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**From:** Ed Brown [REDACTED]  
**Sent:** 26 February 2020 14:29  
**To:** Planning Policy  
**Cc:** [REDACTED]  
**Subject:** Draft Affordable Housing SPD

Dear Sir/Madam,

Thank you for the opportunity to comment upon the draft Affordable Housing SPD.

Having carefully read through the current draft I have the following comments to make:

**Paragraph 3.13**

The Council wish to have an overage clause in Section 106 agreements. Whilst I understand the logic behind this to ensure that the Council claws back a proportion of any additional profit to project its position should the market improve there is no equivalent for the application in reverse. What about if the development hits a depressed market/recession for example and doesn't perform as well as expected after a S106 is signed. The S106 should also have the ability to review the affordable provision and reduce if required in order to continue with the delivery of housing rather than seeing development stall. The applicant is taking all the risk. May I suggest that paragraph 3.13 is removed or a mechanism is added within the S106 to revisit affordable delivery if the construction phase enters a depressed market to allow the delivery of a reduced amount.

**Paragraph 3.20**

The minimum time limit of 10 years to spend off-site contributions seems to be too long a period of time and should be reduced to 5 years from the Council receiving the payment - on the basis that the Council is asking for the payment it must already have schemes in mind. As applicants have a shorter period of time to implement planning consent this is not considered unreasonable.

**Paragraph 5.6**

A cluster size of up to 10 dwellings is mentioned. Quite often surrounding Local Planning Authorities allow a greater number in a cluster. For example Torbay Council's current guidance allows clusters of 20-24 in circumstances when the proposal is 100 or more units. It is suggested that East Devon District Council take a similar pragmatic approach with larger sites.

**Paragraph 7.6**

Confirmation is required on the fee amount which should be reasonable.

Please accept the above comments in the constructive manner in which they are made. I am happy to discuss any of the above should you wish.

Kind regards

Ed  
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