a mix of tenures.”</i></p>

Name or organisation	Comment summary	Council response
		<p>Figure 5.1 is titled as an “illustrative example”, but content to amend in light of the comment.  <i>Change to SPD: figure 5.1, increase size of cluster to up to 10.</i></p>
<p>Turley Associates on behalf of Bloor Homes and Stuart Partners</p>	<p><b>Viability guidance</b>            Para 3.10 states that viability assessments should follow the approach in Planning Practice Guidance (PPG) on viability and the council’s viability guidance. It is essential that the council recognise that each application must be judged on its merits as the viability guidance is highly restrictive, with limited flexibility, especially when considering schemes of a strategic scale.</p> <p><b>Benchmark land value</b>            Reference to a 20% uplift on the existing use value is highly inappropriate. The specification of an arbitrary minimum does not accord with the methodology in the PPG. Also, the existing use value of some development land (e.g. agricultural) is low, and applying only a 20% premium on the existing use value would generate unacceptable returns, which would deter the landowner from releasing land for development. This is also not consistent with the Parkhurst case<sup>6</sup> that critiques the use of an “arbitrary number and... method (that) does not reflect the workings of the market”. Therefore, the reference to an arbitrary 20% uplift on existing use value should be deleted. The councils’ viability guidance notes should be updated to reflect the NPPF and latest PPG.</p>	<p><b>Viability guidance</b>            Noted. The guidance will be applied as appropriate.</p> <p><b>Benchmark land value</b>            It is agreed that the Homes England approach to calculating benchmark land values is not supported by national guidance, and agree it may be misleading. The council will consider these comments in updating the viability guidance notes separately.  <i>Change to SPD: amend para 3.11, 2<sup>nd</sup> sentence: “... in determining the premium for the landowner regard will be had to <del>the approach currently taken by Homes England in assessing funding bids which is a 20% uplift on the existing use value.</del> up to date evidence of land values, case law and Government policy and guidance (including the</i></p>

<sup>6</sup> Parkhurst Road Limited v Secretary of State for Communities and Local Government and the Council of the London Borough of Islington [2018]

Name or organisation	Comment summary	Council response
	<p><b>Overage clause</b> A requirement for full release of all development information is unusually onerous and very challenging to undertake, especially when considering a scheme of strategic scale involving multiple developers with various infrastructure works to be provided by different parties within a multi-phase cashflow period.</p> <p>Overage clauses usually compare the final sales value of the completed residential units against the originally assessed level of construction costs with potential for abnormal costs to be evidenced. This is a simpler approach than proposed by the council.</p> <p>It appears from the wording within Viability Guidance Note 3 that model overage section 106 clauses were to be provided – this has not occurred.</p> <p><b>Strategic site viability assessment</b> To reflect the reduced affordable housing provision and nil CIL rate at Cranbrook, the cost implications of delivery of strategic sites should be referenced in the SPD. This should make clear that the cost burden of meeting servicing/infrastructure requirements represents a prospective justification for the council accepting reduced levels of affordable housing.</p>	<p><i>approach taken by Government agencies).” Delete 3<sup>rd</sup> sentence.</i></p> <p><b>Overage clause</b> Policy on overage is set in the Local Plan (Strategy 34) which requires an overage clause to be sought in respect of future profits where levels of affordable housing fall below policy targets. The council will consider updating the viability guidance notes in light of the comment, including provision of a model overage clause.</p> <p><b>Strategic site viability assessment</b> The Cranbrook Plan is supported by viability evidence prepared by consultants on behalf of the council which justifies a lower rate of 15% affordable housing. Local Plan policy (Strategy 34) allows proposals to not meet affordable housing targets where it is not viable or otherwise appropriate. This is already explained in the SPD (para 3.9-13) so additional text is not required.</p>

### 3 Consultation on the Draft Affordable Housing Supplementary Planning Document – January to February 2020

#### Background

- 3.1 The second round of consultation on the Draft Affordable Housing SPD took place from Tuesday 14 January until Friday 28 February 2020, alongside a screening report for Strategic Environmental Assessment and Habitats Regulations, and an Equalities Impact Assessment. The SPD and supporting documents were made available on the council's website.<sup>7</sup>

#### Who we consulted

- 3.2 As with the first round of public consultation, a wide range of individuals and organisations were consulted on the second Draft Affordable Housing SPD. A notification email was sent at the beginning of the consultation period to the following:
- Adjoining local planning authorities: Teignbridge District Council, Exeter City Council, Mid Devon District Council, Somerset West and Taunton Council, South Somerset District Council, Dorset Council
  - County councils within or adjoining East Devon: Devon County Council, Somerset County Council, Dorset Council (unitary)
  - All parish councils in East Devon
  - Registered providers operating in East Devon
  - Planning agents/consultancies who have previously engaged on planning matters in East Devon
  - Government organisations such as the Environment Agency, Natural England, Historic England, Highways England, Sport England, NHS England
  - Voluntary bodies including Libraries Unlimited, Campaign to Protect Rural England, Devon Wildlife Trust and National Trust
  - Bodies that represent local businesses such as the Local Enterprise Partnership and local chambers of commerce

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<sup>7</sup> The Affordable Housing SPD website contains these documents: <http://eastdevon.gov.uk/planning/planning-policy/housing-issues/affordable-housing/>

- 3.3 In addition, the Affordable Housing SPD consultation was the headline in the first edition of 'Planning News', an online newsletter produced by the council that was emailed to around 2,300 individuals in January 2020 – extract shown below.



## Have your say on affordable housing planning guidance

We are preparing guidance on bringing forward new affordable housing development in East Devon.

This will provide advice on how the existing Local Plan policies on affordable housing should be used.



[Read More](#)

## Summary of the main issues raised in consultation and how those issues have been addressed

- 3.4 A total of 22 consultation responses were received on the second Draft Affordable Housing SPD (January 2020). A general summary of the main issues raised by chapter is set out below:

### Thresholds and targets

- Object to the overage clause as it causes delay, uncertainty, and is not an effective basis for delivery.
- Lack of justification to confirm why 50% of any additional profit should be retained by the council – the percentage additional profit should be agreed between the applicant and EDDC on a case-by-case basis.
- The minimum time limit of 10 years for the council to spend off-site contributions is too long and should be reduced to 5 years.
- Anomaly that the threshold in Sidmouth (and three other towns) starts at 10 dwellings, as unlikely that developments of 10+ dwellings will take place in Sidmouth.

- Concerned about references to negotiation and viability testing after planning permission has been granted – the level of affordable housing should not be reduced.
- Support the thresholds as it aligns with the NPPF and allows applicants to justify where it would not be appropriate to meet affordable housing targets.
- Does not cover the potential to change mix of tenures before lowering the affordable housing amount.
- Object to at least 66% affordable housing on exception sites, particularly in relation to land in and around the “West End” of East Devon, as it would hamper housing delivery.
- Welcome the text on determining an acceptable return for landowners, and removal of reference to an arbitrary 20% uplift on existing use value.
- Support off-site provision.
- Object to the approach to the re-use of brownfield land because it implies that the Council would consider not applying the vacant building credit if it could do so.

