

POLICY COMMITTEE

Tuesday, 22nd June 2021 at 6.30pm
Belle Vue Suite, Belle Vue Square, Broughton Road, Skipton

Committee Members: The Chairman (Councillor Foster) and Councillors Barrett, Heseltine, Ireton, Lis, Madeley, Metcalfe, Morrell, Mulligan, Myers, Noland, Ogden, Place, Rose and Wheeler.

Substitutes: Conservatives – Councillors Handley, Moorby and Whitaker; Independents – Councillors Pighills, Shuttleworth and Solloway; Labour – Councillor Mercer; Green – Brown.

Please note the following advice in advance of the meeting:

The Government temporarily removed the legal requirement for local authorities to hold meetings in person during the Covid-19 pandemic. All local authorities were given new powers to enable meetings to take place virtually. The Council's powers to hold remote meetings expired on 7 May 2021.

Whilst the return to face to face meetings provides significant challenges, the Council has undertaken a great deal of work to ensure that face to face meetings are delivered in a COVID safe environment.

Due to social distancing measures, spaces for public attendance are limited and so registration is essential to secure a place.

Everyone who attends this meeting will be required to wear a face covering, unless exempt.

Council staff, elected members and members of the public are urged to take advantage of the national 'next step safely' campaign and access a free, rapid lateral flow test in advance of the meeting:

<https://www.nhs.uk/conditions/coronavirus-covid-19/testing/> Please note that whilst this is advised, it is not a requirement for entry to the meeting.

Anyone displaying Covid-19 symptoms is asked not to attend.

For more information email committees@cravenc.gov.uk

Thank you,

AGENDA

Exclusion of the Public – In accordance with the Council’s Access to Information Procedure Rules, Members are recommended to exclude the public from the meeting during consideration of item \$15 on the grounds that it is likely that if Members were present there would be disclosure to them of exempt information as defined in Paragraph 3 (relates to the financial or business affairs of any person including the Authority holding that information) of those Rules and Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

1. **Apologies for absence and substitutes** – To receive any apologies for absence and notification of substitutes.
2. **Confirmation of Minutes** – To confirm the minutes of the meeting held on 30th March 2021.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Declarations should be in the form of: a “**disclosable pecuniary interest**” under Appendix A to the Council’s Code of Conduct, or “**other interests**” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Select Committee Review of the Building Control** – Report of the Select Committee. Attached.

Purpose of Report – To present the review and findings of the Select Committee regarding the Council’s Building Control Service.

6. **Adoption of the Affordable Housing Supplementary Planning Document (SPD)** – Report of the Strategic Manager for Planning and Regeneration. Attached.

Purpose of Report – To present the final version of the Affordable Housing Supplementary Planning Document (SPD) for adoption and other required documents following two six week periods of consultation with the public and stakeholders during 2020 and 2021.

7. **Cultural Strategy for Craven** – Report of the Strategic Manager for Planning and Regeneration. Attached.

Purpose of Report – To request approval of a five-year Cultural Strategy for Craven, to be delivered with cross-sector partners following the opening of Skipton Town Hall as a cultural hub for the District.

8. **Local Government and Social Care Ombudsman's Public Interest Report** – Report of the CIO and Head of Assets and Commercial Services. Attached.

Purpose of Report – To highlight the conclusion of the Local Government and Social Care Ombudsman's investigation to establish if Craven District Council (CDC) correctly administered the discretionary grant scheme available to small businesses in order to buffer the financial impact of COVID-19.

9. **DEFRA Consultation on Consistency in Household and Business Recycling** – Report of the Director of Services. Attached.

Purpose of Report – To Present the proposed Craven District Council response to the Defra Consultation on Consistency in Household and Business Recycling.

10. **Transforming Cities Fund (Skipton) – Consultation Feedback and Scheme Development** – Report of the Strategic Manager for Planning and Regeneration. Attached.

Purpose of Report - To update Members on the development of the Transforming Cities Fund project in Skipton including, (i.) delivery arrangements for the project, (ii.) feedback on the recent public consultation exercise and, (iii.) proposals for the creation of a new pedestrian route through Aireville Park.

11. **Primary Authority Scheme** – Report of the Director of Services. Attached.

Purpose of Report – To seek approval for the Environmental Health Food Safety Service to participate in the Primary Authority Scheme.

12. **Community Renewal Fund and Levelling Up Fund Applications** – Report of the Strategic Manager for Planning and Regeneration. Attached.

Purpose of Report – To update Members on the development of funding applications to the Commercial Renewal Fund and Levelling Up Fund and seek approval for their submission.

13. **Skipton Town Hall Flag Flying** – Report of the Strategic Manager for Planning and Regeneration. Attached.

Purpose of Report – To request agreement of a flag flying policy for Skipton Town Hall so it is clearly defined when and how flags will be flown on Skipton Town Hall throughout the year.

14. **Appointment to Sub-Committees and Panels** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To consider the appointment of the Craven Spatial Planning Sub-Committee and the Craven Employees' Consultative Group and to confirm or amend the terms of reference as appropriate.

Item Exempt from Publication

15. **Commercial Letting Support Package** – Report of the CIO and Head of Assets and Commercial Services. Attached.

Purpose of Report – To seek formal approval for the 50% discounting of 2020 to 2021 commercial rents specifically for a commercial letting in light of the economic difficulties faced by this casual dining business as a result of the COVID-19 pandemic.

16. **Items for Confirmation** – The Committee is asked to indicate whether any of the above items should be referred to Council for confirmation.
17. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act 1972.
18. **Date and Time of Next Meeting** – Tuesday, 27th July 2021.

Agenda Contact Officer: Vicky Davies
Telephone: (01756) 706486
E-mail: committees@cravenc.gov.uk
14 June 2021

POLICY COMMITTEE

(Online Meeting)

30 March 2021

Present – The Chairman, Councillor Foster and Councillors Barrett, Ireton, Lis, Madeley, Metcalfe, Morrell, Mulligan, Myers, Noland, Place, Rose and Wheeler.

Officers – Chief Executive, Director of Services, Chief Finance Officer (s151 Officer), Strategic Manager for Planning and Regeneration, Solicitor to the Council and Monitoring Officer, Democratic Services Manager, Democratic Services and Scrutiny Officer and Exchequer and Performance Manager.

Apologies for Absence and Substitutes – An apology for absence was received from Councillor Heseltine.

Confirmation of Minutes –

Resolved – The minutes of the Policy Committee meeting held on 2 March 2021 were confirmed as a correct record.

Public Participation –

Skipton Town Councillors David Painter and Darren Shaw gave a presentation which outlined various concerns about the state of the street scene in the Craven area. It also recommended a policy change for ensuring greater enforcement to address issues.

In response, the Lead Member for Greener Craven advised that verge cleaning of all major through routes in the district was to commence on 6 April 2021. Drivers were urged not to leave their litter by the roadside as it was unsightly and presented a safety risk to wildlife, the environment, those tasked with picking it up and diverted valuable resources away from providing essential services.

In addition, visits were made to check that storage of wheelie bins was orderly and residents were written to where there were issues with the misuse of wheelie bins. To date there had been no cause to issue any fixed penalty notices.

Some additional litter picking had been requested in the area highlighted by Councillor Painter and the removal of some fly tipping.

Declarations of Interest –

There were no declarations of interest.

Start: 6.30pm

Finish: 7.55pm

Minutes for Report

POL.1129

QUARTER 3 PERFORMANCE MONITORING REPORT

The Chief Finance Officer (s151 Officer) submitted a report which presented performance highlights for quarter 3 of the financial year 2020/21 in accordance with arrangements set out in the Council's Performance Management Framework.

In response to a query, the Lead Member for Financial Resilience undertook to provide the Committee with further information in relation to income and expenditure in planning services.

Resolved – That the performance highlights described in the report are noted.

POL.1130

CLIMATE EMERGENCY STRATEGIC PLAN REVIEW
2021-22

The Chief Executive submitted a report which presented the outcome of the Council's annual review of the Climate Emergency Strategic Plan.

Resolved –

- (1) That the progress on the activity identified in the Climate Emergency Strategic Plan is noted.
- (2) That the specific actions identified as a result of the review are noted.
- (3) That responsibility is delegated to the Chief Executive, in consultation with the Leader of the Council, to make any further minor amendments to the revised Climate Emergency Strategic Plan and to its presentation prior to publication on the Council website

(Councillor Madeley left the meeting at 7.15pm during the consideration of this item.)

POL.1131

CRAVEN ARTS HOUSE LEASE AGREEMENT

The Director of Services submitted a report which sought agreement to grant a lease with a peppercorn rent to the Craven Arts Trust for the purposes of delivering the Craven Arts House project.

Resolved –

- (1) That the Business Plan prepared by the Craven Arts Trust for the delivery of the Craven Arts House project is noted.
- (2) That the grant of a lease with an annual rent of £1 to the Craven Arts Trust is approved.
- (3) That the Solicitor to the Council is authorised to complete the drawing up and execution of the lease on the above terms.

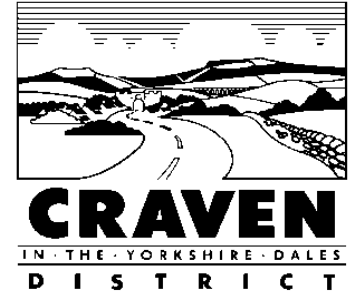
Any other items – There were no late items of business to consider.

Date and Time of Next Meeting – Tuesday, 22 June 2021 at 6.30pm.

Chairman

Policy Committee – 22 June 2021

Select Committee Review of Building Control



Report of the Select Committee

Ward(s) affected: All

1. Purpose of Report

1.1 To present Select Committee's Review of Building Control.

2. Recommendations

2.1 The Select Committee is recommended to consider and agree its Review of Building Control.

3. Report

3.1 At the Select Committee Working Group meeting of 28 October 2020, members were provided with a presentation which detailed the key roles of the Council's Building Control Service, staffing levels and the role of the North Yorkshire Building Control Partnership. The Committee resolved to hold a further working group meeting to receive further information about the potential for joining North Yorkshire Building Control Partnership.

3.2 At the Select Committee Working Group meeting of 17 March 2021, members received further information about North Yorkshire Building Control Partnership and an update on the latest position in relation to the Council's Building Control Service. Having considered the information, Select Committee recommended that Building Control should continue to be operated in-house by Craven District Council.

3.3 Attached at Appendix A is a copy of the Review of Building Control for approval by Policy Committee.

4. Financial and Value for Money Implications

The additional cost of joining North Yorkshire Building Control Partnership compared to operating the service in-house by Craven District Council is £52,623.

5. Legal Implications

There are no legal implications arising from this report.

6. Contribution to Council Priorities

The work of Select Committee contributes to Council priorities by aiming to improve services and add value.

6.2 Impact on the declared Climate Emergency

There are no climate emergency issues relating to this report.

7. Risk Management

There are no risk management issues associated with this report.

7.2 Chief Finance Officer (s151 Officer) Statement

No additional comments.

7.3 Monitoring Officer Statement

No additional comments.

8. Equality Impact Analysis

There are no direct implications arising from this report.

9. Consultations with Others

Solicitor to the Council and Monitoring Officer

10. Background Documents

There are no background documents.

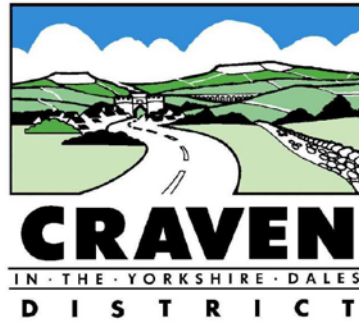
11. Appendices

Review of Building Control.

12. Author of the Report

Hannah Scales, Democratic Services and Scrutiny Officer
E-mail: hscases@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



Review of Building Control

Report of the Building Control Working Group

Submitted to Policy Committee on 22 June 2021

Introduction and Background

1. At the Select Committee meeting on 15 July 2020 it was agreed to appoint a working group to undertake an in-depth review of the Council's Building Control Service. The aim of the review was to consider performance and costings and decide whether to join the North Yorkshire Building Control Partnership.
2. The review was conducted over two working group sessions, which took place in October 2020 and March 2021 when we received a range of evidence and two detailed presentations. The evidence was provided by the Strategic Manager for Planning and Regeneration and we would like to thank him for his time and expertise to support this review.
3. This report includes a recommendation and we hope that our findings provide a clear summary of how this recommendation was made.



Councillor Brian Shuttleworth,
Chair of Building Control Working Group

The Review

4. As an introduction to our review we were presented with an overview of the Building Control Team and how it operates. We were also provided with an overview of the North Yorkshire Building Control Partnership.

Key points were as follows:

Working Group – Session one

- We acknowledged the mass departure of Building Control staff and the challenges associated with limited staff resources.
- We learned that the North Yorkshire Building Control Partnership was a conglomerate of Building Control Teams based in Easingwold and noted that an advantage of the North Yorkshire Building Control Partnership was an assurance of the structures in place.
- There was some concern about the future of the Council's Building Control Service due to Local Government Reorganisation.

Working Group – Session two

- We were presented with Building Control Service performance information, the baseline position and we considered options in relation to the staffing structure of Building Control.
- We noted the cost of operating the Building Control Service in-house as opposed to membership of the North Yorkshire Building Control Partnership.
- We acknowledged the wider benefits of the North Yorkshire Building Control Partnership, particularly that all risks were shared.

Recommended approach

5. That Building Control at Craven District Council continues to be operated in-house by Craven District Council.

The benefits of the recommended approach

6. The benefits of continuing to operate Building Control Services in-house were identified as follows:
 - Joining the North Yorkshire Building Control Partnership would incur a greater yearly cost.
 - Concerns about Local Government Reorganisation and the impact of this on the Council's Building Control Service.

Conclusion and Recommendations

7. In concluding our review of Building Control, it was recognised that the North Yorkshire Building Control Partnership offered some assurance, particularly that all risks are shared. However, this was outweighed due to the costs involved and the uncertainty surrounding Local Government Reorganisation.

Recommendation

8. That the Council's Building Control Service continues to be operated in-house by Craven District Council.

Monitoring arrangements

9. Standard arrangements for monitoring the outcome of the Select Committee's recommendations will apply.
10. The decision-makers to whom the recommendations are addressed will be asked to submit a response to the recommendations.
11. Following this the Select Committee will determine any further monitoring that is required. This will be in addition to the standard bi-annual monitoring of all Select Committee recommendations.

Reports and Publications Submitted / Considered

12. The following information was submitted / considered by the Building Control Working Group:

28 October 2020

- Presentation by the Strategic Manager for Planning and Regeneration which provided an overview of the following key areas:
 - Key roles of Building Control;
 - Staffing levels over the years since 2009 and current staff structure;
 - Back office recharges;
 - How service prices are set and the market share held by Craven District Council; and
 - The North Yorkshire Building Control Partnership.

17 March 2021

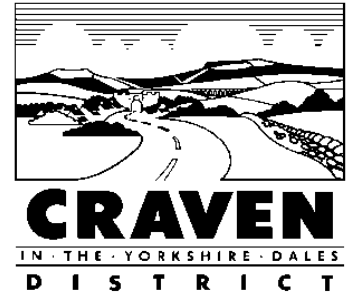
- Presentation by the Strategic Manager for Planning and Regeneration, which provided an overview of the following key areas:

- Building Control Performance Information;
- The North Yorkshire Building Control Partnership;
- How the Building Control budget is split and rules surrounding surpluses;
- The total service costs over a five-year period for operating Building Control internally;
- The yearly rate paid to North Yorkshire Building Control Partnership by other local authorities; and
- The wider benefits of joining North Yorkshire Building Control Partnership.

Dates of Meetings and Witnesses Heard

13. The following meetings of the Building Control Working Group took place:
 - 28 October 2020 – Building Control Working Group
 - 17 March 2021 – Building Control Working Group
14. The following officers attended meetings of the Building Control Working Group;
 - David Smurthwaite – Strategic Manager for Planning and Regeneration.

Policy Committee: 22 June 2021



**Adoption of the Affordable Housing
Supplementary Planning Document**

**Report of the Strategic Manager for Planning and
Regeneration**

Lead Member – Councillor Myers

Ward(s) affected: All wards wholly or partly outside the Yorkshire Dales National Park

1. Purpose of Report

1.1 To present the final version of the Affordable Housing Supplementary Planning Document (SPD) and other required documents following two six week periods of consultation with the public and stakeholders during 2020 and 2021.

2. Recommendations – That the following be recommended to Council:

2.1 adoption of the Affordable Housing SPD set out in Appendix A to this report.

2.2 approval of the Affordable Housing SPD: Adoption Statement set out at Appendix B to this report.

2.3 approval of the Affordable Housing SPD: Final Consultation Statement and Changed Circumstances set out at Appendix C to this report.

2.4 approval of the screening reports for the Strategic Environmental Assessment and Habitat Regulations Assessment on the Affordable Housing SPD in Appendix D.

2.5 Grant delegated authority to the Strategic Manager for Planning and Regeneration to publish the above documents on the Council's website and inform those people and organisations who asked to be notified of the adoption of the SPD.

3. Report

3.1 As members are aware, the Craven Local Plan was adopted in November 2019. The supporting text to the policies in the plan committed the council to preparing a supplementary planning document (SPD) on affordable housing.

- 3.2 As described in the National Planning Policy Framework (NPPF) an SPD adds *“further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.”* The preparation of such SPD’s are bound by the Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended).
- 3.3 In accordance with the council’s constitution, the preparation work on this SPD has been overseen by the Craven Spatial Planning Sub-Committee. This sub-committee approved two drafts of the Affordable Housing SPD for two separate public consultations during 2020 and 2021. To adopt the SPD, the constitution now requires Policy Committee to recommend to Full Council adoption and approval of relevant documents.
- 3.4 These documents are set out in the appendices to this report. The following paragraphs explain what these documents are and why they are required.

Appendix A: Affordable Housing SPD

- 3.5 This is the final version of the SPD which officers are recommending for adoption. It incorporates all the changes/modifications included in the ‘Final Consultation Statement and Changed Circumstances’ document. When adopted, it will become a material planning consideration in the council’s determination of relevant planning applications.

Appendix B: Affordable Housing SPD; Adoption Statement

- 3.6 This is a document required by the government’s regulations. When published it will provide the formal notice of the adoption of the Affordable Housing SPD by Full Council. In adopting the SPD, the council is required by the regulations to set out in the adoption statement the modifications it has made since the original draft SPD was published in September 2020. These modifications reflect the changes set out in the ‘Final Consultation Statement and Changed Circumstances’ document in Appendix C. The adoption statement also provides interested parties with the information they need if they wish to apply for a judicial review of the council’s decision to adopt the SPD.

Appendix C: Affordable Housing SPD; Consultation Statement and Changed Circumstances

- 3.7 A ‘Consultation Statement’ is required by government regulations on SPD preparation and must provide information on:
- (i) The persons consulted.
 - (ii) A summary of the main issues raised by those persons; and

- (iii) How those issues have been addressed in the supplementary planning document.

3.8 Strictly speaking, this statement is only required to be published after the first period of consultation has been undertaken in the preparation of an SPD. This has already been done and the statement formed part of the second period of consultation in February/March 2021. However, to show members of this committee, and interested parties how the issues raised during both periods of consultation have been dealt with, it is sensible to produce a statement which covers the representations from both of these consultations. Part 1 of the 'Final Consultation Statement and Changed Circumstances' document deals with those representations submitted during the first consultation draft SPD. The conclusions on whether or not to change the draft SPD as a result of these representations were agreed by the council's Spatial Planning Sub-Committee on 8 February 2021. These changes were incorporated in the second consultation draft of the SPD. Part 2 of the 'Final Consultation Statement and Changed Circumstances' document deals with the representations made in the most recent consultation. As well as providing this information, the statement also sets out the details of the publicity given to both consultations.

