

Appendix 1

Consultation on guidance for local authorities on incentivising landowners to bring forward additional land for rural affordable housing on rural exception sites.

Response from the Cotswolds Conservation Board

Consultation question 1: Is it helpful to have a guide to the maximum proportion of homes provided through this route? Is 33 per cent an appropriate level? (paragraph 12)

Response. The Board is not convinced that any guidance as to an appropriate proportion is helpful. As noted in paragraph 12, the number of dwellings provided in most cases is likely to be small, and therefore the Board would prefer the guidance simply to read:

“However, it is vital that the actual percentage should be negotiated according to particular local circumstances, and be part of a published referrals criteria.”

Consultation question 2: Are 100 per cent referrals appropriate for landowners who fund the development as well as providing the land? (paragraph 13)

Response: This could be acceptable; particularly where employment opportunities are otherwise at risk.

Consultation question 3: Is it appropriate for local authorities to cede control over nominations to landowners and/or housing associations, provided housing need and local connection criteria are being met? (paragraph 14)

Response: Yes

Consultation question 4: Do you consider that the draft guidance strikes the right balance between local connection and housing need in setting out how landlord referrals should be handled and prioritised, including the cascade mechanism? (paragraph 16)

Response: The Board would be concerned that if the balance were to be too heavily weighted in favour of local authority or housing association priorities, then landowners will be deterred from bringing forward schemes.

Consultation question 5: Although the draft guidance recommends that the referral mechanism should be subject to the requirements of a Section 106 agreement, do you consider that any other controls or monitoring procedures should be put in place to ensure transparency and fairness (e.g. through publishing the criteria)? (paragraph 16)

Response: Criteria should be required to be published by the local authority/housing association as appropriate.

Consultation question 6: Are any verification checks carried out by the local authority likely to have a material resource implications for local authorities? (paragraph 18)

Response: No comment.

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Consultation question 7: Should the landowner be entitled to a referral to the next property, if an employee who has been given the tenancy through a referral ceases to be employed but remains in the original property? (paragraph 22)

Response: Yes, otherwise it may reduce opportunities for local employment, and cause problems with recruitment of a replacement employee.

Consultation question 8: Should such rights be personal to the landowner. Accordingly, if the landowner sells the land, the referral rights would not pass with the land to the new owner. Or should these rights rest with the land (i.e. as with the Section 106 agreement) and be passed with the land if the landowner decides to sell? (paragraph 23)

Response: Preferably the rights should rest with the land. However, The Board is mindful that S106 requirements can be challenged and overturned. It would be permeable for there to be some form of legal charge on the land to ensure the requirements of any S.106 are maintained.

Consultation question 9: Should landowner referral rights be restricted to homes provided for rent or should they also be available for low cost home ownership sale? (paragraph 25)

Response: Either, provided they meet the Planning Policy Statement 3 definition of “affordable” housing.

Consultation question 10: What should the Section 106 agreement incorporate? For instance should it, as well as eligibility criteria, detail the mechanisms by which the homes are allocated, for example how applications should be prioritised? (paragraph 26)

Response: All the elements suggested should be incorporated.

Consultation question 11: If landowners are to retain the freehold interest, and grant a lease to a housing association or other body for the development of affordable housing, do you envisage any problems caused by this arrangement? (paragraph 35)

Response: There may be some landowners who see this as a short term arrangement to receiving full planning rights on land – taxation legislation could overcome this problem if the term of freehold is too short (say under 25 years).

Consultation question 12: What are your views on what the minimum term of the lease should be? (paragraph 36)

Response: The Board considers that a lease period of a minimum of 30 years to a maximum of 99 years would be appropriate.

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Consultation question 13: Do you consider that the draft guidance strikes the right balance between ensuring value for money for public expenditure on housing, and the need to provide effective incentives for landowners to release land for affordable housing?

Response: Generally yes. Much will depend upon the detail of individual agreements. The quality of housing provided needs to be monitored closely.

Consultation question 14: Does the draft impact assessment reflect the benefits and costs to local authorities, housing associations and landowners? Are there other costs and benefits that can be included?

Response: The assessment recognises that “Other key non-monetised benefits by ‘main affected groups’” are

“Access to affordable homes (social rent and low cost home ownership) in local communities for those working there or with other local connections, thus supporting the rural economy and the recruitment and retention of staff.”

However, there are benefits which are “social” in nature and difficult to quantify. An analysis of costs and benefits to communities should be included in the assessment, as well as the major players.