### **Tenure and mix**

- Tenure mix is expressed as a target, so the need to justify an alternative mix will not simply be related to viability but could include a range of circumstances.
- The bedroom mix should be deleted or set out as an indicative figure to be negotiated in light of need and other factors, including deliverability and social/community balance.
- Pleased to see that the SPD allows the staircasing restriction to be removed for grant funded shared ownership dwellings in a Designated Protected Area.
- Welcome inclusion of reference to rent to buy and Rentplus as this is helpful to applicants who are considering tenure mix.
- Delete reference to the Council’s priorities for shared ownership, relevant equity loans, and other low cost homes for sale, as this limits opportunities to meet housing need.
- NPPF para 64 requires 10% of the total number of dwellings to be for affordable home ownership – this is largely reflected in the SPD, but clarification is needed.

### **Design and layout**

- Do not support the inclusion of a phased approach to the delivery of affordable housing alongside market housing as this is unduly restrictive.
- Suggest that larger clusters are allowed in larger sites.
- Flexibility should be introduced for pepper potting and cluster size, having regard to the specific circumstances of the development and delivery model.
- In smaller clusters a mix of tenures will create issues for design and management.

- Support a stronger reference to National Space Standards within the document.
- Reference to National Space Standards should be removed as it introduces uncertainty for developers, and the council has not adopted policy on this.

#### **Rural exception sites**

- The section on Rural Exception Sites appears helpful in confirming what is expected in terms of housing needs survey and access to services and facilities.

#### **Pre-application, legal agreements and occupancy**

- Welcome the reference to those with a connection to Exeter, but suggest this could also include Mid Devon.
- Securing affordable housing in perpetuity is exclusively applied to rural exception sites in national policy. Securing all affordable housing in perpetuity can cause a number of issues when attempting to secure mortgages under this restriction.

#### **Other**

- Devon County Council will seek developer funding towards transport and education improvements from all housing, including affordable units.
- Should identify the huge variations from settlement to settlement in the need/supply of affordable housing to ensure the housing is provided where it is needed.
- Disappointing that the council acquiring 20 affordable houses each year is less than the 25 homes “lost” from the “right to buy”.
- Affordable housing should be confined to areas where people can get to work by public transport.
- Important that the cost implications of the delivery of strategic sites are explicitly referenced, which could be a reason for reduced affordable housing.

3.5 Figure 3.1 on the following pages contains a summary of each comment and the council's response.

**Figure 3.1: Draft Affordable Housing Supplementary Planning Document (January 2020) – comments received and Council response**

Name or organisation	Comment summary	Council response
Avison Young for National Grid	National Grid owns and maintains the electricity transmission system, and owns and operates the high-pressure gas transmission system. Encourage high quality and well-planned development in the vicinity of National Grid assets.	Noted.
Barton Willmore for Taylor Wimpey	<p>Taylor Wimpey is promoting circa 28 ha of land to the east of Honiton, with capacity for up to 550 homes and an opportunity to make a significant contribution to deliver new affordable homes.</p> <p>Welcome the Council’s response to our previous comments (May 2019), and support the majority of changes made on tenure and mix, and design and layout. The indicated housing sizes of affordable housing is considered helpful.</p> <p><b>Phasing affordable housing (para 5.10)</b> Do not support the inclusion of a phased approach to the delivery of affordable housing in para 5.10. Delaying the build out/occupation of a development where the affordable housing lags behind the open market is unduly restrictive, particularly where this delay could be due to issues associated with the availability of funding from Registered Providers or similar sources. Timing and phasing can be agreed in a s106 agreement on individual sites – therefore, para 5.10 should be deleted.</p> <p><b>Overage clauses</b> Object to the use of the overage clauses as it can cause considerable delay to housing (including affordable) delivery. The application of overage across all sites should be removed from the SPD. Applying Local Plan Strategy 34 regarding</p>	<p>Noted, but it is not within the scope of the SPD to allocate sites.</p> <p>Support noted on tenure and mix, and design and layout, including indicated size of affordable housing.</p> <p><b>Phasing affordable housing</b> It is important to include guidance on phasing for the effective delivery of affordable housing. Para 5.11 includes an example of where this phasing may not be feasible or viable, but happy to add a further example relating to availability of funding from Registered Providers. With this change, it is considered that para 5.10-11 provides sufficient flexibility on phasing. <i>Change to SPD, para 5.10, “As an example, the council will <del>expect</del> <u>seek</u> the following phasing...”</i> <i>Para 5.11, add at the end of the sentence “...to initially ‘open up’ a site; <u>or if there are issues</u></i></p>

Name or organisation	Comment summary	Council response
	<p>overage is already made clear by the relevant Viability Guidance Notes provided by the Council, which the SPD partially conflicts with e.g. the Guidance Notes acknowledge that the overage clause is not to apply to every site and is dependent on the reasons of the individual case.</p> <p>For these reasons, the overage requirement should be removed from the SPD.</p>	<p><u><i>associated with the availability of funding from Registered Providers or similar sources.</i></u></p> <p><b>Overage clauses</b> The purpose of the SPD is to provide guidance on Local Plan policies – given that overage is in Local Plan policy, it is correct that the SPD contains guidance on this matter. Local Plan Strategy 34 states that an overage clause will be sought where levels of affordable housing fall below policy targets. Viability Guidance Note 3 has been updated to ensure full consistency with Strategy 34 by removing the caveat that it is not to be applied to every site.</p>
Blackdown Hills Area of Outstanding Natural Beauty	Support the production of the SPD as providing clear guidance on the provision of affordable housing. The section on Rural Exception Sites appears helpful in confirming what is expected in terms of housing needs survey and access to services and facilities.	Support noted.
Budleigh Salterton Town Council	Thank you for the opportunity to respond, but we have no comments to make.	Noted.
Cavanna Homes	<p><b>Overage clause (paragraph 3.13)</b> The applicant is taking all the risk – if a development hits a depressed market/recession it should be possible to review the affordable housing provision in the s106 and reduce if required to ensure housing delivery rather than stalled</p>	<p><b>Overage clause (paragraph 3.13)</b> The policy approach to overage is already set out in the Local Plan (Strategy 34). The notion of risk is inherent in the development industry, recognised in Government guidance advocating</p>