3.9 Appendix C also includes details of changed circumstances that require the Affordable Housing SPD to be updated. These changed circumstances include an explanation of the recent Written Ministerial Statement which introduces new national planning policy on First Homes. Whilst the First Homes requirement cannot be incorporated in the SPD, as First Homes do not form part of the Craven Local Plan Policy H2, it is appropriate to acknowledge this new government policy in this SPD and also to provide an update on the government's position regarding First Homes Exception Sites. Other changed circumstances relate to public consultation and adoption of the SPD.

Appendix D: Strategic Environmental Assessment: Screening report and Habitat Regulations Assessment: Screening report.

3.10 These two documents were published for the second consultation of the draft SPD. They both show that neither a full SEA or full HRA are necessary to accompany the SPD. Statutory consultee responses received have now been incorporated in these updated documents and they have also been updated to refer to the impact of the latest changes being made to the SPD on these assessments.

4. Financial and Value for Money Implications

4.1 Costs associated with the adoption of the SPD, including publication, printing and distribution of documents are modest and can be met within this year's Spatial Planning Team's budget.

5. Legal Implications

5.1 The recommendations are in accordance with advice from Counsel.

6. Contribution to Council Priorities

6.1 The production of further guidance on affordable housing in the form of a SPD will contribute to the Council's priority to create sustainable communities across Craven.

6.2 **Impact on the declared Climate Emergency:** The Local Plan supports a number of themes and actions included in the Council's Climate Emergency Strategic Plan, including the themes of carbon neutral development, travel and transportation, land and nature and carbon neutral energy & low carbon waste. Reference is made in the appended SPD to the importance of the sustainable design and construction of affordable and all housing as reflected in the plan's policies.

7. Risk Management

7.1 See report

7.2 **Chief Finance Officer (s151 Officer) Statement:** the cost implications resulting from adoption of the SPD are not significant. Any wider cost implications arising in future from a policy change or change in approach would need to be considered as part of a separate decision

7.3 **Monitoring Officer Statement:** The recommendations in the report are within the legal powers of the Council.

8. Equality Impact Analysis

8.1 No new policy or procedure is proposed in this report which would give rise to a requirement for an Equality Impact Assessment.

9. Consultations with Others

9.1 Legal Services, the Solicitor to the Council, Financial Services and the Strategic Housing Team have been consulted and provided input to the report.

10. Background Documents

10.1 Affordable Housing SPD: Draft for Consultation: September 2020.

10.2 Affordable Housing SPD: Second Draft for Consultation: February 2021.

10.3 Affordable Housing SPD: Consultation Statement: February 2021.

10.4 These documents can be viewed at <https://www.cravenc.gov.uk/planning/spatial-planning/archives/consultations-archive/>

11. Appendices

Appendix A - Affordable Housing Supplementary Planning Document (June 2021)

Appendix B – Affordable Housing Supplementary Planning Document: Adoption Statement (June 2021)

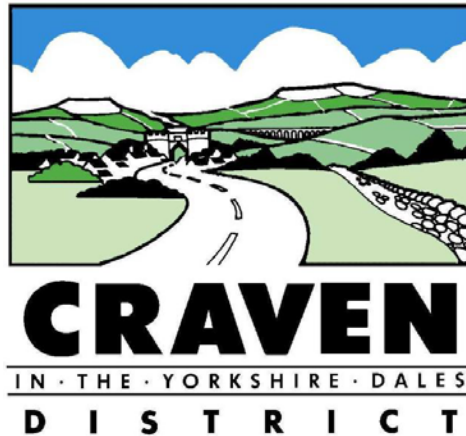
Appendix C – Affordable Housing Supplementary Planning Document: Final Consultation Statement and Changed Circumstances (June 2021).

Appendix D - Affordable Housing Supplementary Planning Document: Screening Report for Strategic Environmental Assessment (June 2021) and Screening Report for Habitat Regulations Assessment (June 2021)

12. Author of the Report

David Sykes; e-mail: dsykes@cravendc.gov.uk or rparker@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



Affordable Housing Supplementary Planning Document

Presentation to Policy Committee 22 June 2021

PREFACE

This supplementary planning document adds further detail to those policies of the adopted Craven Local Plan which are key to the delivery of affordable housing. It cannot and does not introduce any new policy requirements, rather it provides additional guidance to help applicants understand how it is possible for proposed developments to satisfy existing plan policies. In particular, Part 2 of the SPD, explains how proposed developments can satisfy each individual criterion of Policy H2, the plan's primary policy on affordable housing. Part 3 of the SPD is designed to assist applicants in preparing planning applications for different types of housing development, emphasising the importance of early pre-application discussions with council planners and housing officers.

On 24 May 2021, the government's Housing Minister published an Affordable Housing Update Written Ministerial Statement on 'First Homes'. The policy in this statement comes into force on 28 June 2021, albeit does not apply to planning applications determined before 28 December 2021 (or potentially 28 March 2022).

The First Homes requirement cannot be incorporated in the SPD as First Homes do not form part of the Craven Local Plan Policy H2. However, the new national First Homes policy replaces the NPPF concept of entry-level exception sites with a new concept of 'First Homes Exception Sites', which is discussed within this SPD.

The operation of this new government policy, which will require 25% of major development sites affordable homes to be for eligible first time buyers, will run alongside the Craven Local Plan Policy H2. The government has advised that local planning authorities should consider how best it's new policy requirement should operate locally, with options to alter national standards to reflect local circumstances. The council is currently considering what work is necessary to do this and ensure that First Homes are affordable to those who live and work locally in Craven.

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PART ONE: CONTEXT

1.1.0 Introduction

1.1.1 The Town & Country Planning (Local Planning) (England) Regulations 2012 defines a supplementary planning document as a document within Regulation 5 of the Regulations which is not a local plan, an adopted policies map, or a statement of community involvement. Effectively, this means that a supplementary planning document (SPD) will be a document prepared by a local planning authority which contains statements regarding environmental, social, design, or economic objectives that are relevant to the attainment of the development and use of land which is already encouraged by the policies of the local plan, with the proviso that those statements must not be statements which are required to be made in a local plan. Development management policies which are intended to guide the determination of applications for planning permission are matters for a local plan, and new statements on those matters (including the imposition of additional requirements) cannot be included in a SPD. However, a SPD can reiterate existing local plan policies and can give additional guidance to explain both the objectives which the policies are seeking to achieve and how it may be possible for proposed developments to satisfy those policies. The glossary of the National Planning Policy Framework (NPPF) describes SPDs as

“Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.”

1.1.2 This SPD provides further guidance on the delivery of affordable housing in the Craven Local Plan area. In accordance with the above legal and NPPF definitions of SPD's, it adds further detail to help explain the objectives relating to the following policies of the Craven Local Plan (Nov 2019) and ways in which applicants can seek to show (both pre-application and as part of their application) that their proposals are able to satisfy these policies:

- Policy H1: Specialist housing for older people
- Policy H2: Affordable housing
- Policy SP4: Spatial strategy and housing growth.
- Policy ENV3: Good Design
- Policy SD1: Presumption in favour of sustainable development
- Policy SD2: Meeting the challenge of climate change.

The SPD also provides some background information on the practical arrangements the Council undertake for delivering the affordable housing to those in need after a decision has been made on a relevant planning application.

1.2.0 **Preparing, submitting and front loading of planning applications**

1.2.1 In accordance with Policy SD1 of the Craven Local Plan and paragraph 11 of the NPPF, the Council will take a proactive approach and will work cooperatively with people and organisations wishing to carry out development and applying for planning permission, to find solutions to secure sustainable development that meets the relevant plan policies and be approved wherever possible. Solutions to secure sustainable development for Craven, including contributing to the implementation of the Council's Climate Emergency Strategic Plan 2020 to 2030 through the policies of the local plan, and the efficient processing of planning applications, can be achieved through early pre-application engagement with the Council. This is called the process of 'front loading' and is strongly encouraged by the NPPF at paragraphs 39 to 46.

1.2.2 Part three of this SPD, 'Preparing and submitting planning applications' explains how this front loading can best take place in Craven. **Part three of the SPD is a useful starting point for potential applicants as it also provides signposting back to those policy criteria set out in part two which are relevant to the following types of residential development:**

- General housing:
 - Building on-site affordable housing
 - Making contributions for off-site affordable housing,
- Rural Exception Sites,
- Specialist Housing for Older People.
- First Homes exception sites (Written Ministerial Statement, 24 May 2021)

This part of the SPD also provides important information on the Council's validation requirements.

1.3.0 **Public consultation and adoption.**

1.3.1 This supplementary planning document has been the subject of two public consultations. Representations received during these consultations have informed this adopted document. As required by regulation 12(a) of the Town and Country (Local Planning) (England) Regulations 2012 a Consultation Statement has been prepared which sets out details of the consultations that have taken place and how those issues raised have been addressed in the supplementary planning document.

- 1.3.2 In accordance with the provisions of the Strategic Environmental Assessment (SEA) Directive and the Environmental Assessment of Plans and Programmes Regulations (2004) (Regulation 9(1)), the local authority must determine whether a SEA is required under Regulation 9(3) for a supplementary planning document. An SEA screening report has been published alongside this supplementary planning document and this concludes there is no need for a full SEA.
- 1.3.3 A Habitats Regulations Assessment (HRA) is required to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance (also known as Natura 2000 sites). The requirement for HRA is set out within the Habitats Directive 92/43/EEC, and transposed into British law by Regulation 102 of the Conservation of Habitats and Species Regulations, 2010. A screening report can determine if a full HRA is required (i.e. an Appropriate Assessment or further report, as necessary). A HRA screening report has been published alongside this supplementary planning document and concludes there is no need for a full HRA.
- 1.3.4 This document was adopted by the council on 3rd August 2021.

1.4.0 The Craven Local Plan and the National Planning Policy Framework

- 1.4.1 The Craven Local Plan (hereafter referred to as ‘the plan’) was adopted on 12 November 2019. Policy H2 on affordable housing sets out the local planning authority’s policy approach to the delivery of affordable housing in the Craven local plan area. Policy H2 has been evidenced by the Craven Strategic Housing Market Assessment (SHMA): 2017 and addendums, and the Craven Local Plan Viability Assessment (LPVA): 2017 and addendums.
- 1.4.2 This evidence concludes that there is a high level of need for affordable housing in the plan area and that the planned housing growth up to 2032 can contribute to the provision of affordable housing. Similarly, the evidence concludes that Use Class C3 residential accommodation for older people in the plan area can also make contributions to the need for affordable housing.
- 1.4.3 The preparation of the plan, and its examination, has been based on the provisions of the 2012 NPPF, and the accompanying planning practice guidance (PPG) and relevant ministerial statements up to mid-2018. Therefore, Policy H2 reflects these provisions and the Council’s SHMA has provided evidence for the types of affordable housing defined in the 2012 NPPF. Additional types of affordable housing are included in the 2019 NPPF. Both sets of definitions are set out in Appendix 1.
- 1.4.4 The 2019 NPPF and associated updates to the PPG retain the same main policy approach to the delivery of affordable housing as the 2012 NPPF. This

is the delivery of such housing through the contributions that can be made by general market housing sites. However, some of the details about what site sizes of general market housing should qualify for affordable housing contributions have changed. These NPPF site size thresholds were not the subject of public consultation during plan preparation, nor did they inform the plan's viability assessment. Therefore, the Council will continue to apply the site size thresholds in Policy H2 to development proposals.

- 1.4.5 The Council, as local planning authority, is required by law to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise. Applications for general market housing and specialist housing for older people will be assessed against Policy H2 of the plan. The NPPF and/or the PPG contain some policy and guidance that is different to the provisions of Policy H2 and the Council will also consider whether any relevant parts of the NPPF and/or PPG indicate a decision other than that in accordance with the plan.
- 1.4.6 The 2019 NPPF includes an additional method of delivering affordable housing which was not available in the 2012 NPPF. This delivery mechanism is called 'entry-level exception sites'. This policy concept has been replaced by 'First Homes exception sites' in a ministerial statement published on 24 May 2021. These types of sites are discussed in section 3.4.0 of the SPD.
- 1.4.7 The Craven Local Plan Viability Assessment (LPVA), whilst published prior to the 2019 NPPF and accompanying updates of the PPG, is consistent with the approach advocated by these national planning policy and practice documents.

PART TWO: CONFORMING WITH POLICY H2

(AND OTHER RELEVANT POLICIES OF THE CRAVEN LOCAL PLAN)

2.1.0 General market housing: (criterion a)

2.1.1 Criterion a) of Policy H2 requires proposals to provide on-site provision or off-site financial contributions for affordable housing as follows:

Proposed development	Plan area coverage	Affordable housing contribution
More than 10 dwellings	All	Not less than 30% of the units to be built on a greenfield site to be affordable housing
More than 1000 sqm*	All	Not less than 25% of the units to be built on a brownfield site/previously developed land to be affordable housing
6 to 10 dwellings of 1000sqm or less*	Designated rural areas**	A financial contribution the equivalent of not less than 30% on-site provision on greenfield sites . A financial contribution the equivalent of not less than 25% on-site provision on brownfield sites/previously developed land .
6 to 10 dwellings of 1000sq m or less*	Outside designated rural areas	No affordable housing contributions required
1 to 5 dwellings of 1000sq m or less*	All	No affordable housing contributions required

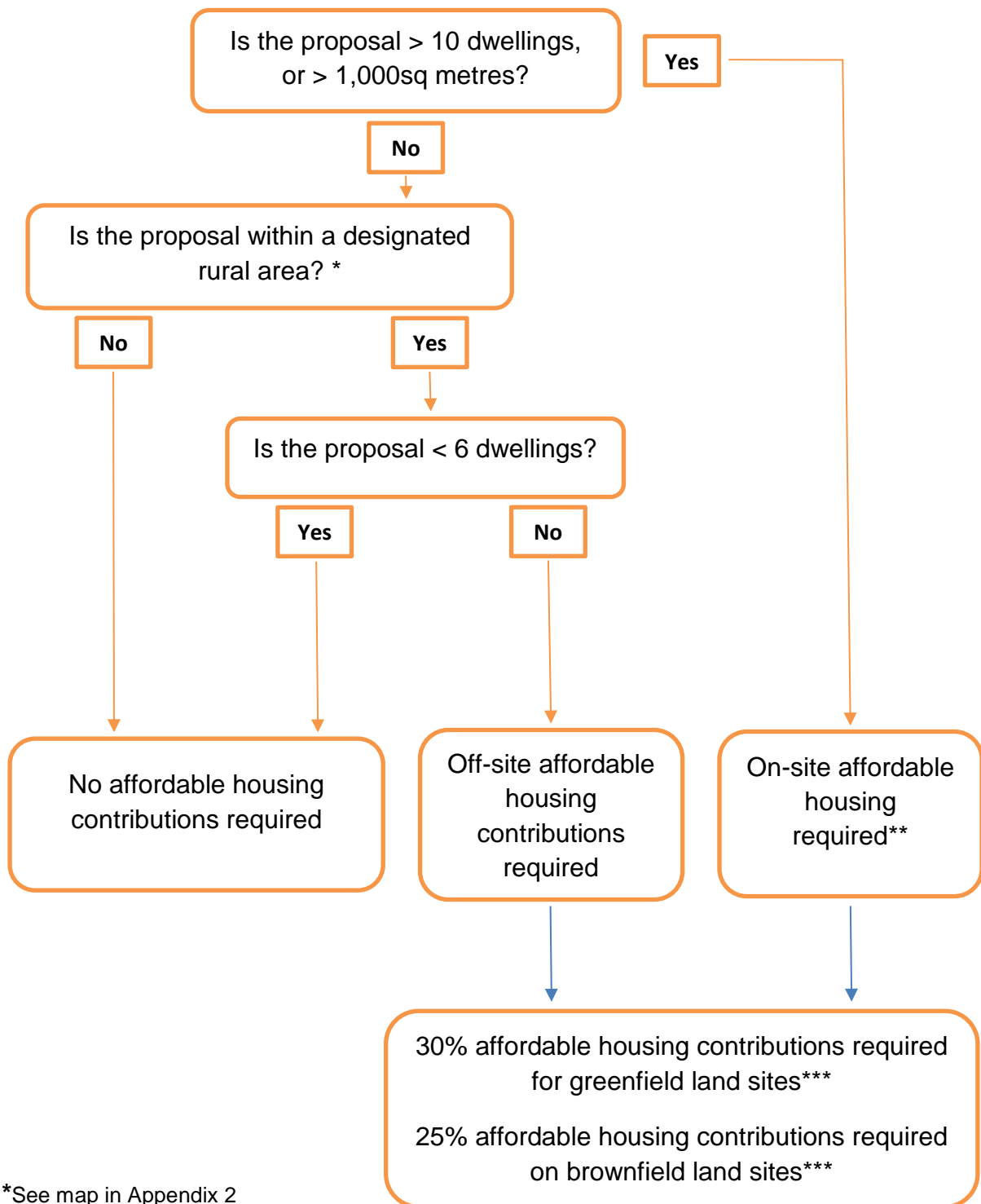
All contributions will be subject to vacant building credit, where appropriate. ***

*This is the combined gross floorspace (gross internal area), which is the floor area contained in all buildings (including garages etc.) measured to the internal face of external walls. Voids in buildings, such as roof-spaces without floors, are not included.

**See map in Appendix 2. Within the Craven plan area, designated rural areas are the Forest of Bowland Area of Outstanding Natural Beauty and the parishes of Bank Newton, Bentham, Bolton Abbey, Burton-in-Lonsdale, Clapham-cum-Newby, Coniston Cold, Embsay-with-Eastby, Gargrave, Giggleswick, Halton East, Hellifield, Ingleton, Langcliffe, Lawkland, Long Preston, Otterburn, Rathmell, Settle, Stirton-with-Thorlby, Thornton-in-Lonsdale and Wigglesworth. Please refer to Section 157 of the Housing Act 1985 and the Housing (Right to Buy) (Designated Rural Areas and Designated Region) (England) Order 1988.

*** This is a financial credit, equivalent to the existing gross floorspace of any vacant building brought back into lawful use or demolished for re-development, which will be deducted from the required affordable housing contribution. The credit will not apply to vacant buildings which have been abandoned. The purpose of the credit is to incentivise brownfield development on sites containing vacant buildings, in line with national policy.

2.1.2 A process flowchart is provided below which sets out when on-site or off-site affordable housing contributions will be required.



*See map in Appendix 2

**Unless there are clear advantages or overriding reasons for providing off-site contributions (Policy H2 criterion c) and Section 2.3.0 of this SPD)

*** Unless exceptional circumstances can be demonstrated (Policy H2 criterion d), Section 2.5.0 of this SPD) or vacant building credit applies.

2.2.0 Specialist housing for older people: (criterion b)

2.2.1 Criterion b) of Policy H2 expects proposals for Use Class C3 specialist housing for older people to provide for on-site provision or off-site financial contributions as follows:

Proposed development	Affordable housing contribution
Age Restricted/Sheltered Housing or similar (See paragraph 6.2 of the plan for a definition)	Not less than 30% of the units to be built on a greenfield site to be affordable housing or an equivalent financial contribution provided. Not less than 25% of the units to be built on a brownfield site/previously developed land to be affordable housing or an equivalent financial contribution provided. (See criterion c below regarding financial contributions)
Assisted Living/Extra Care Housing or similar. (See paragraph 6.2 of the plan for a definition)	Not less than 12% of the units to be built on a greenfield site to be affordable housing or an equivalent financial contribution provided. Not less than 7% of the units to be built on a brownfield site/previously developed land to be for affordable housing or an equivalent financial contribution provided. (See criterion c below regarding financial contributions)

2.2.2 Appendix 3 sets out the characteristics of a specialist housing scheme for older people which will be used by the planning authority to establish whether such a scheme is a Use Class C3 (residential development) or C2 (institutional use).

