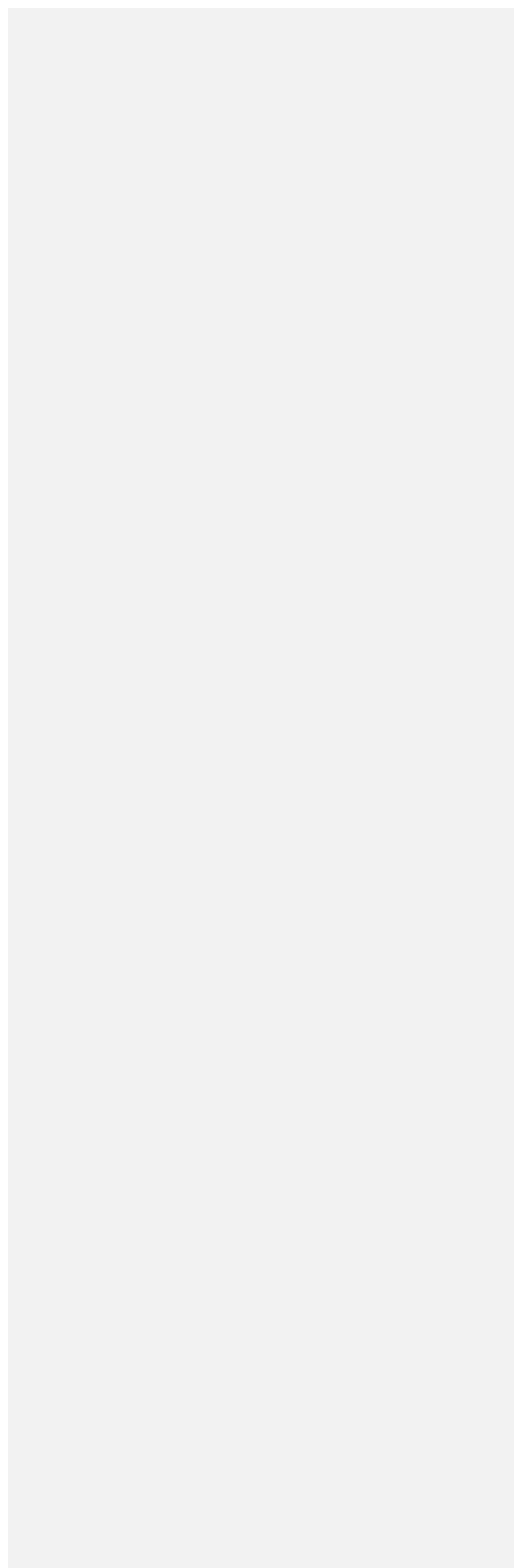


Affordable Housing Protocol

~~November 2024~~ May 2026



1. Aims and scope of the protocol

1.1 The aim of this protocol is to lay out in detail the Council's position on Affordable Housing Delivery in the interim period before a new Local Plan is adopted. This protocol will be used for Development Management decision making.

Formatted: Font: Bold

2. Local and national policy context

2.1 Tonbridge and Malling Borough Council's affordable housing policy is set out in CP17 of the Core Strategy (2007), which forms part of the Council's adopted development plan.

2.2 To support the implementation of CP17, the Council produced an Affordable Housing Supplementary Planning Document (SPD) in 2008. This is a material consideration that the Council has regard to when seeking affordable housing provision.

2.3 The Government's policy and definition of affordable housing is set out in the National Planning Policy Framework (NPPF) which is supported by planning practice guidance. These are current material considerations which the Council has regard to when taking decisions on planning proposals involving affordable housing.

2.4

~~2.4 The Council has formally withdrawn the draft Local Plan that was submitted for examination in January 2019 and is reviewing and refining the development strategy that draft Plan was based on. However, at present, that Plan and its evidence base cannot be relied upon as evidence in the making of any applications to the Council as it has not been tested.~~

~~2.5 The refreshed Plan will include up-to-date policies on affordable housing. This process will respond to national policy and practice guidance, be informed by local evidence, and take account of whole plan viability work.~~

Formatted: Font: Bold

3. Our evidence base

3.1 CP17 in the TMBC Core Strategy has been assessed against the 2021 NPPF and is considered to remain in overall consistency. This policy will therefore continue to be afforded full weight in decision making.

3.2 Supporting evidence to determine housing affordability can be accessed via Office for National Statistics data relating to Housing Affordability in England and Wales.