Name or organisation	Comment summary	Council response
	<p>development. Suggest that para 3.13 is removed or a mechanism added within the s106 to reduce affordable housing delivery if there is a depressed market.</p> <p><b>Off-site contributions (paragraph 3.20)</b> The minimum time limit of 10 years for the council to spend off-site contributions is too long and should be reduced to 5 years – if the council is asking for the payment it must already have schemes in mind. This is not unreasonable given that applicants have a shorter period of time to implement planning consents.</p> <p><b>Clusters (paragraph 5.6)</b> Suggest that larger clusters are allowed in larger sites. Surrounding local authorities allow higher numbers of affordable homes in a cluster e.g. Torbay current guidance is clusters of 20-24 where the proposal is 100 or more dwellings.</p> <p><b>S106 fees (paragraph 7.6)</b> Confirmation required on the fee amount, which should be reasonable.</p>	<p>profits of 15-20% (albeit less for affordable housing where there is a guaranteed occupier). Planning obligations can be renegotiated at any point, where the local authority and developer wish to do so<sup>8</sup> – this could potentially lead to reduced levels of affordable housing if there is a depressed market.</p> <p><b>Off-site contributions (paragraph 3.20)</b> It is useful for the SPD to contain guidance on how the council intends to spend off-site contributions, but note the comment that 10 years may be considered too long a period. Therefore, add flexibility to the wording. <i>Change to SPD: amend para 3.20, 2<sup>nd</sup> sentence “...must be spent <u>(although this time limit is subject to negotiation through the s106).</u>”</i></p> <p><b>Clusters (paragraph 5.6)</b> Para 5.6 enables larger clusters than 10 dwellings if necessary and able to promote social cohesion and a mixed and balanced community. Other examples reviewed in the south west suggest</p>

<sup>8</sup> Planning practice guidance, Reference ID: 23b-020-20190315.

Name or organisation	Comment summary	Council response
		<p>clusters of no more than 10 (Exeter) and 6-8 (Cornwall).</p> <p><b>S106 fees (paragraph 7.6)</b>                      The registration fee for unilateral undertakings is £50. There is no registration fee for s106 agreements, and the fees for assessing and monitoring the agreement will vary on a case-by-case basis depending upon the complexity of the agreement.  <i>Change to SPD: insert £50 registration fee for UUs as a footnote to para 7.6.</i></p>
<p>Cllr Kelvin Dent,                      chair of Sidmouth                      Town Council                      Planning                      Committee</p>	<p>Welcome any requirement for developers to provide affordable housing, but it seems an anomaly that the threshold in Sidmouth (and three other towns) starts at 10 dwellings, as it is unlikely that many, if any, developments of 10+ dwellings will take place in Sidmouth.</p> <p>The current major housing projects in Sidmouth are for residential development with care provision (Churchill, Lifestory). Can the SPD specify that if the requirement to provide care is removed, there should be a requirement to provide affordable housing as though it were new residential development?</p>	<p>The affordable housing threshold is set by national policy (NPPF, para 63).</p> <p>This is a rather hypothetical question – the SPD cannot set policy, so the affordable housing target would be determined by Local Plan Strategy 34 i.e. 50% for new residential development in Sidmouth. If considered a change of use, the removal of care may trigger a requirement for affordable housing, but vacant building credit would likely reduce the amount of affordable housing.</p>
<p>Councillor Mike                      Allen</p>	<p>Do not wish to propose any changes – all good.</p>	<p>Support noted.</p>

Name or organisation	Comment summary	Council response
Cranbrook Town Council	Have made comments previously and note that some of the Town Council suggestions have been considered in this revision.	Comment noted.
David Lock Associates for East Devon New Community partners	<p><b>Under what circumstances might a lower amount of affordable housing be acceptable</b>                      The SPD properly references Strategy 34, but it should be made clear that this section also applies to the Cranbrook Plan (policy CB11).</p> <p>Welcome the addition of two sentences in para 4.2 relating to other circumstances where lower than target provision may be justified, but these should also be added to para 3.12 having been tweaked to refer to the housing mix and also the housing target.</p> <p>In para 3.12, it would be helpful to acknowledge that 25% affordable housing will not be sustainable at Cranbrook, and the provision of significant community benefits as justification for varying the amount (as well as mix) of housing.</p> <p><b>Overage clause</b>                      Object to the overage clause as it causes delay, uncertainty, is not an effective basis for delivery, and contradicts national policy that viability assessment should be conducted at the Development Plan stage. There is no provision for reduced affordable housing if profits do not match expectations. There is a lack of effective means to assess profitability post implementation, which undermines the policy.</p> <p>It is accepted in the Cranbrook Plan that 25% affordable housing is not achievable, so it is not appropriate to require overage where it is acknowledged at the outset that there is a viability issue.</p>	<p><b>Under what circumstances might a lower amount of affordable housing be acceptable</b>                      It is premature to specifically reference Cranbrook Plan policies until that plan is adopted, as they could be amended through the Examination.</p> <p>The policy approach in Strategy 34 differs for a reduction in affordable housing <u>targets</u>, and affordable housing <u>mix</u>. Paras 3.9-12 reflects Strategy 34 on the target where not viable or otherwise appropriate; whilst Para 4.2 reflects the Strategy 34 paragraph on housing mix, which only states viability issues as justification for an alternative tenure mix.</p> <p>Reference to the emerging Cranbrook Plan provision of 15% affordable housing is contained in footnote 36. The Local Plan does not state that the provision of significant community benefits is justification for varying the amount (as well as mix) of affordable housing, so it would be for the applicant to justify this as being “otherwise appropriate”.</p> <p><b>Overage clause</b></p>

Name or organisation	Comment summary	Council response
	<p><b>Tenure mix</b>  Welcome the reference in para 4.2 to negotiation of an alternative tenure mix, but as tenure mix is expressed as a target, the need to justify an alternative mix will not simply be related to viability but could include a range of circumstances e.g. base mix (as at Cranbrook), meeting need for a broad range of affordable products, mechanism for delivery, releasing contributions towards other social or s106 infrastructure. Such considerations may justify an alternative mix without the need for viability evidence.</p> <p>Last sentence of para 4.5 should be deleted as it does not reflect the flexibility required in delivering an appropriate range of tenures.</p> <p><b>What type and size of affordable housing is sought in East Devon?</b>  The SPD does not say that the council will negotiate the mix of affordable housing properties having regard to evidence of need but without any obligation to mirror the evidence of need set out in the SPD.</p> <p>The evidence in the SHMA is dated and partially contradicted by Devon Home Choice data – while the SPD references 90% 1 and 2 bed, the DHC date is 79%. The SHMA (para 13.9.3-4) is clear that arithmetical scale of need is only one factor to consider, and does not envisage the precision implied in SPD paras 4.8-9, mentioning a combined target for 1-2 dwellings in para 13.9.5.</p> <p>Guidance in relation to property sizes is in effect new policy as the mix in the SPD is not set in Strategy 34 of CB11.</p>	<p>As previously stated, the requirement for overage is set out in the Local Plan, and this policy cannot be changed through the SPD. Further guidance on overage is available on the council’s website, cited in footnote 39.</p> <p>An overage clause is only necessary where levels of affordable housing fall below policy targets – so if applications achieve the Cranbrook Plan requirement, overage will not be sought.</p> <p><b>Tenure mix</b>  Agree that tenure mix is expressed as a target in Strategy 34, and this could be made clearer in the SPD. Strategy 34 only refers to an alternative mix being justified by viability considerations – this is reflected in SPD para 4.2, requiring evidence from the applicant. This should consider costs of brownfield sites, mitigation of contamination, and significant community benefits.  <i>Change to SPD: amend para 4.2, 2<sup>nd</sup> sentence, “These <u>target</u> figures reflect...”</i></p> <p>Agree that greater flexibility is needed to recognise all new forms of affordable housing.  <i>Change to SPD: para 4.5, replace second sentence with “Therefore, the council will take account of up-to-date evidence such as local</i></p>

