

Affordable Housing SPG Consultation Responses

| Respondent | Comment | Recommended Response | Officer Recommended Change |
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| Hay Town Council | <p>Commuted Sums</p> <p>Hay Town Council believes that the process should be sufficiently robust to ensure that the affordable houses are actually built and that developers are prevented from negotiating a commuted sum instead. Where a commuted sum is agreed, for example, when fractions of a house are involved in the calculation, it is essential that all sums are ring-fenced to the community involved and used to help build affordable houses in that area in the future.</p> | <p>It is the intention of the policy to deliver affordable units on site. In cases where this is not possible (ie where provision relates to less than one unit) would the NPA request a commuted sum in lieu of onsite provision.</p> <p>Similarly it is the intention of the policy to ensure that monies are spent in the community area in which they are collected, however it is acknowledged that this may not always be possible as such, a cascade system for the spending of money is in policy as follows</p> <ul style="list-style-type: none"> a) Settlement b) Community/Town council area, c) Council administrative area within National Park d) Affordable submarket area e) Brecon Beacons National Park f) Administrative area of the Council outside of the National Park. | <p>Additional appendix (Appendix 9) added to the SPG setting out the cascade for the spending of commuted sums (in accordance with the strategy)</p> |
| Dave Sharman | <p>It was my understanding the LDP was formulated around public consultation meeting carried out by town and community councils across the National Park. Sustainable sites were identified throughout our towns and villages identifying which communities required housing thus meeting the housing needs of these communities.</p> <p>However the LDP enquiry inspector Rebeca Phillips was told by representatives from Powys County Council that there was a short of housing with in the National Park according to their calculations. These calculations were made from predictions that had been carried out by</p> | <p>Review of housing need and provision is not a matter for the current consultation. Mr Sharman's comments are noted, and he is invited to submit evidence to the Authority in support of this statement as part of the planned review of the LDP in 2018.</p> | <p>No change</p> |

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| | <p>Aberystwyth University resulting two large scale sites being included with in the plan to meet the short fall of housing.</p> <p>Two years down the line Powys County Councils identified that somewhere in the region of 9000 houses were required within their planning area. This was calculated using the same predictions for their housing needs.</p> <p>Recently it has been identified that the prediction was wrong resulting in Powys CC having to reduce the number of houses to around 6000 across the county as I understand.</p> | | |
| Dave Sharman | <p>If this prediction is wrong for Powys County Council Planning Area, it's more than likely the representatives from Powys CC had the housing figures wrong for the National Parks LDP and the public consultation meetings across the Park producing more accurate housing needs than the Powys CC prediction.</p> <p>If this is the case Rebeca Phillips was wrong to include Mid Wales Hospital and Cwrt-Y-Gollen sites with in the LDP as there may not have been a short fall in housing with in the National Parks LDP. These sites in my opinion should now be mothballed and original sites identified within the National Park developed first and then relook at the housing needs again.</p> | As above | No change |
| Dave Sharman | <p>Affordable Housing Contribution Targets</p> <p>Policy 28 of the LDP sets out the Affordable Housing contribution targets</p> <p>i) Abergavenny, Hay-on-Wye and Crickhowell submarket: 30% affordable</p> <p>ii) Brecon, Carmarthenshire and Rural Hinterland submarket: 20% affordable</p> | <p>The affordable housing contribution targets have been defined in terms of housing markets and land values, and not in terms of housing need or sustainability of future development. These contribution targets and the policy position have been found by Independent Examination to be sound. As such these targets do not form part of</p> | No change |

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| | <p>iii) Heads of the Valleys (HoV) and Rural South submarket: 0% affordable Brecon being identified as a level I in the settlement hierarchy having two industrial estates and three super markets should have the same percentage of affordable houses as Crickhowell, Talgarth and Hay. The Green area on the map wants to amended to include the Brecon area and the area east towards Crickhowell as well. Mid Wales Hospital and the Cwrt-Y-Gollen sites being in open countryside level 5 and not physically anchored to any settlement should only be developed if there is an identified need for affordable housing with that area.</p> | <p>this current consultation.</p> <p>Again, Mr Sharman's comment is noted, and he is invited to submit any evidence supporting such a change in policy to the Authority as part of the planned review of the LDP in 2018.</p> | |
| Dave Sharman | <p>This could be achieved by building market houses and selling them to fund the affordable houses. The Vale of Grwyneys affordable housing project is a fine exemplar on how this can be achieved. Two market houses being sold to fund 6 affordable houses. If the Vale of Grwyney affordable housing strategy was implemented across the National Park where affordable housing is identified the affordable housing would be self-funded.</p> | <p>It is acknowledged that the model that the Vale of Grwney Affordable Housing group have adopted is effective in delivering affordable housing, again, this is a policy matter which is outside the remit of this current consultation</p> | No change |
| Farmers Union of Wales | <p>Following consultation with our members the FUW is very disappointed to note the contents of the consultation. Firstly we would comment that the consultation itself was very difficult to locate on the BBNPA website and certainly not made obvious despite the very real effect the proposals within the consultation will have on many who reside within the Park boundaries if the proposals are adopted. It is felt by many members that the proposals are being 'slipped in through the back door hoping no one will notice'.</p> | <p>FUW are reminded that this is the second round of public consultation on the SPG, and also that this SPG clarifies a point of policy which has been widely consulted upon as part of the LDP process, including examination of the policy in public. Contrary to the assertion made the NPA aims to reach as many people as is possible in any consultation it undertakes in relation to planning documents.</p> | No change |