2.3.0 On site/off site contributions (criterion c)

2.3.1 For general market housing across the whole plan area on sites of 11 dwellings or more, and those proposals of more than 1,000 sq metres regardless of the number of dwellings, Policy H2 expects affordable housing to be provided on-site. For this size of site/proposal, off-site contributions will only be supported by the Council when the tests within criterion c of this policy are met. These tests reflect the approach previously set out in the NPPF and also the tests set out in the 2019 NPPF (Paragraph 62). Conversely, if a proposer of a site where off-site contributions should be payable prefers to

provide affordable housing on-site the Council would usually support this preference.

2.3.2 This means that, as set out in criterion (c) of Policy H2, any applicant seeking off-site contributions in lieu of the policy requirements for on-site provision should demonstrate as part of the pre-application procedures set out in Section 3.1.0 of this SPD that:

- There are clear advantages or overriding reasons for doing so, and
- Off-site contribution is preferable to on-site provision in terms of achieving housing and planning objectives, and
- Off-site contribution contributes to the objective of creating mixed and balanced communities.

For convenience these bullet points are referred to as sub-criteria a, b, and c in the guidance in Section 2.4.0 below.

2.3.3 There may also be situations where the above tests are passed and the Council would prefer, off-site contributions rather than on-site provision. For example, a development of flats or apartments could be unduly problematic for Registered Providers, especially if service charges threaten to make units unaffordable or if the building's freehold cannot be obtained. Off-site contributions for age restricted housing, including extra care, may also be preferable for similar reasons. In such cases the Council would seek to negotiate an off-site contribution as a better solution to on-site provision.

2.3.4 Any cash sum contributions obtained will be used to secure off-site provision to help meet the plan area's affordable housing needs.

2.4.0 Calculation and payment of financial off site contributions (criterion c; sub-criteria a, b, and c)

2.4.1 Where off-site financial contributions are required by sub-criteria a) or b), or acceptable under sub-criterion c) of criterion (c) of Policy H2, paragraph 6.20 of the plan's supporting text provides an overview of how the Council will calculate the appropriate level of cash payment.

2.4.2 In summary, paragraph 6.20 of the plan states that:

- the basis of the calculation of financial contributions will be the difference between affordable housing transfer value (per sqm) and open market value (per sqm) for 70sqm two bedroom houses assuming they are available on the same site. If not, regard will be had second hand market sales of broadly equivalent property type and size in the locality.
- on flatted schemes, the commuted sum will be based on the affordable housing transfer values for similar units.

- the market value of dwellings will be determined having regard to the asking price and/or any sales where contracts have been exchanged, along with any market sales, in the locality. *
- the value of affordable housing will be determined by the Council's latest published transfer prices (This is the price the registered provider will pay to a developer for affordable units in Craven, both for sale and rent – see below).

(* The definition of 'market value' by the Royal Institute of Chartered Surveyors (RICS) is set out in its 'Global Standards' valuation guide (Red Book) and this definition was effective from 31 January 2020.)

2.4.3 The justification for using transfer values in calculating off-site provision has been accepted by the Craven Local Plan Examination Inspector and is provided in the Craven Local Plan Examination Document Ec001 (2017). This document outlines the consultation the Council undertook with its partner registered providers and the Home and Communities Agency (now Homes England) in setting the transfer price. It confirms that the HCA supports the approach, which “.... ensures that Registered Providers can access homes to meet local housing need and create mixed sustainable communities in high value areas....”

2.4.4 The Council's current transfer price was established in 2017 and is set at £1,000 per square metre across the plan area (excluding communal areas in flatted developments). This will be reviewed at an appropriate time when relevant updated data is available. Registered Providers (RP) developing in Craven have agreed an appropriate specification to accompany transfer prices. This is set out in appendix 9 to this SPD.

2.4.5 An illustration based on a **6 dwelling proposal in a designated rural area** is given below:

<ul style="list-style-type: none"> • The Council's 30% affordable housing requirement would equate to 1.8 affordable dwellings 	30% of 6 dwellings = 1.8 affordable dwellings
<ul style="list-style-type: none"> • Evidence indicates a need for two-bedroom houses (at 70sqm each) to suit newly forming households 	1.8 x two bed (70sqm) = 126 sqm
<ul style="list-style-type: none"> • The total affordable housing value, based on a transfer price of £1,000sqm, would be £126,000 	Affordable housing value = 126 sqm x 1,000 = £126,000
<ul style="list-style-type: none"> • If similar two bedroomed houses are up for sale on site, their 	Market value of a 70sqm two bed = say £200,000

<p>asking price or sale contract price can be used to establish a comparable market value.</p> <ul style="list-style-type: none"> If there are no equivalent 2 bed homes on site, the market value will be determined by reference to recent second hand market sales in the locality 	<p>Market value of 1.8 x two bed = £360,000</p>
<ul style="list-style-type: none"> The commuted (cash) sum due is the difference between market and affordable values 	<p>Cash sum due = £360,000 - £126,000 = £234,000</p>

2.4.6 For development of between 6 and 10 dwellings in designated rural areas - to help small developers manage their cash flow and in accordance with the PPG - staged payments will be accepted and the first payment won't be required until 30% of dwellings (to the nearest dwelling) are occupied (i.e. when money is coming in).

2.4.7 Alternatively, and in response to landowners' requests, the Council may agree to a calculation and payment of the cash sum contribution before development commences on site. This may be helpful where land is to be marketed with planning permission. In such cases, market value will need to be based on alternative valuations, rather than asking or sale contract prices.

2.5.0 Site Viability Assessments and Exceptional Circumstances (criterion d)

2.5.1 This criterion indicates that development proposals seeking to provide a lower level of affordable housing contribution than those percentages given in criteria a) and b), either on or off site, will not be acceptable unless it can be clearly demonstrated that exceptional circumstances exist which justify a reduced affordable housing contribution.

2.5.2 The Craven Local Plan Examination Inspector's Report (IR) (Paragraph 157) was clear that although the phrase 'exceptional circumstances' is not used in the 2012 NPPF, the Council's thorough testing of the viability of development justified the policy's use of this phrase.

2.5.3 Paragraph 6.18 of the plan, the supporting text to Policy H2, provides two examples of exceptional circumstances which could allow a lower than policy level of affordable housing to be granted planning permission.

2.5.4 The wording of the plan's paragraph 6.18 is repeated here and more detail about the type of factors that might constitute these circumstances is given in paragraph's 2.5.5 to 2.5.9 below:

- unusual and wholly unexpected/unforeseen development costs which affect scheme viability, or
- where there is a clear need to meet other planning objectives, such as the restoration of heritage assets.

Wholly unexpected/unforeseen development costs

2.5.5 All *foreseeable* development costs (normal and abnormal) associated with individual developments should have been taken into consideration between the landowner and the developer in determining the site's land value (Paragraph 6.17 of the plan) *. The more expensive a site is to develop, e.g. due to topography, contamination, remediation etc, the less the developer should pay for the land compared to land with lower development costs *. Similarly, a landowner should not expect to receive the same land value for a site with apparent abnormal costs (e.g. contaminated or sloping sites) compared to land with lower development costs (e.g. a greenfield level site with no contamination) *. The plan's clearly expressed requirements for affordable housing and other planning obligations, mean that these costs can be accurately accounted for in the price paid for land by the developer. This is set out in PPG Paragraph 001 Ref ID: 10-001-20190509.

*The above approach is supported by paragraph 014 Ref: ID: 10-014-20190509 of the PPG and paragraph 4.57 of the Local Plan Viability Assessment 2017. The former states that "Benchmark land value should:

- Be based upon existing land value
- Allow for a premium to landowners (excluding equity resulting from those building their own homes)
- Reflect the implications of abnormal costs; site specific infrastructure costs and professional site fees.
....."

The latter states that

"It is important to note that the TLV's contained herein are for 'high-level' plan viability purposes and the appraisals should be read in the context of the TLV sensitivity table (contained within the appraisals). It is important to emphasise that the adoption of a particular TLV £ in the base-case appraisal typologies in no way implies that this figure can be used by applicants to negotiate site specific planning applications. Where sites have obvious abnormal costs (e.g. retaining walls for sloping sites) these costs should be deducted from the value of the land." TLV is Threshold Land Value which equates to Benchmark land value."

- 2.5.6 The Council will expect applicants to demonstrate that they have used the above approach to agree an appropriate price for the land. In doing so it is expected that the majority of residential developments coming forward in Craven will be policy compliant. All planning applications that comply with the plan's planning obligations will be assumed to be viable (paragraph 57 of the NPPF).
- 2.5.7 On the relatively few occasions when a site specific viability assessment is necessary, the onus falls to the applicant to show that the development will not be viable and that unusual and wholly unexpected/unforeseen development costs have occurred which cannot be reasonably be reflected in the price paid for the land, thereby making the scheme unable to provide for all the planning obligations set out in the plan. For the avoidance of doubt, this would not extend to development costs which are apparent from non-invasive surveys, desk based research and due diligence/follow up site investigations. For example, if contamination is evident from these surveys, research and follow up site investigations this should be reflected in the land value/land acquisition contract.
- 2.5.8 The above approach is consistent with the approach set out in criterion (d) of Policy H2 and with the 2019 NPPF and accompanying PPG.

Meeting other planning objectives

- 2.5.9 Very occasionally, proposals for residential development may be a catalyst for the restoration of heritage assets or for the provision of much needed community facilities, including sport and recreation not directly related to the development. If the costs and/or constraints of securing these planning benefits are considered by the applicant to affect the ability of the scheme to meet the plan's policy requirements for affordable housing, then a site-specific viability assessment should be submitted along with the planning application. The preparation of this assessment should be in accordance with the procedures set out in Part 3 and Appendix 4 of the SPD. If, following an independent review of this assessment, the Council considers there are exceptional circumstances to justify a reduction in the affordable housing contributions, Policy H2 allows for this to take place.

Planning Practice Guidance (PPG)

- 2.5.10 The PPG, at Paragraph 007 Ref ID: 10-007-20190509, provides some other examples of circumstances, where it envisages viability assessment might be necessary in decision taking. These are where:

- development is proposed on unallocated sites of a wholly different type to those used in the viability assessment that informed the plan; or
- further information on infrastructure or site costs is required; or
- particular types of development are proposed which may significantly vary from standard models of development for sale (build to rent or housing for older people); or
- a recession or similar significant economic changes have occurred since the plan was brought into force.

2.5.11 Paragraph 57 of the NPPF states that:

“..... It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.....”

In seeking to demonstrate that one of the examples given in the PPG was a circumstance which justified a site viability assessment, applicants should take account of the following approach which the Council considers appropriate in the light of the evidence which supports Policy H2 of the plan, and the provisions of Policy SP4:

PPG: Unallocated sites

2.5.12 Policy SP4 of the Craven Local Plan (Criteria H, I, J and K) provide the development plan’s spatial approach to determining proposals for housing on unallocated land.

2.5.13 The Local Plan Viability Assessment (LPVA) assessed a wide range of site and scheme typologies and these were considered to reflect the types of sites which would come forward on the plan’s housing land allocations and those that could come forward on unallocated land within the terms of Policy SP4. Hence, the majority of housing proposals coming forward on unallocated land should be viable and not require site –specific viability assessment. In all cases of housing proposals on unallocated land, the Council expects the developer to carry out its own scheme design and appraisal and to agree the policy compliant residual land value with the landowner. This should be at a land purchase price which reflects all the costs of policy compliance.

2.5.14 As stated in the PPG, the trigger for site viability assessment would have to be a wholly different type of housing proposal compared to that assessed in the LPVA. Where this is the case, it is up to the applicant to demonstrate how their site differs from the plan’s assessment and why this difference cannot be taken into consideration in the price of the land. It is highly

unlikely that traditional housing developments proposed will be a wholly different type to that envisaged and assessed in the LPVA.

PPG: When further development cost information is likely to be needed

- 2.5.15 Paragraph 2.5.5 to 2.5.8 of this SPD provides guidance on when development site costs might represent the exceptional circumstances which justify a site viability appraisal. As set out in these paragraphs the Council expects developers to take into consideration *foreseeable* development costs when negotiating for land purchase. For example, the demolition and site clearance of a redundant building, the decontamination of petrol tanks etc.
- 2.5.16 The Council recognises that there may be circumstances where further information is required at the time of the planning application. For example, a utilities quote, intrusive ground investigation report etc.
- 2.5.17 In such circumstances, it will be up to the applicant to demonstrate that their original land bid makes appropriate allowances/contingencies for these costs, and if there are additional unforeseen costs how and why this difference cannot be taken into account in the price of the land. For example, the developer could negotiate overage or underage payments with the landowner based on the actual outturn costs of certain cost elements as the scheme progresses.

PPG: Particular types of development at variance with the LPVA.

- 2.5.18 The LPVA assessed a wide range of site and scheme typologies. However, there are many types of housing development and there may be particular types proposed which significantly vary from the standard types/models tested in the LPVA. Only where there is a *significant* variation from the type of development proposed compared to the LPVA typology will a site-specific viability assessment be necessary.
- 2.5.19 As well as appraising typologies of general market housing, the LPVA appraised the viability of two types of housing for older people and the Council has a specific affordable housing policy target for these types of housing. The LPVA did not appraise the viability of build to rent typologies and this would be a particular type of development where a developer may require a viability assessment at the decision-making stage. Any affordable housing for rent in such build to rent schemes should conform to the relevant conditions set out in the definition of 'affordable housing for rent' in Annex 2, the glossary of the NPPF.

PPG: Significant economic changes

2.5.20 The Council's role is not to under-write developers from the normal/foreseeable market cycles. Developers must seek their own advice and acquire sites based on appropriate profit margins and contingencies etc which will enable them to continue in anything other than a significant recession or economic change (e.g. the 2007/8 financial crisis). It is too early to tell whether the economic and social consequences of the Covid-19 pandemic will produce significant economic changes for the development sector but the Council will keep this issue under review as part of its regular monitoring and review of the plan's policies.

Content and review of viability appraisals

2.5.21 Where site-specific viability assessments are necessary (see paragraphs 2.5.5 to 2.5.20 above) and a robust justification for not meeting policy requirements has been provided, it is recommended that they should contain the information set out in Appendix 4. The information in the appendix is based on the guidance set out in the PPG and the approach used in the Local Plan Viability Assessment. Following confirmation that the costs of any assessment required will be met by the applicant, the Council will instruct a suitably qualified independent viability assessor to review the applicant's site-specific appraisal. (See part three of this SPD regarding the preparation and submission of planning applications)

2.5.22 If the Council is satisfied that exceptional circumstances exist to allow a lower than policy requirement for affordable housing, in accordance with criterion d) of Policy H2, the provision of affordable housing should be set at the maximum level which is viable. This is also stated at paragraph 6.18 of the plan.

2.5.23 Depending upon the recommendations of the independent assessor (including sensitivity analysis provided), the Council may consider, as a means of maximising affordable housing provision, whether overage mechanisms and/or phase-by-phase viability reviews would be warranted as is recommended by PPG Paragraph: 009 Reference ID: 10-009-20190509.

Transparency of viability appraisals

2.5.24 Developers will be expected to conduct financial appraisals and negotiations with the Council on a transparent and 'open book' basis (as set out in criterion d) of policy H2. In accordance with the PPG (paragraph 010 Ref ID: 10-010-20180724), any viability assessment should be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data

available for future assessment as well as provide more accountability regarding how viability informs decision making.

- 2.5.25 PPG (paragraph:021 Ref ID: 10-021-20190509), states that any viability assessment should be prepared on the basis that it will be made publicly available. Information used in a viability assessment is not usually specific to that developer and thereby need not contain commercially sensitive data. In circumstances where it is deemed that specific details of an assessment are commercially sensitive, the information should be aggregated in published viability assessments and executive summaries, and included as part of total costs figures.
- 2.5.26 Where an exemption from publication is sought, the planning authority will want to be satisfied that the information to be excluded is commercially sensitive. This might include information relating to negotiations, such as ongoing negotiations over land purchase, and information relating to compensation that may be due to individuals, e.g. the right to light compensation. The aggregated information should be clearly set out to the satisfaction of the Council.
- 2.5.27 The Council will expect an executive summary prepared in accordance with the data format published from time to time by government including the gross development value; benchmark land value and landowner premium, costs, return to developer and the proposed developer contributions.
- 2.5.28 At the Council's discretion it may publish redacted viability assessments. Any decisions to publish a viability assessment or decline to do so – albeit redacted – would be in accordance with the provisions of the Environmental Information Regulations 2004. However, this decision can be challenged, with the possibility of a complaint to the Information Commissioner or ultimately the relevant Information Tribunal. While the Council will consult the relevant developer if a request to publish previously unpublished information is made, due to the challenge system that is available, the Council may not be able to maintain a decision to refuse to publish certain information in any individual viability assessment.

2.6.0 Vacant building credit (criterion d)

2.6.1 The latter part of this criterion states that:

“.....The local planning authority will apply vacant building credit in all appropriate circumstances, in accordance with the NPPF and PPG and will reduce on-site and/or financial contributions accordingly.”

2.6.2 In March 2019, the PPG was updated in regard to vacant building credit.

2.6.3 Paragraph 026 Ref ID: 23b-026-20190315 of the PPG states that:

“National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

2.6.4 Paragraph: 027 Reference ID: 23b-027-20190315 states:

“Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A ‘credit’ should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.”

2.6.5 Paragraph: 028 Reference ID: 23b-028-20190315 states:

“The vacant building credit applies where the building has not been abandoned.

The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:

- the condition of the property*
- the period of non-use*
- whether there is an intervening use; and*
- any evidence regarding the owner’s intention*

Each case is a matter for the collecting authority to judge.

The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.

In doing so, it may be appropriate for authorities to consider:

- *whether the building has been made vacant for the sole purposes of re-development*
- *whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development”*

2.6.6 An illustration of how the Council will calculate vacant building credit is given below for a 12 dwelling proposal.

Here is an illustration based on a 12 dwelling development, on a brownfield site with an existing vacant building of 330sqm gross floorspace:

- Proposed gross floorspace = 990 sqm
- Existing gross floorspace = 330sqm (33% of the proposed gross floorspace)
- Vacant building credit = 33% reduction in affordable housing contribution
- Usual affordable housing contribution = 3 dwellings (25% of 12 dwellings)
- Contribution with 33% vacant building credit = 2 dwellings (3 – 1)
- On-site affordable housing contribution = 2 houses to be built and sold at the relevant transfer price (see section 7.0 of this SPD)

2.6.7 For developments of 6 to 10 dwellings in designated rural areas or in other cases where a commuted sum is sought, the existing gross floorspace in any vacant buildings will be deducted before the commuted sum payment is calculated.

Here is an illustration based on a 6 dwelling development, on a brownfield site with existing vacant buildings of 325sqm gross floorspace in the designated rural area.

- Proposed gross floorspace = 500sqm
- Existing gross floorspace = 325sqm (65% of the proposed gross floorspace)
- Vacant building credit = 65% reduction in the affordable housing contribution
- Usual affordable housing contribution = 1.5 dwellings (25% of 6 dwellings)
- Contribution with 65% vacant building credit = 0.525 dwellings (1.5 – 0.975)
- Affordable housing value = 70 (sqm) x 1,000 (£/sq m) = £70,000
- Market value (asking/contract price for a 70sqm two bed house on site) = £200,000

- Cash sum due = £200,000 (market value) minus £70,000 (affordable value) x 0.525 = £36,750

2.7.0 Other affordable housing provision (criterion e)

2.7.1 This Policy H2 criterion sets out three other ways that affordable housing might be provided.

2.7.2 These are through the Council's support for:

- registered providers bringing forward developments of 100% affordable housing within the main built up areas of the plan areas most sustainable settlements in accordance with the plan's Policy SP4
- the development of rural exception sites outside the main built up area of these settlements, and
- registered providers repairing, altering and improving the existing affordable housing stock and the re-use of empty homes.

2.7.3 A written ministerial statement on 24 May 2021 has replaced the NPPF concept on entry-level exception sites with a new concept of 'First Homes exception sites' These types of sites are discussed at section 3.4.0 of the SPD.

