

Bob Mc Geady

Notes on Matter 8

I am a consultant specialising in planning with Ashtonslegal a regional law firm based in East Anglia. I practice throughout the country. I am the co-author of the book Planning Obligations Demystified and I deliver CPD courses on planning obligations throughout the year.

The following is an aide memoire for matters that I wish to raise in relation to affordable housing.

The general point I would introduce is an iteration of the point I was making in relation to affordable housing in that what is set out in the current policy proposals is vague in nature and relies guesswork as to what may be required and how it is to be funded. As a CIL authority the expectation is that most infrastructure will be provided via that route. Unless a site comes forward as a windfall site or is a strategic site that has been properly assessed and evaluated and sets out what will be funded from which revenue stream the policy is not complying with national guidance. Indeed, as matters stand there is significant potential for the appearance of double dipping.

In order to comply with guidance and case law the council needs to set out clearly the circumstances when funding other than CIL will be sought and for what type of infrastructure. Whilst the Infrastructure Delivery Plan is useful in identifying what infrastructure is required it does not give any indication as to how that will be apportioned across sites or be funded from public funding sources. Such matters should be set out in the Regulation 123 list in relation to CIL.

In terms of national policy I draw attention to paragraph 7 of the Planning Practice Guidance on Viability. This creates a presumption in favour of viability where “up to date policies have set out the contributions expected from development.” In the absence of detail as set out above the Council will not have such up to date policies.