



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

**A response by the English National Park Authorities Association
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Introduction

1. The English National Park Authorities Association (ENPAA) exists to provide a collective voice for the nine English National Park Authorities. It is governed by the Chairs of the nine Authorities, and our response represents the collective view of the Authorities. It has been prepared by officers, working within the policies established by the National Park Authorities (NPAs). Individual NPAs may submit separate comments, which will draw on the specific issues for their particular area. Our response provides answers to the specific questions where pertinent but also covers other points considered to be important to National Park Authorities which may not be raised in the consultation questions.

2. ENPAA recognises the significant problem posed by the lack of affordable housing nationally and its particularly acute nature in National Parks. It has produced a Position Statement on this topic in January 2008. ENPAA has also responded fully to the Matthew Taylor report *Living Working Countryside* and was represented on the Practitioners Working Group that led to the production of this specific guidance on incentivising landowners.

Consultation Questions

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)

3. Yes – it is considered that the guidance strikes the right balance by putting forward 33% as a guideline only with precise proportions dictated by individual site circumstances. The 33% proportion represents a minority element, though a meaningful one.

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

4. This would seem to be appropriate in cases where the whole costs of the development as well as the land is being provided by the landowner, but only where the housing remains affordable in perpetuity and that the allocations comply with the local connection and housing need criteria set out by the local planning authority.

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)

5. Yes

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)

6. Yes – this is dealt with well in paragraphs 15 & 16 and the cascade system would ensure that if an ‘eligible or qualifying person’ cannot be found in the first tier, then referral to the next tier would occur. This approach is well established and accepted in many rural local plan/LDF policies and strikes the right balance between the highest level of local need and the requirement for the houses to be occupied. The overriding issue is that the landowner referrals which will likely be family members or employees must meet the policy requirements for qualifying for local housing need as set out in the adopted local plan/LDF.

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)

7. The referral mechanism should be subject to the requirements of a Section 106 Agreement and ideally set out in the local planning authority’s LDF/SPD.

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

8. It is considered that there would be no additional resource implications over and above those already required in monitoring occupancy of social housing, although this is already an area of resource concern for National Park Authorities which are not housing authorities. Close working with district councils is required in such cases.

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)

9.. No as this could extend to all properties in a small development, to the extent that 100% landowner referrals occur. The need expressed in the initial occupancy is the relevant factor in justifying eligibility as the life conditions and circumstances of an individual will clearly change over time.

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)

10. Yes – nomination rights should be a one off allowance applicable to the original landowner only who enabled the land to be brought forward for affordable housing. They should be relinquished on future sale of the land. This will ensure that an

absent landowner who lives many miles away from the site and has little or no social connections or an incoming landowner with the same lack of local connection does not continue to have or 'inherit' nomination rights.

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)

11. The approach can work equally for both rented and shared ownership properties, with the proviso that the shared ownership homes are maintained as such in perpetuity either through restricted share (80%) or buy-back to housing associations.

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)

12. Yes – the eligibility criteria and the mechanism for allocation should be detailed in the Section 106 Agreement and this will require close working between National Park Authorities as local planning authorities and the district councils as housing authorities, as currently happens.