Name or organisation	Comment summary	Council response
	<p>For the above reasons, the bedroom mix should be deleted or set out as an indicative figure to be negotiated in light of need and other factors, including deliverability and social/community balance. E.g. the agreed mix at Cranbrook phase 3 is 9% 1 bed, 46% 2 bed, 45% 3 and 4 bed.</p> <p><b>Pepper-potting</b> Flexibility should be introduced for pepper potting and cluster size, which must be determined having regard to the specific circumstances of the development and delivery model.</p> <p><b>Phasing</b> The phasing of affordable housing delivery relative to market housing should be more flexible. Whilst flexibility is implied in para 5.11, para 5.10 is prescriptive and the bullet points should be deleted. There is no evidence to support the suggested phasing.</p>	<p><i>housing needs assessments when considering development proposals.”</i></p> <p><b>What type and size of affordable housing is sought in East Devon?</b> The cited paras of the SHMA are noted as background information, but the SHMA conclusion on need by bedroom size (for social and affordable rented) is that referenced from table 13-1.</p> <p>Para 4.9 is clear that the size and type of affordable housing will be a matter for negotiation in light of evidence and other relevant factors, including deliverability and social/community balance. Local Plan policy does exist on dwelling mix, with policy H2 advocating a mix of dwellings sizes or predominantly smaller dwellings (market and affordable). However, a slight change to the “question” would make clear the guidance is setting out issues to consider, rather than being “sought”.</p> <p><i>Change to SPD: amend question preceding para 4.7 to “What size and type of affordable housing is sought <u>should be considered</u> in East Devon?”</i></p>

Name or organisation	Comment summary	Council response
		<p><i>Para 4.7, insert new sentence <u>“Local Plan policy H2 promotes a mix of dwelling sizes or predominantly smaller dwellings.”</u></i></p> <p><b>Pepper-potting</b> Flexibility of clusters is included in para 5.6, which generally seeks clusters of no more than 10 dwellings, unless more is necessary and can be delivered in a manner that promotes social cohesion and creates a mixed and balanced community.</p> <p><b>Phasing</b> It is considered that para 5.10-11 provides sufficient flexibility on phasing, but a word change would help make this more explicit. <i>Change to SPD, para 5.10, “As an example, <u>in negotiations on s106 agreements, the council will expect seek the following phasing...</u>”</i></p>
Devon County Council	<p>Devon County Council would seek developer funding towards transport improvements from all housing, including affordable units, to be consistent with its approach across the County.</p> <p>Developer funding through s106 or CIL from all residential development (market and affordable) is vital to ensure that local, appropriate education provision can be made in a timely manner. Affordable housing can often lead to the movement of families into a town with children needing to be accommodated in local schools,</p>	<p>Comment noted, but the delivery of transport and education infrastructure is not within the scope of the Affordable Housing SPD.</p>

Name or organisation	Comment summary	Council response
	<p>and appropriate funding from market and affordable dwellings is required to ensure that education infrastructure can be delivered, as funding from other sources such as the Government may not be sufficient.</p>	
<p>Exmouth Community Association</p>	<p>Whilst there is justification for the SPD to cover the entire district, there are huge variations from settlement to settlement in the need/supply of such housing that should be identified to ensure the housing is provided where it is needed. The Exmouth Neighbourhood Plan addresses this issue, and need/supply of affordable housing in Exmouth must be closely monitored to ensure the particular needs of Exmouth’s community are met.</p> <p>Support the council using receipts from the “right to buy” as well as from off-site commuted sums to provide extra affordable housing, although disappointing that the council acquiring 20 affordable houses each year is less than the 25 homes “lost” from the “right to buy”. Would be helpful to know if the council can use alternative funding to provide affordable housing.</p> <p>It is concerning that there are various references to the need for negotiation and viability testing between the council and housing developers after planning permission has been granted – as a result of these negotiations, the level of affordable housing should not be reduced.</p>	<p>The variations across East Devon are noted, and partly recognised through the differing affordable housing thresholds and targets. Affordable housing tenure and mix should reflect local evidence, with the SPD noting (para 4.7) that Exmouth has a particularly high need for 1-2 bedroom social and affordable rented housing.</p> <p>National Government funding (from Homes England) is available to Registered Providers, including the district council, to deliver affordable housing but this requires match funding.</p> <p>Local Plan Strategy 34 sets the affordable housing targets, allowing provision below these targets where evidence is submitted that demonstrates it is not viable or otherwise appropriate. Therefore, it is not possible to ‘protect’ the level of affordable housing in all cases.</p>
<p>Exmouth Town Council (Planning Committee)</p>	<p>Would like the wording in paragraph 3.10 on “suitably qualified professional” to be quantified, and question whether this evidence should be undertaken by one individual.</p>	<p>The requirement for a “suitably qualified professional” to undertake viability assessments</p>

Name or organisation	Comment summary	Council response
		<p>is consistent with Government guidance.<sup>9</sup> It is not intended to be prescriptive that this should be undertaken by one individual.</p> <p><i>Change to SPD: amend paragraph 3.10, 1<sup>st</sup> sentence "...undertaken by a suitable qualified professional(s)..."</i></p>
Highways England	No comment.	Noted.
LiveWest	<p><b>Context and Overview of Policies and Evidence</b> The explanation of affordable housing types reproduces the NPPF and does not reflect that it may be amended in the future. It should not simply replicate national policy, and should reference any successor national policy which may be published by the Government.</p> <p><b>Tenure and Mix</b> The SPD should not restrict the bedroom size mix as need may change over time and there may be specific evidence available for individual settlements. The SHMA (referenced in para 4.8) is four years old and should be updated urgently. Paragraph 4.8 should be amended so that the type of homes sought refers to "any more up to date evidence".</p>	<p><b>Context and Overview of Policies and Evidence</b> It is important to define the national policy definition of affordable housing, and paragraph 2.1 is correct in summarising the definition. Footnote 5 makes clear that the definition could be amended in future revisions of national policy.</p> <p><b>Tenure and Mix</b> The SPD does not "restrict" bedroom size mix – instead it provides some general context and evidence on this matter. Consultants have been appointed to prepare evidence on housing need. Paragraph 4.9 already states that any more up-to-</p>

<sup>9</sup> Planning practice guidance, Reference ID: 10-020-2018724.

