

SOUTH HAMS LOCAL DEVELOPMENT FRAMEWORK

Public Examination of the Affordable Housing Development Plan Document

STATEMENT OF COMMON GROUND

SOUTH HAMS DISTRICT COUNCIL

1. In an effort to establish a Statement of Common Ground the Council wrote to all respondents suggesting seven issues where there may be room for agreement and inviting them to suggest others (see Annex 1). A meeting date was offered, if required.
2. The Council's letter generated 5 responses from:
 - Dartmouth and Kingswear Society (see Annex 2)
 - Tetlow King (see Annex 3)
 - Graham Clark for Sunnybank Homes (see Annex 4)
 - Mr T R Hands (see Annex 5)
 - South West Regional Assembly (see Annex 6)
3. In summary:
 - Dartmouth and Kingswear Society agree with all the points suggested.
 - Tetlow King agree with Part 1 (c) and Part 2 (a) and (c)
 - Graham Clark agrees with Part 1 (a) (b) and (c) and Part 2 (a) and (b)
 - Mr T R Hands agree with Part 1 (b) and (c)
 - SWRA agree with Part 1 (a) (b) and (c) and Part 2 (a) (b) and (c)
4. No other respondents contacted the Council about this matter, and no further responses were received. Those who had responded agreed that the suggested meeting would enable no further progress to be made.
5. However, with regards to the Council's proposed amendment to Policy AH1 with regards clarification on mixed use schemes, D2 Planning for Cavanna Homes, in their further statement in response to Session 1 (1/3737) paragraph 6.2 state that they 'have no objections' to the suggested change.
6. The Council was also asked to consider (without prejudice) whether or not, should any particular change be required in order to make the DPD sound, further publicity or sustainability appraisal would be needed. The detailed response to this can be found at Annex 7. It has not been possible to consult on our view with other respondents, but the Council's view is endorsed by our SA/SEA consultants (Enfusion).

Annex 1: Letter from SHDC to all respondents

Please reply to: Forward Planning
Service: Community Regeneration
Direct telephone: 01803 861202 Direct fax: 01803
861404
E-Mail: forward.planning@southhams.gov.uk

Our ref:

15 May 2008

Dear Representor,

Affordable Housing DPD Examination - Statement of Common Ground

As outlined in the Inspector's Briefing Note, participants are encouraged to explore the possibility of agreeing a Statement of Common Ground. Any such statement needs to be agreed by the relevant parties and submitted to the Inspector by June 3rd 2008.

1. The Council suggests that there are three areas where changes might readily be able to be agreed:
 - a. The first is the response to **Session 1, Question 6: Does Policy AH1 need clarification in respect of mixed-use development?** The Council considers that the policy should be amended to begin "All new housing developments, including those on a mixed use basis, shall contribute..."
 - b. The second relates to **Session 6, Question 3: Is there an inconsistency between the monitoring targets for windfall sites and Policy AH3?** The Council acknowledges that there is an error in the monitoring targets. A mistake in the document was noted after it had been printed, as demonstrated at paragraph 7.8 where the error was amended using a pre-printed label. However, unfortunately the corresponding targets in the monitoring section have not been amended. The targets for windfall sites should read the same as Policy AH3 and paragraph 7.8 as amended.

SHDC / Statement of Common Ground

- c. There is an error in paragraph 3.13. The first sentence has been accidentally left in from the previous draft. The submission stage version of the document does not include the summary of alternative options considered. The Council therefore considers that the first sentence of this paragraph should be deleted.
2. Other issues where the Council considers that there is scope to reach agreement are:
 - a. That it has been demonstrated adequately that a severe level of local housing need exists;
 - b. What this level of need is;
 - c. The levels of affordable housing provided in the district during the last three years (2005-06, 2006-07 and 2007-08), and the level of subsidy that has contributed to these developments. These details are set out in the attached appendix.
 - d. In relation to ***Session 2, Question 3: Are the boundaries of the Plymouth Urban Fringe, Area Centres, Local Centres and rural areas clearly defined on the Proposals Map?***

In the Council's view, it is the functional definition of each of these that is important in this DPD and not their boundaries. Definition or review of the boundaries within which related policies apply will be a matter for the area-based DPD's which will follow.

If you are able to agree to any or all of the above issues please let the Council know as soon as possible and by 5.00 p.m. on 27 May at the latest.

We are also prepared to offer a meeting at 11am on the 28th May 2008 at Follaton House, Totnes. If you feel that such a meeting could be helpful please confirm your attendance by contacting the Forward Planning Team on 01803 861202 or email forward.planning@southhams.gov.uk.

