

Part B – Please use a separate sheet for each representation

Name or Organisation:

Robert Hitchins Ltd

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

NB: To be read in conjunction with Attachment A (a review of the Local Plan Viability Assessment Working Draft May 2021)

1.1 Delivery Policy HC4 relates to Affordable Housing ‘exception sites’ although the Council appear to be using it as a ‘catch all’ policy for both Rural Exception Sites and Entry Level Exception Sites. Unfortunately, this is inappropriate, unless the wording is amended to be broken down into two clear sections (one for each type of site) as the requirements for each are quite different.

1.2 Currently the approach to Entry Level Exception Site is as that set out within paragraph 71 of the NPPF. This differs to the Rural Exception Site defined in the NPPF (page 71) as:

“Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.”

(emphasis added)

1.3 Entry Level Exception Sites are defined as:

“A site that provides entry-level homes suitable for first time buyers (or equivalent, for those looking to rent), in line with paragraph 71 of this Framework.”

Paragraph 71 of the NPPF confirms that subject to certain location and scale tests being met:

“Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area.”

(emphasis added)

1.4 The Government has set out in a Written Ministerial Statement (24 May 2021) that a new First Homes Exception Site policy will replace the Entry Level Exception Site policy in paragraph 71 (as of the 28th of June 2021 and subject to transitional criteria).

1.5 First Homes “...cannot come forward in areas designated as Green Belt, or designated rural areas as defined in Annex 2 of the National Planning Policy Framework.” (Paragraph: 025 Reference ID: 70-025-20210524, First Homes NPPG).

1.6 First Homes will be subject to specific requirements in terms of initial sale price caps, income caps, discounts to open market value retained in perpetuity among other things (set out in detail in the First Homes national planning guidance), but the Written Ministerial Statement confirms that the approach remains as per for Entry Level Exception Sites that:

“Local authorities should support the development of these First Homes exception sites, suitable for first-time buyers, unless the need for such homes is already being met within the local authority’s area.”

1.7 Whilst local authorities will be able to set local eligibility criteria where this is *“supported by evidence of necessity and will not compromise site viability”* (Written Ministerial Statement) there is no suggestion that it is by this criteria that the number of First Homes on Exception Sites should be determined – this is confirmed by the fact that such restrictions on occupancy (whether on an Exception site or elsewhere) are able to cascade out to the national criteria after 3 months of marketing which include no such restrictions.

1.8 The First Homes NPPG sets out that when decision making *“...what constitutes a proportionate development will vary depending on local circumstances”* and that local authorities and neighbourhood planning qualifying bodies: *“are encouraged to set policies which specify their approach to determining the proportionality of First Homes exception site proposals, and the sorts of evidence that they might need in order to properly assess this.”* (Paragraph: 026 Reference ID: 70-026-20210524, First Homes NPPG). However, this is in the context of ‘demonstrating that a proposed First Homes exception site is proportionate in size to the existing settlement’ as opposed to demonstrating that such homes are needed in the context of housing need.

1.9 Given the stage that the Local Plan Review is at (Regulation 19) transitional arrangements apply (as long as the Plan is submitted for Examination by the 28th of December 2021). However, there are aspects of the wording within Policy HC4 which do not accord either with paragraph 71 of the NPPF (Entry Level Exception Sites) or the new First Homes Exception Sites policy.

1.10 These include:

- the references in the first paragraph to sites only being located next to third tier settlements unless specific local needs evidence supports otherwise;
- the references to ‘local need’ that cannot be met in the ‘locality’ in bullet point 1 (this would need to be District wide) and to ‘detailed criteria defined for meeting housing need’ in bullet point 4;

- the requirement for access to services in bullet point 2 – this may be a general planning point but it is not something specified in particular for either Entry Level or First Homes Exception Sites;
- the requirement for retention of the Affordable Housing in perpetuity in bullet point 3 in respect of Entry Level homes and remaining available only to ‘local need’ in perpetuity in respect of either Entry Level or First Homes Exception Sites – these are not requirements set by national policies for these types of sites, and,
- the requirement in bullet point 6 would not apply.

1.11 Given the level of difference between Rural Exception Site requirements in national policy and guidance and Entry Level / First Homes Exception Sites the policy wording should not be used for the latter sites and this should be made clear through amendments to the policy wording and title. A separate Entry Level Exception site, or more likely now First Homes Exception Site, policy should be drafted and consulted upon if the Council wants to include policy on these types of Exception site.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- i) **The wording of Delivery Policy HC4 should be amended to refer only to Rural Exception Sites as the wording does not accord with National Planning Policy or Guidance in respect of either Entry Level or First Homes Exception Sites. A separate Entry Level Exception site, or more likely now First Homes Exception Site, policy should be drafted and consulted upon if the Council wants to include policy on these types of Exception site. As such potential amendments to Policy HC4 are as follows:**

Delivery Policy HC4

Local Housing Need (Rural exception sites)

Planning permission may be granted for affordable housing, ~~including entry level homes~~, and single plot self-build or custom build affordable dwellings on sites well related to existing settlements. Such sites should be located close to, or adjoining, an accessible settlement with local facilities ('Third

Tier') or above in terms of the Plan settlement hierarchy, unless specific local need and environmental considerations indicate that provision should be met at fourth tier settlements. The Council shall meet local affordable housing need, where:

1. the Council is satisfied that there is a clearly evidenced local need, which cannot be readily met elsewhere in the locality, for the number and type of housing proposed. Occupants will be required to evidence their need for affordable housing and their connection to the relevant parish.

2. the site is accessible to a range of local services, such as shops, primary schools, healthcare and public transport

3. appropriate legal agreements are entered into to ensure that such dwellings will remain available as affordable housing for local need in perpetuity, with the necessary management of the scheme in place

4. the proposal satisfies the detailed criteria defined for meeting housing need at settlements

5. the design quality and gross internal floor area of affordable dwellings shall comply with the latest recommended standards used by Homes England where applicable.

6. Single plot self-build or custom-build affordable dwellings shall be limited to a maximum GIA of 100m². Permitted development rights will be removed from these properties to prevent this maximum being breached.

The Council will consider the inclusion of some market housing on affordable housing sites proposed under this policy where this is required to make the scheme viable. Robust proof will be required to ensure that the level of market housing is the minimum required in viability terms to deliver the affordable housing, including consideration of whether Government grant availability could reduce or negate the necessity for market housing. The inclusion of some market housing for cross-subsidy will not apply to self-build or custom build affordable homes.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To provide further explanation as necessary of the concerns raised above.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:



Date:

20.07.2021