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| Farmers Union of Wales | <p>We strongly oppose the proposal to impose the contributions on small developments and in particular single unit developments which would impact on any farm wishing to gain a dwelling for a son/daughter or for diversification. It will also mean that it is unlikely that they would be able to secure a mortgage to cover the large extra contribution sought by the BBNPA.</p> | <p>Policy 28 of the LDP which this guidance note supplements applies to open market dwellings located in the following locations.</p> <ul style="list-style-type: none"> - Level 1, 2 and 3 settlements - Brownfield mixed use developments in open countryside. <p>In the scenarios set out by FUW (rural enterprise dwellings and succession dwellings) policy 28 would not apply, as such dwellings would not be considered to be available on the open market and no net gain would have occurred. In accordance with the policy no affordable housing contribution would be necessary. As such it is not considered that policy 28 or its implementation through this SPG in any way impacts on the future viability of agricultural practice.</p> | No change |
| Farmers Union of Wales | <p>The policy as set out again proposes to put BBNP residents at a disadvantage to those residing outside the park. The following is an extract from Caerphilly Borough Councils website:</p> <p>Caerphilly County Borough Council's Draft Supplementary Planning Guidance Affordable Housing:-</p> <p><i>'2.3 The delivery of affordable housing through the planning system will be through the implementation of Policy CW14 on Affordable Housing Planning Obligations, which states: Legal agreements will be required to ensure that there is provision of an element of affordable housing, in accordance with an</i></p> | <p>In accordance with Planning Policy Wales (Welsh Government 2014) Policy 28 has been prepared based on thorough understanding of the local evidence (see Brecon Beacons National Park Authority Viability Study). As affordable housing viability differs in accordance with housing markets and land values, there will be a necessary variation in affordable housing policy thresholds and targets across Wales.</p> | No change |

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| | <p><i>assessment of local need, for all allocated and windfall housing sites that:</i> <i>A Accommodate 10 or more dwellings; or</i> <i>B Exceed 0.3 ha in gross site area, or</i> <i>C Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above</i> <i>Where there is evidence of need, the Council will seek to negotiate an affordable housing proportion of up to 25% of the total number of dwellings proposed on sites within the Heads of the Valleys Regeneration Area, and an affordable housing proportion of up to 40% of the total number of dwellings proposed on sites within the Northern Connections Corridor and the Southern Connections Corridor.'</i></p> <p>Why is it that the BBNPA are not in line with other planning authorities where in this particular example contributions are being sought for sites of 10 or more houses or 0.3 Ha in size?</p> | | |
| Farmers Union of Wales | <p>The proposals will make most developments in the BBNP unviable. Many of our members believe that is the reason for the proposals in the consultation and that the BBNPA do not want to see any development. Many members have also commented that they will not cooperate with any BBNPA plans in the future if these proposals are adopted as they are set out.</p> | <p>The evidence (see above) demonstrates that the contribution levels will not impact on the viability of development schemes. As such independent examination of policy 28 has found it to be sound and levels of contribution are not a subject of this current consultation. The Authority recognises that each development scheme is different and as such each proposal is judged on a case by case basis. It is not the intention of the policy or this supporting SPG to render development within the National Park unviable, rather there is a robust</p> | No change |

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| | | viability dispute process in place – This process enables assessment of scheme economics and where appropriate renegotiation of any required contribution to affordable housing to ensure future viability This is set out in Appendix 4 of the SPG | |
| CLA Cymru | The National Park Authority is, as is acknowledged, a special purpose Local Planning Authority and not a Housing Authority. With the unique position of Brecon Beacons National Park (BBNP) working with seven separate Unitary Authorities (UA), it would, in our opinion, be sensible to adopt terminology in this paper that is common to all authorities. Hence, on a technical point and in order to make the document easily understood for all, we would suggest that the reference to “Affordable Housing Officer” is removed on the basis that the role is not universally established within the seven UA’s identified. In its place, we suggest that the role of Strategic Housing Officer is substituted as we understand that such a function is a universally recognised within UA’s. | Noted | Amend reference to Affordable Housing Officer to Strategic Housing Officer |
| CLA Cymru | As BBNP is not a Housing Authority, we question whether - at Appendix 6, when it is suggested that the Park will work in partnership with the Registered Social Landlords (RSL) in developing a 5-year rolling strategy for the delivery of affordable housing - is it exceeding its statutory obligations/remit? Is this role not a function to be performed by a Housing Authority? A connected area of concern is the use of commuted sums; again we would seek clarification on the capacity of the park, without the status of a Housing Authority and, indeed, the allocation of received commuted sums geographically. There is no | The NPA is not a housing authority, but as a planning authority is responsible for collecting affordable housing contributions from the planning process. We also have a statutory duty to ensure the social and economic wellbeing of our constituent communities. As such the delivery of Affordable Housing within the National Park is a key objective of the LDP, the National Park Management Plan and wider corporate objectives. In order to ensure the delivery of affordable housing within the National park we are | Amend appendix 6 to state “work in partnership with Housing Authorities and RSLs” |