2.8.0 Size, Type and Tenure of Affordable Homes (criterion f)

2.8.1 As stated in criterion f) of Policy H2, the size, type and tenure of affordable units will be expected to reflect the most up to date evidence of affordable housing needs, from the Council's latest Strategic Housing Market Assessment and any other robust and up to date evidence of local housing need.

2.8.2 At the time of the publication of this SPD, the Council's evidence on local housing need (2017 SHMA and addenda) is largely based on the 2012 NPPF definitions of affordable housing. Hence this policy and the evidence behind it is based on these definitions. They are included in Appendix 1.

2.8.3 The current NPPF (2019) sets out some additional types of housing that are now defined as affordable. These definitions are also set out in Appendix 1. Applicants may wish to propose some of the affordable housing defined in 2019 NPPF within their schemes. Under these circumstances, the Council will treat the NPPF's support for such housing as a material consideration. However, when determining an appropriate split in affordable housing size, type and tenure, the Council will always have regard to the most up to date evidence on the relative level of these needs. To be in accordance with Policy H2, affordable housing proposals must be genuinely affordable to local

people on local incomes. Otherwise it will not meet the local need for affordable housing.

- 2.8.4 Currently, the SHMA (2017) indicates that an appropriate split on tenure would be achieving between 15% and 25% affordable housing for sale (previously referred to as intermediate housing), and between 75% and 85% affordable housing for rent. The SHMA also indicates that a high proportion of 1/2/3 bedroom affordable homes should be provided for newly forming and growing households.
- 2.8.5 Other evidence could include that provided on the Council's housing register. The Council's Strategic Housing Team will advise developers of any other appropriate evidence which points to variations to the plan wide SHMA evidence. (See paragraphs 2.11.8 and 2.11.9 and Appendix 8 of the SPD for information on the level of detail on size, type and tenure required to be submitted as part of relevant planning applications and agreed in advance of submission). Para 2.11.5 of this SPD relates to providing for the needs of disabled people in dwellings and addresses how the type of affordable housing to reflect the most up to date evidence of need, as required by policy H2(f) can include design matters embraced by policy ENV3(i), which requires that reasonable provision is made to ensure buildings and spaces are accessible.

2.9.0 The Sub-Division of Large Sites (criterion g)

- 2.9.1 Affordable housing contributions will be sought from phased developments or developments that come forward in a piecemeal fashion, where the total combined development site exceeds the relevant threshold. This may mean that an initial proposal for a small part of a site may fall below the threshold and, if viewed in isolation, would have been exempt from affordable housing contributions. However, if the remainder of the site comes forward or is considered likely to come forward and the affordable housing threshold is exceeded, contributions will be sought from the whole development, including initial and subsequent phases. The Council will look with care at proposals which appear to be formulated to avoid affordable housing thresholds and will seek affordable housing whenever the 'holistic' development exceeds the relevant threshold, either at the time the initial phase is considered, or subsequently, as appropriate to the circumstances of the case. This is something that applicants need to be aware of and need to anticipate in formulating their proposals.

2.10.0 Planning obligations (criterion h).

- 2.10.1 Criterion h) of Policy H2 sets out that the provision of affordable housing will be secured via a planning obligation (section 106 agreement). The obligation will seek to ensure that affordable dwellings are maintained in perpetuity for

households in affordable housing need or that the affordable housing subsidy is recycled. Appendix 10 provides examples of the clauses the council has used in Section 106 agreements to appropriately control matters contained in this SPD. For guidance on front loading the resolution of the content of such agreements see part three of the SPD on 'Preparing and submitting a planning application'.

Registered Providers (RPs)

- 2.10.2 When affordable housing is proposed on-site, criterion (h) of Policy H2 expects developers to demonstrate how the affordable housing will be made available to eligible occupiers, in perpetuity, or the subsidy recycled. Registered Providers (RPs) are usually the preferred agencies to achieve this, because the Council is satisfied that they will deliver their affordable housing management obligations efficiently and effectively, and will work with the Council to meet shared objectives for sustainable communities. Moreover, only RPs can deliver affordable or social rented housing. On occasion, the Council as an RP may deliver affordable homes itself. However, as well as RPs there are other affordable housing providers who may operate under equivalent arrangements or, more often, may specialise in offering innovative intermediate tenure products.
- 2.10.3 The Council currently works with preferred partner RPs for the management and delivery of all new affordable housing developments in the district and regularly engages with them and monitors their performance. In Craven, a panel of RPs, (which includes the Council) will be used to match one partner RP to each development for the transfer of affordable housing at approved prices. This will ensure an even spread of opportunity between partners, whilst having regard to stockholdings and financial capacity. Developers should contact the Council's Strategic Housing Team to discuss the most appropriate RP partner or other affordable housing providers operating under equivalent arrangements for their development.
(jkerfoot@cravenc.gov.uk)

Local connection priorities

- 2.10.4 Policy H2 ensures that affordable housing, once provided, is occupied by those in affordable housing need in perpetuity (or any subsidy is recycled) but it does not go into detail on how individual occupiers are to be identified. Paragraph 6.3 of the plan states that the provision of affordable housing for local needs is an important objective of the plan, but does not provide detail on how local needs should be identified. It does indicate that this SPD will be produced to set out in more detail how Policy H2 will operate and be administered. The prioritisation of certain groups of people, who cannot afford market housing, to be housed in newly provided affordable rented accommodation has been common practice by local planning authorities for many years. Local connections criteria help people with existing ties to an

area – through residency (including past residency), close family residency or employment – to secure the affordable housing they need. It is a matter of practice rather than policy which helps to secure that the social objectives of affordable housing policy in terms of meeting local needs are achieved once that housing has been provided. Hence, whilst not detailed in Policy H2 itself, it is appropriate to explain this practice here to assist RPs and others to understand the Council’s approach.

2.10.5 The connection priorities and criteria set out below only apply to affordable rented accommodation. These priorities are set by the sub-regional partnership North Yorkshire Home Choice. Local connection cannot currently apply to affordable sale housing that is grant funded.

2.10.6 An applicant for affordable rented housing shall be considered to have a local connection if he/she:

- currently lives in the ward/sub area/District (as appropriate – see below) and has been resident for at least 6 out of the last 12 months; or
- has lived in the ward/sub area/District (as appropriate – see below) for at least 3 years out of the last 5 years; or
- is employed in the ward/sub area/District (as appropriate – see below). Employment is defined as meaningful permanent full or part time and not casual or seasonal
- has a close family member residing in the ward/sub area/District (as appropriate – see below) that has done so for the last 5 years (close family members are mother, father, adult son or daughter, adult brother or sister); or
- is a current or former member of the armed forces as defined by ‘The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012

First priority: by ward

2.10.7 In the first instance, affordable rented homes should be offered to eligible occupiers with a connection to the ward in which the affordable home is located. Skipton comprises four wards, all of which have equal priority.

Second priority: by sub-area

2.10.8 If there are no eligible occupiers with a connection to the ward, RPs should then offer affordable homes to those with a connection to the wider sub-area. There are three sub-areas in the plan area.

- The north sub-area includes the parishes of Bentham, Ingleton, Burton-in-Lonsdale, Thornton-in-Lonsdale, Clapham-cum-Newby and Lawkland.
- The mid sub-area includes the parishes of Giggleswick, Langcliffe, Rathmell, Settle, Wigglesworth, Long Preston, Halton West and Hellifield.

- The south sub-area includes the parishes of Otterburn, Coniston Cold, Bank Newton, Gargrave, Martons Both, Broughton, Stirton-with-Thorlby, Embsay-with-Eastby, Halton East, Draughton, Bolton Abbey, Thornton-in-Craven, Elslack, Carleton, Skipton, Lothersdale, Cononley, Bradleys Both, Cowling, Glusburn & Cross Hills, Farnhill, Kildwick and Sutton-in-Craven.

Third priority: by district

- 2.10.9 In the event that there are no eligible occupiers with a connection to the sub-area, RPs should first seek the written consent of the Council's Strategic Housing (SH) Team before offering affordable rented homes to those with a connection to the district.

Fourth Priority: default

- 2.10.10 With the prior written consent of the SH Team, the default method for offering affordable rented housing to eligible occupiers is the bidding system that operates within the North Yorkshire Home Choice area. See <https://www.northyorkshirehomechoice.org.uk/>

Management charges

- 2.10.11 To ensure that affordable housing is genuinely affordable as expected by criterion (h) of Policy H2 - where estate management charges apply to affordable homes provided on-site the Council will want to be satisfied that the charges are not disproportionate. One way of achieving this would be that they are apportioned fairly between all the dwellings on-site based on their relative size. The management charges applicable to all dwellings could be apportioned as follows:

- 2.10.12 All estate management charges are to be apportioned between the affordable and market dwellings based on the combined gross internal floor space of each tenure, such that the contribution made by the affordable homes is as follows:

$A/B \times C$ = Management Company Contribution applicable to the affordable homes

Where

A = Gross internal floor space of all affordable dwellings in square metres

B = Total gross internal floor space of all dwellings in square metres

C= Total management fee.

- 2.10.13 The Council will also consider any alternative arrangements which achieve the same outcome of not imposing a disproportionate burden on occupiers of affordable housing.

2.11.0 Design, distribution and construction of affordable housing (Policy ENV3, SD1 and SD2, and ENV1, 2, 4 to 9)

2.11.1 The Council is committed to securing good design, including sustainable design and construction, in all development proposals through Policy ENV3 of the plan. Policy SD1 of the plan seeks to contribute to the achievement of sustainable development. Policy SD2 supports the move to a low carbon future and the Craven Climate Emergency Strategic Plan 2020 to 2030 (January 2020) provides the latest position of the Council on meeting the challenge of climate change. (See paragraphs 2.11.10 to 2.11.12 below for more details). Policies ENV1, 2, 4 to 9 of the plan set out the council's approach to assessing new development against other design issues. Respectively these policies ensure that, where relevant, proposals take account of the countryside and landscape; heritage; biodiversity; green infrastructure; flood risk; land and air quality; water resources, water quality and groundwater: and renewable energy.

Design and space standards

2.11.2 The principles of good design set out in Policy ENV3 apply equally to both affordable housing and market housing. As such, and in order to ensure inclusive and integrated communities, affordable homes should be indistinguishable in design, character and appearance from market housing. For example, affordable housing in terraces or flats is not likely to be acceptable unless there are terraces and flats for market housing on the same site, and in the same proportion. In addition, partner RPs are able to provide details of their own specifications, which form part of their contracts with developers. It is important that developers discuss with the Council and the selected RP details of both internal and external design and space standards as early as possible in the planning process. Making affordable housing indistinguishable from market housing and in accordance with the RP specifications will contribute positively to sustainable development.

2.11.3 As a starting point, it would be sensible for the space standards of affordable housing to be the standards used in the Local Plan Viability Assessment (LPVA), since the LPVA showed that the affordable housing based on those standards could be viably delivered in most cases.

These are as follows:

No. of beds	House size	Flat size
1	60sqm	57sqm
2	70sqm	65sqm
3	85sqm	-
4	100sqm	-

2.11.4 The Government has published nationally described space standards as set out below. These standards provide more detail on different types of housing sizes than the LPVA standards. They also include areas for storage. Therefore, where relevant, developers are strongly encouraged to consider providing these internal floor and storage areas in their schemes in the interests of delivering sustainable development, high quality design, satisfactory amenity and making affordable housing indistinguishable from market housing. The council will apply policies SD1 and ENV3 of the Craven Local Plan to secure sustainable development, good design and appropriate levels of amenity for occupants (ENV3 e) and f)). Those National Described Space Standards (NDSS) promoted by the council are set out below:

Minimum gross internal floor areas and storage (sq m): NDSS

Nos of bedrooms (b)	Nos of bedspaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built in storage
1b	2p	50	58	n/a	1.5
2b	4p	70	79	n/a	2
3b	5p	86	93	99	2.5
	6p	95	102	108	2.5
4b	5p	90	97	103	3
	6p	99	106	112	3
	7p	108	115	121	3
	8p	117	124	130	3

2.11.5 Applicants should also take account of the Government's National Design Guide (October 2019) in designing their housing proposals. Conformity with this National Design Guide will be a material consideration in the consideration of planning applications for residential development. Significant departures from this design guide may not represent sustainable development. The Council is preparing a supplementary planning document on Good Design to support Policies ENV1 to ENV3 and SD2. When adopted this will be an important material consideration in determining planning applications for relevant development, including housing. Making provision for the needs of disabled people in dwellings is highlighted in the plan's policy ENV3 i). Building regulations 2010, (as amended) Part M4(2) and M4(3) provide design specifications for accessible and adaptable dwellings and for wheelchair users. These are optional requirements in the building regulations and were unable to be incorporated as requirements of the Craven Local Plan. (The NPPF upon which the plan was based did not include such a policy option for local plans). Nevertheless, policy H2 (f) provides that the size, type and tenure of affordable units in development proposals will be expected to

reflect the most up to date evidence of affordable housing needs. Further, through policy ENV 3 i), the plan requires reasonable provision to be made to ensure that buildings and spaces are accessible and useable to all individuals, including those with disabilities. All Part M of the Building Regulations relate to this provision. The council's forthcoming SPD on Good Design will set out examples of what 'reasonable provision' for people with disability could be in both market and affordable housing. Suffice to say in this SPD on affordable housing: - where local evidence has identified an affordable housing need for a disabled person/household in the local area from the council's housing register or another robust source at the time of the planning application, the council will apply Policies H2 (f) and ENV3 (i) in combination to seek reasonable provision to meet that need in new development proposals and accommodation that can also be adaptable for future needs.

2.11.6 The National Design Guide expects all new homes to enhance the quality of life for their occupants and for them to be efficient and cost effective to run. They should provide a good standard and quality of internal space. Where flats are provided they should have balconies with a pleasant aspect and private or communal areas for clothes drying and bin storage as well as having amenity value.

Distribution of affordable homes

2.11.7 The nature and size of a proposed development will influence the distribution of affordable units within the site. However, in the interests of securing sustainable development in accordance with Policy SD1 of the plan and the NPPF, developers should provide a good spread of affordable units across a scheme rather than this type of housing being concentrated into distinct areas. This will avoid segregation in the form of clusters of affordable housing, and promote integrated and sustainable communities in accordance with the plan's objective 1 (PO1). This objective seeks to "Achieve patterns of development supported by adequate and appropriate infrastructure which:

- Make best use of available resources
- Promote sustainable travel movements,
- Nurture high quality environments and community life, and
- Promote health, well-being and equality.

2.11.8 As required by the Council's validation criteria (See part three of the SPD), individual development proposals will need to be supported by plans showing an acceptable distribution of affordable units. It is expected that developers have agreed with the Council details of the distribution and design of affordable before the submission of a reserved matters application, unless such details have already been approved at the outline stage.

2.11.9 Where the size of a proposal in an outline planning application is likely to result in the requirement for affordable housing, but the application is unable

to provide details of their design and distribution, a standard condition will be applied as follows:

“The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. Affordable housing shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% or 30% (*brownfield/greenfield requirements*) of housing units
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (for the management of the affordable housing) (if no Registered Provider involved)
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identify of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; or
- vi. details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution shall be provided (alternatively, this may be a contribution that is to be provided partly on-site and partly in lieu”.

Sustainable design and construction

2.11.10 Policy ENV3 (criterion t) states that for residential and commercial development “Sustainability should be designed in, so that development takes all reasonable opportunities to reduce energy use, water use and carbon emissions and to minimise waste, ensure future resilience to a changing climate and wherever possible to generate power through energy solar or other means, in accordance with Building Regulations.” More detail on how applicants should explore and include these ‘reasonable opportunities’ to reduce energy use, water use and carbon emissions will be provided in the emerging SPD on Good Design. Policy SD2 is the plan’s strategic policy on meeting the challenge of climate change and cross refers to the various policies which seek to mitigate the impacts of, and adapt to, climate change. e.g. ENV3 on Good Design and ENV6 on Flood Risk.

2.11.11 In January 2020 the Council approved the Craven Climate Emergency Strategic Plan 2020 to 2030 which seeks to act upon the Council’s Climate Change Emergency Declaration adopted in August 2019.

<https://www.cravenc.gov.uk/media/9460/cdc-climate-emergency-strategic-plan-february-2020.pdf>

The objective of the declaration is for the district to be carbon neutral by 2030 and is related to the Council's response to reduce the district's emissions and waste through the Greener Craven Corporate Priority.

2.11.12 The Craven Climate Emergency Strategic Plan (CCESP) can form a material consideration in determining relevant planning applications and it supports policies ENV3 and SD2 (and Policies ENV6, to 9) to reduce energy use, water use and carbon emissions, maximise the energy efficiency of development, and reduce the environmental impact of materials used in construction. The CCESP prioritises the reduction in energy use in residential properties. Indeed, one of the actions in the CCESP is for the Council to roll out and promote a new low carbon housing model for rural housing.

2.11.13 Developers should discuss with the registered provider and the council as early as possible to ensure that any energy efficiency measures to be employed in the affordable housing (and market housing) meet the requirements of Policy ENV3 t), are suitable for the registered provider and not cause the registered provider any long term management and maintenance issues. Further guidance on energy efficiency and low carbon solutions will be set out in the council's forthcoming SPD on Good Design.

2.12.0 Rural Exception Sites (criteria i) and j))

2.12.1 Rural exception sites are sites that are released to provide affordable housing in rural locations which would not normally be used for housing.

2.12.2 Such sites, normally for 100% affordable housing, will be supported outside the main built up areas of the plan's tier 2 to 5 settlements when they fulfil the requirements of criteria i) and j) of Policy H2. The relevant settlements are listed in Appendix 6. Highlighted below is how Policy SP4 and Policy H2 of the Craven Local Plan will work together to incentivise the delivery of rural exception sites. Policy SP4 provides the policy definition of the main built up area of settlements listed in Appendix 6. This definition is copied in the appendix.

Settlement tier	Policy SP4 for <i>general market housing outside a settlement's main built up area.</i>	Policy H2 for <i>rural exception sites (RES)</i>
Tier 1	Subject to compliance with a number of criteria in Policy SP4 this type of housing may be supported, but only where the proposal is <u>adjoining the main built up area</u>	RES not supported
Tier 2 to 4	Subject to compliance with a number of criteria in Policy SP4 this type of housing may be supported, but only where the proposal is <u>adjoining the main built up area.</u>	Subject to compliance with a number of criteria in Policy H2 RES may be supported, <u>both adjoining the main built up area and where the site is physically and visually well related to the settlement.</u>
Tier 5	<u>Not supported outside the main built up area.</u>	Subject to compliance with a number of criteria in Policy H2, RES may be supported, <u>both adjoining the main built up area and where the site is physically and visually well related to the settlement.</u>

2.12.3 Hence, for tier 2 to 4 settlements, rural exception sites can, in principle, be supported on sites both adjoining the main built up area and those which might be further away from the main built up area, provided they are physically and visually well related to the settlement. This provides additional opportunities for rural exception sites coming forward in these settlements, compared to both market housing and entry-level exception sites.

2.12.4 For Tier 5 settlements, the lack of support for general market housing outside the main built up area may provide an incentive for landowners to consider bringing forward rural exception sites in these locations.

2.12.5 Landowners who are interested in helping provide affordable homes for the local community and have land which might meet the above criteria are encouraged to contact the Council's Strategic Housing Team and Development Management Team.

- Development Management (DM): planning@cravendc.gov.uk
- Strategic Housing (SH): ACarruthers@cravendc.gov.uk

2.12.6 In the absence of sufficient public funding through Registered Providers, Policy H2 may allow an element of market housing on rural exception sites. If market housing is considered necessary on a rural exception site for this reason, a site viability appraisal will be necessary as set out in Appendix 7.