Name or organisation	Comment summary	Council response
	<p>Pleased to see that the SPD allows the staircasing restriction to be removed for grant funded shared ownership dwellings in a Designated Protected Area (DPA). For non-granted funded dwellings in DPAs, EDDC will remove the restrictions under certain conditions.</p> <p>There is no requirement in the NPPF for shared ownership homes in DPAs to be retained in perpetuity when they have not been grant funded, so this blanket restriction should be removed as it will cause delay to home ownership while the evidence is gathered and s106 amended.</p> <p><b>Design and Layout</b> Paragraph 5.7 requires that a single cluster of affordable homes must include a mix of tenures. In smaller clusters this will create issues for design and management, so this should be deleted.</p> <p>LiveWest would support a stronger reference to National Space Standards within the document.</p> <p><b>Rural Exception Sites</b> The requirement to access at least four of the listed community services and facilities by walking or cycling is too restrictive, and may prevent affordable homes from being developed where there is a housing need and local facilities in neighbouring settlements could be accessed by public transport or car.</p>	<p>date evidence and specific needs evidence should be considered on individual sites.</p> <p>It is correct that the NPPF definition only refers to shared ownership dwellings being available for future eligible households where public grant funding is required. However, DPAs are dealt with separately under secondary legislation<sup>10</sup>.</p> <p><b>Design and Layout</b> The SPD has been amended to reflect this point (also made in the first round of consultation), so that the mix of tenures within a cluster is only stated for larger sites.</p> <p>Welcome support for a stronger reference to the Nationally Described Space Standards, but these can only be introduced in a Local Plan or other Development Plan Document, not an SPD.</p> <p><b>Rural Exception Sites</b> The wording of paragraph 6.13 is flexible, preferring access by walking, cycling or public transport, but not making it a requirement.</p>

<sup>10</sup> The Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009: [http://www.legislation.gov.uk/uksi/2009/2098/pdfs/uksi\\_20092098\\_en.pdf](http://www.legislation.gov.uk/uksi/2009/2098/pdfs/uksi_20092098_en.pdf)

Name or organisation	Comment summary	Council response
	<p><b>Legal Agreements</b>                      Accept that priority should be given to those with the most immediate relationship to the settlement (e.g. connection to a Parish), but it is important for the efficient letting of homes if allocations can be considered from all potential sources at the same time. Therefore, the ‘sequential’ approach in para 7.11 is not supported – these should all be sought simultaneously, with priority given in accordance with the specified areas.</p> <p>Welcome the reference to those with a connection to Exeter in para 7.11(iii), but suggest this could also include Mid Devon. Would prefer that the specific written agreement of East Devon be limited to points iv and v in para 7.11.</p> <p>Making affordable homes for sale subject to a perpetuity restriction in the s.106 will create barriers to affordable home ownership as potential purchasers will not be able to secure mortgages at competitive loan rates and will encounter problems when selling on their share. The NPPF only requires affordable homes for sale in perpetuity at Rural Exception Sites. Suggest that para 7.18 is deleted and reference to affordable homes being in perpetuity is removed from the standard s.106 agreement in appendix three.</p> <p><b>Appendix Three – standard s.106 agreement for affordable housing</b>                      Local connection should allow for consideration of nominations to adjoining districts outside of Devon.</p> <p>Prefer that the definition of Shared Ownership Lease should have the reference to restrictions to 80% removed.</p>	<p><b>Legal Agreements</b>                      Paragraph 7.11 already allows potential occupants to be sought from the identified areas simultaneously.</p> <p>It is considered that the issue relating to local connection at strategic sites in the West End does not extend into Mid Devon – it primarily relates to the sites on the east of Exeter. Criteria iv enables sites elsewhere to have a connection to Devon, which would include Mid Devon. There is no reference to specific written agreement, with paragraph 7.11 stating the council will work with RPs to ensure that new affordable homes are occupied by people that meet the local connection test.</p> <p>The NPPF allows affordable homes for sale to be available in perpetuity where public grant funding is available (not only at Rural Exception Sites). This is explained in paragraph 7.15, stating where allowed in the NPPF.</p> <p><b>Appendix Three – standard s.106 agreement for affordable housing</b>                      Although the clear priority is to provide affordable housing for those who live or work in East Devon,</p>

Name or organisation	Comment summary	Council response
		<p>it is accepted that need may not strictly reflect local authority boundaries. Whilst the SPD already allowed occupancy from elsewhere in Devon, there may be instances where sites are located close to the county boundary (e.g. at Axminster, Uplyme) and it is better to fill the homes with this need rather than leave homes empty.</p> <p><i>Change to SPD: Add the following sentence at the end of para 7.11: "If no one can be found within Devon, the council will consider occupants from adjacent counties to Devon where appropriate, for example where sites are located close to the county boundary."</i></p> <p>Noted, but the approach to the removal of the restricted 80% shared ownership is explained in paragraph 4.11.</p>
<p>McMurdo Land Planning and Development Ltd on behalf of Stuart Partners Ltd</p>	<p><b>Thresholds</b> Support the thresholds as aligning with the NPPF and allowing applicants to justify circumstances where it would not be appropriate to meet Local Plan affordable housing targets.</p> <p>Object to at least 66% affordable housing on exception sites, particularly in relation to land in and around the "West End" of East Devon, as it would hamper housing delivery, inconsistent with the NPPF.</p>	<p><b>Thresholds</b> Support for the thresholds is noted.</p> <p>The policy on rural exception sites, including at least 66% of dwellings being affordable, is already adopted in the Local Plan and cannot be amended through the SPD. It is considered that this policy is consistent with the NPPF, para 77.</p>