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| | <p>explanation as to the mechanisms nor the timescales the Park intends to adopt in the re-distribution of received funds between areas- will funds be redistributed in the locality of their collection or through the wider Park and indeed what consultation arrangements are to be made for locally affected communities? A further question arises as to the scope of the use of these collected sums – is it intended that all such funds be used for the provision of new-build affordable homes or will you seek to assist in bringing “empty” homes within scope?</p> | <p>comfortable that the development of an agreed strategy between RSLs, and the Housing Authority would provide certainty to developers and the community that contributions towards affordable housing would be utilised to deliver affordable housing within the locality of its generation. At present our major constituent authorities are unable to provide the NPA with similar strategies for the delivery of affordable housing within the National Park area. Hence the necessity to develop a strategy specific to the National Park. The strategy will be based upon best evidence of need, and RSL programme of delivery. It is intended that the Strategy provide a range of development types, including programmes for bringing empty homes back into affordable use. This is a matter of detail for the Strategy which will be subject to a separate consultation.</p> <p>In recognition of the important role the important strategic role Housing Authorities play in understanding affordable housing need it is recommended that Appendix 6 state that the Affordable Housing Strategy will be developed in partnership with Housing Authorities and RSLs</p> | |
| CLA Cymru | <p>Finally, on the administration of commuted sums from a business perspective, there needs to be flexibility in the timescales of paying such sums. Often cash flow considerations can be a factor for smaller development companies and we would seek flexibility without punitive</p> | <p>The SPG does not provide detail regarding the payment schedule for affordable housing commuted sums as this will be a matter for consideration on a case by case basis. However normal practice is to require any contribution to</p> | No change |

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| | <p>penalties to ensure the ultimate success of projects. Clarification would be appreciated on all these associated points.</p> | <p>be paid to the Authority prior to occupation. This standard timing enables any developer to realise the value of the development prior to requirement to provide payment.</p> | |
| <p>CLA Cymru</p> | <p>We are gravely concerned with the formula suggested for calculation of any commuted sum. We are gathering an increasing body of evidence from our members that the combination of current ACG figures and the proportional need for affordable housing levels are making schemes unviable. With changes to mortgage lending, lenders' perception of a greater risk attached to affordable housing sales is leading to reluctance to provide mortgages. When combined with a requirement for higher deposit payments, these factors effectively make supposed "affordable" properties unaffordable. Already, it appears that after six months of the LDP having been in place, there have been neither applications nor permissions for market housing conversions in barns. This undermines the projections of historic delivery via conversions in open countryside presented as evidence by the Park at the LDP enquiry.</p> | <p>It is not the intention of policy 28 or this guidance note to impose unreasonable obligations which would render development unviable. As such policy 28 states:- "The NPA will adopt a robust but flexible approach to the contribution requested which will be linked to market conditions and their impact on site viability" Appendix 4 of the proposed SPG sets out the disputes procedure should an applicant feel that the required contribution will impact on development viability, this quite clearly states that Affordable Housing contributions will be required at a level proven to be viable. As such we feel that there is sufficient flexibility in the approach taken to ensure that the application of policy 28 will not impact on the viability of development within the National Park.</p> <p>We are aware of issues surrounding lenders perception and difficulties securing mortgages where there are associated affordable housing ties and are currently working with our solicitors to develop mortgagee in possession clauses which addresses this issues.</p> <p>In relation to the final point concerning barn conversions, this SPG relates to the implementation of policy 28 which does not apply to open countryside locations. As such this</p> | <p>No change</p> |

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| | | matter is outside the scope of this current consultation | |
| CLA Cymru | <p>Additionally, we note from conversations with the other Welsh National Parks in recent weeks, that there is also evidence from them that the adoption of their own policies, both of which appear to be less costly than BBNP proposals, have, in reality, seen a contraction in the actual number of units delivered as opposed to an increase. Eryri cited an average commuted sum of around £30,000, but placed emphasis on its readiness to negotiate to ensure that projects are delivered where possible. Pembrokeshire has a policy of calculating the commuted sum according to internal floor space and has itself recently instigated a review of their policy which we welcome. Welsh Government has estimated the need for 14,000 additional homes each year for the next 5 years, hence any policy that has the potential to diminish future delivery should be critically analysed. Scheme viability lies at the heart of delivery and the approach to securing planning obligations from development should be flexible enough to harvest the community benefits without blocking delivery. We contend that BBNP should review their intentions in relation to this policy and heed the lessons learnt from other areas to ensure that the system is capable of delivering the homes that are needed. Perhaps a further review is required</p> | <p>The requirements for affordable housing within the Brecon Beacons National Park are based upon an up-to-date understanding of the local housing market and development viability. We are not in a position to comment on the evidence underpinning other Welsh National Park policy and its viability and we do not feel it relevant to an understanding of the process by which we will implement affordable housing policy within the National Park. May we remind CLA Cymru that the LDP has recently been subject to independent examination, the results of which were published in November 2013. The affordable housing policy was subject to due scrutiny during this process and was determined to be sound. In accordance with Chapter 11 of the LDP the affordable housing policy will be subject to appropriate monitoring and where necessary review. At present we are satisfied that the policy position is based upon sound evidence and is both fair and appropriate.</p> | No change |
| | <p>We note in particular that following the LDP guidance at paragraph 6.3.8.3, which rejects the prospect of open market housing in limited growth settlements or the countryside, there is no prospect of a contribution commuted sum. We submit that this policy is fundamentally flawed and its rigidity will be to the</p> | <p>As previously stated the current consultation is addressing Supplementary Planning Guidance providing detail as to how Policy 28 of the LDP is to be implemented.</p> <p>The principle of 100% affordable housing in</p> | No change |