PART THREE: PREPARING AND SUBMITTING PLANNING APPLICATIONS

3.1.0: General market housing

3.1.1 The importance of pre-application engagement between developers and the local planning authority and early resolution of policy issues ('front loading'), particularly in relation to relevant planning obligations such as affordable housing, is highlighted in the NPPF at paragraphs 38 to 46. Also, In the light of the Council's recently approved Craven Climate Emergency Strategic Plan (CESP) it is important to reflect one of the actions of the CESP here. This action (CND03) states that the Council will "work with developers as new sites across Craven are approved to ensure that opportunities for efficiency and carbon reduction are maximised".

3.1.2 Therefore,

- **in a designated rural area** (See map in Appendix 2), applicants proposing a development of 6 or more dwellings, or a development of more than 1000sqm regardless of the number of dwellings, and
- **outside a designated rural area** (See map in Appendix 2), applicants proposing a development of 11 or more dwellings, or a development of more than 1000sqm regardless of the number of dwellings:

should firstly refer to paragraphs 2.1.1 and 2.1.2 of this SPD for the basic information on the affordable housing requirements by type of site and level of on or off site contributions. The level of on or off site contributions may vary in the event that vacant building credit applies to a proposal (Section 2.6.0).

3.1.3 **When affordable housing is required to be built on site** applicants should then look to provide for the appropriate size, type and tenure; design, distribution and construction of affordable housing. In accordance with Policy H2 f) and Policy ENV3, sections 2.8.0 and 2.11.0 of the SPD elaborate on these matters and early pre-application discussions with the Council's Development Management and Strategic Housing teams are strongly recommended (see contacts at paragraph 3.1.5). It is the Council's practice to charge for all such engagement. Pre-application enquiry forms and charging rates can be found at:

<https://www.cravencdc.gov.uk/planning/information-and-advice/obtaining-pre-application-planning-advice/>

Applicants submitting an outline planning application unable to provide this detailed information will be asked to accept an appropriate planning condition along the lines set out at paragraph 2.11.9. Guidance, and validation

requirements relating to planning obligations and financial viability testing are set out in Sections 2.5.0 and 2.10.0 above (Policy H2 d and h) and paragraphs 3.1.6 to 3.1.10 below. Applicants seeking off-site contributions in lieu of on-site affordable housing will have to justify such an approach in accordance with Section 2.3.0 of this SPD (Policy H2 c)).

3.1.4 When off-site contributions towards affordable housing are required applicants should look to provide for the appropriate amount of funding for such purposes in accordance with paragraphs 2.1.1 and 2.1.2 (Policy H2 a)). Sections 2.4.0 and 2.6.0 provide further information on this matter (Policy H2 c) and d)). Again, early pre-application discussions with the Council are recommended. Guidance, and validation requirements relating to planning obligations and financial viability testing are set out in Sections 2.5.0 and 2.10.0 above (Policy H2 d) and h) and paragraphs 3.1.6 to 3.1.10 below.

3.1.5 Contact details at the time of publication are:

- Development Management (DM): planning@cravenc.gov.uk
- Strategic Housing (SH): jkerfoot@cravenc.gov.uk

Conditions, planning obligations and validation

3.1.6 Where acceptable to the applicant, an outline planning application which is unable to be accompanied with a planning obligation will be conditioned as set out in paragraph 2.11.9 of the SPD. Otherwise, the scope of any planning obligation should be agreed before the application is submitted, and all relevant planning applications should meet the council's validation requirements through the submission of a 'Heads of Terms' pro-forma on affordable housing contributions for the Section 106 legal agreement required by Policy H2 criterion h). The pro-forma is set out in Appendix 8 and a link is provided in paragraph 3.1.7 below.

3.1.7 Appendix 8 provides not just the information required by the Council regarding a future legal agreement on affordable housing, but also the information required on other planning obligation costs where their calculations have already been identified in the policies and supporting text of the plan. As these costs are embedded in the development plan it is considered they are proportionate requests for information in accordance with government guidance. They are all requirements set out on the Council's list of local validation criteria. At

<https://www.cravenc.gov.uk/planning/planning-applications-and-notifications/national-and-local-planning-validation-requirements/local-information-requirements/planning-obligations-and-draft-heads-of-terms-pro-forma/>

it is stated that "Where relevant to the development proposal, failure to supply a completed and agreed Draft Heads of Terms with the submitted application, will result in the application not being validated". In determining whether to

agree the Draft Heads of Terms, the Council will assess whether the applicant has made all reasonable steps to provide the appropriate information. Reasonable steps include pre-application discussions with this Council and North Yorkshire County Council. All the Council's validation requirements can be found at:

<https://www.cravendc.gov.uk/planning/planning-applications-and-notifications/national-and-local-planning-validation-requirements/>

3.1.8 Section 2.5.0 and Appendix 4 of the SPD provide guidance on Policy H2 d), and are supported by the NPPF and PPG. They cover matters such as:

- when applicant's site-specific viability assessments (ASVA) are appropriate to accompany a planning application,
- what, in the light of Policy H2 and the PPG, ASVA's should contain in order for an independent assessor, and ultimately the Council to determine whether a lower than plan policy requirement for affordable housing contributions is justified, and
- the transparency of ASVAs.

3.1.9 Policy H2 d) states '*Development proposals that seek to provide a lower level of affordable housing contribution, either on or off site, will not be acceptable unless it can be clearly demonstrated that exceptional circumstances exist which justify a reduced affordable housing contribution. In such exceptional circumstances, the local planning authority will look to maximise provision of affordable housing having regard to the circumstances of individual sites and scheme viability.*' In order to comply with policy H2 d) and thereby clearly demonstrate that exceptional circumstances exist and that under these circumstances, the maximum provision of affordable housing has been achieved, a clear and comprehensive site viability assessment is required to be submitted by the applicant (ASVA). Section 2.5.0 and Appendix 4 of this SPD provides the guidance on what the content of such ASVA's should preferably include to comply with policy H2 d). Failure to provide an adequate ASVA with a relevant planning application runs the risk of a refusal of permission on the grounds that it does not comply with policy H2 d).

3.1.10 Appendix 5 is an agreement by the applicant to pay the reasonable costs of an independent assessment of the ASVA. To ensure this agreement doesn't cause delay, it is in the applicant's interest to contact the local planning authority in advance of submitting their planning application to request that the Council seek a quote from a suitably qualified (RICS) valuation surveyor to independently review their forthcoming ASVA. The Council, having received this quotation, will send the Appendix 5 form to the applicant for signing and submission with their planning application.

3.1.11 Applicants are urged to take the opportunities offered to engage in pre-application discussions, as insufficient attention to affordable housing

requirements may result in either non-validation or a refusal of planning permission.

3.1.12 In preparing and submitting such an application the procedures set out in the Council's Statement of Community Involvement (SCI) should be followed.

The Council's SCI can be viewed at:

<https://www.cravendc.gov.uk/media/5647/statement-of-community-involvement-for-planning-march-2018.pdf>

3.2.0 Rural exception sites

3.2.1 **Step One:** A pre-application enquiry would usefully be submitted to the Council's Development Management Team (DM). Enquiry forms and the charging regime can be found at:

<https://www.cravendc.gov.uk/planning/information-and-advice/obtaining-pre-application-planning-advice/>

In accordance with Section 2.12.0, planning officers will advise the enquirer whether the proposal is:

- small and physically and visually well related to the settlement (Policy H2 criterion i) II), and
- what key design principles would have to be met for development on the site (Policies ENV1 and ENV3).

If the Council's planning officers conclude that the location of the site and the design of the proposal is worthy of further consideration, the enquirer is advised to contact the Council's Strategic Housing Team (SH). The current housing officer who should be contacted is ACarruthers@cravendc.gov.uk

3.2.2 **Step Two:** The Council's Strategic Housing Team (SH) will assist enquirers in explaining how any planning application will have to be supported by a local assessment of housing need and that contact with the relevant Parish Council will be important. Having completed such a local needs assessment, the SH will advise the enquirer what the results would mean in terms of the size, type and tenure of affordable homes on the site in accordance with Policy H2 criterion i) I). If a scheme is moving towards stage three, the SH team will inform the enquirer about various practical matters, including the role of registered providers in the development of the site, any public subsidies that might be available to realise the development, and any legal requirements necessary for an approval of the scheme.

3.2.3 If an appropriate level of housing need is identified which can be met, or partially met, on the site and other matters point to a potentially successful scheme, the SH team will advise that the process can move onto step three.

- 3.2.4 **Step Three:** A design concept scheme can be put to the DM planning officers for discussion. Providing this scheme complies with the policy matters discussed at Step One, this concept scheme can be drawn up for the purposes of submitting a planning application. In preparing and submitting such an application the procedures set out in the Council's Statement of Community Involvement (SCI) should be followed. The Council's SCI can be viewed at: <https://www.cravencdc.gov.uk/media/5647/statement-of-community-involvement-for-planning-march-2018.pdf>
- 3.2.5 **Step Four (only if necessary):** The general policy position is that rural exception sites will provide 100% affordable housing. Should the enquirer seek to deliver less than 100% affordable housing on a suitable site, then to meet Policy H2 j) I), a robust justification will be required on why the scheme is unable to deliver the size, type and tenure of affordable housing required to meet the local need. The enquirer is advised to demonstrate that all potential funding sources have been exhausted.
- 3.2.6 If step four is necessary, in accordance with Policy H2 j) III), a transparent and 'open book' viability assessment should be submitted prior to the submission of a planning application. Up to 30% of the total yield of the site, the market housing is only allowable to help cross-subsidise the construction and development costs of the affordable housing and not to subsidise land value on sites which would not otherwise be suitable for market housing (Policy H2 j) II).
- 3.2.7 Appendix 7 provides more detail of what information would be helpful to be included in an applicant's site viability assessment (ASVA) for rural exception sites. Policy H2 j) III) states that
- aspirational land values should not be used to justify a higher proportion of market value units, and
 - viability should be based on reasonable land values for a rural exception site.
- 3.2.8 Policy H2 j) II) and III) require viability assessments to be submitted with planning applications which propose a proportion of market housing on a rural exception site. A relevant planning application failing to submit an adequate ASVA, along the lines of that shown in Appendix 7 will run the risk of a refusal of permission on the grounds that it does not comply with Policy H2 J) II) and III) Applicants are advised to seek agreement with the council on the payment of an independent assessment as set out in Appendix 5. Signature of this form will ensure that the applicant pays the fees of a suitably qualified surveyor to independently assess the ASVA.

3.2.9 In preparing and submitting such an application the procedures set out in the Council's Statement of Community Involvement (SCI) should be followed. The Council's SCI can be viewed at:
<https://www.cravendc.gov.uk/media/5647/statement-of-community-involvement-for-planning-march-2018.pdf>

3.2.10 All the Council's validation requirements can be found at:
<https://www.cravendc.gov.uk/planning/planning-applications-and-notifications/national-and-local-planning-validation-requirements/>

3.3.0 Specialist housing for older people

3.3.1 It is important that very early pre-application discussions take place between the developer of a specialist housing development for older people and the Council to determine whether the proposal is considered to be in the Use Class C3 (dwelling houses). Appendix 3 of this SPD sets out how the Council will assess the use class of this type of specialist housing.

3.3.2 A pre-application enquiry will usefully be submitted to the Council's Development Management Team (DM). Enquiry forms and the charging regime can be found at: <https://www.cravendc.gov.uk/planning/information-and-advice/obtaining-pre-application-planning-advice/>

3.3.3 In the event that the proposal is considered to be Use Class C3, the applicant is advised to discuss with the Council's Strategic Housing Team and DM the level and type of affordable housing which can be provided in accordance with Part 2 of this SPD. (See contact details at paragraph 3.1.5 above). The Council will draw the applicants' attention to those other sections of the SPD (e.g. Section 3.1.0) that are relevant to the proposal.

3.3.4 In preparing and submitting such an application the procedures set out in the Council's Statement of Community Involvement (SCI) should be followed. The Council's SCI can be viewed at:
<https://www.cravendc.gov.uk/media/5647/statement-of-community-involvement-for-planning-march-2018.pdf>

3.3.5 Applicants should also take account of the Council's validation requirements as set out at: <https://www.cravendc.gov.uk/planning/planning-applications-and-notifications/national-and-local-planning-validation-requirements/>

3.4.0 First Homes Exception Sites

3.4.1 A written ministerial statement (WMS) on 24 May 2021 introduced the concept of 'First Homes Exception Sites'. The WMS comes into force on 28 June 2021 and replaces the concept of Entry Level Exception Sites (previously referred to in the draft SPD). This new concept accompanies the wider government's priority to enable as many people as possible to enjoy the

benefits of home ownership and secure 25% of the majority of affordable housing provision as housing for eligible first time buyers.

3.4.2 Rural exception sites, as referred to in criteria i) and j) of Policy H2 and dealt with in section 3.2.0 of this SPD continue to be supported by the WMS. For information only, the following text reflects statements made in the WMS on First Homes exception sites:

'First Homes exception sites should be on land which is not already allocated for housing and should:

- a) Comprise First Homes (as defined in this Written Ministerial Statement)*
- b) Be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in the National Planning Policy Framework, and comply with any local design policies and standards.'*

3.4.3 The WMS also states that

- a small proportion of market homes may be allowed on these sites, subject to the local authority's discretion, for example where it is essential to enable the delivery of First Homes without grant funding, and
- also, a small proportion of other affordable homes may be allowed on these sites where there is significant identified local need.

3.4.4 The WMS indicates that the First Homes exception sites policy will not apply in National Parks, Areas of Outstanding Natural Beauty (AONB) and Designated Rural Areas (DRA's). Appendix 2 of this SPD identifies those parts of the plan area that lie within and outside DRA's. The Forest of Bowland AONB lies within the DRA's of the plan area.

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APPENDIX ONE

Definitions of Affordable Housing:

The 2012 NPPF defined affordable housing as:

“Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be 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.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as ‘low cost market housing may not be considered as affordable housing for planning purposes’

The 2019 NPPF defines affordable housing as:

“Affordable housing: *housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:*

*a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future*

eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.”

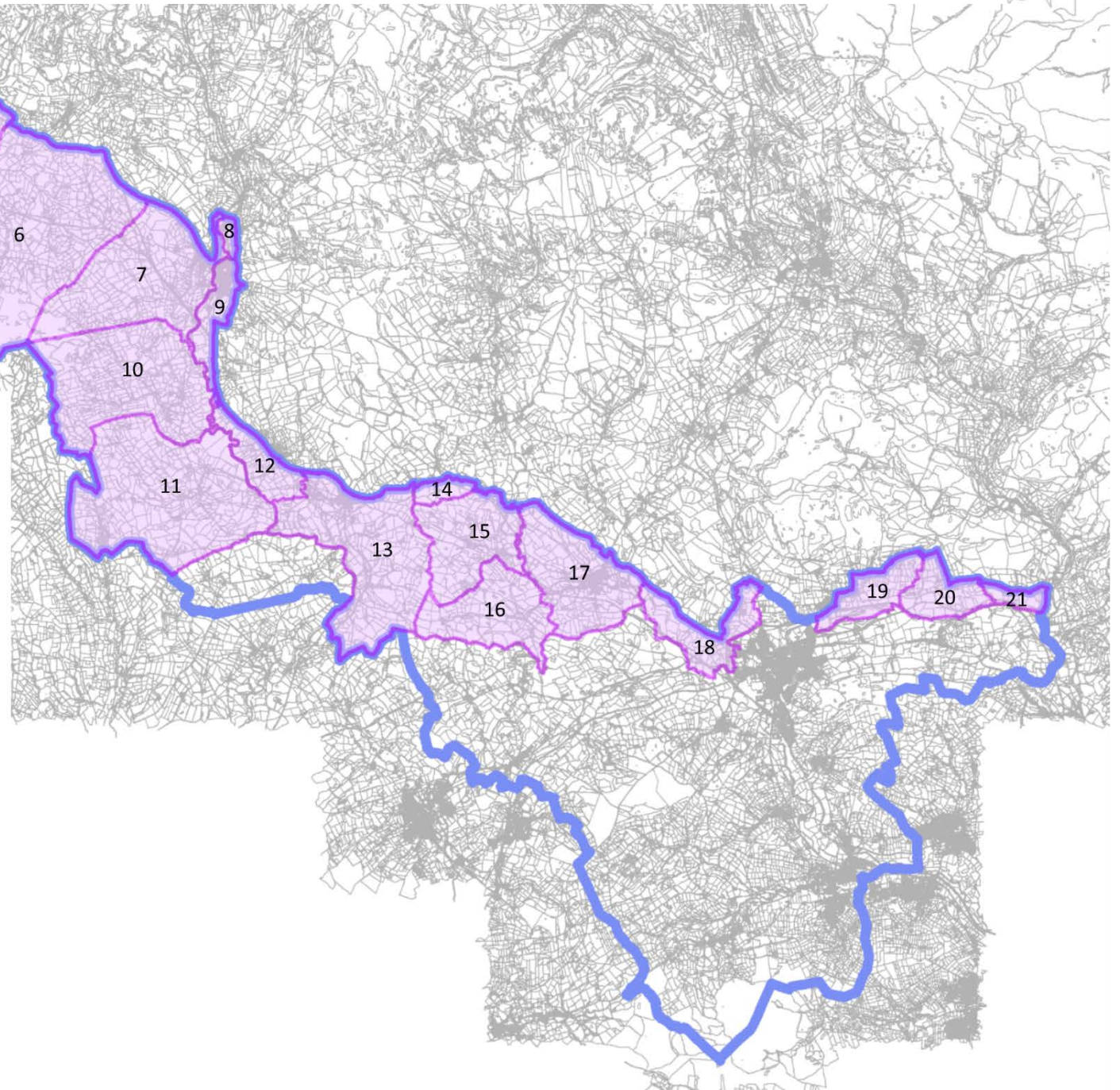
APPENDIX TWO

**MAP OF THE DESIGNATED RURAL AREAS IN CRAVEN DISTRICT OUTSIDE
THE YORKSHIRE DALES NATIONAL PARK.**

Designated Rural Areas in the Craven Local Plan area: July 2020

Designated Rural Areas in Craven

- 
- | | | | |
|----|----------------------|----|----------------------|
| 1 | Thornton in Lonsdale | 12 | Long Preston |
| 2 | Burton in Lonsdale | 13 | Hellifield |
| 3 | Ingleton | 14 | Otterburn |
| 4 | Bentham | 15 | Coniston Cold |
| 5 | Clapham cum Newby | 16 | Bank Newton |
| 6 | Lawkland | 17 | Gargrave |
| 7 | Giggleswick | 18 | Stirton with Thorlby |
| 8 | Langcliffe | 19 | Embsay with Eastby |
| 9 | Settle | 20 | Halton East |
| 10 | Rathmell | 21 | Bolton Abbey |
| 11 | Wigglesworth | | |



Establishing Use Class status for Specialist Housing for Older People

- 1 Specialist housing for older people can fall into either Use Class C2 (residential institution) development or Use Class C3 (dwelling house) development, dependent upon its composition, including factors such the level of care and services therein. They can also be sui-generis (not falling within any specific use class). Sometimes, it may be appropriate to define a single development proposal as a mixed use, with distinct parts being Use Class C2 and other parts being Use Class C3.

- 2 Use Class C3 (dwelling houses) development should, subject to viability, contribute to the need for affordable housing, but it is accepted that Use Class C2 (residential institutions) development should not be expected to contribute to this need.

- 3 The PPG, in asking the question ‘How does the use classes order apply to specialist housing for older people? states at paragraph 014 Reference ID: 63-014-20190626
“It is for a local planning authority to consider into which use class a particular development may fall. When determining whether a development for specialist housing for older people falls within C2 (Residential Institutions) or C3 (Dwelling house) of the Use Classes Order, consideration could, for example, be given to the level of care and scale of communal facilities provided”

- 4 It is therefore important that very early pre-application discussions take place between the developer of a specialist housing development for older people and the Council to determine whether the proposal is considered to be Use Class C3 (dwelling house) and thereby be expected to make contributions to affordable housing, either on or off-site, in accordance with Policy H2.