Name or organisation	Comment summary	Council response
	<p><b>Benchmark land value</b> Welcome the text on determining and acceptable return for landowners (regard will be had to up to date evidence of land values, case law, and Government policy and guidance).</p> <p><b>Overage clauses</b> Object as would be unworkable in practice – the provision of viability information post completion would be overly onerous and challenging to undertake and manage; especially strategic development which involves major risk, multiple developers, different infrastructure, and grant funding, all within multi-phased cash flow periods in changing market conditions.</p> <p><b>Generally</b> The draft policy does not make clear that cost of infrastructure could represent a valid reason for the Council accepting reduced levels of affordable housing on a site (adopted, or not, in certain circumstances).</p> <p><b>Off-site provision</b> Support off-site provision as it will allow for: affordable housing to be provided off-site, and a monetary contribution in lieu of affordable housing.</p> <p><b>Brownfield Land</b> Object to the approach to the re-use of brownfield land because it implies that the Council would consider not applying the vacant building credit if it could do so.</p> <p><b>Phasing and dispersal</b></p>	<p><b>Benchmark land value</b> Support noted.</p> <p><b>Overage clauses</b> Overage policy is set in the Local Plan, and cannot be amended through an SPD. The re-assessment of viability using actual costs and values in the development (rather than assumptions) has been standard practice in implementing the Local Plan policy, and the only way of complying with the policy.</p> <p><b>Generally</b> To clarify, the SPD is not setting policy – its role is to help explain Local Plan policy. Strategy 34 states where a proposal does not meet affordable housing targets, evidence should be submitted to explain why it's not viable or otherwise appropriate. This does not preclude lack of viability being due to the cost of infrastructure.</p> <p><b>Off-site provision</b> Support noted.</p> <p><b>Brownfield Land</b> The SPD (para 3.28) quotes Government guidance which allows authorities to consider the</p>

Name or organisation	Comment summary	Council response
	<p>Object to the approach set out in relation to the phasing and siting of affordable homes because it fails to consider that many RPs would prefer larger clusters of affordable housing to manage their stock more efficiently.</p>	<p>two quoted issues in applying vacant building credit.</p> <p><b>Phasing and dispersal</b> Local Plan policy (Strategy 34) requires the dispersal of affordable housing throughout a development – this cannot be amended through the SPD, which merely seeks to provide further guidance on this issue. The distribution of affordable housing throughout a development promotes social cohesion, creating a mixed and balanced community.</p>
<p>Natural England</p>	<p>The topic of the SPD does not appear to relate to our interests to any significant extent – therefore, we do not wish to comment.</p> <p><b>Strategic Environmental Assessment/Habitats Regulations Assessment</b> A SPD requires Strategic Environmental Assessment only in exceptional circumstances (see Planning Practice Guidance). The need for Habitats Regulations Assessment should also be considered.</p>	<p>Noted.</p> <p><b>Strategic Environmental Assessment/Habitats Regulations Assessment</b> A screening report for SEA and HRA was published for consultation alongside the SPD – these reports concluded that neither a full SEA nor an ‘appropriate assessment’ was required.</p>
<p>R G Galling</p>	<p>Affordable housing (subsidised by definition) should be confined to areas where people can get to work by public transport. Subsidised housing should only go to people in need – those genuinely in need cannot afford cars so such housing needs to be located near buses and shops.</p>	<p>Noted. Local Plan policies (such as Strategy 5B, TC2) state development should be located in accessible locations. Local Plan policy on exception sites (Strategy 35) require such sites to be located close to a range of community facilities</p>

Name or organisation	Comment summary	Council response
		and services, which include a shop and public transport service.
Savills for Taylor Wimpey	<p>Taylor Wimpey is promoting land at Sherwood Cross, adjacent to north west Feniton. Pleased to see that some changes have been made in response to comments raised as part of the May 2019 consultation, including in relation to tenure and mix and size/type of affordable housing. However, concerned that some changes have not been made.</p> <p><b>Overage</b> There is a lack of justification to confirm why 50% of any additional profit has been retained in the SPD. This figure should be deleted and the percentage additional profit should be agreed between the applicant and EDDC on a case-by-case basis in the s106. Disagree that retaining a 50% clawback requirement will provide certainty for developers – instead it is too onerous and would add significant additional risk to projects. Reopening viability at a later stage leads to unnecessary delays.</p> <p><b>On-site delivery of affordable housing</b> The phasing of affordable housing delivery should be agreed on a bespoke basis and implemented through s106 agreements for individual sites. There is no benefit in including a phasing approach – the inclusion of an example phasing approach is misleading and does not provide developers with certainty. Therefore, para 5.10 should be removed entirely.</p>	<p>The land being promoted is noted, but land allocations are not within the scope of the SPD. Support for changes that have been made is noted.</p> <p><b>Overage</b> Para 3.14 states that it is council practice to obtain 50% of any additional profit, but it could be made clearer that this percentage can be varied on a case-by-case basis, as agreed by Councillors.<sup>11</sup> <i>Change to SPD: para 3.14, amend 2<sup>nd</sup> sentence “...50% of any additional profit, <u>unless a different percentage can be robustly justified, capped to the amount...</u>”</i></p> <p>As previously stated, overage is a requirement in the Local Plan, Strategy 34. As the purpose of the SPD is to provide guidance on implementing the Local Plan, it is appropriate to state how this aspect of the policy is being applied in practice.</p>

<sup>11</sup> Strategic Planning Committee, 20 February 2017.

Name or organisation	Comment summary	Council response
		<p><b>On-site delivery of affordable housing</b>                      There is a preference for delivery of affordable housing alongside market housing, where possible, to foster social cohesion and a mixed and balanced community. It is considered that para 5.10-11 provides sufficient flexibility on phasing, but a word change would help make this more explicit.  <i>Change to SPD: para 5.10, third sentence: “As an example, <u>in negotiations on s106 agreements</u>, the council will <del>expect</del> seek the following phasing...”</i></p>
South West Water	Content noted.	Noted.
Tetlow King Planning on behalf of Rentplus UK Ltd	<p><b>What is affordable housing?</b>                      Welcome paragraph 2.1 which sets out the broad categories of affordable housing and footnote 5 explaining they could be updated in future revisions of national policy. However, for clarification, footnote 5 should be moved to the end of the sentence “There are four broad types of affordable housing” to make clear that it applies to all for categories.</p> <p>Support the updated footnote 6 which clarifies the status of Registered Providers.</p> <p><b>Thresholds and targets</b>                      Para 3.9 onwards explain what will happen where the full proportion of affordable housing cannot be achieved, but does not cover the potential to change mix of tenures before lowering the affordable housing amount. Therefore, para 3.9 should be amended as follows: <i>The Council recognises that viability</i></p>	<p><b>What is affordable housing?</b>                      General support noted, but agree with point of clarification.  <i>Change to SPD: move footnote 5 reference to the end of the sentence “There are four broad types of affordable housing”.</i></p> <p><b>Thresholds and targets</b>                      Although the issue of changing the tenure mix is covered elsewhere in the SPD (para 4.2), agree that it would be useful to make clear that tenure changes can be considered before lowering the level of affordable housing. Amend suggested text</p>