Yours Sincerely

Rachel Bland
Planning and Affordable Housing Officer

SHDC / Statement of Common Ground

Appendix: Completions 2005-2008

YEAR	COMPLETIONS	SCHEMES	UNITS	HC GRANT £	SHDC CONTRIBUTION £
2005/06	133	Fairfields, South Brent	22 (13 in this phase)	351821	351821
		Tolchers, Dartington	3	0	0
		Tuckers Brook, Modbury	6	0	0
		Bowdens Park, Ivybridge	46 (39 in this phase)	461704	1269719
		Lister Way, East Allington	24	600422	196000
		Bishops Court, Newton Ferrers (Extra Care Scheme)	25	130000	750000
		Yealm Park, Yealmpton	3	131172	38278
		Montague Close, Kingsbridge	20	144273	635000
2006/07	20	St. Barnabas, Dartmouth (Supported Housing Scheme)	12	785000	130000
		Galpin Street, Modbury	5	0	0
		Kingsway Park, Kingsbridge	2	50000	0
		Lister Way, East Allington	1 (extra unit)	20000	20000
2007/08	56	Bonfire Hill, Salcombe	33	700000	225000
		Old Mill Lane, Dartmouth	11	119266	812600
		The Rosery, Ivybridge	9	310000	50000
		Shared supported house (Learning Dis)	1	125000	0
		Hob Cottages, Holbeton	2 (sub-market rented)	0	0

NB: The gap between total scheme costs and public subsidy is met by the RSL in a number of ways i.e. borrowing, re-cycling of grant and shared ownership sales.

SHDC / Statement of Common Ground

Annex 2: Response from Dartmouth and Kingswear Society

From: Paul Moynagh
Sent: 17 May 2008 01:22
To: Forward Planning
Subject: Re: South Hams Affordable Housing DPD Examination -
Statement of Common Ground

The Dartmouth & Kingswear Society are happy to agree with the Council's proposed statement of common ground. We do wish to attend a 28 May meeting.

Paul Moynagh
Planning Secretary, Dartmouth & Kingswear Society

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Paul Moynagh

Annex 3: Response from Tetlow King

Ms Rachel Bland
Planning and Affordable Housing Officer
South Hams District Council
Follaton House
Plymouth Road
TOTNES
TQ9 5NE

19 May 2008
EB M7/0703-15

Dear Ms Bland

RE: STATEMENT OF COMMON GROUND FOR THE INDEPENDENT EXAMINATION OF THE AFFORDABLE HOUSING DPD

In response to your letter of 15 May and on behalf of our various clients, we accept in principle the desirability of agreeing a Statement of Common Ground with the Council.

Budgetary constraints preclude us from attending any meeting but we are prepared to enter into written exchanges as appropriate.

Regarding the specific changes proposed in Part 1, we cannot agree (a) and (b) as they go to heart our fundamental objections to the DPD. We cannot agree to (a) owing to our objection to Policy AH1, in particular the Council's attempt to make affordable housing provision compulsory on all such sites, as set out in our hearing statement no. 1/1128 on behalf of Midas Homes. We cannot agree to (b) on the basis that we strongly oppose the introduction of this sliding scale to provision on windfall sites in Policy AH3, as explained in hearing statement 3/1128 on behalf of Midas Homes. We can, however, agree the changes proposed in (c) of Part 1.

Part 2 of your proposals are less specific. We can agree (a) and (c), although relative to (a) the word "severe" remains open to interpretation. We can see the merit of (b) although we cannot see that it will be possible to agree a precise figure for the level of need. We cannot accept (d). This surely must be made within the context of the Core Strategy, which is the appropriate document for defining these settlements in full.

I trust this is helpful.

Yours sincerely

ELIZABETH BOYD
For and On Behalf Of
TETLOW KING PLANNING

cc: Andrew Rowe, Midas Homes

Annex 4: Response from Graham Clark for Sunnybank Homes

From: [Graham Clark](#)

To: forward.planning@southhams.co.uk

Sent: Friday, May 16, 2008 5:06 PM

Subject: Statement of Common Ground - Affordable Housing DPD Examination

Further to the revised letter dated 15th May 2008 relating to the Statement of Common Ground I have the following comments to make

1 (a, b and c) - **Agreed**

2 (a) - **Agreed** through the HMNA

2 (b) - **Agreed** although the District is not a single housing market but rather part of the Plymouth Sub-Region.

2(c) - **Not agreed**

I understood that as part of Annual Monitoring Reports the National Core Output Indicator (NCOI) relating to affordable housing completions required a sub-division into three categories.

1. Affordable homes wholly funded through RSLs and/or local authorities.
2. Affordable homes wholly funded through developer contributions
3. Affordable homes funded through a mix of developer contributions and public subsidy (ie RSLs and LAs)

Other Councils provide this information in this way in their AMRs.

What I am trying to establish is how much a developer has had to contribute on each of the sites in the Appendix showing completions 2005-2008 to achieve delivery of the scheme.

