



Local authority responses to the consultation on the proposals for 'preferred providers' on the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy strategic allocations

The objective of the consultation was to inform and consult with stakeholders and other interested parties on the aims of the Gloucester, Cheltenham & Tewkesbury Affordable Housing Partnership.

This paper details the reaction from registered providers, developers and agents to the proposals for 'preferred providers' and the responses from the 3 local authorities' strategic housing departments.

1. Background

The Joint Core Strategy Submission Document November 2014 (the JCS) details the requirement to plan for approximately 30,500 new homes across the JCS area over the plan period to 2031. This plan includes provision to meet the otherwise unmet housing needs of Cheltenham and Gloucester. Specifically, the plan includes a number of Strategic Allocations (as detailed in Part 3 of the JCS) which will contribute towards meeting the housing needs of the urban authorities.

In order that a balanced housing market is achieved across the JCS area it follows that any future housing provision will also include an element of affordable housing and the JCS sets out a common Affordable Housing Policy (SD13), which seeks 40% affordable housing on sites of 10 or more residential units.

Given that some of Cheltenham and Gloucester's future affordable housing requirements will be provided on Strategic Allocations falling within Tewkesbury boundaries, it is necessary that a Gloucester, Cheltenham and Tewkesbury Affordable Housing Partnership is established to oversee the delivery, allocation and management of affordable housing on the proposed Strategic Allocations.

2. The Affordable Housing Partnership (the Partnership)

The aim of the Partnership is to bring about a collaborative approach to overseeing the delivery of new affordable homes within the Strategic Allocations, and to monitor and review cross-boundary lettings arrangements. The Partnership's high level outcomes are twofold:

1. To maximise the delivery of new affordable housing and to ensure the unmet affordable housing needs of Cheltenham and Gloucester are supported by the Strategic Allocations.
2. To create a framework that enables new communities to become and remain cohesive and sustainable.

Registered Providers (RPs) play a key role in creating and maintaining communities that are cohesive and sustainable. We will expect RPs to take a strength-based approach to creating sustainable communities, with a particular focus on supporting the following outcomes:

- supporting tenants into education, training and employment,
- promoting financial and digital inclusion
- reducing fuel poverty
- reducing social isolation
- promoting community engagement
- tackling anti-social behaviour
- tackling poor waste management by tenants

The Partnership intends to ensure that RPs who wish to deliver and/or manage new affordable housing on the Strategic Allocations can support these outcomes. A key mechanism by which these outcomes can be achieved will be through the proposed Preferred Provider arrangements.

3. Preferred provider proposal

One of the priorities of the Partnership is to develop and establish preferred affordable housing providers for the delivery of affordable housing across the Strategic Allocations within the JCS area. It is estimated that the Strategic Allocations will provide up to 12,000 new homes, of which the 3 local authorities will seek up to 40% affordable housing.

RPs with an interest in providing and managing new affordable housing within the Strategic Allocations will be invited to bid for Preferred Provider status, and will be selected according to a set of evaluation criteria, focusing on a number of key areas, including but not limited to:

- Capacity to delivery new affordable housing across relevant sites
- The strength of their housing management capabilities
- Their ability to engage and involve local communities so that they can become and remain cohesive and sustainable
- Their long term commitment to social and economic investment within the JCS area.

The RPs that are selected to be preferred providers for the Strategic Allocations will be invited to join the Partnership and together the 3 local housing authorities and preferred providers will work towards achieving the outcomes as referred to in Section 2 above.

4. Questions put to Registered Providers

- Are you broadly supportive of the Local Authorities' proposals?
- If you have any concerns about the suggested approach, what are they?
- In terms of identifying Preferred Providers, are there any specific issues you would like the Local Authorities to evaluate Registered Providers against as part of the evaluation criteria?

5. Questions put to developers and agents

- Are you broadly supportive of the Local Authorities' proposals?
- If you have any concerns about our suggested approach, what are they?
- Are there any specific issues you would like the Local Authorities to evaluate Registered Providers against as part of the evaluation criteria?

Note:

The responses given by stakeholders in this document are verbatim and have been anonymised.

Responses are ordered as received.

