

Development Viability SPD

Consultation Responses

Number	Organisation	Section of document	Comment	Officer recommendation
1	Surrey County Council	General comment	No comment, but pleased to note the acknowledgement in paragraph 20.20 of the need for appropriate cross-boundary engagement where there are implications for service delivery in adjoining areas.	Noted – no change required.
2	Gatwick Airport	General comment	Request that any developments that come forward in the future comply with aerodrome safeguarding requirements.	Noted – no change required.
3	Natural England	General comment	No comment as consider the SPD does not appear to relate to Natural England's interests to any significant extent.	Noted – no change required.
4	Southern Water	General comment	No comments to make at this stage.	Noted – no change required.
5	Turners Hill Parish Council	General comment	The three documents were considered to be informative, easy to read and appropriate. They are supported by Turners Hill Parish Council.	Noted – no change required.
6	Historic England	General comment	No comments as the SPDs fall outside of Historic England's expertise and remit.	Noted – no change required.
7	Redrow Homes	General comment	The approach to viability is clearer in	Noted – no change required.

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			the consultation NPPF and NPPG . The SPD should align with the emerging revised national policy and guidance.	The current SPD is out-of-date and needs replacing and the date of publication of the final versions of the NPPG and NPPF is unknown, so it would not be sensible to defer the introduction of the new SPD. Should it be necessary, the SPD will be revised in due course, however, the SPD broadly aligns with the draft NPPF and NPPG.
		General comment	The SPD should clarify the circumstances where viability assessments would be required, and that where proposals align with the development plan, that no viability assessment should be required.	Disagree – no change required. It is considered that paragraph 2.5 adequately sets out the circumstances for when a viability assessment would be required.
		General comment	Reference is made to the assessment of land through an existing use value or alternative use value. The draft NPPG does not include references to the use of an alternative use value and as such in order to align with the emerging revised NPPG, references to alternatives use values could be removed.	Noted – no change required. The current SPD is out-of-date and needs replacing and the date of publication of the final versions of the NPPG and NPPF is unknown, so it would not be sensible to defer the introduction of the new SPD. Should it be necessary, the SPD will be revised in due course, however, the SPD broadly aligns with the draft NPPF and NPPG.
8	CPRE	General comment	Consider the SPD should be deferred until the new NPPF and NPPG.	Noted – no change required.

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				<p>The current SPD is out-of-date and needs replacing and the date of publication of the final versions of the NPPG and NPPF is unknown, so it would not be sensible to defer the introduction of the new SPD. Should it be necessary, the SPD will be revised in due course, however, the SPD broadly aligns with the draft NPPF and NPPG.</p>
		Paragraph 2.6	<p>Agree that it is for the Council to determine the appropriate approach to viability and CPRE hopes that the Council will take a robust approach to viability assessments.</p>	<p>Noted – no change required.</p>
		General comment	<p>Will be interested to see how District Plan Policy DP31 is reconciled with the expected new NPPF/ NPPG approach with regards to a new standardised approach to viability assessments.</p>	<p>Noted – no change required.</p>
		General comment	<p>Request the Council assess the viability of delivering affordable homes at least at the 30% level on all assessed sites, and not to wait to see if the viability is challenged by developers on a case-by-case basis.</p>	<p>Noted – no change required.</p> <p>Viability assessment work was undertaken for the District Plan at the plan-making stage. This tested the ability of a range of developments to be viably developed over the plan period (paragraph 2.2 of the SPD). Paragraph 2.5 of the SPD</p>

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				acknowledges that in some exceptional circumstances, a development proposal may generate insufficient value to support the full range of developer contributions.
		General comment	Would like the Council to argue in appropriate cases for higher affordable housing numbers than the minimum.	Noted – no change required.
		Section 4	Would like the Council to avoid in most cases the need for further viability assessments at the decision-making stage in line with the new draft guidance which references the plan-making stage. This would simplify viability reviews.	Noted – no change required.
		General comment	It should be made clear in the SPD that only a demonstrably significant and unforeseeable set of circumstances that are outside the applicant's control and are not a normal market risk would justify a viability review, and (as the SPD proposes) that the applicant should fund the Council's investigation of the applicant's viability assessment review claim irrespective of the outcome. A developer's profit margin should not justify a reduction in affordable housing.	Noted – partial changes required. It is considered that this comment relates to a viability assessment rather than a viability review. A viability review is undertaken during the implementation of a planning permission (paragraph 4.9) to see if greater or full compliance with the Development Plan can be achieved at that stage (paragraph 4.6) following a viability assessment resulting in reduced requirements at the time of a planning application. Paragraph 2.36 of the Affordable Housing SPD states

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				<p>that the District Council will not accept that the provision of affordable housing is unviable when too high a price has clearly been paid for the land.</p> <p>No change is required.</p> <p>Additional wording has been added to added to paragraph 2.8 to refer to the cost of the external consultant being borne by the developer. This is in line with the Affordable Housing SPD (paragraph 4.4).</p>
		General comment	The SPD has no proposals to address the benchmarking of land values in the context of Policy DP32.	Noted – no change required.
		General comment	Could expand the SPD to explain what information is required from the applicant at the pre-application stage.	<p>Disagree – no change required.</p> <p>Validation requirements for planning applications are set out on the Mid Sussex District Council website.</p>
		General comment	The SPD should explain how the Council intends to establish benchmark land values and other viability criteria based on the expected new standardised assessment methodology.	<p>Disagree – no change required.</p> <p>Benchmark land value and other viability criteria are considered by an external valuer as part of the viability assessment.</p>
		General comment	Would suggest the Council considers consulting with appropriate bodies and individuals on the practicalities and potential value of establishing two	<p>Noted – no change required.</p> <p>A Design Panel is already in place.</p>

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			pre-application expert consultative bodies with whom the applicant and the Council can gain useful insight: <ul style="list-style-type: none"> • Design panel • Environmental impact consultative panel. 	
		Paragraph 2.14 and 2.19-2.25	CPRE welcomes the commitment to transparency requiring viability assessments to be made public.	Noted – no change required.
		Paragraph 2.14	Expand to list the limited circumstances in which the Council would consider agreeing to confidentiality of viability information. Developers should raise these circumstances at the pre-application stage and provide justification. There should be a strong presumption against non-disclosure of information submitted to support a confidentiality claim after the end of the pre-application stage.	Disagree – no change required. All viability information will be made publicly available, with redaction only taking place in exceptional circumstances. Such circumstances would be where the District Council agrees that the disclosure of a specific piece of information would cause harm that is not outweighed by the benefit to the public of the information being published.
9	Highways England	General comment	Highways England does not have any comments to make at this point.	Noted – no change required.