



Questions raised at the March 2021 BNCLT Members meetings

Introduction

During March 2021 we invited all 117 Members of BNCLT to attend a series of online (Zoom) meetings. The purpose of these meetings was to supplement our regular Newsletter with discussions. To make it possible for all the Members who wished to attend to play an active role we decided to limit the number of attendees at each meeting. However, the agenda and topics discussed was the same for each meeting. All the questions that were asked were noted, and as well as answering each one at the meeting, we have collated them and provided written answers which are below. The meetings were attended by 25 of BNCLT's Members, representing 21% of the total membership.

The agenda focused largely upon fulfilling affordable housing need, and so the questions below also have that focus. The wider objectives of BNCLT are described in our Vision Document – here is an extract:

- To engage the Parish in promoting our landscape and heritage assets thus creating a vehicle for supporting our local economy through leisure and low impact tourism – affordable housing alone will not address sustainability objectives and the community as a whole can benefit from this wider view.
- To enhance sustainability for the Parish while preserving its scale and features. ('Small and Special' beats 'Big and Bland')
- To establish a process whereby limited future demand for affordable housing can be considered and met through our funding and conservation model without irrevocably damaging what makes this small community special.
- To support / improve other community assets as opportunities and needs arise.
- To retain control of the CLT by residents of the Parish.

The whole of Broadhembury Parish – including the hamlets and village - is classed as open countryside. Within open countryside, housing development is only permitted if existing buildings are being converted, or if a need for local affordable housing has been demonstrated. If such an affordable housing need is shown to exist, then a developer may be permitted to build those affordable homes together with some market value homes in order to provide funding and profit. EDDC, in their Viability Guidance Note 5: Viability and Exception

Sites - January 2020, describe a number of important constraints for the building of affordable homes – here are few that are noteworthy as background to some of the answers provided below:

- Within open countryside, community support needs to be shown.
- Up to 1 market value home can be built for every 2 affordable homes.
- The houses will be subject to a perpetuity restriction meaning the homes will need to remain affordable for a period of at least 80 years.

Thank you to all who so constructively took part.

Affordable homes need

Why did the PC conduct a housing needs survey?

A housing needs survey can be conducted by any organisation at any time in order to determine whether a need for affordable homes exists within a community. Occasionally, a housing needs survey is conducted by a commercial organisation that has an interest in the potential for profitable development of a particular site. Broadhembury PC decided to conduct a housing needs survey in late 2020 in order to establish how many affordable homes are required in the Parish. At the same time, BPC decided to establish BNCLT as an independent body to provide a not-for-profit means of fulfilling the affordable need without the market value element.

How can we ensure the affordable homes remain as homes for those in need and for local people?

BNCLT propose that any affordable homes are rented under terms that will prevent purchase. Therefore, ensuring that the homes remain available for local people in need.

How often do we ask the 4 households identified in the needs survey if their needs have changed, for example, do 2 still wish to live in Kerswell?

Broadhembury PC contracted Devon Communities Together (DTC) to conduct the housing needs survey. DTC are recognised as an appropriate organisation by EDDC. The survey report produced by DTC is available on the BPC website. That report does conclude that Broadhembury Village was the preferred location for two homes, and Kerswell the preferred location for the other two. The confidentiality terms of the survey prevent BPC and BNCLT from knowing the individual responses. Therefore, we cannot check if any individual needs have changed. DTC advise that the report conclusions should be interpreted as meaning that there is an ongoing need for 4 affordable homes in the parish and that the individuals needing them will change as their circumstances alter.

Planning issues & housing needs survey

How does EDDC measure community support?

Community support can be measured in two ways: As the results of a survey, or by comments (both positive and negative) concerning a planning application.

What is the position re commercial development v affordable housing ratio?

Within open countryside up to 1 market value home can be built for every 2 affordable homes (reference EDDC Viability Guidance Note 5: Viability and Exception Sites).

If delivery of the 4 homes is phased how developed do plans have to be at the beginning and what are timescales?

The sites (whether greenfield or repurposed buildings) for all of the 4 homes would need to have at least a Planning Permission in Principle (PIP) approved. There are two aspects to the timescale question. First, the usual expectation would be for all 4 homes to be available within 5 years of the completion of the housing needs survey being conducted – that is by the end of 2025. Second, and importantly, BNCLT need to prove our intention to provide the homes ahead of any commercial developer that may aim to fulfil the need. We anticipate that such a developer would be less likely to gain community support than BNCLT would.

Can we challenge the 600m rule?

Yes – but in doing so a constructive engagement with EDDC would need to take place. A key element of that discussion would be to show that community support can only be gained for a site further from the village services. The survey of BNCLT Members conducted in February 2021, and reported in our last Newsletter, is the first step in that process.

What is the SHLAA/HELAA process?

All local authorities, including EDDC, periodically ask landowners to indicate any land they believe would be appropriate for housing. The current process used for this is the Housing and Economic Land Availability Assessment (HELAA) - which is similar to the Strategic Housing Land Availability Assessment (SHLAA) process used 5 years ago. HELAA, like SHLAA before it, will not approve a site, it merely assesses the potential of it. The HELAA process is ongoing at the moment (January to March 2021) and we will use it to determine if any sites have the potential to match our BNCLT selection criteria.

PIP site

What was the process to identify the PIP site?