Number of respondents to RP consultation documents = 5

Number of respondents to developer consultation paper = 5

Part 1: Registered Provider consultation responses

Reference:	Respondent 1
Consultee:	Registered Provider
Date received:	01.05.15
General or introductory comments	Other than what I provided some time ago I don't have anything to add prior to the tender for the partnership. I look forward to receiving the tender docs
Question 1	Not answered
Question 2	Not answered
Question 3	Not answered
Any further comments	None made
LA response	Earlier comments considered and adapted within consultation papers.
LA actions	None required

Reference:	Respondent 2
Consultee:	Registered Provider
Date received:	05.05.15
General or introductory comments	We do not have any specific comments to make on the consultation paper circulated and look forward to submitting our proposal later this year.
Question 1	Not answered
Question 2	Not answered
Question 3	Not answered
Any further comments	None made
LA response	No response required
LA actions	None required

Reference:	Respondent 3
Consultee:	Registered Provider
Date received:	07.05.15
General or introductory comments	I have been asked by Helen Chard, at Gloucester City, to respond to your consultation around the procurement process. I do so in the following paragraphs.
Question 1	<p>[RP] is broadly supportive of the Local Authorities' desire to identify RPs who are committed, competent, reliable, responsive and enthusiastic about providing affordable housing in their geography. However, we do not necessarily believe that this procurement process is wholeheartedly necessary to arrive at a set of partners who comply with those values. Registered providers are, by their very definition, regulated by the Homes and Communities Agency and therefore we are all (broadly speaking) committed to providing good quality homes and services to our residents. If the regulator is not happy with an organisation's performance in any of the arenas that are identified as part of this protocol, then the Authorities will be able to access information from the HCA to ascertain whether an organisation should be excluded from the partnership. We would urge the Authorities to consult other Local Authority colleagues (for example the three South Worcestershire Authorities) on their planned methodology. As a note, Herefordshire went through a similar procurement process to the one proposed, approximately 2 years ago and are no nearer arriving at either a settled 'list' or a document which all parties can sign-up to.</p> <p>We believe that the factor that differentiates RPs is the capacity and desire to deliver new affordable housing. This questionnaire barely deals with the financial capacity of organisations who intend to develop in the three areas, or what resources they are prepared to commit. There are an incredibly large amount of questions in the document, some of which we barely see the relevance of to developing affordable housing. Others seem terribly onerous for a set of organisations that are regulated (section 1.4 specifically).</p> <p>We believe that a 'Capability Statement' or similar document, providing an overview of how a provider would organise services in the area would be more than sufficient.</p> <p>The 'memorandum of understanding' approach is supported, as binding legal documents are traditionally onerous to negotiate and RPs are wary of entering binding legal agreements.</p> <p>If the Authorities believe this approach is necessary, however, we will of course participate in the process.</p>
Question 2	<p>While the approach is broadly supported, the Authorities will find it very difficult to enforce the terms of the partnership, with developers on the JCS sites. There is planning case law which prevents Local Authorities enforcing the terms of their partnerships via planning agreements, which makes the partnership marginally irrelevant in the case of S106 sites, as that is one of the intentions.</p> <p>We reiterate that the questionnaire is terribly long and onerous (its even more onerous than that to qualify to become an Investment Partner with the HCA!), asks for no case studies, gives points for established numbers of units in the geography (how is this relevant to providing new ones?) and awards points for arbitrary performance indicators.</p> <p>If the Authorities feel the need for any procurement process at all (why not just get everyone who wants to develop/invest in the geography to sign the memorandum of understanding before they deliver a unit?), we feel that it should be shorter and</p>