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| | <p>detriment of the overall provision of housing need. Examination of the other Welsh National Park's LDP's reveal that BBNP is alone in pursuing this policy as both Eryri and Pembrokeshire do not explicitly exclude the opportunities of conversions, instead requiring up to a 50% affordable home contribution. With its proximity to the larger employment opportunities afforded in Cardiff and the Vale of Glamorgan, this policy denies BBNP a viable opportunity of providing limited open market housing whilst also increasing the availability of funds for provision of affordable homes elsewhere. The opportunities for such development, whilst limited, do generally in our experience provide employment opportunities for the smaller locally-based building contractors when they do arise. Hence, this policy in rendering such projects unviable, not only limits the potential for receipts of commuted sums, but could also jeopardise local employment opportunities.</p> <p>The policy application of affordable housing and countryside locations and settlement designation all require a more sensitive review, especially in a Park such as the BBNP, since rural conversions/the building of dwellings to open market residential use will be deferred when their conversion and development may well be sustainable and desirable.</p> | <p>Limited Growth Settlements is set out in policy LGS LP2.</p> <p>As previously stated the LDP has been subject to independent examination, and found to be sound.</p> <p>The CLAs comments are noted, and the CLA is invited to submit evidence to the Authority in support of this statement as part of the planned review of the LDP in 2018.</p> | |
| Talgarth Town Council | <p>Affordable Housing Pre-application Process (page 4)</p> <p>This does not seem to be fair or sit well with planning practice. Developers are being refused validations of their schemes if they do not reach agreement with officers. This therefore excludes them from the planning process and any chance of making an appeal. It would seem fairer and</p> | <p>It is accepted that to refuse validation of an application that has failed to undertake the pre-application process would be unreasonable. It is suggested that amendments are made to the SPG accordingly.</p> | <p>Amend para 3, page 4 to state "Applications cannot be determined positively unless this Affordable Housing Pre-Application Process has been followed"</p> |

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| | more democratic if the developer was allowed to make an application and the committee determined it. | | |
| Talgarth Town Council | <p>Appendix 6 Administration of Commuted Sum. (page 13)</p> <p>The BBNPA is not a housing authority. It does not seem appropriate that it should be handling the commuted sums. Talgarth Town Council has raised this point before and never received a satisfactory answer.</p> | <p>The NPA is not a housing authority, but as a planning authority is responsible for collecting affordable housing contributions from the planning process. We also have a statutory duty to ensure the social and economic wellbeing of our constituent communities. As such the delivery of Affordable Housing within the National Park is a key objective of the LDP, the National Park Management Plan and wider corporate objectives. In order to ensure the delivery of affordable housing within the National park we are comfortable that the development of an agreed strategy between RSLs, and the Housing Authority would provide certainty to developers and the community that contributions towards affordable housing would be utilised to deliver affordable housing within the locality of its generation.</p> | No change |
| Powys County Council (PCC) | <p>In general terms the Council welcomes the clarity and simplicity of the proposed guidance as it provides a clear step – by – step approach for applicants and should make for a simplified and speedy processing of applications</p> | noted | |
| PCC | <p>In the introduction there is clear recognition that the NPA is not a Housing Authority but the same passage, mistakenly in our opinion, limits the Strategic Housing Authority (SHA) role to establishing the level of need. The role of the SHA is to address that need and ensure that mechanisms are in place to do so.</p> | Noted | <p>Amend introduction to state “The strategic housing function rests with the constituent Unitary Authorities (UAs) which have the statutory duty to establish and address the level of affordable</p> |

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| | | | housing need” |
| PCC | With regard to the Affordable Housing Pre-Application process we would suggest a change to the wording on page 4; since not all Unitary Authorities (UAs) have a dedicated Affordable Housing Officer, but all are required to have Strategic Housing Officers. We recommend the use of this title throughout the document to identify the responsible officer in the various UAs. | noted | Amend reference to Affordable Housing Officer to Strategic Housing Officer |
| PCC | Step 3 in the process acknowledges the role of the SHA to nominate the Registered Social Landlord (RSL) to be involved in any scheme; it is therefore apparently inconsistent for Appendix 6 to state that the NPA should work in partnership with the RSLs to develop a five year rolling strategy for the delivery of affordable housing. This is precisely the role of the SHA | The NPA is satisfied that there is no inconsistency. Reference in step 3 to the appointment of an RSL by the SHA relates to developments where provision is to be made onsite. Appendix 6 relates to the strategy to be developed for the administration of commuted sums, although both relate to the provision of affordable housing, the process by which they will be developed is separate. | No change |
| PCC | Appendix 1 point 5 refers to conversions. Should this therefore refer to existing buildings rather than dwellings not previously available on the open market? It is conceivable to think of a scenario where you would have a converted dwelling not available on the open market. | This issue is covered in Appendix 1 point 4, where it states, where a change of use from non-residential to residential use is proposed. Point 5 specifically relates to the issue where a dwelling not available on the open market (eg an agricultural workers dwelling) becomes available on the open market (occupancy conditions are removed) | No change |
| PCC | Appendix 5 - Advice received from previous consultations with lenders suggests that affordable housing contributions should not be linked to ACG, and must be linked to open market values. A calculation using ACG in a unilateral undertaking could prohibit development finance. This calculation should be amended to reflect open market values. | The formula approach set out in appendix 5 was drawn up in consultation with SHA and RSLs operating within the area. It was considered appropriate as it enabled a cash benefit equivalent to onsite provision. It is understood by the Authority that this is still the case, that ACG is used in determining value of onsite provision. It | No change |