Clearly 4 of the 17 sites were funded wholly by the developer (a total of 16 dwellings, 11 of which were funded by ourselves). Having looked at the publicly available information on a couple a couple of the sites (East Allington and Montague Close, Kingsbridge) I am having difficulty correlating the figures.

2(d) - **Not agreed**

I cannot see why these boundaries cannot be agreed now.

I am happy to confirm my attendance on 28th May 2008

Graham Clark

Graham Clark BA(Hons) DMS MRTPI,
Planning Director,
Sunnybanks Homes

Annex 5: Response from T R Hands

From: Roger Hands Sent: 27 May 2008 12:45
To: Forward Planning
Subject: Affordable Housing DPH

Further to your letter of 16th. May and to our telecon I confirm that
, in response to your areas for agreement

a) Since I am certain that the proposals as drafted will fail to achieve the desired ends, I cannot agree to an amendment which brings in the requirement to mixed use developments . At a time when values are uncertain , commercial returns in some turmoil (other than prime) and construction costs rising ,it is the height of folly to to add the need to make affordable housing contributions where the developer is already taking risks with to what he is undertaking , to add the the complexity of initial planning and to add to the uncertainty of costing and apportionments . It makes the decision on what to pay for sites almost impossible . I have, earlier in my career , negotiated with housing associations to take on the development of the housing component of city centre sites where the values of the upper parts did not " stack up" for offices or housing commercially and the sub structure/roof changes to allow intermediate residential floors was minimal so the joint schemes made sense . As in my original proposition : do not put creative thinkers and risk takers into straight jackets but encourage cooperation .

b) I do not object to a correction , even if I disagree with the issues covered by AH3 .

c) I do not object to a correction BUT I do consider that the omission of a summary of alternatives considered is a bad decision . How can those with an active interest know the basis on which the current proposals have come about if those options rejected are not disclosed - with reasons. As I have observed before ; the ideals are not an issue but the basis for the proposals is not based on experience ; rather on a naive assumption as to what will work if enough rules and regulations are drawn up . It is wrong for those without "hands on" experience to ignore the benefit of the experience of those with it .

T.R. Hands

Annex 6: Response for South West Regional Assembly

Rachel Bland
Planning and Affordable Housing Officer
South Hams District Council
Follaton House
Plymouth Road
Totnes
Devon
TQ9 5NE

3 June 2008

Dear Ms Bland

Affordable Housing DPD Examination – Statement of Common Ground

The South West Regional Assembly, as Regional Planning Body, is pleased to be able to agree to the following issues:

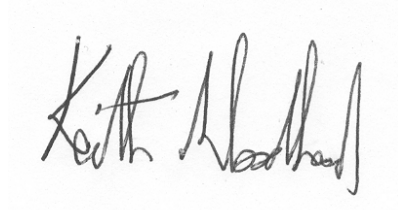
1. a) ***Session 1, Question 6: Does Policy AH1 need clarification in respect of mixed-use development?*** The Council considers that the policy should be amended to begin “All new housing developments, including those on a mixed use basis, shall contribute...”
 - b) ***Session 6, Question 3: Is there an inconsistency between the monitoring targets for windfall site and Policy AH3?*** The Council acknowledges that there is an error in the monitoring targets. A mistake in the document was noted after it had been printed, as demonstrated at paragraph 7.8 where the error was amended using a pre-printed label. However, unfortunately the corresponding targets in the monitoring section have not been amended. The targets for windfall sites should read the same as Policy AH3 and paragraph 7.8 as amended.
 - c) There is an error in paragraph 3.13. The first sentence has been accidentally left in from the previous draft. The submission stage version of the document does not include the summary of alternative options considered. The Council therefore considers that the first sentence of this paragraph should be deleted.
2. a) That it has been demonstrated adequately that a severe level of local housing need exists;
 - b) What this level of need is;
 - c) The levels of affordable housing provided in the district during the last three years (2005-06, 2006-07 and 2007-08), and the level of subsidy that has contributed to these developments.

SHDC / Statement of Common Ground

As there is not a proposals map included with the Affordable Housing DPD, we feel that question 2(d), in relation to boundaries being clearly defined on the said proposals map, is not relevant, and we cannot agree to this issue.

I trust that you have found these comments useful, please let me know if you need any further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Keith Woodhead". The signature is written in a cursive style with some loops and flourishes.