- 5 In making its decision on which Use Class the proposal should fall into, the Council will take into account the following factors:
- The self-containment of residents,
 - The design of the independent units provided for residents,
 - The level and type of care required for residents, e.g. the regularity of assessment of individual care needs and the involvement of a registered care provider,
 - The level and type of communal facilities and services, including the availability of meals,
 - The functional relationship between the residential units and the wider communal and care facilities,
 - The ability to legally restrict the occupancy of the units to older people in need of care.
- 6 A description of these aspects of any proposal, cross referenced to plans and layouts should be discussed with the Council at a very early stage in the process. The supporting text of Policy H1 of the plan provides definitions of the main types of specialist housing for older people.

APPLICANT'S SITE VIABILITY ASSESSMENTS (ASVA).

The NPPF (2019) is clear that, *'it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments [...] should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'*

However, Policy H2 d), based on the evidence provided in the Craven Local Plan Viability Assessments, requires that a proposed development which seeks to provide a lower than policy requirement of affordable housing will not be acceptable unless the existence of exceptional circumstances can be demonstrated. An example of these exceptional circumstances could be where development costs render the scheme unviable (see paragraphs 2.5.5 to 2.5.8). Clearly in these circumstances, to comply with Policy H2 d) an applicant would need to demonstrate what these costs are and how they affect land values through a site viability appraisal. Therefore, wherever an applicant would like the Council to review the viability of the proposed development in order to reduce or waive particular policy requirements, the applicant is strongly encouraged to provide a comprehensive site viability assessment completed by a suitably qualified valuation surveyor to evidence why this is the case.

It is advisable that the applicant's site viability assessment (ASVA) is compliant with the PPG on Viability (as updated from time to time) and sets out clearly the following:

1. The rationale for the need for a site-specific viability assessment – why is the viability assessment being brought to the Council; why can the scheme not afford the policy requirements (in terms of either land value or profit). This should have regard to section 2.5.0 above Site Viability Assessments and Exceptional Circumstances (Craven Local Plan Policy H2 Criterion d)
2. What circumstances have changed since the assumptions in the Local Plan Viability Assessment (LPVA) were made, which prevent the scheme being viably developed. The applicant should provide evidence of what has changed since the Local Plan Viability Assessment was carried out.
3. A viability appraisal and detailed description of the key elements of gross development value, costs, land value, landowner premium, and developer return. The viability assessment should be supported by appropriate available evidence informed by engagement with developers, landowners, and

infrastructure and affordable housing providers¹. To comply with Policy H2 applicants are advised to provide

- (i) a viability appraisal on a policy compliant basis and
 - (ii) a viability appraisal to evidence what the applicant considers is the maximum affordable housing that can viably be provided for, whilst complying with all other planning obligations required by the plan.
4. The gross development value - should be defined and evidenced having regard to Paragraph: 011 Reference ID: 10-011-20180724, Revision date: 24 07 2018 (and any future revisions) of the PPG, '*How should gross development value be defined for the purpose of viability assessment?*' In this respect, a comprehensive independent comparable market assessment and analysis to justify values proposed is recommended.
5. Development cost assessment - should be based on evidence which is reflective of local market conditions. Costs should be defined and evidenced having regard to Paragraph: 012 Reference ID: 10-012-20180724 Revision date: 24 07 2018 (and any future revisions) of the PPG, '*How should costs be defined for the purpose of viability assessment?*' In this respect, comprehensive independent technical and cost reports to substantiate development costs would comply with the PPG.
6. Land value is critical to the assessment and based on a benchmark land value on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. This is clearly set out in the PPG Viability paragraphs 013 – 017. Note that the PPG does not consider that the price paid for land will be relevant justification for failing to accord with relevant policies in the plan². In this respect, the Council recommend the submission of a Red Book valuation report supported by comparable market evidence to confirm the EUV of the site. The rationale for any premium should be clearly articulated in the viability assessment having regard to the '*differences in the quality of land, site scale, market performance of different building use types*³' i.e. obsolescence and historic legacy cost and liabilities of sites being promoted for redevelopment.
7. Return to developers – the applicant is advised to set out the appropriate return for the scheme being proposed. Note that the PPG requires that '*in plan making and decision-making viability helps to **strike a balance** between the aspirations of developers and landowners, in terms of returns against risk,*

¹ Paragraph: 010 Reference ID: 10-010-20180724, Revision date: 24 07 2018

² Paragraph: 018 Reference ID: 10-018-20190509, Revision date: 09 05 2019

³ Paragraph: 016 Reference ID: 10-016-20190509, Revision date: 09 05 2019

*and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission*⁴ [our emphasis].

Therefore, Craven District Council interprets this that it is not a balance for developers return (and/or land value premium) to be underwritten at the expense of planning obligations. It is for the applicant to demonstrate how they have compromised to 'strike a balance'.

8. Proposals for future review and clawback - Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, a clear agreement of how policy compliance can be achieved over time would comply with the PPG⁵. Applicants are advised to set out within their viability assessment how they propose to achieve this.

⁴ Paragraph: 010 Reference ID: 10-010-20180724, Revision date: 24 07 2018

⁵ Paragraph: 009 Reference ID: 10-009-20190509

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AGREEMENT TO INDEPENDENT ASSESSMENT OF APPLICANT’S SITE VIABILITY APPRAISAL

It is only reasonable for the Council to secure an independent assessment of the ASVA. This independent assessment will be subject to the following process, fees, terms and conditions.

The Council pays for the valuation surveyor to assess financial viability appraisals impartially and independently. Prior to commencement of the viability review, the Council will obtain a quotation from a suitably qualified independent firm of Chartered Surveyors. This quotation will be conveyed to the applicant who will be asked to confirm that they are content with the fee quotation prior to the commencement of any work. Fees are recharged, at cost, to the applicant and, following payment, the assessor’s report is released to the applicant/agent.

The fee is based on the assumption that the Council’s independent assessor is reviewing the viability assessment provided by the applicants as described in Appendix 4 of the supplementary planning document and it will conclude on whether the scheme is compliant with Policy H2 of the Craven Local Plan and this SPD. This is based upon a desktop assessment including 1 x set of written clarification questions and 1 x iteration of the appraisal with the Council. It is not the role of the viability assessor to negotiate planning obligations in the first instance (although the Council may retain the services for such negotiations and/or appeals).

Prior to appointment, the Council’s viability assessor will be required to confirm that they have no conflict of interest in providing the advice.

The Council’s viability assessor will carry out their review in collaboration with the Council (as Local Planning Authority (LPA)) and the applicant/landowner. At all times they will act with objectivity, impartially and without interference when carrying out the viability review.

Transparency and fairness are key to the effective operation of the planning process. The presumption is that this independent viability assessment review report will be published in full, except where this may compromise delivery of the proposed application scheme or infringe other statutory and regulatory requirements.

Reasonable costs incurred by developers in carrying out appraisals are included as legitimate fees and form part of the appraisal.

An appraisal is unlikely to be considered by the council unless the applicant has printed, signed and submitted a copy of this form, with his/her site viability appraisal (ASVA) paperwork.

I, the applicant/agent

.....(print name) confirm that I have read the terms and conditions and agree to pay for a financial viability appraisal up to the sum of [£] + VAT as set out in the quotation by [xyz firm] [dated]

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INFORMATION TO ASSIST LANDOWNERS SEEKING SCHEMES ON RURAL EXCEPTION SITES

List of settlements where Rural Exception Sites can be located when site is within the Craven Local Plan area.

- Bentham (High and Low)
- Broughton
- Bell Busk
- Bolton Abbey
- Burton in Lonsdale
- Carleton
- Clapham
- Coniston Cold
- Cononley
- Cowling
- Draughton
- Eastby
- East Marton
- Embsay
- Farnhill and Kildwick
- Gargrave
- Giggleswick
- Glusburn/Cross Hills
- Halton East
- Hellifield
- Ingleton
- Kildwick Grange
- Long Preston
- Lothersdale
- Low Bradley
- Lower Westhouse
- Newby
- Rathmell
- Settle
- Stirton
- Sutton in Craven
- Thornton in Craven
- Tosside
- West Marton
- Wigglesworth

Definition of a settlements main built up area in Policy SP4

“The main built up area is defined as the settlement’s closely grouped and visually well related buildings and any associated spaces between these buildings, and excludes:

- 1. Individual buildings or groups of dispersed buildings or ribbon developments which are clearly detached from the main built up area of the settlement, and ribbon developments attached to the main built up area but where the housing relates more to the surrounding countryside than to the main built up area of the settlement, and*
- 2. Gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to surrounding countryside than to the main built up area of the settlement, and*
- 3. Agricultural buildings and associated land on the edge of the settlement, and*
- 4. Outdoor sports and recreational facilities and other formal open spaces on the edge of the settlement.”*

SITE VIABILITY APPRAISALS FOR RURAL EXCEPTION SITES

As explained in Part 2, Section 13 of this SPD, Rural Exception Sites (criteria i) and j) of Policy H2)) are sites that are released to provide affordable housing in rural locations which would not normally be used for housing.

Such sites are normally for 100% affordable housing.

Landowners who are interested in helping provide affordable homes for the local community on rural exceptions sites are advised to go through the Council's three/four step process described in Section 3.2.0 of this SPD.

The general rule is for rural exception sites to provide 100% affordable housing to meet locally parish based housing need. However, there may be an occasion when there is a clearly identified need which cannot be met on a suitable site without some higher value market housing within the scheme. In this type of situation, the landowner/Registered Provider (RP) will need to demonstrate to the Council that there is no other way of delivering the affordable housing of the size, type and tenure required to meet the local need. The landowner /RP will have to have exhausted all other potential funding sources before the Council will accept any market housing on the site.

In such circumstances the landowner/RP will be required to provide a viability assessment to consider the financial viability of the scheme. This should be provided on the same basis as set out in Appendix 4 above, apart from the following detail:

To comply with Policy H2 j) II) the RP should provide (i) a viability appraisal on a policy compliant basis i.e. 100% affordable housing and (ii) a viability appraisal of their proposal including the minimum level of market housing required to make the scheme viable.

Note that high land value expectations are not a rationale for introducing market housing onto a site. Market housing is to cross subsidise the development costs of the affordable housing where there is a deficit. By definition the EUV of rural land that can only be used for a rural exception site will be low and the Council is unlikely to accept a benchmark land value (i.e. total EUV and Premium) of >£10,000 per plot.

In any event, no more than 30% of the proposed units will be allowed as market housing in accordance with Policy H2 j) II).

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HEADS OF TERMS PRO FORMA

Heads of Terms Proforma for Planning Obligations Relating to Play & Open Space Contributions, Affordable Housing, Education Provision and Highways.

S106 of the Town and Country Planning Act (England) 1990 (as amended)

Please complete this form and submit it, along with the required documents/information, to the council along with your planning application.

<p>1. Location of proposed development (address and postcode of the site)</p> <p>If there is no postal address, please give a clear and accurate description of the site location</p>	
<p>2. Name and address of applicant</p> <p>Please insert the FULL NAME(s) and address(es) of the person(s) submitting the planning application</p>	<p>Name:</p> <p>Address:</p> <p>Telephone:</p> <p>E mail:</p>
<p>3. Is the applicant the legal owner of the application land?</p>	<p>Yes / No (delete as appropriate)</p> <p>If No: Please provide the legal owner's <u>full name and address</u> below:</p> <p>Name:</p> <p>Address:</p> <p>Telephone:</p> <p>E Mail:</p>
<p>4. If the applicant is not the owner has the applicant entered into contract to purchase the land?</p> <p>5. Details of the agent dealing with this application (if applicable):</p>	<p>Yes/No/Still in Negotiation (delete as appropriate)</p> <p>Date of the agreement (if yes):</p> <p>Additional information:</p> <p>Name:</p>

<p>It is not necessary to have either an agent or a solicitor dealing with this for you, however it is recommended.</p>	<p>Company: Address: Telephone: Email:</p>
<p>6. Details of the legal representative dealing with this matter (if applicable):</p> <p>It is not necessary to have either an agent or a solicitor dealing with this for you, however it is recommended</p>	<p>Name: Company: Address: Telephone: Email:</p>
<p>7. Title number:</p> <p>If the land has been purchased within the last 25 years it will be registered with HM Land Registry and have a title number e.g. LT123456 proving ownership, please provide a copy of the register with a title plan.</p>	<p>If the land is not registered, please submit a copy of the title deeds with this form.</p>
<p>8. Play & open space contribution (on sites of 11 or more dwellings or more than 1000sq metres):</p> <p>See Policy INF3 and Appendix A of the Craven Local Plan on Sport, Open Space and Recreational Facilities.</p>	<p><i>Early pre-application discussions to establish the required contributions for your scheme should take place with the Sports Development Officer via email shudson@cravendc.gov.uk</i></p> <p>The following documents must be submitted with this form:</p> <p>On-site provision:</p> <ol style="list-style-type: none"> 1) Proposed plan for on-site provision 2) Maintenance schedule and proposed management of on-site provision (if applicable) <p>Please also provide the following information:</p> <ul style="list-style-type: none"> • Description of on-site provision to be made: • Trigger for on-site provision, e.g. on completion/occupation of a certain number of dwellings. Please state how many or provide details of another trigger: • Any additional clauses, e.g. maintenance schedule required for a certain number of years. Please state how many. • Any other requirements: <p>Off-site provision:</p> <ul style="list-style-type: none"> • Amount/calculation of contribution: • What is the commuted sum to be used for?

	<ul style="list-style-type: none"> • Trigger for payment of commuted sum, e.g. on completion/occupation of a certain number of dwellings. Please state how many or provide details of another trigger. <p>Please note, interest will be charged on late payments.</p>
<p>9. Affordable housing provision (on all sites of 11 or more dwellings or more than 1000sqm, and sites of 6 – 10 dwellings in Designated Rural Areas)</p> <p>See Policy H2 of the Craven Local Plan on Affordable Housing.</p>	<p><i>Early pre-application discussions to establish the required contribution (on or off-site) for your scheme should take place with Strategic Housing via email Jkerfoot@cravencdc.gov.uk or ACarruthers@cravencdc.gov.uk</i></p> <p><u>Reserved matters and full planning applications (where the details for affordable housing have not been approved at outline stage).</u></p> <p>The following information must be submitted in writing with this form:</p> <p>On-site provision (if the proposal is for 11 or more dwellings or more than 1000 sq m. regardless of the number of dwellings)</p> <ul style="list-style-type: none"> • Proposed plan for on-site provision (showing number and location of affordable rented/sale units) • Schedule of affordable homes (identifying mix of housing type, floorspace, number of bedrooms and tenure by plot) • Development programme, showing phasing (if known) • The arrangements for the transfer of the affordable housing to an affordable housing provider or if no registered provider is involved for the management of the affordable housing • The arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing • the occupancy criteria to be used for determining the identify of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; <p>Off-site provision (usually only for proposals for 6 to 10 dwellings within Designated Rural Areas)</p> <ul style="list-style-type: none"> • Justification for off-site provision (if the proposal is for 11 or more dwellings, or more than 1000 sq m, regardless of the number of dwellings) • Amount/calculation of contribution: • Trigger for payment of commuted sum, e.g. on completion/occupation of a certain number of dwellings. Please state how many or provide details of another trigger. <p><u>Outline planning applications (where full details of affordable housing provision as required above are unable to be provided and the number of dwellings which will be granted permission is being specified)</u></p> <p>The following information must be submitted in writing with this form:</p>

	<p>On site provision (if the proposal is for 11 or more dwellings or more than 1000 sq m. regardless of the number of dwellings)</p> <ul style="list-style-type: none"> • A schedule of the percentage of affordable homes to be provided on the site, split by the percentages of affordable housing by size, type and tenure. <p>Off-site provision (usually only for proposals for 6 to 10 dwellings within Designated Rural Areas)</p> <ul style="list-style-type: none"> • Justification for off-site provision (if the proposal is for 11 or more dwellings, or more than 1000 sq m, regardless of the number of dwellings) • Amount/calculation of contribution (if this can be provided) • Trigger for payment of commuted sum, (if possible) e.g. on completion/occupation of a certain number of dwellings. Please state how many or provide details of another trigger.
<p>11. Education contribution – (Where residential development is above the relevant plan’s policy thresholds and results in a deficit in school places in the area)</p> <p>See Policy INF6 and Appendix B of the Craven Local Plan on Education Provision</p>	<p><i>Early pre-application discussions to establish whether your scheme requires a contribution, and if so, what that contribution is, should take place with Nicola.Howells@northyorks.gov.uk</i></p> <p>The information received from North Yorkshire County Council Education should be submitted with your planning application.</p>
<p>12. Highway improvement/public transport contribution</p> <p>See Policy INF7 of the Craven Local Plan on Sustainable Transport and Highways.</p>	<p><i>Early pre-application discussions to establish whether your scheme requires any contribution, and if so, what that contribution is, should take place with Area5.Skipton@northyorks.gov.uk</i></p> <p>The information received from North Yorkshire County Council Highways, along with relevant transport statements, assessments and travel plans should be submitted with your planning application.</p> <p>Trigger for payment of commuted sum, e.g. on completion/occupation of a certain number of dwellings. Please state how many or provide details of another trigger.</p> <p>Please note, interest will be charged on late payments.</p>

Privacy notice - Data Protection Act 1998

Please note that all the data provided by you is for use in drafting the Unilateral Undertaking which is required in connection with your application for planning permission under S106 of the Town and Country Planning Act (England) 1990 (as amended). The resulting undertaking and information contained within in it will be registered as a local land charge and will be subject to release in accordance with the Council's FOI policies and procedures and Local Land Charges Legislation.

Please submit this form to Planning & Development Services, Craven District Council, 1 Belle Vue Square

Broughton Road, Skipton, North Yorkshire, BD23 1FJ or alternatively email a copy of the form to planning@cravenc.gov.uk with your planning application.

There is a charge payable on completion of the legal agreement to Craven District Council for legal costs in preparation of the S106 Agreement. Contact Craven District Council Legal Services for further information.

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APPENDIX NINE

Design specification agreed between Craven District Council and Registered Providers operating in Craven District

Element	Specification
Building	To meet EPC band B or above. All works must meet the requirements of Building Regulations, NHBC, Gas Safe Regulations, IEE Regulations, Fire Regulations, existing British Standards, Codes of Practice & manufacturers' recommendations. 10-year NHBC or equivalent warranty to be provided.
Gutters and fall pipes	Matching the market homes on the development.
Windows and rear doors	Matching the market homes on the development. Window restrictors to first floor casement windows (except fire escape window).
Front entrance door	Steel faced paint finish secured by design fire door matching market units. Mains operated door bell. Letter box & house numbers to be included.
Internal doors	4 panel painted flush doors.
Heating	Gas-fired Combi boiler (minimum A* rated), radiators throughout, thermostatically controlled bar towel rail in bathroom, which must meet the required heat output for the room. Smart controls featuring automation and optimisation functions (or as agreed).
Ventilation	Background ventilation including trickle vents.
Bathroom/WC/Cloaks	Electric shower over bath. Shower screen to shared ownership homes, fixed shower rail & curtain to rented homes. Full-sized non-slip bath, wide enough to be used as a shower bath, with handles. Mixer taps to bath & basins. Half height tiling to bathrooms and cloakrooms, fully tiled around bath & to window sills. Electric shaver points in bathroom and cloaks. Extractor fan.
Floor coverings	Flooring to kitchens, bathrooms, cloaks and utility room meeting R10 slip resistance standard.
Kitchen	Fitted kitchen with adequate storage for the property size, to include tall broom unit if no other similar storage available. Stainless steel sink & drainer with mixer tap. Space for washing machine (water & waste pipe connections must be fitted), tall standing fridge freezer and cooker (fittings for either electric or gas cooker must be included). Extractor fan/vented cooker hood. Worktops to have mitred joints and upstand or be tiled from worktop to cupboard. Full height splashback protection to be provided to cooker area. Shared ownership homes to include fitted oven & hob with vented cooker hood.
Electrical	White sockets & switch plates. All lighting to be low energy lamp fittings.
TV	TV wiring to be HD compatible with wiring to loft for TV aerial (communal digital compatible aerial with booster to apartments). Telephone and broadband connections wired into living room.
External lights	At both front & rear with dusk to dawn sensors.
Smoke/CO detectors	Mains operated with battery back-up.