	less onerous.
Question 3	As identified above, case studies of recent development schemes and their outcomes would be much more relevant to the RPs development skills. Financial capacity and commitment should be assessed. The Authorities should also consult on the standard S106 clauses proposed to ensure that RPs can fund these developments (i.e. in consultation with their lenders) or suggest alternative approaches.
Any further comments	In closing, [RP] wishes to develop new affordable housing across the JCS geography and contribute fully towards the process once it has been formalised. We do believe that it could be done in a more truncated manner, however.
LA response	<ol style="list-style-type: none"> 1. Procurement process - noted comments and it is felt that the Affordable Housing Partnership and it's work with RPs is required in this manner in order to deliver strategic priorities for the delivery of affordable across the JCS Strategic Allocations sites. 2. Financial capacity - 3 years statement of accounts will now be required. 3. Number of questions - the council's will reduce the number of questions where possible. 4. Capability statement - all RP's will now be required to present to the councils as part of the evaluation process. RP's will therefore be able to use case studies, outcomes and other such relevant information it feels to support the questionnaire responses. 5. Planning case law – noted this comment that rightly emphasises the importance of seeking to collaborate and cooperate with landowners and developers throughout the whole process.
LA actions	<p>ACTION 1: the councils will research other council's and incorporate their learning.</p> <p>ACTION 2: the councils will build in HCA liaison into this process.</p> <p>ACTION 3: work with consultant to reduce number of questions, revise questions to address the quality of it and revise performance indicators and provide further advice further to responses received; OneLegal to also review the questionnaire as appropriate.</p> <p>ACTION 4: the council will work with their consultant regarding this matter.</p> <p>ACTION 5: standardisation of s106 in progress; will be shared with consultant for advice.</p>

Reference:	Respondent 4
Consultee:	Registered Provider
Date received:	08.05.15
General or introductory comments	This is [RP]'s response to the consultation paper on proposals for preferred partner arrangements on strategic allocation sites across the Gloucester, Cheltenham and Tewkesbury Joint Strategy Area. The consultation paper set out three questions for prospective preferred partners to answer. These will be answered in turn.
Question 1	<p>[RP] welcomes the approach taken by the Local Authorities and is broadly supportive of the proposals. The aims of the Partnership to i) maximise delivery of affordable homes on strategic allocations, and ii) create a framework that enables new communities to become and remain cohesive and sustainable are aims that [RP] strongly supports. The proposals present a planned and coordinated approach to delivering affordable housing across the local authority areas that is far preferable to, and will deliver better outcomes than the 'leave it to the market to decide' or the single RP/consortium alternatives. The focus on capacity, track record and long term investment in communities makes sense and also reflects [RP]'s priorities and strengths.</p> <p>There are aspects of the consultation paper that [RP] particularly welcomes:</p> <ol style="list-style-type: none"> 1) The proposal that opportunity to work with the Local Authorities to identify and maximise funding opportunities to aid delivery of new affordable housing. Given the current levels of available HCA grant levels it can be challenging delivering financially viable affordable housing schemes across these local authority areas. Any coordinated efforts to address this should be encouraged. 2) The proposal to introduce cross-boundary S106 standardisation should give developers and RPs greater certainty and reduce S106 negotiation period which in turn will bring forward development. 3) Giving RPs the opportunity to shape the proposed mix of new affordable housing and other S106 provisions will allow us to maximise delivery of affordable housing. <p>[RP] understands that developers are being consulted on the proposals. This is welcomed as the success of the partnership will hinge on developer interest. The Local Authorities need to ensure developers are comfortable with and will buy into the proposals before proceeding.</p>
Question 2	One of the priorities for the Partnership is stated 'to ensure as far as possible the standardisation of affordable housing provisions within S106 agreements'. [RP] welcomes this proposal, but we are concerned that the introduction of CIL will jeopardise the ability of the Partnership to achieve this, and that in reality a significant amount of flexibility will be required around affordable housing delivery under S106 agreements. [RP] urges the Local Authorities to ensure that once CIL is introduced affordable housing delivery is the single highest priority of S106 agreements, so that the impact of viability issues on affordable housing delivery as a result of CIL will be minimised.

Question 3	<p>The Local Authorities have set out a series of evaluation areas that we support including governance and viability, asset management credentials, and delivery of new affordable housing.</p> <p>As a developer [RP] places great emphasis on engaging local people and creating local employment and training throughout the development process. We think that part of the assessment should look at how RPs create training and work opportunities through their development activities.</p> <p>As we don't have much information on your selection process [RP] would just suggest that a highly rigid Preferred Provider selection process may not be appropriate. We would suggest a selection process that evaluates in the round a housing association's attributes rather than having a series of hit or miss/in or out assessments.</p>
Any further comments supplied	<p>We welcome the proposals and see the Affordable Housing Partnership as a positive step forward in delivering affordable housing across the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy Areas.</p> <p>We hope that you have found our feedback helpful and would welcome any further discussions you may wish to have. [RP] will certainly be looking to bid for Preferred Partner status.</p>
LA response	<ol style="list-style-type: none"> 1. CIL - valid response and agreement with statement however CIL is out of the remit of this work – it is the responsibility of each local authority to address. We are seeking to focus on the delivery of affordable housing and community sustainability. 2. s106 - comments noted. 3. selection process - noted.
LA actions	See ACTION 5 above