3.3 A Housing Needs Survey ~~is currently underway across the Borough and the results will be published in early 2022, from which time the Council expects applicants to have due regard to this data in their affordable housing proposals.~~ was carried out in 2022. This data has then been augmented by the production of a Strategic Housing Market Assessment (SHMA) as part of the emerging Local Plan evidence base. This evidence

Formatted: Font: Bold

has been published and is therefore a material planning consideration. The Council is also developing a SMHA addendum to provide additional or updated information on tenures and affordability, in recognition of the pace of change in the affordable housing market.

3.4 A snapshot report on Housing Register data forms Appendix 1 of this Protocol and provides up-to-date local information regarding bed size need. This snapshot will be updated at least annually.

4. Tenure types

4.1 The NPPF defines affordable housing. Categories include affordable housing for rent, starter homes, discounted market sales housing and, other affordable routes to home ownership, ~~and First Homes.~~

~~4.2 Affordable Home Ownership: the Government requires at least 10% of homes on major developments to be affordable home ownership.~~

4.23 The Council will have regard to the current Government national definitions of affordable housing and relevant policies in the National Planning Policy Framework when implementing policy CP17.

4.34 CP17 sets out a 40% affordable housing requirement, with a 70/30 split between affordable housing for rent and other affordable housing tenures. This should be considered the starting point for all applications.

~~4.5 A detailed explanation of First Homes considerations is attached at Appendix 2.~~

4.46 For the avoidance of doubt, social rented housing includes social rent and affordable rent for the lifetime of this protocol.

4.57 Residual affordable housing will be delivered as intermediate housing in accordance with CP17.

5. Engagement at pre-application stage with the Council

5.1 The Council strongly encourages early pre-application discussions, including with the Housing Strategy and Enabling Manager.

5.2 Wherever possible, these discussions should include a Registered Provider or provide the Council with information on pre-application engagement with potential RP partners. This should include providing the Council with information on the proposals made to RPs and their responses.

5.3 As part of the Council's Planning Performance Agreement process, a specific meeting on Affordable Housing Delivery will be included in the meeting approach.

6. Submission requirements

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

6.1 An Affordable Housing Statement should accompany all applications where affordable housing delivery is required.

6.2 The statement should include details of tenure mix, unit size, space standards, Registered Providers, and management arrangements. A draft statement approach is appended to this document. The Council will utilise this format for its responses.

~~6.3 Outline applications should confirm that a legal agreement will secure compliance.~~

~~7. Where less than policy compliant levels are proposed on site~~ **Policy compliance**

7.1 The Council considers that the existing policy requirements are still valid – indeed the evidence to support our emerging Local Plan sets a similar overall requirement. Reduced provision will only be considered where justified by a viability appraisal.

7.2 Viability assessments must include the information set out in Appendix ~~23~~. Viability submissions must comply with RICS Professional Statements and guidance.

7.3 The Council will engage independent consultants at the applicant's cost to review all viability matters.

8. S106 provisions for affordable housing

8.1 Model planning obligations will be used to secure affordable housing delivery. These are in the Council's s106 pro forma. This will be updated as required to cover different tenure models. The Council will expect the requirements in these model conditions to be the starting point for viability and delivery approaches.

~~8.2 For First Homes, TMBC will adopt Homes England model clauses.~~

9. Off-site delivery

9.1 In exceptional circumstances, off-site delivery may be accepted. This is usually only if on-site provision is physically impossible, not appropriate for creating balanced communities, or when offsite delivery offers better value or affordable housing additionality.

10. Commuted sums

10.1 Where on-site and off-site delivery ~~are~~ not appropriate, a commuted sum may be accepted. A proposal will be required from the applicant, which the Council will engage independent consultants at the applicant's cost to review.

~~10.2 Funding will be approved through the Council's governance process.~~

~~10.3~~ Contributions will be ring-fenced for affordable housing purposes and may be used in any location across the Borough.

~~10.4 Contributions will be used across the Borough.~~

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

11. Reaching Agreement

11.1 Should there be a need to meet to discuss the Affordable Housing Statement, applicants will be informed of this by the Council. The Council will prepare meeting notes and may utilise Microsoft Office tools to do so.

11.2 The Council will operate an internal senior officer escalation mechanism to ensure consistency of approach across affordable housing discussions. This will be the route of escalation for any points that cannot be agreed between applicant and case officer (supported by input from the Housing service).

Appendix 1: Housing need data

~~Housing Register and Housing Needs Survey data inform unit mix expectations. Appendix 2: Affordable Housing Statement pro forma~~

Appendix 2: First Homes

~~TMBC requires First Homes to be discounted by 40% of market value and secured via Section 106 obligations.~~

Appendix ~~23~~: Required minimum content for applicant's viability appraisal

~~Viability submissions must comply with RICS Professional Statements and guidance.~~

Formatted: Font: Bold