Garden	Outside tap with isolator valve (no external pipework) & external weatherproof electric socket to be provided to private rear garden. Turf to front & rear garden. Dividing fence to rear to be 1800mm treated timber panel or feather edge with matching lockable gates. Paths to be provided to gates minimum width 900mm, paved patio area to rear minimum width 2.4m.
Water	Automatic water cut off device installed (surestop type) in easily accessible location.
Decoration	All ceilings & walls to be emulsioned and woodwork glossed.
Bins & drying areas	Provision of all necessary refuse & recycling bins. Apartments to have external communal drying areas & bin stores.
Handover	Full property information pack to be provided at handover to include all certification, guarantees & warranties including Landlords Gas Safety Certificate where applicable.

Where relevant (e.g. kitchens) a choice of fittings to be offered to association.

Examples of narrative used by Craven District Council in Section 106 legal agreements as they relate to matters referenced in this SPD.

Definitions

Affordable dwellings for freehold homes will be those dwellings with warranty to be provided on the site shown on the affordable housing plan attached at annex X, with all the necessary rights of access and services to be provided in perpetuity (to the extent permissible by law and subject to any exclusions or provisos contained in this agreement) as affordable housing.

Off-site affordable housing contribution means, if applicable, the sum of money that will be calculated in accordance with the calculation set out at paragraph X.X.X and paid by the owners to the council in accordance with and in the circumstances specified in paragraph X>X to be used by the council for the provision of affordable housing within the Council's administrative area.

Affordable housing sale unit means X nos of affordable dwellings which are to be constructed in accordance with the planning permissions and leased to an eligible occupier on a shared ownership lease or such housing as approved in writing by the Director of Services that provides a subsidised route to home ownership and which complies with either definition (c) "discounted market sales housing" or definition (d) "other affordable routes to home ownership" as set out within Annex 2 of the National Planning Policy Framework (February 2019).

Affordable housing for rent means XX nos of the affordable dwellings which are to be constructed in accordance with the planning permission or such other housing as approved in writing by the Director of Services and as defined in Annex 2 of the National Planning Policy Framework.

Conditional contract is a contract for the future transfer of the affordable housing units (as the context so requires) at the transfer price.

Eligible occupier:- a person or household containing a person who is in housing need for a property of the type and size in question and who is unable to afford to rent or purchase dwellings of a similar kind generally available on the open market within the administrative area of the council provided that a person within the household has a local connection within the search area,

- i. in the event that no such person or household can be found using all reasonable endeavours the registered provider may cascade to the wider search area (see paragraphs 2.10.6 to 2.10.10 of this SPD);
- ii. in the event that no such person of household can be found using all reasonable endeavours the registered provider may cascade to the wider search area (see paragraphs 2.10.6.to 2.10.10 of this SPD);
- iii. in the event that no such person or household can be found using all reasonable endeavours the registered provider may with the written approval of the Director of Services widen the cascade to all those eligible to join the housing register via the

bidding system that operates within the North Yorkshire Home Choice area from time to time.(see paragraph 2.10.10 of this SPD)

Local connection: a person has a local connection with an area if they:

- i. have resided within the search area for three years out of the preceding five years; or
- ii. have previously resided within the search area for a period of 20 years or if less than 20 years half of that person's lifetime but subject to a minimum of ten years; or
- iii. have immediate family (mother, father, sister or brother, son or daughter) that live in the search area and have done so for a continuous period of at least five years; or
- iv. are in employment with a company or organisation based within the search area and established for at least three years and such employment to be at least sixteen hours each week for a minimum of 12 months or an offer of such employment.

Registered provider: as defined by the Housing and Regeneration Act 2008 (or as redefined by any amendment, replacement or re-enactment of such Act) and registered under the provisions of the Housing and Regeneration Act 2008 or any company or other body approved by Homes England (or any successor body) or the council or a company wholly owned by the council and nominated or approved in writing by the Director of Services (or successor).

Search area: collectively the original search area, wider search area (a) and wider search area (b). (the relevant search area and wide search areas will depend on the location of the proposed development – see paragraphs 2.10.6 to 2.10.10)

Transfer: means a transfer of the freehold beneficial interest in the affordable dwellings and reference to transfer shall include the terms “transferred”.

Transfer price: means a price that equates to one thousand pounds (£1000) per square metres of the gross internal area of the affordable dwelling.

Warranty: NHBC warranty or LABC warranty of Premier warranty or warranty of another provider approved by the party taking transfer of the affordable dwellings.

Legal Basis

The covenants, restrictions and requirements imposed upon the owner and their successors in title under this deed create planning obligations pursuant to Section 106 of the Act which bind the land and are enforceable in respect of the site by the council as local planning authority against the owner and any successor in title thereto.

Details on affordable housing

The owner covenants with the council as follows:

- i. the number of affordable dwellings shall equate to XX of the on-site dwellings and shall comprise of XX affordable housing for rent and X affordable housing sale units as set out in the first schedule unless a change in the mix of tenure is otherwise agreed by the Director of Services.

- ii. Not to allow cause or permit occupation or sale of more than XX % of the market dwellings until the affordable dwellings have been practically completed and transferred to the registered provider or the Council at transfer price.
- iii. The affordable dwellings shall not (save for where consent in writing to do so is given by the Director of Services) be occupied otherwise than by eligible occupiers found in accordance with the process set out and in that respect the registered provider on the transfer of the affordable dwellings will comply with the provisions herein.
- iv. Following recovery of the transfer price by the registered provider or the council where an affordable dwelling or any portion thereof is sold the sums payable to the registered provider or the council (as the context requires) in relation to that transaction will be used exclusively for the provision of new units of affordable housing within the district of Craven to the extent permissible by law.
- v. That the owner shall provide in relation to the affordable dwellings an NHBC warranty or LABC warranty or warranty of another provider approved by the party taking the transfer of the affordable dwellings (the registered provider or the Council)
- vi. The affordable dwellings shall be provided in perpetuity to the extent permissible by law.

In the event that a registered provider does not enter into a conditional contract for all of the affordable housing units within twelve weeks of an offer by the owner to transfer the freehold beneficial interest in those dwellings to a registered provider then the following shall apply:

- i. In lieu of the on-site provision of the affordable housing units the owner can pay to the council an affordable housing contribution towards the provision of affordable housing in the administrative district of the council calculated in accordance with clause XXX and following the payment of the affordable housing contribution the affordable housing units will no longer be subject to the terms of this Deed and shall be free to be disposed of (in perpetuity) as open market dwellings at any tenure and at any price to a person or persons originating from any location.
- ii. The payment to which clause XXX applies shall be paid no later than occupation of the affordable housing units as open market dwellings
- iii. The restriction contained within paragraph XXX of the schedule shall no longer apply (in perpetuity) upon the affordable housing contribution being paid.
- iv. The affordable housing contribution shall be calculated as follows by reference to the number of affordable housing units to which the term applies for the purposes of clauses XXX.

$A - (B + C)$

Where:

A = Open Market Value

B = the Transfer Price

C = the owner's reasonable marketing costs incurred in selling each affordable housing unit on the open market together with any costs incurred in the event that an expert is appointed to determine the open market value.

CRAVEN DISTRICT COUNCIL ADOPTION STATEMENT

Notice of the adoption of the Craven Affordable Housing Supplementary Planning Document

In accordance with

The Planning and Compulsory Purchase Act 2004 (as amended)

The Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended)

Notice is hereby given that (in accordance with the above-mentioned legislation) Craven District Council formally approved for adoption the Affordable Housing (AH) Supplementary Planning Document (SPD) on 3 August 2021.

The AH SPD sets out guidance on how the council will apply relevant Craven Local Plan policies related to the provision of affordable housing and how applicants can best prepare their planning applications to be in accordance with these policies.

The draft AH SPD was the subject of two public consultations, in accordance with Regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). These took place between 1 September to 13 October 2020, and 15 February to 29 March 2021.

A number of modifications have been made to the AH SPD in response to the consultations and to ensure that the adopted SPD is up to date. The modifications include:

- The addition of a preface to summarise the purpose and content of the SPD and provide information on the recent introduction of the governments First Homes policy requirement. In addition, paragraphs 1.2.2, 1.4.6 have been amended to include reference to the First Homes policy and para 3.4.0 has been replaced to reflect the government's new policy on 'First Homes Exception Sites'.
- Replace section 1.3.0 to reflect public consultation and adoption of the Affordable Housing SPD.
- A cross reference at paragraph 2.5.24 to criterion d) of Policy H2 of the Craven Local Plan.
- The addition of a footnote to paragraph 2.5.5 which cross refers to the Planning Practice Guidance (PPG) regarding Benchmark Land Value.
- Additional wording in paragraphs 2.8.5 and 2.11.5 to reflect the council's approach to the needs of the disabled.
- Reference added in paragraph 2.10.5 to the sub-regional partnership 'North Yorkshire Home Choice'
- Replace text in paragraph 2.10.12 to provide appropriate figures on the calculation on management charges.
- Cross reference to design issues in other Craven Local Plan policies in paragraph 2.11.1
- More accurately reflect the Nationally Described Space Standards (NDSS) in paragraph 2.11.4.
- Additional wording in paragraph 2.11.3 and amendment to paragraph 2.11.4 to reflect the council's approach to use of affordable housing space standards used in the Local Plan viability assessment (LPVA).
- Addition of new paragraph 2.11.13 relating to the need for applicants to discuss energy efficient design matters with Registered Providers at the early stages of the application process.

- Changes made to Part 3 and appendices 4, 5 & 7 to ensure clarity that the Council is not introducing any new requirements to those already covered in adopted Local Plan policy and the Council's validation requirements, including further clarification that the council's approach to viability assessments is in accordance with Policy H2.
- Deletion of Appendix 9 on Entry-level exception sites.
- The addition of an appendix (Appendix 9) to reflect the appropriate specification for affordable housing as agreed with Registered Providers.
- The addition of an appendix (Appendix 10) which provides examples of the clauses the council has used within Section 106 agreements on affordable housing matters.

More details of the modifications made can be found in the council's Affordable Housing SPD: Consultation Statement & Changed Circumstances document, which can be viewed at www.cravencd.gov.uk/localplan

Any person with sufficient interest in the decision to adopt the AH SPD may apply to the High Court for permission to apply for judicial review of that decision.

Any such application to the High Court must be made not later than 3 months after the date of which the AH SPD was adopted (i.e. 3 months from 4 August 2021) – being the day after adoption).

In accordance with Regulation 14 of the 2012 Regulations the AH SPD and this Adoption Statement have been made available to view on the Council's website at:

www.cravencd.gov.uk/localplan

Paper copies will be made available as soon as practicable at the Council's main reception, 1 Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ, which is open from 9am to 5pm Monday to Thursday and 9am to 4:30pm on Friday.

Paper copies are available to purchase on request.

A copy of this Adoption Statement will be sent to all parties who have asked to be notified of the adoption of the AH SPD.

For further information, please refer to the Council's website via the link provided above or contact the Spatial Planning Team at spatialplanning@cravencd.gov.uk.

Paul Shevlin
Chief Executive

3 August 2021



Affordable Housing Supplementary Planning Document (SPD)

Consultation Statement and Changed Circumstances

Presentation to Policy Committee 22 June 2021

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**CONSULTATION STATEMENT REQUIRED BY REGULATION 12(a) OF THE TOWN AND
COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012 (as amended).**

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**CHANGED CIRCUMSTANCES REQUIRING UPDATE TO THE AFFORDABLE HOUSING SUPPLEMENTARY
PLANNING DOCUMENT**

PART ONE: CONSULTATION STATEMENT REQUIRED BY REGULATION 12(a) OF THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012 (as amended).

Introduction

1. Craven District Council is preparing a Supplementary Planning Document (SPD) in relation to Affordable Housing which provides further guidance on the delivery of affordable housing in the Craven Local Plan area. In accordance with the Town & Country Planning (Local Planning) (England) Regulations 2012 as amended (the Regulations) and NPPF definitions of SPD's, it adds further detail to help explain the objectives relating to the following policies of the Craven Local Plan (Nov 2019) and is a material consideration in the determination of relevant planning applications:

- Policy H1: Specialist housing for older people
- Policy H2: Affordable housing
- Policy SP4: Spatial strategy and housing growth.
- Policy ENV3: Good Design
- Policy SD1: Presumption in favour of sustainable development
- Policy SD2: Meeting the challenge of climate change.

Purpose of the Consultation Statement

2. Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, before adopting a Supplementary Planning Document, Local Planning Authorities (LPA) should prepare a Consultation Statement. This should include the following information:

- (i) The persons the local planning authority consulted when preparing the supplementary planning document;
- (ii) A summary of the main issues raised by those persons; and
- (iii) How those issues have been addressed in the supplementary planning document.

Regulation 12 (b) requires both the consultation statement and the SPD to be made available for the purpose of seeking representations on a SPD.

Public Consultation On the First Draft Affordable Housing SPD

3. In line with Regulation 3(2) of the Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings, etc) (England) (Coronavirus) (Amendment) Regulations 2020 (SI 2020/1398) which are in place until the 31 December 2021 and the Council's [Statement of Community Involvement](#) (SCI) 2018, the draft SPD was published on the Council's website for a period of public consultation. It should be noted that The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 temporarily modifies Regulation 35 (availability of documents) up to 31st December 2021 to reflect the Coronavirus situation. These modified Regulations removes the requirement for Local Planning Authorities to place paper consultation documents at Council Offices and other appropriate locations such as libraries, and only requires consultation documents to be published on the authority's website. However, in order to provide opportunities for consultees unable to access the document

digitally, paper copies were available to view during limited opening times at the Council Offices and in line with COVID-19 rules.

4. The Regulations require Local Planning Authorities to invite representations to be made on a draft SPD over a period of not less than four weeks. However, given the restrictions relating to the COVID-19 pandemic, public consultation on the first draft Affordable Housing SPD ran for a period of 6 weeks from Tuesday 1 September until Tuesday 13 October 2020 in order to maximise opportunities for interested parties to consider the draft SPD during the COVID-19 pandemic. Comments were invited to be submitted in writing, no later than Tuesday 13 October 2020 either by post or email.
5. The Council has developed a comprehensive local plan consultation database which includes specific and general bodies and individuals for consultation purposes. The [Subscribe to Planning Focus](#) web page on the Council's website allows individuals and organisations to submit their details and be entered onto the local plan consultation database, via Mailchimp at any time. All contacts within the local plan consultee database were notified of the draft Affordable Housing SPD consultation by either postal or electronic mailshot. Consultees include:
 - Specific Consultation Bodies as defined in The Town and Country Planning (Local Planning) (England) Regulations 2012 and amended Regulations, including Town and Parish Councils
 - General Consultation Bodies as defined in The Town and Country Planning (Local Planning) (England) Regulations 2012 and amended Regulations.
 - Individuals registered on the local plan database.
6. A press release was issued by the Council on 24 August 2020. This was subsequently published in the Craven Herald & Pioneer newspaper on Thursday 27th August 2020. An article based on this press release also appeared in the September 2020 edition of Core Brief, the Council's staff magazine. The consultation was also promoted on social media (Twitter and Facebook). A copy of the press release and Core Brief article is included at Appendix 1 to this report.

What issues were raised & how have they been addressed?

7. A total of 14 representations were received to the public consultation. Table 1 below sets out who submitted the response, a summary of the main issues raised, the Council's response and how the issues raised have been addressed in the SPD together with details of any changes to the SPD, where appropriate.

Public Consultation on the Second Draft Affordable Housing SPD

8. The SPD, as revised to reflect the public consultation on the first draft Affordable Housing SPD, and this Consultation Statement, are now being made available for representations to be made under Regulations 12(b) and 13 of the Local Planning (England) Regulations 2012. The Council has decided to invite representations over a period of 6 weeks, given the continuing restrictions relating to the COVID-19 pandemic. The period for representations will therefore be from 15 February to 29 March 2021. Details of how to make representations are set out in a separate note on the representation procedure.

Table 1: Summary of the issues raised by respondents, the Council's response and recommended changes to the SPD

Summary of Issues Raised (respondent in brackets)	Council's response and recommended changes to the SPD (shown in bold)
<p><u>Housing need. (Section 1.4.0)</u></p> <p>It is not acceptable to be relying on the evidence provided in the council's Strategic Housing Market Assessment (SHMA) of 2017. In asking developers for contributions it is appropriate for the evidence to be up to date.</p> <p>(Rollinson Planning Consultancy Ltd).</p> <p>Support for more affordable housing. Priority should be given to working age adults. To thrive, the town of Skipton needs young people to have decent jobs and affordable housing.</p> <p>(S. Kendall)</p>	<p>Decisions on the size, type and tenure of affordable housing will reflect both the SHMA and other robust and up to date evidence which is available and suitable at the time of determining a planning application e.g. the housing register. Ongoing assessment of the need to up-date the Craven Local Plan core evidence in anticipation of a plan review is being undertaken by the Council.</p> <p>No change to SPD required</p> <p>Support welcomed. The Local Plan and SPD supports affordable housing for young people across the plan area.</p> <p>No change to SPD required.</p>
<p><u>Use class definition of retirement communities. (Section 2.2.0)</u></p> <p>A retirement community, as operated by Inspired Villages, falls under the extra care model and is a Use Class C2, residential institutions. It is requested that the Council's SPD duly acknowledges this fact for the avoidance of doubt and to make it clear that affordable housing contributions are not required for this type of development.</p> <p>(Inspired Villages)</p>	<p>Section 2.2.0 and Appendix 3 of the SPD sets out how the council will assess whether a proposal for specialist housing for older people is classified as Use Class C2 (residential institutions) or Use Class C3 (residential), in line with criterion b) of policy H2 and the PPG. The information provided by Inspired Villages about retirement communities is noted, but it is considered that sufficient information is already contained in the SPD to deal with these types of proposals.</p> <p>No change to SPD required.</p>

<p>It is requested that the council review the recommendations in section 5 of the company’s generic report on representations to be made on local plans (attached to its representation to the SPD), and amend the SPD accordingly</p> <p>(Inspired Villages)</p>	<p>The council has reviewed the recommendations in the report from Inspired Villages. However, they relate to the content of a local plan rather than an SPD. Therefore, they are not relevant here.</p> <p>No change to SPD required.</p>
<p><u>Transfer prices (Section 2.4.0)</u></p> <p>Very strong support for a council wide transfer price, but this must be fixed and adhered to by all.</p> <p>(Home Group)</p> <p>Some concerns over registered providers having to up-spec. accommodation from developers to provide basic components at an additional cost. It should be made clear what additional costs are appropriate to be paid by registered providers.</p> <p>(Home Group)</p> <p>It is not acceptable to base transfer prices on figures from 2017 (paragraph 2.4.4)</p> <p>(Rollinson Planning Consultancy Ltd)</p>	<p>Support welcomed. Yes, the price is fixed and adhered to by the council.</p> <p>Registered Providers (RP) developing in Craven have agreed an appropriate specification to accompany transfer prices. This can be inserted as an appendix to the SPD. ‘Extras’ are payable over and above this specification by agreement between the developer and the RP.</p> <p>Change to SPD as follows: Add the following text at the end of paragraph 2.4.4</p> <p>“Registered Providers (RP) developing in Craven have agreed an appropriate specification to accompany transfer prices. This is set out in appendix 9 to this SPD.” Add appendix 9 to the SPD which sets out the agreed specification to accompany transfer prices. (See appendix 2 to this report)</p> <p>These transfer prices broadly reflect the gap between local incomes and house prices, were approved following consultation with Registered Providers and formed part of the Local Plan evidence base. They remain a reasonable figure for the time being and the council is committed to reviewing them in due course.</p>

<p><u>Financial contributions (Section 2.1.0 and 2.4.0)</u></p> <p>In paragraph 2.1.1, the council should be explicit about how the percentages of financial contributions are to be determined. This can determine whether a scheme is viable or not. It should be borne in mind that we are in uncharted territory and Covid-19 will impact in a significant way and cannot be ignored. Paragraph 2.4.2 does not give comfort in this regard when it refers to ‘broadly equivalent property in the locality’.</p> <p>(Rollinson Planning Consultancy Ltd)</p>	<p>No change to SPD required.</p> <p>Sections 2.1.0 and 2.4.0 of the SPD are considered to provide sufficient information on the calculation of financial contributions and these contributions have been tested for viability in the plan area. The SPD acknowledges that the Council will need to monitor the effects of Covid-19 on the development sector at paragraph 2.5.20. The term ‘broadly equivalent property’ must be used as it is not always possible to find an exact match of house size and type to use in this situation.</p> <p>No change to SPD required.</p>
<p><u>Site Viability Assessments (Section 2.5.0)</u></p> <p>Support the reference to the restoration of historic assets as a potential exceptional circumstance where, subject to appropriate site viability and heritage assessments, the policy requirements for affordable housing could be reduced.</p> <p>(Historic England)</p> <p>Paragraph 2.5.23 should be deleted as it introduces a new requirement through the use of overage mechanisms and this is not appropriate in an SPD.</p> <p>(McCarthy and Stone Retirement Lifestyles Ltd)</p>	<p>Support welcomed.</p> <p>Within Policy H2 at criterion d) there is a clear policy statement that when accepting a lower than policy requirement for contributions, the Council will seek to maximise the provision of affordable housing that is viable below the policy requirement. The use of overage mechanisms and/or phase by phase viability reviews referred to in paragraph 2.5.23 are the means to achieve this maximisation. It is acceptable to include these in an SPD as it provides further detail to the policy in accordance with the definition of SPD’s in the NPPF glossary. This mechanism is also referenced for use within the PPG.</p> <p>No change to SPD required.</p>

Reference to 'open book' viability assessments in paragraph 2.5.24 is misleading and suggests that an applicant quite literally open its books to public scrutiny. The PPG is clear that generic inputs should be used where appropriate to ensure that an affordable housing requirement does not become individual to an applicant. To avoid confusion, the words "and open book" should be deleted from this paragraph. Reference to transparency is sufficient.