The housing need survey report is available from the Broadhembury PC website. It concluded that a need for 4 affordable homes had been identified. It also states that 2 wished to live in Broadhembury village, and 2 wished to live in Kerswell. Against this background we identified 21 potential sites from across the Parish that had the potential for fulfilling those needs. We have not listed these sites because we have not discussed them with the landowners. However, the SHLAA sites were included. We then evaluated all 21 in accordance with the criteria laid down by EDDC in their “Edge of Settlement Site Methodology - Final Draft Aug 2020” document, and then discussed the higher-ranking sites with the EDDC Senior Planning Officer for Planning Policy. That discussion concluded that the site, which is now known as the ‘PIP site’, had the highest potential for being acceptable to planning due to its proximity to the village centre.

Can the site be resurrected if we can demonstrate enough community support and mitigation of other negative factors?

Planning legislation would permit a re-application. However, it has become clear that we will not gain community support for any site that has similar natural environment, or built heritage impacts, to that of the PIP site.

Alternative sites

What is the process for identifying alternative sites going forward and involving the members in the exercise?

BNCLT will involve members in the development of the process. The process has not yet been fully defined, but will need to account for:

- The EDDC requirements for site selection as laid out in the Edge of Settlement Site Methodology.
- The EDDC advice and information that aims to assist community groups and others seeking to promote new housing development - as documented in Viability Guidance Note 5: Viability and Exception Sites.
- They key affordable housing aim of BNCLT as presented in our vision document: Any affordable housing project will have been considered in the context of the wider ambition to promote and protect our parish landscape and heritage assets in support of our local economy through leisure and low impact tourism.
- Consultations with a small number of landowners (who may own a site or sites meeting the above eligibility criteria) to ascertain whether they would consider an

affordable homes project with BNCLT. It is important that key potential sites we present to Members and the community for their views might actually be available.

- Sites put forward through the current HELAA process.
- BNCLT membership consultation via discussion, newsletters, and surveys. We place weight on the need for surveys of the broader parish population and, in particular, those living more locally to prospective sites, as this presents clear evidence of whether local community support truly exists.

How will sites from the HELAA/SHLAA process be incorporated in the search for a site?

Sites put forward by the current HELAA process will be included in the upcoming assessment process – please see the answer to the previous question.

Site opposite Memorial Hall - If this has been ruled out, why? Will it be reconsidered?

In 2016 a poll of the local community conducted by BPC showed a majority against the potential site opposite the Memorial Hall (which was put forward by the land owners through the SHLAA process). In January 2021 this site was included within the list of 21 potential sites as a benchmark against which we could judge community support. The other SHLAA sites were also included.

Commercial development

Is commercial development a faster route to deliver affordable homes and would they be rental or 'to buy' properties?

There is no reason why a CLT led approach should progress at a different speed to that of a commercial development.

Apart from the site opposite the Memorial Hall, are there other sites suitable for commercial development?

Any land owner can propose a housing development at any time. The suitability of such a development would be assessed by EDDC against planning regulations. Within open countryside (the whole of Broadhembury Parish is classified as open countryside) any housing development must contain a proportion of affordable homes, and be shown to be supported by the local community. The ongoing HELAA process may indicate sites that have the potential to match our BNCLT selection criteria and fulfil the need.

Repurposing of existing buildings

How supportive is EDDC of this approach?

EDDC are equally supportive of this approach when compared with new building. It must be noted that we do need to present a plan to EDDC that shows that the need for 4 affordable homes will be achieved – that plan can demonstrate a combination of methods.

Why can't the Broadhembury Estate use their rental properties to provide sufficient affordable homes subsidised by the local authority?

Broadhembury Estate already provides a number of affordable homes at the discretion of the Estate Trustees. There is no mechanism by which these can be subsidised by EDDC.

Funding

How will the homes be funded?

Funding can be broadly divided into four elements: Land acquisition, Design, Build, and Maintenance.

- We remain hopeful that any land would be gifted to BNCLT. However, if purchase is required then that could be achieved via a loan repaid through rent.
- The design process will be funded through grants and controlled by BNCLT to ensure it meets community expectations.
- The build could be funded by a combination of loans taken out by BNCLT and by fund-raising sources. The loans would be repaid from the rent collected from the tenants. However, this approach would require BNCLT to become a 'registered provider' of housing. It may also contain inappropriate financial risk.
- An alternative approach to funding the build would be to select a specialist organisation that is a registered provider to build the homes to the BNCLT approved design and collect the rents from the tenants. This is the approach normally taken by a small Community Land Trust. If this approach is selected, then the tenants would be selected according to BNCLT affordability and eligibility criteria. BNCLT would hold the freehold and would be paid ground-rent.
- Ongoing maintenance would be the responsibility of BNCLT, or the contracted registered provider, depending upon the build process selected.

General

How is the CLT keeping out of land owner politics?

To date we have not engaged with landowners - other than Broadhembury Estate via a BNCLT Trustee who is also a Trustee of the Estate. We will review our land owner engagement process when the EDDC HELAA process is near completion.

Who are Middlemarch and what is their role?

BNCLT has appointed Middlemarch CIC, a specialist adviser in Community Land Trusts and Community Led Housing, to work alongside it to provide advice and technical support over the next two years. Middlemarch's purpose is to facilitate asset ownership for community benefit. It has extensive expertise, having supported nearly 60 CLT projects delivering some 500 affordable homes for local people. Middlemarch has successfully supported more than 20 CLTs in the south west, including local projects in Gittisham, Colyton, and Northleigh.