

Appendix 2

Consultation replies and BHCC Council Resp on the draft Affordable Housing Planning Advice Note

Introduction

A four-week focused informal consultation with external housing providers, developers, local agents and relevant Council officers was undertaken by council officers between 11 November and 10 December 2025.

Methodology

A copy of the draft PAN was circulated and comments invited from:

Registered Providers active in the Brighton & Hove area;

Local planning agents (through the Planning Agents Forum);

Developers and Consultants who subscribe to the Planning Policy mailing list;

Officers in the Planning Development Management team and Place Regeneration team (Housing Supply)

Member liaison and engagement was carried out through the Planning Policy Members Advisory Working Group

Table 1 General Comment Summary and BHCC Response

Respondent	General Comment Summary	BHCC Response
Registered Providers active in the Brighton & Hove area		
The Guinness Partnership (TGP)	<p>The Guinness Partnership (TGP) strongly supports Brighton & Hove City Council’s Affordable Housing Planning Advice Note.</p> <p>TGP recognises the urgent need for affordable housing in this area and the role registered providers (RPs) and the Council must play to deliver affordable homes.</p> <p>TGP endorses the Councils support of sites delivering 100% affordable homes and additionality on development sites.</p> <p>TGP supports the thresholds for affordable homes set out in Policy CP20.</p> <p>TGP understands the need for affordable rent and family homes in the local area, but suggests flexibility in both tenure and mix should be explored to make sure affordable housing is delivered.</p>	<p>Support welcomed and representation noted.</p> <p>The draft PAN is guidance and sets out that the council ‘will normally seek’ 100% AH to rent. There remains flexibility through existing planning policy at the local level.</p>
Developers and Consultants		
Enplan	<p>Strongly urges the Council to reconsider the approach currently set out in the draft PAN. Understands that S106 affordable housing delivery is seriously impacting affordable (and market) housing provision across the country. Points out that the Mayor of London has recently agreed to a reduction in affordable housing in order to stimulate housing across the capital. Does not support reducing the viability of affordable housing.</p> <p>Acknowledges that the need for affordable rented units in the city is high and that the Council will need to find ways to deliver this. Current policy allows for a mix of intermediate units (such as shared ownerships) within the overall affordable provision, necessary for the viability of schemes providing 40% affordable units in new development.</p>	<p>Representation noted</p> <p>The draft PAN is based on the recommendations of the BHCC Strategic Housing Market Assessment.</p> <p>The draft PAN sets out that the council ‘will normally seek’ 100% AH to rent. There is flexibility at the site level to</p>

	<p>Considers that seeking 100% social/affordable housing will negatively impact on the viability of new development proposals. Risk that developers' viability assessments will find this level of provision financially unviable, resulting in fewer affordable units overall. Preferable options would be to deliver more rented affordable accommodation by lowering the overall requirement for affordable housing from 40% to 35% or 30% and require all or the majority of that to be affordable rented. Enplan appreciates that this would require an amendment to the policy and this would not be possible as part of the current PAN; but may be an option for the future in updates to the City Plan.</p>	<p>ensure development still come forward.</p> <p>As acknowledged, changes to Affordable Housing Policy will come through the City Plan review. This review will be based on evidence and be subject to consultation and examination.</p>
<p>St Congar, Promoters of Toad's Hole Valley.</p>	<p>Deliverability of affordable housing is currently an issue. The Housebuilders Federation (July 2025) identified 117,000 homes are blocked or delayed from coming forward due to lack of bids from Registered Providers for S106 AH. The Mayor of London has recently reduced affordable housing requirements in order to stimulate housing delivery across the capital.</p> <p>City Plan Part 1 policy CP20 allows a flexible approach in the light of viability evidence. Moving away from this is not compatible with the NPPF and would not support the council's housing land supply position. Concerned that this is a policy change without viability evidence or Public Examination. A cascade mechanism should be included with the PAN. The draft PAN will need to be reviewed in the light of the Dec 2025 NPPF.</p>	<p>Representation noted.</p> <p>The PAN will replace existing guidance in the Affordable Housing Brief 2021 and does not change policy. The draft PAN is based on the NPPF 2024 and the BHCC Strategic Housing Market Assessment. The draft PAN sets out the council 'will normally seek' 100% AH to rent. There remains flexibility at the site level.</p>
<p>Planning Agent's Forum</p>		
<p>Lewis and Co</p>	<p>BHCC should provide evidence if continuing to use a 5-dwelling threshold for affordable housing provision, as this conflicts with national policy. A 5 unit threshold also causes issues with housing supply as:</p> <ul style="list-style-type: none"> • developers will seek 4 units not 5; 	<p>Representation noted.</p> <p>All thresholds in CPP1 policy CP20 were examined and adopted through the relevant</p>

	<ul style="list-style-type: none"> • This causes viability issues for residential schemes between 5 and 9 units; • consulting the District Valuer and /or preparing a s 106 agreement substantially delays the planning application process on small to medium sites identified by government as making an important contribution to meeting housing requirements, and which are often built out quickly <p>A planning appeal decision for application BH2023/02159 has been submitted to evidence this response.</p>	<p>development plan processes and regulations.</p> <p>Any changes to an Affordable Housing Policy will come through the City Plan review. This review will be based on evidence and is subject to consultation and examination.</p>
Internal comments		
BHCC Regeneration Team	Considered to be a good approach	Support welcomed and representation noted