

## Sue Payne

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**Subject:** FW: consultation  
**Attachments:** Amendments to Notes to Policy 3 23 09 15.pdf

**From:** Parish Clerk [<mailto:parish.clerk@boshamvillage.co.uk>]  
**Sent:** 12 October 2015 09:57  
**To:** Valerie Dobson  
**Subject:** consultation

Dear Valerie,

I understand the consultation process is now closed. Am I right in thinking you now summarise the comments before they go to the inspector, or do you just send it all to her now?

I have attached an agreed amendment to our Policy 3 note in line with the July ruling which saw the lower thresholds being reinstated following the High Court ruling with the Government's own Planning Policy Guidance amended accordingly. We understand that DCLG has since won leave to appeal the High Court *West Berks* decision on these affordable housing thresholds, and will keep an eye to incorporate the outcome if need be.

Lisa Roberts  
*Clerk to the Council/RFO*  
Bosham Parish Council  
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(Office normally open Mon, Wed and Thurs am)

BNP - Proposed amendments to 'Notes to Policy 3' arising from the recent *West Berks* case and the quashing of the higher thresholds for affordable housing introduced by the Ministerial Statement of November 2014

Notes to Policy 3

1. The *required percentage* is the percentage of the total number of dwellings to be built on the site that must be provided as *affordable housing*. The *required percentage* will be the percentage that accords with the CLP or any planning guidance that may supersede it and will always apply where the *threshold number of units* is permitted. On sites within the AONB, where the market value of housing is generally higher and partly as a result, the requirement for *affordable housing* greater, the *required percentage* will always be 10% higher than that applying outside the AONB and the *threshold number of units* will be lower.
2. As at October 2015, for sites outside the AONB the *required percentage* is 30% and on sites within the AONB the *required percentage* is 40% affordable dwellings to be provided on any development which creates a net increase in dwellings, so (in accordance with Policy 34 CLP) the *threshold number of units* is 1 or more.
3. On sites where the net increase in dwellings is 5 or less the *affordable housing* may be fulfilled by the payment of a *commuted sum* (rather than the provision of on-site affordable dwellings) at a rate per unit to be agreed between BPC and CDC and that relates precisely to the *required percentage* (of 30%, or within the AONB, 40%).
4. For the avoidance of doubt, the site allocations under Policy 2(A) above that are outside the Settlement Boundary may, but need not, be developed as 'exception sites' under Policy 35 CLP. These sites may therefore be developed without the constraints imposed by Policy 35 CLP provided that all the elements of Policy 2 and Policy 3 above are satisfied.
5. Affordable housing should be secured through planning obligations under *Section 106, Town and Country Planning Act 1990 (as amended)* to ensure that appropriate tenure types, threshold prices or rents and local occupancy requirements are met in perpetuity (these requirements can only be met by a s.106 agreement or undertaking - a planning condition is insufficient for this purpose.) At least the heads of terms of any such planning obligations should be agreed in advance with affordable housing officers at CDC and with BPC before a planning application is submitted.
6. Subject to consultation with and the agreement of CDC affordable housing officers and BPC, any *commuted sum* payable instead of all or part of the on-site affordable housing requirement may be made and secured either through a s.106 planning obligation or via the Community Infrastructure Levy (CIL) provided that a clear, accountable and enforceable mechanism is agreed between BPC and CDC for the allocation of any such commuted sums to the provision of affordable housing within the Parish.
7. The specific requirements of Policy 3(A)(vi) or(vii) for planning gain to be provided should be agreed by relevant CDC officers and with BPC and secured either through a s.106 planning obligation or CIL or a combination of both and in order to direct the planning gains obtained to the Parish.