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| | | also understood that ACG is reviewed regularly by the WG and takes into consideration market values. Given the above it is considered to be wholly appropriate to use ACG based calculation as the starting point for calculating affordable housing contributions. | |
| PCC | Also in Appendix 6 we would object to the NPA holding the commuted sums received for the purpose of affordable housing provision. It is the firm understanding of this authority that all such sums should be transferred to the relevant SHA in the same way that, for example, commuted sums for education are transferred to and administered by the UA's education department. | This issue has been discussed at length with all our constituent housing authorities including PCC and it was our understanding that the officer was supportive of the proposal. To reiterate, the Authority believes that this measure is necessary in order to increase the provision of affordable housing within the National Park area. It is believed that the Authority is best placed to <i>co-ordinate</i> a strategy which considers provision of affordable housing across the entirety of the National Park. With all due respect to our constituent SHAs the horizon of their application is limited to the UA boundaries, which is insufficient to meet our community needs. | No change |
| PCC | We welcome the clarity of the flow charts; however there is an apparent inconsistency in the first step which differs from the text. The text states that the NPA will develop the strategy and the flow chart at Appendix 6 says the SHA. | Noted, this is an error in the text | Amend Appendix 6 to state “ Brecon Beacons National Park Authority, Housing Authority and RSL develops strategy for delivery of AH in the National Park ” |
| PCC | Appendix 6, There is no mention of a cascade for the spending of commuted sums. A cascade should be included as follows Initially community council area together with adjoining community council areas, | The cascade for the spending of commuted sums is a matter for the S106 agreement. However in the interest of clarity it is proposed to include an additional appendix setting out the cascade that | Additional appendix (Appendix 9) added to the SPG setting out the cascade for the spending |

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| | secondly, respective part of unitary authority within the BBNP, thirdly, the remainder of the BBNP. | will apply to the spending of commuted sums. | of commuted sums (in accordance with the strategy) |
| PCC | Appendix 6 implies that Affordable Housing contributions will only be used to provide subsidy to RSLs to help deliver the strategy. Will the strategy include a range of spending opportunities including e.g. empty homes according to the strategic need of the responsible Housing Authority? | The NPA wishes to utilise affordable housing contributions to realise a range of affordable housing options. The precise nature of qualifying schemes will be developed as part of the Strategy and evidence that is put forward by the SHA. Accordingly we look forward to receipt of evidence of need and strategic development areas as requested by the Authority in the meeting of the 19 th March and subsequent email requesting. | No change |
| PCC | The timing of commuted sum payments should be addressed in Appendix 6 – Appendix 8 states that the ‘Affordable Housing Contribution payment should be made prior to the occupation of the 1st dwelling’. Flexibility should be applied to the timing of commuted sum payments and phasing of payments should be permitted where key to scheme viability and cash flow | The NPA are satisfied that there is due consideration of this point within the SPG. It is considered more appropriate to address this issue on a case by case basis where evidence can be supplied by the applicant to suggest that phased payment is key to scheme viability. | No change |
| PCC | Appendix 6 & 8 – neither mention a time period for within which the commuted sum must be spent – e.g. 5, 10 years? This should be clarified. The process for reclaiming unspent contributions should also be clarified for the benefit of the development industry | As above, this is a matter that is best determined on a case by case basis. | No change |
| PCC | It is not possible to comment on the ‘Affordable Housing Contribution’ definition in appendix 8 because it has been covered by the Geldards Law Firm logo. | Amended | Amend layout to ensure all text is visible. |
| PCC | Appendix 8, Indexation should be clarified. ACGs are not reviewed regularly enough to take into account changes in values. | See above regarding appropriateness of ACG | No change |
| PCC | In the flow charts under Appendix 7 Step 3a is irrelevant | As the process includes an element of negotiation, | No change |

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| | <p>as it repeats step 2. We suggest that Step 3 read as follows:</p> <p>Step 3: Contact the relevant Unitary Authority Strategic Housing Officer to determine:</p> <ul style="list-style-type: none"> a. type mix and tenure of housing needed b. which RSL should be involved if the tenure requirement is Social Rented or Intermediate Housing requiring their involvement | <p>there may be a difference between the level of housing required by the application of the formula and the amount that is required by policy (ie that which is viable)</p> | |
| PCC | <p>Also, in the same flow chart the issue of dispute should be Step 4, not 3 as labelled.</p> | <p>Noted</p> | <p>Amend flow chart to state Step 4 at flow chart box 3</p> |
| Abergavenny Town Council | <p>On behalf of Abergavenny Town Council I can say that I have read the proposed supplementary planning guidance and find it workmanlike and perfectly reasonable at the time it was written. However, I wonder whether the Chancellor's announcement on concessions for self builders which he made in his budget speech will alter matters. Will the proposed new regime for self builders be implemented in Wales as well as England? I have not yet made enquiries of WAG.</p> <p>The Chancellor said he had listened to the "self build" lobby and proposed to relieve self builders of the obligation to pay section 106 or the Community Infrastructure Levy or contributions to social housing. This would be justified by the need to raise building standards and the quality of housing : whilst developers aimed for the lowest standards permitted, self builders aimed for the highest standards they could afford, so levies on self build schemes served to lower standards by diverting funds. £150million is to be made available to fund fully serviced individual plots for self builders on larger development sites.</p> | <p>The amendments to the planning system announced by the Chancellor refer to CIL and not affordable housing contributions.</p> <p>The NPA is satisfied that there are sufficient policies in the plan to ensure that all future development is energy efficient regardless of the energy source utilised. This not a matter of relevance for this consultation.</p> | <p>No change.</p> |