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	<p><i>considerations may justify a departure from the affordable housing target and tenure mix expressed in Local Plan Strategy 34. Development proposals which seek to depart from these targets and tenure mix must be supported by evidence that explains why the affordable housing target is “not viable or otherwise appropriate” (Local Plan Strategy 34). If this is the case, the applicant should notify EDDC as early as possible through pre-application discussions. In the first instance, the Council will consider adjustments to the tenure mix where this will maximise the overall proportion of affordable housing.</i></p> <p><b>Tenure and Mix</b>                      Welcome inclusion of reference to rent to buy and Rentplus in para 4.4 as this is helpful to applicants who are considering tenure mix.</p> <p>Para 4.5 is unhelpful in supporting delivery of the full range of affordable housing tenures – we urge the council to commission an updated Strategic Housing Market Assessment. In the interim, the Council will prioritise shared ownership, relevant equity loan products, and low cost homes for sale, implying this is due to an out-of-date SHMA. This is not correct as other sources of evidence can be undertaken e.g. local housing need surveys. Therefore, second sentence of para 4.5 should be reworded as below: <i>The Council will therefore take account of up-to-date evidence such as local housing needs assessments when considering development proposals.</i></p> <p><b>Standard section 106 agreement</b>                      This template is helpful but only refers to ‘traditional’ forms of affordable housing such as for rent and shared ownership. To fully reflect the NPPF, it should refer to other affordable tenures such as rent to buy.</p>	<p>to state “and/or” to be clear that the target and/or tenure mix could change.  <i>Change to SPD: amend para 3.9 to state “The council recognises that viability considerations may justify a departure from the affordable housing target and/or tenure mix expressed in Local Plan Strategy 34. Development proposals which seek to depart from the target and/or tenure mix must be supported by evidence that explains why the affordable housing target is “not viable or otherwise appropriate” (Local Plan Strategy 34). If this is the case, the applicant should notify EDDC as early as possible through pre-application discussions. In the first instance, the council will consider adjustments to the tenure mix where this will maximise the overall proportion of affordable housing.”</i></p> <p><b>Tenure and Mix</b>                      Support for reference to rent to buy and Rentplus is noted.</p> <p>The council has appointed consultants to carry out a study on local housing need. The SPD recognises the full range of affordable housing tenures (e.g. in para 2.1 and 4.4), but it is accepted that other evidence could be undertaken to justify appropriate tenure(s) on a site.</p>

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	<p><b>10% for affordable home ownership (para 2.14 and 4.6)</b>                      NPPF para 64 requires 10% of the <i>total</i> number of dwellings to be for affordable home ownership. This is largely reflected in the SPD, but clarification is needed through rewording para 2.14 “...at least 10% of the <u>total number of homes on the site</u> should be available for affordable home ownership...” and para 4.6, last sentence “...at least 10% of <u>the total number of homes on the site</u> should be available for affordable home ownership...”</p>	<p><i>Change to SPD: para 4.5, delete second sentence and replace with “<u>Therefore, the council will therefore take account of up-to-date evidence such as local housing needs assessments when considering development proposals.</u>”</i></p> <p><b>Standard section 106 agreement</b>                      The definition of “affordable housing” in the standard s106 agreement states subsidised housing within the meaning of the NPPF or any replacement policy. Therefore, it is considered that all tenures are covered.</p> <p><b>10% for affordable home ownership (para 2.14 and 4.6)</b>                      Comment noted. NPPF para 64 is not entirely clear, but agree that 10% of the total number of homes in major development should be affordable home ownership, due to further clarity provided in the Housing White Paper (para A.126), and in light of the approach being taken by local authorities elsewhere (e.g. Plymouth et al SPD, draft Nov 2019; Runnymede 2030 Local Plan, proposed Main Modifications).  <i>Change to SPD: amend para 2.14, “...at least 10% of the <del>affordable</del> homes should be available for affordable home ownership...”</i></p>

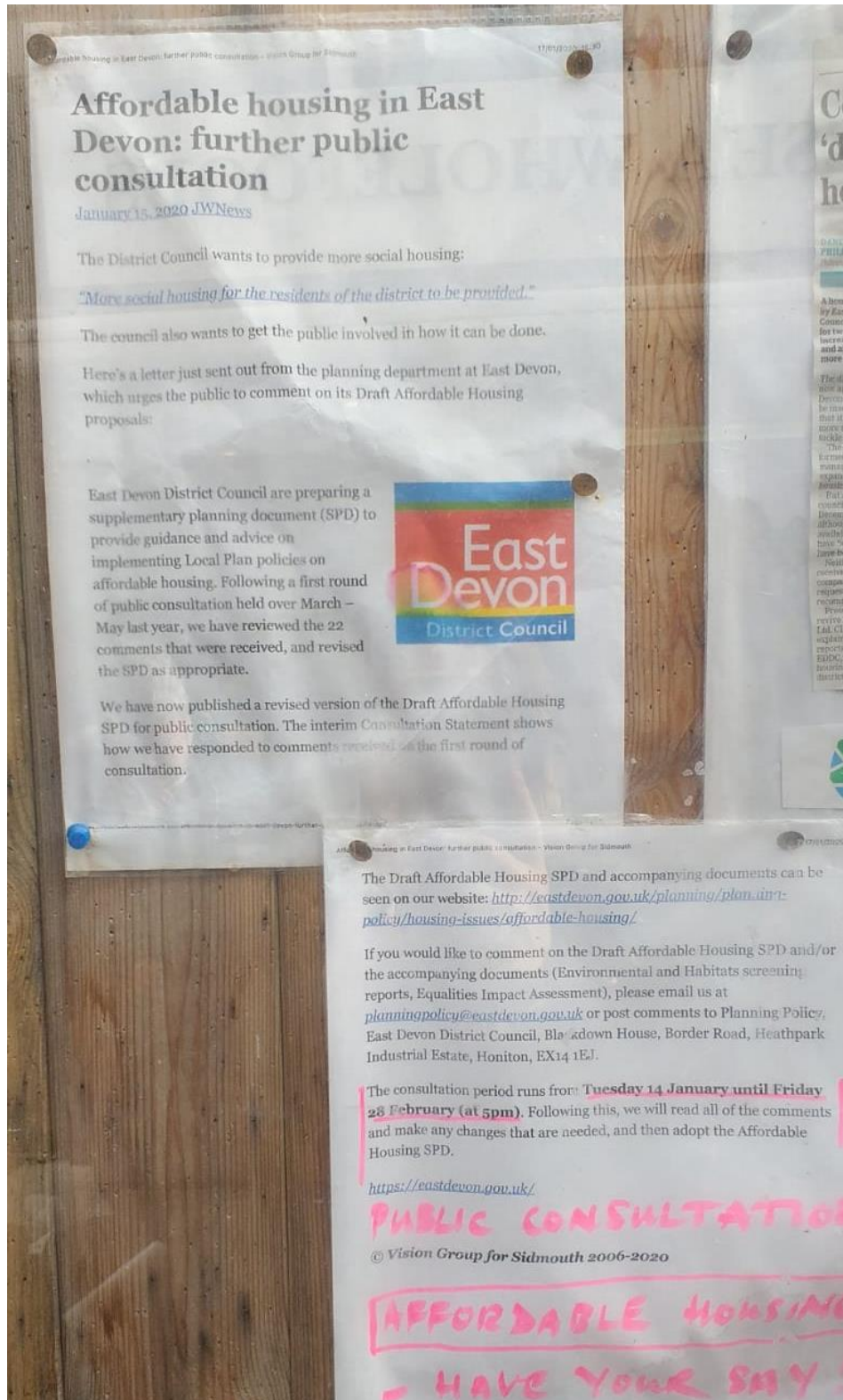
Name or organisation	Comment summary	Council response
		<p><i>Amend para 4.6, third sentence, "...at least 10% of the <del>affordable</del> homes should be available for affordable home ownership..."</i></p>
<p>Tetlow King for South West HA Planning Consortium</p>	<p><b>Definition of affordable housing (para 2.1)</b> Acknowledge that the Council have more concisely reproduced national policy, but we recommend that the SPD simply directs readers to NPPF Annex 2 definition to ensure longevity and consistency.</p> <p><b>What mix of affordable housing tenures should be provided? (para 4.5)</b> Para 4.5 suggests that the Council will seek to restrict delivery of affordable housing to those tenures for which there is a proven need in the SHMA. However, the SHMA is very dated, produced before revisions to the NPPF which changed the affordable housing definition. Reference to the Council's priorities for shared ownership, relevant equity loans, and other low cost homes for sale should be removed, as this limits opportunities to meet housing need across East Devon.</p> <p><b>Are there any design standards that affordable housing should meet? (para 5.9)</b> Para 5.9 should be removed as it introduces uncertainty for developers on the policy position for internal space standards, and the council has not adopted policy on this. These standards may only be set in policy and cannot be introduced or required through this SPD.</p> <p><b>Affordable homes <i>in perpetuity</i> (para 7.15)</b> The act of securing affordable housing <i>in perpetuity</i> is exclusively applied to rural exception sites, as stated in NPPF Annex 2. National policy refrains from securing</p>	<p><b>Definition of affordable housing (para 2.1)</b> Noted, but disagree. It is important to define affordable housing, given that is the topic of the SPD. Footnote 5 recognises the definition could be amended in future revisions of national policy.</p> <p><b>What mix of affordable housing tenures should be provided? (para 4.5)</b> It is not the intention to limit opportunities to meet housing need, and accepted that other evidence could be undertaken to justify appropriate tenure(s) on a site. <i>Change to SPD: para 4.5, delete second sentence and replace with "<u>Therefore, the council will therefore take account of up-to-date evidence such as local housing needs assessments when considering development proposals.</u>"</i></p> <p><b>Are there any design standards that affordable housing should meet? (para 5.9)</b> Para 5.9 highlights the importance of dwelling size in relation to design quality, including by the Government when they consider house size in assessing bids for affordable housing funding. It is</p>