Reference:	Respondent 5
Consultee:	Registered Provider
Date received:	08.05.15
General or introductory comments	<p>Following our telephone conversation earlier today I just wanted to confirm in writing what we discussed. Our view of the document is that it needs to be reviewed in order to streamline the information requested from the RP's. I suggested that each question is reviewed on the basis of whether it would make a real difference to your decision to appoint an RP. For example do you need to know if we benchmark against other associations and would this information make a difference to your overall decision.</p> <p>The overall aspiration of the group also needs to be considered. Are you looking at appointing a large group of partners or looking for a small group. If a large group I would suggest that a lot of the questions asked are needless as I am confident that most of the housing associations will have the relevant H&S accreditation PI cover etc.</p> <p>Our general view is that the document should be looked at in order to justify that the questions asked have a tangible bearing on the outcome of the RP being appointed, rather than an information trawl that most if not all RP's will be able to demonstrate. That way I think the LA's involved will have a more manageable and successful process. I appreciate the opportunity to consult on the documents. I make these comments and suggestions to save time for all involved and improve the process for the LA's. I am happy to talk this through if required.</p>
Question 1	No comment
Question 2	No comment
Question 3	No comment
Any further comments	None
LA response	<ol style="list-style-type: none"> 1. Streamline information - agreed 2. Benchmark - we acknowledge this comment and will work with the consultant to review questions. 3. Clarity re: shortlisting - all RP's will be required to present their information, case studies, outcomes and other such relevant information it feels to support the questionnaire responses.
LA actions	See ACTION 3 above

Part 2: Developer consultation responses

Reference:	Respondent 6
Consultee:	Registered Provider
Date received:	27.04.15
General or introductory comments	<p>We are pleased to have received the Consultation Paper in regard to the proposals for Preferred Provider arrangements on the strategic allocations across the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy area. As you are aware from our previous discussions we look forward to the opportunity to work with you and intend to submit proposals in due course.</p> <p>In section 3 – 1: It seems Tewkesbury have been missed out of the list of LA's? Strategic sites will provide up to 12,000 homes across JCS area to 2031 and new delivery is unlikely to commence until 2017/18, with a maximum of 40% affordable over 13 years. It is possible that not all will be developed within the plan period, some sites may be developed late on and delivery will be after 2031. However there always seem to be a slow start on major projects with Quedgeley and Brockworth good examples; are you going to be able to be clearer on what the initial 5 year partnership might deliver?</p>
Question 1	Not answered
Question 2	Not answered
Question 3	Not answered
Any further comments	None made
LA response	<ol style="list-style-type: none"> 1. Section 3 - refers to Cheltenham and Gloucester as they are the authorities with unmet need. Tewkesbury can meet its need. 2. Implementation - noted and will produce- in due course; it is anticipated that the Affordable Housing Partnership will evolve and shape the delivery over the first 5 years.
LA actions	None required

Reference:	Respondent 7
Consultee:	Agent
Date received:	29.04.15
General or introductory comments	The preferred provider registration does not include the maintenance companies the developers appoint to manage/maintain estates after completion. Maintenance companies are inserted by developers on lease contract for 85years and more. The preferred provider should have to prove that such companies meet very strict conditions to protect residents and that management charges are fair and easily understood. Management company fees and admin costs on new estates in the Tewkesbury area are Currently in excess of 60% of the annual charges to residents. Preferred provider list should include the management company the developer uses.
Question 1	Not answered
Question 2	Not answered
Question 3	Not answered
Any further comments	None made
LA response	Issue regarding maintenance companies acknowledged and will address. It is however not acceptable and not in the remit of the Partnership to control the maintenance/management company. Each site will be considered on its merit and the councils will address such issues with development at planning stage.
LA actions	ACTION 6: the local authorities will work with the consultant to address this issue and will also build into our work with RP's on the matter to provide further advice.