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| | <p>At the same time the Chancellor announced that building regulations were to be reorganised and confirmed that the target for all new building to be to "zero carbon" standards by 2016 still stood. When this target was first announced in 2008, WAG went one better by announcing "zero carbon" by 2013 but that date has clearly been missed. Will Wales be allowed to fall behind England?</p> <p>Since most dwellings in the National Park lack access to mains gas, I feel that quality in the shape of energy efficiency has to trump quantity.</p> | | |
| <p>National Farmers Union Cymru (NFU Cymru)</p> | <p>NFU Cymru welcomes the opportunity to respond to the Brecon Beacons National Park Authority Consultation on Affordable Housing Contributions which provides Supplementary Planning Guidance (SPG) on Policy 28 of the Local Development Plan.</p> <p>The Authority states as a duty the need to foster the social and economic well-being of local communities and one of its objectives is to promote and support sustainable agriculture. In pursuit of these goals, NFU Cymru has long called for a planning system that demonstrates a thorough understanding and appreciation of the role of agriculture and for an appropriate balance to be struck between the weight attached to the protection of the landscape and community and business development within the National Park. It would be remiss of NFU Cymru at this stage not to take the opportunity to remind the Authority, that generations of farmers have shaped the landscape and the environment of the Brecon Beacons National Park area long before the National Park</p> | <p>To clarify Policy 28 applies in the following locations</p> <ul style="list-style-type: none"> - Primary Key Settlement - Key Settlements - Settlements - Allocated brownfield sites in the open countryside. <p>The policy is adopted and currently operational. This guidance note deals with the procedure by which it is implemented. The principle of whether a contribution is necessary is therefore outside the remit of this consultation.</p> <p>To reiterate this policy does not apply in countryside locations where the majority of agricultural development takes place. As such it is difficult to envision how this policy and its implementation will disadvantage the agricultural</p> | <p>No change</p> |

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| | <p>was designated and the establishment of the Authority.</p> <p>We, therefore, wish to formally object to these proposals which are likely to have a detrimental impact on development in rural areas within the BBNPA.</p> <p>We believe the proposals will place our members within the National Park Authority at a disadvantage to their counterparts who reside outside of the BBNPA boundary, yet these people are the custodians of the Park, whom the National Park Authority should be representing and supporting to develop sustainable farms. Where housing development occurs, on-site provision of Affordable Housing is possible. However, where the net gain of a single dwelling is proposed, there will be no option other than to pay the commuted sum. We have very real concerns that this will make the costs of development of single dwellings completely unviable and hence prevents sustainable housing development within the National Park area.</p> <p>..</p> | <p>community or impact on its future viability.</p> | |
| <p>NFU Cymru</p> | <p>As highlighted in our response to the recent consultation on Planning Obligations, we are also concerned that proposals will see developers required to enter into Planning Obligations with the NPA, with the Local Authorities seeking contributions from development in the form of the Community Infrastructure Levy (CIL). Affordable Housing Contributions through commuted sum(s) represents a further expense that is likely to result in the costs of development being prohibitive within the Park boundaries.</p> <p>`</p> | <p>As stated in response to NFUs Planning Obligation Strategy response, the NPA is yet to determine the viability of CIL within the Authority area. Moreover, the NPA has no jurisdiction to collect CIL on behalf of our constituent authorities</p> | <p>No change</p> |

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| NFU Cymru | <p>There also remains a lack of clarity as to how the funding will be managed. We would question where the money will be spent? How does the Authority plan to work to ensure that it makes best use of the commuted funds? Furthermore, what assessment has the National Park Authority undertaken with respect to potential income from commuted funds versus the affordable housing need within the National Park? We would also question how the 58% figure has been reached and what formula has been used? Furthermore, as this is such a complex subject area, we do not believe that the repercussions of implementing this policy is understood by those who may wish to proceed with developments in the future and its inception could undoubtedly deter developers from starting projects within the BBNPA area. It is our view that the Park Authority should be supporting those communities who live within the Park and not penalising them.</p> | <p>As set out in Appendix 6 the Authority will administer collected commuted sums in accordance with a defined Affordable Housing Strategy. The development of this strategy will provide more clarity than is currently available as to how commuted sums will be spent within the National Park area.</p> <p>The LDP sets out that the need for Affordable Housing within the National Park is 1248 for the plan period (2007-2022). The LDP can deliver 475 of these houses. It is intended that the shortfall can be part met through affordable housing schemes funded through commuted sums.</p> <p>The formula approach was developed through a series of workshops with our constituent housing officers and Registered Social Landlords. The figure of 58% is used because the standard amount of Social Housing Grant available to fund onsite affordable housing is 42% of ACG, ie a developer will usually receive 42% of ACG for an affordable unit provided to an RSL. As such it was determined that a commuted sum of 58% of ACG would be a direct equivalent to that provided onsite.</p> | No change |
| NFU Cymru | <p>NFU Cymru is of the view that the policy is absolutely unreasonable and at the very least, any development resulting in the net increase of a single dwelling should be considered on a case by case basis. It is our view that agricultural dwellings should be exempt from the Affordable Housing Contributions process.</p> | <p>As previously stated this policy applies only to the net gain of open market dwellings in settlements/ allocated sites. It does not apply to Rural Enterprise Dwellings where occupancy is tied in accordance with TAN 6. This is because these dwellings are not considered to be available on</p> | No change |

