

**Email from Inspector 170815 to Council re Affordable Housing thresholds**

**West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin)**

I refer to the High Court judgment of 31 July 2015, on the above-mentioned joint application of the two Councils in seeking to challenge (i) the Secretary of State for Communities and Local Government's Written Ministerial Statement of 28 November 2014, and his subsequent alterations to the Planning Practice Guidance on planning obligations for affordable housing and social infrastructure contributions, and (ii) his decision of 10 February 2015 to maintain those policy changes following an Equality Impact Assessment.

Subsequent to the issuing of that judgment, the Court made a Declaration Order on 4 August 2015 confirming that the policies in the Statement must not be treated as a material consideration in development management and development plan procedures and decisions, or in the exercise of powers and duties under the Planning Acts more generally. On 31 July 2015, amendments were made to the Planning Practice Guidance (ID-23b) indicating that paragraphs 012-023 of that guidance would be removed following the judgement:

[http://planningguidance.planningportal.gov.uk/blog/guidance/planning-obligations/planning-obligations-guidance/#paragraph\\_030](http://planningguidance.planningportal.gov.uk/blog/guidance/planning-obligations/planning-obligations-guidance/#paragraph_030)

In these circumstances, the Council may wish to review or amend the policy in the submitted Plan, or as proposed to be amended in Main Modifications to that Plan, in so far as it relates to the thresholds for affordable housing and social infrastructure contributions. If this would require the deletion of a Main Modification that has already been proposed or published for consultation, I will need to know the Council's views about whether there is any need for any further consultation or evidence on the matter.

I look forward to an early response from the Council on this matter.