Reference:	Respondent 8
Consultee:	Agent
Date received:	29.04.15
General or introductory comments	Notes from council housing officer: Telephone call Wednesday 29th April; Do not want to be any part of any list; Only interested in public consultation; Objectors to Leckhampton; Remove from list
Question 1	Not answered
Question 2	Not answered
Question 3	Not answered
Any further comments	None made
LA response	None required
LA actions	None required

Reference:	Respondent 9
Consultee:	Agent on behalf of developer
Date received:	30.04.15
General or introductory comments	This Paper, prepared by [Agent] on behalf of [Developer], responds to the 'Proposals for Preferred Provider Arrangements on the Strategic Allocations across the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy area' ("PPPA") published for consultation between April 2015 and the 1 st May 2015.
Question 1	<p>Our Client, who is a major land owner across the JCS local authority areas and therefore a key stakeholder in respect of strategic development, is not supportive of the proposals in their current form.</p> <p>Our Client welcomes the opportunity to work closely and productively with the local authorities and all Registered Providers on strategic land proposals in the JCS area and it is felt that this is best achieved through a form of 'Statement of Common Ground' which outlines some broad priorities that reflect the agreed objectives of all parties for affordable housing delivery. To achieve this there is a need for the JCS authorities to recognise the concerns raised by Stakeholders through previous JCS Plan consultation responses and JCS Plan Hearing Statements regarding the viability of / need for the affordable housing targets sought. To date, the JCS authorities have not robustly viability assessed the proposed proportions of affordable housing on large and strategic sites or proposed policies that reflect the SHMA conclusions regarding the proportion of affordable housing required.</p> <p>Any level of restriction upon competition among Registers Providers in the JCS area whether explicit or implicit (and which will result from the PPPA where this is taken forwards) will worsen scheme viability and is wholly unacceptable.</p> <p>The PPPA approach will introduce additional burdens upon housing development in the JCS area outside the emerging JCS Plan process and without having been subject to viability testing.</p> <p>The approach seeks to introduce an additional Standard (i.e. seeking the provision of affordable housing through Preferred Providers) exclusive to affordable housing and outside of the range of Technical Standards set in national policy and described in the 'Planning Update' Written Parliamentary Statement of 25th March 2015 and the National Planning Policy Guidance ("NPPG"). The PPPA is therefore contrary to national policy.</p>
Question 2	<p>Concerns Regarding the PPPA [Proposals for Preferred Provider Arrangements]</p> <p>PPPA Section 1 – what is the status of the PPPA document? It is not described as a Supplementary Planning Document / Local Development Document or a Strategy, and it sits outside the Development Plan. Its intended role and material weight in planning terms for the Strategic Allocations is therefore unclear. If it is intended to be referred to when making Development Control decisions then it should be included within the Development Plan.</p> <p>Even if it is not the intention that it will be directly referred to when making Development Control decisions as a result of taking steps to introduce a Standard which result in the exclusion of non-preferred partner Registered Providers it introduces additional burdens that will impact upon the delivery of the planned supply of housing in the JCS area then it should be</p>

considered as part of the Plan process and viability assessed. Please also see the answer to Question A above regarding compatibility with national policy. PPPA Section 3 – the aim of maximising affordable housing delivery should be in the context of doing so only where there remains a need for additional affordable housing. The aim of enabling ‘new communities to become and remain cohesive and sustainable’ is supported, although it is not agreed that this is achieved by taking the approach of restricting the choice of Registered Providers (as the PPPA does). Please also see the answer to Question A above regarding our Client’s view.

The JCS area SHMA evidence does not support the 40% affordable housing target that the JCS Plan proposes large and strategic sites should be subject to. As such, a Partnership as described in the PPPA will be unable to ensure that ‘new communities become and remain cohesive and sustainable’ unless the affordable housing target is adjusted downwards in line with SHMA proportions and previous JCS Plan representations and Hearing Statement responses.