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| | | the open market. | |
| NFU Cymru | <p>NFU Cymru is disappointed that the Guidance makes no reference to rural buildings which are so integral to the vista of the National Park. The viability of projects to develop such buildings is marginal; we would highlight that the alternative to appropriate development of these buildings is to let them fall down completely, which in itself constitutes as permanent change to the landscape the NPA is so keen to preserve.</p> <p>We are aware of barn conversion applications within the BBNP which have been granted on the basis of providing habitat for bats, owls etc and this would appear to us a sensible compromise. Allowing these potential dwellings to fall down, as a result of implementing these costly CIL charges, will cause more harm to the surrounding habitat and cause significant loss of biodiversity within the BBNP, not to mention the unsightly scene of a crumbling structure in the landscape that will result.</p> | <p>As previously stated Policy 28 does not apply in countryside locations, hence the renovation or conversion of redundant agricultural buildings for residential use is not a consideration. We draw NFU Cymru's attention to the current draft consultation "Countryside: Enabling Appropriate Development"</p> <p>Again to reiterate there is no current or planned CIL charge within the BBNPA.</p> | No change |
| NFU Cymru | <p>NFU Cymru members have raised concern that barn conversions are already extremely costly to complete due to the remote positioning of the building. The costs involved to get basic amenities to the site, i.e. electric, water, phone line already questions whether or not the project is viable. The CIL charges as outlined in the document would undoubtedly make these types of projects unaffordable.</p> | As above | No change |
| NFU Cymru | <p>NFU Cymru strongly believes that there should be scope within the Policy for local people to make their case. We would highlight the pre-application process is well received and we do recommend the service to members. Given the proposals we would suggest that this should be a free service in order that they can make a judgement on</p> | <p>The strategy team will provide details of likely AH contributions for free where these are sought. Further guidance will be subject to paid pre-application advice.</p> | No change |

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| | whether or not a project is viable. | | |
| NFU Cymru | We will re-iterate that it is the variation in performance/lack of consistent approach to planning within and outside the National Park Authorities that leads to there being no clear consensus as to whether they should continue to have responsibility for planning in their respective areas. There is a real risk that the introduction of these measures will serve to confirm to Welsh Government that BBNPA Development Control is unfit for purpose going forward. | The status of the National Park and it's function is not a subject of this consultation. | No change |
| NFU Cymru | We would urge the National Park Authority to carefully consider the proposals again and give further reflection on the implications the proposals within this document will have on future developments within the NPA. | The NPA is satisfied that both the policy position and the process of implementation are sound and based upon the best evidence. The policy will be subject to appropriate monitoring and review in accordance with chapter 11 of the LDP and statutory process. | No change |
| HBF | The viability of a site is not just about the level of affordable housing, there are a number of other costs associated with a site which may not be known at the pre-application stage. Experience shows that other issues which could affect the viability of the development will come out of the planning application process. Often these are not fully quantified until agreement has been reached over the S106 legal agreement or Unilateral Undertaking at the time the application is determined. Such issues could arise as a result of consultee responses from NRW or Welsh Water for example, requiring the developer to carry out certain additional works. Further the planning process often results in a reduction or change in the number of houses proposed on a site, so again the viability of a site cannot be fully established until the planning process is nearing completion. Therefore it would not be | <p>We note that development viability is not simply an issue of affordable units on site. The DAT gives opportunity to factor into viability assessment additional S106 contributions as well as abnormal costs.</p> <p>Whereas it is appreciated that for some developers these costs will only be fully understood at application stage, for the majority of developers viability assessment forms part of initial site appraisal as such we are satisfied that initial discussions surrounding affordable housing provision can be established at pre-application stage. Indeed it is thought that such discussions would be a benefit to developers at pre-application stage, so costs are known ahead of</p> | No change. |

