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Submitted by email to: [planning.consultation@communities.gsi.gov.uk](mailto:planning.consultation@communities.gsi.gov.uk)

1 May 2014

Dear Ms Bennet

**Response to consultation: Planning performance and planning contributions**

We write on behalf of South East England Councils (SEEC) and South East Strategic Leaders (SESL). Together we promote the views and interests of all tiers of local government across the South East, representing more than nine million residents.

Our response concentrates on your proposals to amend section 106 planning contributions. Individual member local authorities may also respond with more detailed views based on local experience and expertise.

**Consultation Qn 5: Is the Government's objective of aiding the delivery of small scale housing sites and expanding the self build housing market supported by:**

- the introduction of a 10-unit and 1000 square metres gross floor space threshold for section 106 affordable housing contributions; and
- the exclusion of domestic extensions and annexes from section 106 affordable housing contributions?

**&**

**Consultation Qn 6: Should the proposed exemption apply beyond affordable housing to other tariff style contributions based on standard formula?**

We recommend that the Government should not introduce centrally-imposed thresholds or exclusions for section 106 affordable housing contributions or other tariff style contributions for infrastructure. Instead these should remain issues for local determination. Not only would centrally-imposed rules be at odds with the localist approach promoted by the Government, they could also impact on our ability to fund much-needed affordable housing and wider infrastructure to underpin successful communities and businesses in the South East:

- Housing affordability is a key challenge in the South East, with average house prices around 11 times average earnings. Section 106 planning contributions from all sites play an important role in helping to fund the affordable housing and infrastructure needed to enable our businesses and communities to thrive.

- The South East has a large number of small scale housing sites, sometimes referred to as 'windfalls', which play a key role in housing delivery in parts of the South East that have limited large scale development site opportunities. As such, removal of local discretion to gather section 106 contributions from these small developments would impact on some councils' ability to fund affordable housing.
- Councils are best placed to understand local needs and the financial viability of developments. Currently where councils feel it is appropriate to secure affordable housing or other infrastructure contributions from small sites, this is based on robust evidence and tested locally through public examination. This reflects the Government's objective for Plan-led policies to reflect and meet local circumstances and needs. This discretionary system works and should be retained, rather than introducing top-down thresholds or exclusions.
- Whilst we support the exclusion of rural exceptions sites in the Government's proposals, these only form a small proportion of all small sites in the South East. Therefore this does not diminish our view that, more widely, appropriate thresholds and exclusions for section 106 contributions should be left to councils to determine.

**Consultation Qn 7: We would like your views on the impact on the Government's policy objectives to incentivise brownfield development through proposed national policy change. This would reduce the financial burden on developers by requiring that affordable housing contributions should not be sought where buildings are brought back into any use – other than proportionately for any increase in floor space.**

Whilst we support bringing buildings back into use as appropriate locally, we reiterate our response to questions 5 & 6 and recommend that the Government's proposal for centrally-imposed restrictions should not be introduced:

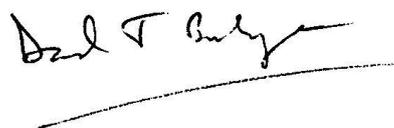
- Re-use of buildings, in particular for residential purposes and often at higher densities, is likely to generate demands on local infrastructure and therefore local discretion should continue to be allowed to decide if section 106 contributions are necessary.
- Furthermore developers already have the option of submitting viability information to justify reduced affordable housing provision if they believe section 106 or other requirements make a development unviable. The Government's proposal is not, therefore, necessary.

**In conclusion**, our members are keen to ensure that adequate infrastructure, including affordable housing, is provided alongside development. In a localist system we believe the Government must continue to allow local authorities to determine - working with developers - the appropriate and viable level of section 106 contributions from all forms of development reflecting local circumstances.

Yours sincerely



**Cllr Gordon Keymer CBE**  
Chairman  
South East England Councils



**Cllr David Burbage MBE**  
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South East Strategic Leaders