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	<p>all affordable housing in perpetuity as it can cause a number of issues for affordable housing providers and purchasers when attempting to secure mortgages for properties restricted in this manner – this can create barriers to affordable home ownership. Therefore, all references to retaining affordable housing in perpetuity should be removed unless explicitly relating to rural exception sites.</p>	<p>clear that space standards are not currently adopted in East Devon, so do not agree that it will cause uncertainty for developers.</p> <p><b>Affordable homes <i>in perpetuity</i> (para 7.15)</b>                      Note the definition of rural exception sites in NPPF Annex 2 specifically states “in perpetuity”, but Annex 2 also states that “affordable housing to rent” and “discounted market sales housing” should remain at a discount for future eligible households (can also be applied to “other affordable routes to home ownership”), which in effect means in perpetuity. Therefore, retain references to perpetuity restriction in para 7.15.</p>
<p>Turley for Bloor Homes and Stuart Partners</p>	<p>Bloor Homes and Stuart Partners have significant land interests in East Devon, controlling land between the A30 and the A3052 to the east of Exeter (within East Devon) which can deliver future mixed-use strategic development. Welcome acknowledgement of previous comments in spring 2019 and resulting amendments made to revised draft.</p> <p><b>Viability guidance (para 3.10)</b>                      Consider that schemes must be assessed against the latest, up to date guidance. Each viability assessment of a planning application must be judged on its own merits, reflecting the specific issues facing each site. The Viability Guidance is highly restrictive in scope, with limited flexibility, especially when considering schemes of a strategic scale. Note the recent issues in examination of the</p>	<p>Land interests are noted, but it is not within the scope of the SPD to allocate such land.</p> <p><b>Viability guidance (para 3.10)</b>                      Noted. As stated in the SPD para 3.10, viability assessments should follow national guidance, along with the council’s published guidance.</p> <p><b>Benchmark land value (para 3.11)</b>                      Support noted.</p> <p><b>Overage clause</b></p>

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	<p>Cranbrook Plan where 59 out of 60 points between the developers and Council were not agreed.</p> <p><b>Benchmark land value (para 3.11)</b> Support the amended wording in para 3.11, removing reference to an arbitrary 20% uplift on existing use value which does not accord with PPG on viability.</p> <p><b>Overage clause</b> The requirement for full release of all development information is unusually onerous and very challenging to undertake and manage in practice, especially for strategic scale development with multiple developers, various infrastructure working within a multi-phase cash flow period.</p> <p>In its previous response to comments, the Council said it will consider updating viability guidance notes, including provision of a model overage clause – request that the Council provides sample overage clauses for review.</p> <p><b>Strategic site viability assessment</b> Maintain that to reflect the reduced affordable housing provision and nil CIL rate for Cranbrook, it is important that the cost implications of the delivery of strategic sites are explicitly referenced in the SPD. It should be made clear that the cost burden of servicing/infrastructure requirements on strategic sites represents a justification for accepting reduced levels of affordable housing, as well as a nil CIL rate for strategic sites where this is required.</p>	<p>Policy on overage is set in Local Plan Strategy 34, which requires an overage clause to be sought in respect of future profits and affordable housing provision, where levels of affordable housing fall below policy targets. The council website contains guidance on overage for phased developments, stating viability appraisals can be submitted for each phase.<sup>12</sup></p> <p>Appendix Three, Part B (page 61) contains the model clause on overage, but appreciate this could have been made clearer in the SPD. This will also be added to Viability Guidance note 3. <i>Change to SPD: para 3.13, add reference to Appendix Three, Part B which contains the model clause on overage.</i></p> <p><b>Strategic site viability assessment</b> The emerging Cranbrook Plan has been subject to viability assessment, which justifies the 15% affordable housing and nil CIL rate. Policy on the justification for reducing affordable housing provision is already set in the Local Plan (Strategy 34), enabling evidence to be submitted to</p>

<sup>12</sup> <https://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/viability-guidance-note-3-overage/>

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		demonstrate why provision is not viable or otherwise appropriate – this policy cannot be amended through the SPD.



Public notice board in Sidmouth highlighting consultation on the Affordable Housing SPD (January 2020)