Keith Woodhead
Regional Policy Manager

Annex 7: Further Changes to the DPD and implications for Sustainability Appraisal or Further Publicity – Council Response

1. The Council was asked to consider (without prejudice) whether or not, should any particular change be required in order to make the DPD sound, further publicity or sustainability appraisal would be needed. The Council's response to this question is set out below.
2. The Sustainability Appraisal Submission Stage report (CD197) indicates that although the sliding scale in AH2 and the spatially differentiated targets in AH3 were new issues, they were not significant enough to warrant further SA work. They do not change the spatial implications of the policy, which is already set by policy CS1: Location of Development in the adopted Core Strategy. Only new issues/changes which would materially affect the distribution of development would have necessitated such a review.
3. Continuing this logic, the Council considers that none of the respondents' suggested changes to policies on thresholds, targets or percentages would affect where new housing is actually built, as the spatial distribution has already been established in the adopted Core Strategy. Any changes the Inspector might wish to make to thresholds, targets or percentages (as suggested by respondents) would therefore only affect the nature of the housing built, particularly how much of it is affordable, and whether or not windfalls make a contribution to affordable housing provision (by whatever means). This would not change where housing would be permitted or allocated, and therefore no new publicity or SA work would (or could be) required.
4. The Council further considers that, should it be argued that the introduction of the sliding scale for windfall sites will constrain the supply of small sites, then that constraint would have a proportionately greater affect in the rural areas and the sustainability credentials of the plan would be enhanced rather than diminished.
5. This position has been endorsed by Enfusion, the Council SA/SEA consultants, as shown by the emails below.

-----Original Message-----

Extract from original email message

From: Rachel Bland [mailto:Rachel.Bland@southhams.gov.uk]
Sent: 29 May 2008 17:41
To: Ruth Thomas
Cc: Lee Bray; Graham Swiss; James Doxford
Subject: AHDPD for South Hams SA question
Importance: High

Ruth

Our reading of your report taking on board both paras 9.3 and 9.4 view is that although the sliding scale in AH2 and the spatially differentiated targets in AH3 may

SHDC / Statement of Common Ground

be new issues they do not change the spatial implications of the policy, which in actual fact is already set by policy CS1: Location of Development in the adopted Core Strategy. It is therefore not new issues per se that trigger a review of the SA, but new issues/changes which materially affect where development will go.

Continuing this logic we would also suggest that there are therefore no suggested changes to policies on targets, percentages or thresholds that affect where new housing is actually built, as the spatial distribution has already been established in the adopted Core Strategy. Any changes the Inspector wished to make to thresholds, targets or percentages (as suggested by respondents) would only affect the nature of the housing built, particularly how much of it is affordable and whether or not windfalls make a contribution to affordable housing provision (by whatever means). This would not in turn change where housing would be permitted or allocated, and therefore no new publicity or SA work would (or could be) required.

Your views on this matter would be appreciated, and we wish to append your response to our statements.

Thanks

Rachel

Rachel Bland
Planning and Affordable Housing Officer
South Hams District Council
Follaton House
Plymouth Road
Totnes
Devon
TQ9 5NE

Tel 01803 861210

www.southhams.gov.uk

Response

From: Ruth Thomas, Enfusion
To: Rachel Bland
Cc: Lee Bray, Graham Swiss, James Doxford

Hi Rachel,

Thanks for the email and the link. I've had a look at the comments/ objections and reviewed the appraisal work and report.

As we discussed yesterday, I think your rebuttal logic and reasoning is sound. Your interpretation and articulation of the rationale in the SA report is good and I wouldn't rewrite or add anything to what you have said in the email below.

On the quote from the SA guidance. As always the (*representor's*) quote is selective and the paragraph above the one quoted contains the wording on which our interpretation of the guidance is based. So, the whole two paras say the following (with the important bit underlined).

TaskD2(i) Appraising significant changes (pg 53 ODPM guidance)

3.5.2 The LPA prepare a DPD for submission, taking into account the consultation on the Preferred Options. The DPD may simply by a refinement of one of the Preferred Options to provide greater clarity about how it will be delivered, including for example detailed policy

SHDC / Statement of Common Ground

wording. In this case further SA would not be needed and an annex to the SA Report would explain the position. The DPD may be based on a combination of Preferred Options or strike a mid position between them. Again it may not be necessary to undertake further SA, but the position should be clear in an annex to the SA Report.

3.5.3 On the other hand the DPD may contain strategy which was not included in the Preferred Options to the extent that it has significant impacts which have not hitherto been appraised. In this case these effects must be appraised and the SA Report may need more extensive supplementation or even rewriting.

The view expressed in the SA report is that you haven't changed the approach – simply provided greater clarity on how it will be delivered. Importantly too – the significant impacts of having high(er) affordable housing targets were noted in the original appraisal which highlighted the potential for developers to be deterred by this approach. Your objectors are suggesting that this is 'strategy' but as you have rightly said the strategy/ strategic approach is set in the Core Strategy and your approach is in accordance with that set.

Best wishes,

Ruth

Dr Ruth Thomas
Sustainable Development Principal
Enfusion
www.enfusion.co.uk