It is unclear what is meant by Registered Providers taking a ‘strength-based approach to creating sustainable communities’. Where this results in an increase in Standards above Building Regulations it will need to accord with the national Technical Standards and the NPPG section on Standards. In any event any additional burdens upon scheme economics are required by national guidance to be viability assessed and tested through the Plan process.

PPPA Section 4 – national guidance does not empower the prescription of affordable housing providers (and this position is acknowledged in the PPPA at Section 5.2). The definition of affordable housing in the National Planning Policy Framework makes it clear that Social Rented housing may ‘owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.’ and Intermediate housing is not restricted to being owned / managed by local authorities Registered Providers. There is a clear intention within national guidance to encourage, not restrict, competition between affordable housing providers.

The PPPA not only would seek to restrict the provision of affordable housing via a Registered Provider, but takes this further to restricting it to a selected number of ‘Preferred’ Registered Providers, thus reducing the scope for competition significantly.

Wording in the PPPA sets out a clear intention to ‘prevent Registered Providers of any standard competing for the delivery of affordable housing in these areas’ – this explicitly confirms that the PPPA aims to restrict competition in the area. The aim of excluding Registered Providers who are yet to demonstrate ‘their ability to deliver and manage affordable homes and their communities to a high standard’ will prevent new Registered Providers from being able to compete in the area. Wording also encourages the formation of ‘consortia’ and states ‘Developers will be asked to choose from a number of Registered Providers from the Partnership’ and ‘the three local authorities will work hard to ensure that developers will only work with its Preferred Partners’. The proposals in the PPPA are in danger of having a ‘cartel’ type effect; i.e. benefiting existing Preferred providers to the exclusion of all others trying to compete in the same market.

The PPPA does not explain how it is compliant with Official Journal of the European Union “OJEU” rules (i.e. the publication in which all tenders from the public sector which are valued above a certain financial threshold according to EU legislation, must be published) and anti-competition laws. Furthermore, there is no reference to needing to reach agreement / negotiate with developers and landowners in respect of approaches to affordable housing delivery.

Whilst it is agreed that there are some positive aspects to the ‘Terms of Reference’ set out in sub-section 4.2 of the PPPA there should be discussion of how the priorities of all parties are best addressed (i.e. including those of landowners and developers) and having regard to how these fit with national policy requirements – please see the response to Question A

	<p>above. In particular, it is unclear how the priorities to reach ‘cross-boundary agreement on tenure split, dwelling types and sizes’ and to standardise s106 provisions are intended to be applied in the context of proposed Plan policy – there is no reference in emerging Policy SD12 or SD13 on these matters being set on the basis of requirements agreed by a Preferred Partnership of Registered Providers outside of the Plan process and it is outside the scope of any such Partnership to introduce new Policy.</p> <p>For the reasons set out above it is not agreed that the PPPA will bring benefits to developers (as is suggested to be the case in sub-section 4.2 of the PPPA). It is agreed that there are clear benefits associated with the JCS local authorities working closely with all relevant parties (including landowners and developers and not restricted to specified Registered Providers) to negotiate a mutually agreed position (that reflects national and local policy and the evidence of affordable housing need / economic viability) in respect of the delivery of affordable housing on Strategic Allocations – please see the response to Question A above. Our Client welcomes the opportunity for any such discussions with the JCS local authorities.</p>
Question 3	Not required given comments above
Any further comments supplied	<p>Any level of restriction upon competition among Registered Providers in the JCS area whether explicit or implicit (such as would result from the PPPA) will worsen scheme viability and is wholly unacceptable. The PPPA sets out a restrictive approach which will fetter competition among Registered Providers to the detriment of affordable housing delivery and the objective of delivering sustainable communities. The PPPA introduces additional burdens upon housing development in the JCS area outside the emerging JCS Plan process and without having been subject to viability testing contrary to national policy. As the PPPA acknowledges, local authorities cannot force developers to work with ‘preferred’ partners; as such any attempted restriction explicit or otherwise will be unenforceable rendering the process of developing a Preferred Registered Provider Partnership a unproductive particularly if it does not have the full cooperation of the developer and landowners who are implicit in delivering the local plan housing numbers.</p> <p>Instead, our Client welcomes the opportunity to work closely and productively with the JCS local authorities and all Registered Providers on strategic land proposals in the JCS area and it is felt that this is best achieved through a form of ‘Statement of Common Ground’ which outlines some broad priorities that reflect the agreed objectives of all parties for affordable housing delivery.</p> <p>To progress this there is a need for the JCS authorities to recognise the concerns raised by Stakeholders through previous JCS Plan consultation responses and JCS Plan Hearing Statements regarding the viability of / need for the affordable housing targets sought</p>
LA response	<p>Status of the preferred provider arrangements – To clarify:</p> <ol style="list-style-type: none"> 1. The preferred provider arrangements is intended to operate as an agreed protocol to assist the delivery and implementation of Policy SD13, and in particular paragraphs 4.13.5, 4.13.10 and 4.13.11 of the emerging Joint Core Strategy, in a collaborative fashion. 2. The preferred provider arrangement is intended to be neither a Development Plan Document nor a Supplementary Planning Document. 3. The preferred provider arrangement is not intended to operate as an additional local Technical Standard. <p>Interface with progress of the emerging Joint Core Strategy – the respondent raises a range of points which go to the heart of the matters shortly to be aired at the Joint Core Strategy Public Examination, running from May to July 2015.</p>