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| | <p>possible or fair to determine the viability of a site at pre-application stage, accordingly the suggested process is fundamentally flawed. Accordingly it is suggested that either:</p> <p><input type="checkbox"/> Flexibility needs to be built into the pre- application approach to viability to allow for any additional abnormal costs or reduction in number of units, which result as part of the application process to be considered in an amended viability prior to determination of the application.</p> <p><input type="checkbox"/> Step 4 should be removed from the guidance with an explanation that the assessment of the viability of a site will be carried out closer to determinations once all factors affecting the viability are known.</p> | <p>finalising a scheme.</p> <p>There will always be some flexibility in determining affordable housing provision (as set out in policy 28), and we are aware that there may be necessary changes as part of the planning process.</p> | |
| HBF | <p>Further the way Step 4 is worded is currently confusing; where it refers to Policy 28 it should state that this is of the LDP. Further within this Policy I can see no reference to a process for resolving disagreement which the current wording of Step 4 would infer. I believe it is trying to say that any dispute over viability of a scheme and therefore the number of units / contribution provided should be resolved as set out in Appendix 4 of the guidance.</p> | <p>Noted the section requires clarification</p> | <p>Amend Step 4 to state “If there is disagreement between parties regarding the viability of the scheme with the contribution sought apply the process as enabled in Policy 28. (See “Appendix 4: Scheme Viability Dispute Process”).</p> |
| HBF | <p>Step 3: The document should clarify if this contact should be made through the planning officer or as currently written directly to the Affordable Housing Officer. If the latter is the case there is concern that negotiations over the level and type of affordable housing are taking place</p> | <p>It is clear that the intentions are for the applicant to contact the relevant Unitary Authority Housing Officer as part of pre-application discussions. The findings of this consultation should be submitted in support of any application as evidence to the</p> | <p>No change</p> |

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| | outside of the planning process. This could lead to confusion once a planning application is submitted. | Authority. Rather than confusion, it is intended to improve clarity in the process. | |
| HBF | <p>Appendix 4: Although it is accepted that there needs to be an identified person responsible for resolution of viability it is not considered fair that the full cost of this should be borne by the developer. This effectively puts the developer under pressure not to negotiate over viability and just accept what the Council request. A much fairer system would be to share this cost equally between developer and Local Authority, thus any pressure to resolve viability issues is shared by both sides.</p> <p>Also in terms of creating more flexibility in the document it is suggested that wording could be added to this section to allow an alternative to the District Valuer to be used, subject to agreement of the person to be used by both parties.</p> | The Authority utilises the DAT developed by Andrew Golland and associates to determine viability. This assessment is undertaken for free as part of the application process. It is only when this is challenged by the applicant will the developer be liable to cover costs of the assessment. This is considered fair and right. | Appendix 4 amended to state “with a final recourse to the District Valuer or equivalent viability assessor. Disputes of viability referred to an independent valuer will be charged at cost to the Developer.” |
| HBF | <p>Appendix 6</p> <p>As the whole reason for requiring an affordable housing contribution is that a need for the affordable housing has already been proved, it is considered that the use of any off site contribution should be time constrained. A time period of five years is considered more than enough for the Council to work through it’s suggested ‘process for the administration of commuted sums’ and deliver affordable housing. If the money has not been spent in this time them it should be returned to the developer. It is felt that such a clause would help to highlight the Councils desire to deliver affordable housing in a timely manner and be fairer on developers.</p> | Time limits are a matter for negotiation on a case by case basis. At present, based on current legal advice, the Authority is satisfied that 10 years is a reasonable time limit for such agreements. | No change |
| HBF | <p>Appendix 8:</p> <p>Although the inclusion of a model S106 agreement is supported in principle, as it should help speed up the</p> | The model S106 is a starting point. Further adaption can and will take place as part of the application process. | No change |

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| | determination of the planning application, it is noted that it only relates to the payment of 'the affordable housing contribution'. If the point made above in relation to Appendix 6 is accepted then a re-payment clause would also need to be included within the model S106. In terms of the provision of affordable housing on the site, presuming that this would also need a S106 to set out the controls, such as trigger for implementation etc., why is this not covered in the model S106? | | |
| HBF | Although not totally against a pre- application process, it needs to be more closely aligned with a planning pre-application process and any viability testing needs to be done at the stage where the application is ready to be determined once all the abnormals are known and a fair viability can be carried out taking account of all the relevant factors. | It is considered that the process set out in the draft SPG is well aligned with the Authority's pre application process. Similarly we would suggest that it is in the developer's interest to determine all costs associated with the development ahead of submitting a planning application. | No change |
| Mr Dai Hawkins | Appendix 5: the ACG amounts should be detailed in this document. In the past I have wasted a lot of time trying to find out what these sums are - either most people at BBNPA Planning and Monmouthshire CC don't know, or like to keep the amounts secret! All the relevant information should be contained in the one document, so that readers don't have to consult other documents that aren't even defined | As ACG amounts are published by the Welsh Government, and are subject to review, it is considered inappropriate to include this information within the SPG. The link to the external document will be placed on the website so applicants can access this information if they so wish. There is no intention on the part of the NPA to withhold this information. | No change |
| Mr Dai Hawkins | In the flow diagrams, all boxes should be numbered, so it is easy to identify particular boxes when giving feedback or making enquiries | The step numbering as set out in the flowchart is considered sufficient to provide clarity. | No change |
| Mr Dai Hawkins | Flow diagram Step 2: there is no need for the box that | The question is necessary to clarify how the | No change |

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| | says "Does the amount of housing required equate to whole units and fraction of units", as one must have answered 'Yes" to this in the previous box to arrive at this box | affordable housing contribution will be determined. | |
| Mr Dai Hawkins | Appendix 8: Where does it say in this draft I06 Agreement, does it state how many affordable dwellings need to be provided? Surely, this is the most important bit of information! | The draft S106 is intended predominately for use for securing commuted sums from single dwellings where the affordable housing would be the only obligation necessary. In cases where onsite provision is to be provided, it will be necessary to amend the model S106 on a case by case basis. Such an amendment would include the number of dwellings to be provided as affordable units. | No change |