	<p>Viability – the councils refute this argument. The respondent asserts without justification that any level of restriction upon competition amongst RPs will by definition worsen scheme viability. They appear most reluctant to accept the potential benefits to landowners and developers of the collaborative arrangements proposed in the draft preferred provider arrangements arising from the early involvement of RPs with an established track-record of and commitment to delivering sustainable communities in the locality.</p> <p>Prevention of Competition - At 2.3 and 2.5 of their paper, the respondent appears to misunderstand the potential efficiencies and advantages of limiting the number of active RPs in a locality in order to assist the effective management of the affordable housing. They seem to miss that the creation of more sustainable communities and higher quality living environment may prove attractive to potential house buyers looking to live there, with a potential to lift house prices. The preferred provider arrangement is seen as entirely negative and restrictive. It need not be so; especially if the landowners and developers choose to engage with the process. The respondent’s references to the OJEU rules are recognised and the councils have been advised that this is outside of such arrangements. The invitation to submit however will be widely advertised.</p> <p>Reference to Performance Standards of RPs – the respondent alludes to references in the draft preferred partner arrangements to preventing RPs ‘of any standard’ competing for the delivery of affordable housing in the locality and to only those able to deliver and manage affordable homes and their communities to a ‘high standard’ being acceptable to the local authorities. Some of the RPs appears to have similar concerns about this tone. We would recommend that this language is either modified or deleted. Wherever possible, the emphasis should be on the positive.</p> <p>Suggested Statement of Common Ground – The Statement of Common ground suggested falls well short of the preferred provider arrangement favoured by the local authorities and the RPs.</p> <p>The local authorities will invite landowners and developers and their agents to the Partnership as appropriate to feed into the activities of the Partnership and work more collaboratively on the Strategic Allocations.</p>
LA actions	<p>ACTION 7: some phrasing to be altered as appropriate.</p> <p>ACTION 8: local authorities will contact the respondent with a view to seeking hat draft heads of terms would look like and to gain clarity on the expected content of a Statement of Common Ground in order to consider further.</p>

Reference:	Respondent 10
Consultee:	Agent on behalf of developer
Date received:	01.05.15
General or introductory comments	<p>Please confirm the following:</p> <ul style="list-style-type: none"> i) The consultation draft Guidance only relates to Strategic Allocations in the JCS. ii) There would be no restriction on the affordable housing provider on non-strategic housing sites. iii) That there would be consultation on the names of the Council's proposed affordable housing providers. iv) There would be consultation on the proposed financial arrangements made by preferred providers. v) There would be opportunities for developers to use non-preferred providers.
Question 1	Not answered
Question 2	Not answered
Question 3	Not answered
Any further comments supplied	None made
LA response	<ul style="list-style-type: none"> i) Yes only the SA sites ii) No restriction iii) No consultation on the RP's iv) No consultation on RP's financial arrangements v) Yes but the LA's will be working with developers to meet our affordable housing requirements via the Partnership and the preferred partner arrangements.
LA actions	None required

---end---