(McCarthy and Stone Retirement Lifestyles Ltd)

Experience of the 'independent assessor' is not positive. The inability to engage with them needs to be resolved. Who decides on the 'independent assessor'?

(Rollinson Planning Consultancy Ltd)

As noted in the SPD the phrase exceptional circumstances is not used in the NPPF and therefore the policy itself exceeds the requirement of national planning policy. In any event the Inspector made it clear that in accepting the term exceptional circumstances he was simply alluding to the fact that exceptions could be made. Exceptions should therefore be made in principle where the benchmark value for land cannot be achieved.

(Walton & Co)

Paragraph 2.5.24 is essentially repeating what Policy H2, criterion d) states about developers being expected to conduct negotiations on a transparent and 'open book' basis.' Paragraph 2.5.25 then explains that viability appraisals should not use information specific to that developer or of a commercially sensitive nature. To make it clear that the reference to an 'open book' basis is included in the policy itself, a change to the SPD is recommended:

Change to SPD as follows:

Insert after end of first sentence of paragraph 2.5.24 "(as set out in criterion d) of Policy H2)."

Whilst the independent assessor is charged with working in collaboration with the Council and the applicant, it is not the role of the assessor to negotiate planning obligations, in the first engagement. The Council will obtain a quotation from a suitably qualified independent firm of chartered surveyors and then seek agreement to this quotation from the applicant via the form in Appendix 5 of the SPD. Paragraph 3.1.10 of the SPD explains the relevance of this form in the pre-application process.

No change to SPD required.

The key to this matter is that, as referenced at paragraph 2.5.2 of the SPD, the examination inspector did not recommend a change to the wording 'exceptional circumstances' contained in the submission draft policy to make the plan sound. Indeed, at paragraph 158 of his report he re-enforced his satisfaction with this wording by recommending a modification to the supporting text which set out more detail on what these exceptional circumstances could be. An SPD must follow and support the policies in the development plan.

The inspector accepted the evidence given in the Councils viability evidence which established the benchmark value. This is now a matter of national guidance and should be used as the baseline figure below which land values should not fall. The approach set out in the SPD is therefore wholly inappropriate and flies in the face of both the inspector's conclusions and current policy which has been issued since the Inspectors Report and indeed the adoption of the Local Plan.

(Walton & Co)

The approach therefore set out in paragraphs 2.5.5-2.5.9 are therefore contrary to such policy. The starting point must be the benchmark value. If costs unexpected/unforeseen or foreseeable are below the benchmark land values then they should be taken into account when considering whether or not or how much affordable housing should be delivered on a particular site.

(Walton & Co)

No change to SPD required

Yes, and as paragraph 1.4.7 of the SPD states “The Craven Local Plan Viability Assessment (LPVA), whilst published prior to the 2019 NPPF and accompanying updates of the PPG, is consistent with the approach advocated by these national planning policy and practice documents. However, the LPVA is a high-level plan making assessment and not a site specific viability appraisal. As stated in paragraph 4.57 of the LPVA, the benchmark land value (called the threshold land value in the LPVA) in no way implies that this figure can be used by applicants to negotiate site specific planning applications. A change to the SPD as stated below will hopefully avoid this mistake being made in the future. The LPVA benchmark land value is not a fixed figure which can then be used in all site specific viability assessments. It will vary dependent upon the circumstances of each site. In this respect, Paragraph 014 Ref ID 10-014-20190509 of the PPG indicates that abnormal costs and site specific infrastructure costs etc should be reflected in the land value.

The PPG is saying that these costs will impact on, and change the land value of a particular site. This is exactly the Council’s approach in paragraphs 2.5.5 to 2.5.8 of the SPD. A change to the SPD will clarify that this is the case.

Change to the SPD as follows

Add a footnote to elaborate on the first three sentences of paragraph 2.5.5 as follows:

“*The above approach is supported by paragraph 014 Ref: ID: 10-014-20190509 of the PPG and paragraph 4.57 of the Local Plan Viability Assessment 2017. The former states that “Benchmark land value should:

- **Be based upon existing land value**

	<ul style="list-style-type: none"> • Allow for a premium to landowners (excluding equity resulting from those building their own homes) • Reflect the implications of abnormal costs; site specific infrastructure costs and professional site fees.” <p>The latter states that</p> <p>“It is important to note that the TLV’s contained herein are for ‘high-level’ plan viability purposes and the appraisals should be read in the context of the TLV sensitivity table (contained within the appraisals). It is important to emphasise that the adoption of a particular TLV £ in the base-case appraisal typologies in no way implies that this figure can be used by applicants to negotiate site specific planning applications. Where sites have obvious abnormal costs (e.g. retaining walls for sloping sites) these costs should be deducted from the value of the land.” TLV is Threshold Land Value which equates to Benchmark land value.”</p>
<p>Sites for 100% affordable housing within settlements (Section 2.7.0) The SPD should provide further clarification regarding the acceptability of affordable-led housing schemes that can provide up to 100% affordable units within the settlements.</p> <p>(Progress Housing Group)</p>	<p>The council, through Policy SP5 to SP11 and H2 of the plan, look to developers to provide at least 30% affordable housing on the plan’s housing allocations. Whilst the council would accept a higher figure than 30%, a 100% affordable housing on allocated sites would fail to provide an appropriate balance and mix of market and affordable housing which the above policies seek to achieve. (See also Policy SP3: Housing Mix and Density).</p> <p>Progress Housing Group, in their representation, correctly interpret that, policy H2 e) I) supports 100% affordable housing within Tier 1 to Tier 5 settlements. That is correct, though not in relation to allocated sites, as these are expected by the plan to provide the balance and mix of new homes described above.</p> <p>In conclusion, policy H2 criterion e) I) supports Registered Providers bringing forward developments of 100% affordable homes within the</p>

	<p>main built up area of Tier 1 to Tier 5 settlements in accordance with policy SP4, via windfall sites. Site's allocated for housing in the Craven Local Plan are not suitable for 100% affordable housing for the reasons stated above.</p> <p>Change to the SPD as follows: Add the following text to the start of paragraph 2.7.3:</p> <p>“The plan’s promotion of developments of 100% affordable housing within Tier 1 to 5 settlements at policy H2, criterion e) I) relate to ‘windfall housing’ sites coming forward within the main built up area of the settlement. None of the plan’s site allocations for housing are considered appropriate for 100% affordable homes. To be in accordance with the Local Plan, these allocations should provide for mixed and balanced communities of approximately 70% market housing and 30% affordable housing as expected through the plan’s Policies SP5 to SP11, and H2.”</p>
<p><u>Size, type and tenure (Section 2.8.0)</u></p> <p>Noted that over the years there has been a preponderance of approvals for 4 bedroom dwellings</p> <p>(S Kendall)</p> <p>Choice of tenure/type of affordable housing should be based on local authority approval that the product will be affordable, mortgage-able and there is a demand for it in the given location. Support the tenure split set out in paragraph 2.8.4.</p>	<p>Absent in the previous local plan, the Craven Local Plan now includes a policy (Policy SP3) which promotes a mix of house sizes on new developments which reflects the needs of the District as identified in the Council’s Strategic Housing Market Assessment (SHMA). Unless there are local circumstances that indicate otherwise, this evidence shows that around 80% of new housing developments should be for 1, 2 and 3 bedroomed dwellings.</p> <p>No change to the SPD required</p> <p>Agree and this is the aim of policy H2, the SPD and the council’s approach to affordable homes for sale. This is set out in paragraph 2.8.3. Support of paragraph 2.8.4 is welcomed.</p>

<p>(Home Group)</p> <p>Paragraph 2.8.4 details that the SHMA (2017) indicates an appropriate tenure split of between 15-25% for sale and 75-85% for rent. Given that the SHMA is district-wide, we would trust that a particular planning application would not be hindered by a rigid adherence to this split, where it can be justified through discussion with the LPA.</p> <p>(Progress Housing Group)</p>	<p>No change to SPD required.</p> <p>Policy H2 criterion f) states that the council will expect the size, type and tenure of affordable units to reflect the most up-to-date evidence on housing needs, from the council’s latest SHMA and any other robust and up to date evidence of local housing need e.g. the housing register. The council will base its discussions with applicants on appropriate evidence.</p> <p>No change to SPD required.</p>
<p><u>Sub-division of sites (Section 2.9.0)</u></p> <p>The need to ensure developers do not split larger sites into smaller phases of development to below the policy site size threshold and avoid making affordable housing contributions.</p> <p>(A. Brown)</p>	<p>Agree. Criterion g) of Policy H2 ensures that developers will not be able to do this. Section 2.9.0 of the SPD sets out more detail on this issue.</p> <p>No change to SPD required.</p>
<p><u>Section 106 legal agreements (Section 2.10.0)</u></p> <p>A draft standard style S106 would be useful as an appendix to show the clauses that relate to the enforcement of the points in the SPD.</p> <p>(Home Group)</p> <p>Could S106 requirements be flexible so as to allow additional affordable housing by agreement only with the local authority?</p>	<p>Agree that providing an appendix setting out example text on such matters would be useful to include in the adopted SPD.</p> <p>Change to SPD as follows: Add new sentence between the second and third sentences of paragraph 2.10.1 to read: “Appendix 10 provides examples of the clauses the council has used in Section 106 agreements to appropriately control matters contained in this SPD.” Add Appendix 10 which covers these matters to SPD (See appendix 3 of this report).</p> <p>It is not considered appropriate to allow this flexibility in a legal agreement. Such affordable housing will rely on grant which may or may not be forthcoming.</p>

<p>(Home Group)</p>	<p>No change to SPD required</p>
<p><u>Local connection priorities (Paragraphs 2.10.4 to 2.10.10)</u></p> <p>Support prioritising homes for local people and not imposing a local connection criteria for affordable housing for sale. Will local connections criteria be set out in a Section 106 agreement? If local people cannot be identified for a home registered providers need the ability to quickly cascade out to the wider area to avoid prolonged void time, ideally just by liaison/approval with the local authority.</p> <p>(Home Group)</p> <p>The Local Connection Priorities detailed from paragraph 2.10.4 onward should be expanded to account for the following instances.</p> <ul style="list-style-type: none"> • Should also include required connections prior to the age 18 for those moving back to the area when they are older • Need for clearly defined and reasonable timescales for each stage of the cascade i.e. 2/3 weeks before we can progress to the next stage • Requirement to be able to start promoting properties as soon as there is a defined completion date (i.e. 28-day notice is issued) before the houses are ready to let. <p>(Progress Housing Group)</p>	<p>Support welcomed. Yes, local connection criteria will be set out in Section 106 legal agreements. (See response above). The local connection priorities and criteria set out at paragraphs 2.10.6 to 2.10.10 supports prioritising homes for local people and shows the process used to cascade out to the wider area if the first 3 priorities (ward, sub area and district) cannot be met. In this situation affordable rented properties are available to eligible occupiers within the North Yorkshire Home Choice area using the bidding system.</p> <p>No change to SPD required</p> <p>The local connection priorities are not defined independently by the council; they are set at the sub-regional partnership across North Yorkshire. People who have moved out of the area may still retain a local connection if they have immediate family living in the area for the last five years. The inclusion of timescales for each stage of the cascade are not supported and can lead to ‘void’ properties longer than is needed. The council operates an efficient system which provides a generally speedier allocation of properties than the representor’s suggested approach. The council does operate on the basis of requiring properties to be promoted as soon as there is a completion date both for new build and re-lets.</p> <p>Change to SPD as follows: Add sentence after first sentence of paragraph 2.10.5 “These priorities are set by the sub-regional partnership North Yorkshire Home Choice”.</p>

<p>Can residents of Tatham Parish (in Lancashire but abutting Bentham in Craven) be given some priority when homes are allocated to Bowland View, the new extra care home in Bentham?</p> <p>(Tatham Parish Council)</p>	<p>In this instance, it is unlikely that priority can extend beyond North Yorkshire. The provision of care is a county council function and proposals for extra care here and elsewhere across North Yorkshire accord with County Council’s strategy for care for the elderly of North Yorkshire. Homes at Bowland View will be allocated by the Registered Provider and NYCC based on care needs, in the first instance, those with a local connection (current/past residence or close family links) to Bentham cascading out to Craven District and then North Yorkshire. This is in line with paragraph 2.10.2 to 2.10.10 of the SPD.</p> <p>No change to SPD required.</p>
<p><u>Uncertainty (Paragraphs 2.3.1, 2.3.3, 2.8.5, and 2.10.11)</u></p> <p>Paragraphs 2.3.1, 2.3.3, 2.8.5 and 2.10.11 contain wording which creates uncertainty over the council’s approach. Developers need certainty</p> <p>(Rollinson Planning Consultancy Ltd).</p>	<p>There are often different ways of dealing with a particular situation on a case by case basis. In these situations, the council cannot commit to saying they will adopt one approach. Hence more general wording such as ‘could’ or ‘might’ is appropriate in these situations.</p> <p>No change to SPD required.</p>
<p><u>Management charges (Paragraphs 2.10.11 to 2.10.13)</u></p> <p>The management charges approach set out in paragraph 2.10.11 could be clarified in terms of their monitoring and control. Strongly support the inclusion of wording in a Section 106 agreement that allows a similar formula to be considered if it offers the same end result.</p> <p>(Home Group)</p>	<p>Paragraph 2.10.13 of the SPD indicates alternative arrangements which achieve the same outcome of not imposing a disproportionate burden on occupiers of the affordable housing will be considered.</p> <p>No change to SPD required</p> <p>This representation has drawn the council’s attention to the need to make an amendment to an error in the calculation at paragraph 2.10.12.</p> <p>Change SPD as follows: Replace paragraph 2.10.12 with the following text:</p>

	<p>“All estate management charges are to be apportioned between the affordable and market dwellings based on the combined gross internal floor space of each tenure, such that the contribution made by the affordable homes is as follows:</p> <p>A/B x C = Management Company Contribution applicable to the affordable homes</p> <p>Where</p> <p>A = Gross internal floor space of all affordable dwellings in square metres</p> <p>B = Total gross internal floor space of all dwellings in square metres</p> <p>C= Total management fee”</p>
<p><u>Design (Section 2.11.0)</u></p> <p>Strongly support the statements in paragraph 2.11.2 on the design and layout of affordable housing. Registered Providers should have early engagement in design and plot placement.</p> <p>(Home Group)</p> <p>Similar house types of affordable homes to market homes is not the only method of successful integration of the two types of housing. Good design can also achieve this.</p> <p>(Progress Housing Group)</p>	<p>Support welcomed. Yes, early engagement, via the pre-application process, is encouraged at paragraph 3.1.1 of the SPD.</p> <p>No change to SPD required</p> <p>Agree. The key aim is that affordable and market homes should be visibly indistinct. Paragraph 2.11.2 of the SPD states this.</p> <p>No change to SPD required</p>
<p><u>Space standards (Section 2.11.0)</u></p> <p>Concern over the minimum space standards at paragraph 2.11.3 not reflecting all those of the National Described Space Standards (NDSS). If NDSS is not to be enforced consideration should be given to some design guidance to support good fit for purpose layouts and room sizes.</p> <p>(Home Group)</p>	<p>Through this SPD, at paragraph 2.11.4, the council strongly encourage developers to meet the NDSS. These standards were not used in the council’s viability assessment on the local plan and are not a policy requirement. Nevertheless, as stated in the SPD at paragraph 2.11.4, in the interests of delivering sustainable development, high quality design and satisfactory amenity, developers should consider incorporating</p>

these standards in their designs. Policies SD1 and ENV3 of the Craven Local Plan will be applied to secure sustainable development, good design, and appropriate levels of amenity for occupants. Matters relating to layouts, room and storage areas are matters that can appropriately be dealt with during early discussions with the council's Strategic Housing Team. In dealing with this representation it has come to the Council's attention that the table at the end of paragraph 2.11.4 requires amending to accurately reflect the NDSS.

Change to the SPD as follows: Add the following sentences at the end of paragraph 2.11.4 and replace the table below this paragraph with amended table below:

"The council will apply policies SD1 and ENV3 of the Craven Local Plan to secure sustainable development, good design and appropriate levels of amenity for occupants (ENV3 e) and f)). Those National Described Space Standards (NDSS) promoted by the council are set out below:

Minimum gross internal floor areas and storage (sq m): NDSS

Nos of bedrooms (b)	Nos of bedspaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built in storage
1b	2p	50	58	n/a	1.5
2b	4p	70	79	n/a	2
3b	5p	86	93	99	2.5
	6p	95	102	108	2.5
4b	5p	90	97	103	3
	6p	99	106	112	3
	7p	108	115	121	3

	8p	117	124	130	3
<p>The suggested imposition of space standards in the SPD could potentially limit the operation of registered providers in the district and would certainly prevent them from competing for sites in the open market. Space standards by registered providers are a requirement of the bidding process for funding for affordable housing projects, but the separate imposition of these standards in affordable homes across the district as proposed in the SPD is therefore unnecessary. All of Progress Housing’s standard house types either meet or exceed Homes England requirements. In order to deliver a financially viable affordable scheme they would utilise the standard house types and would not be able to compete if they had to deliver larger units.</p> <p>(Progress Housing Group)</p>	<p>The numerous registered partners that the council have worked with for many years have been using the space standards set out in paragraph 2.11.3 of this SPD. This has not resulted in significant problems in the past. Many house builders have standard house types. This does not stop them adapting these dwellings to deliver affordable homes that are of a suitable size for those who will occupy them. Nevertheless, the first sentence of paragraph 2.11.3 and 2.11.4 should be amended and this revised wording deals with the issue of space standards.</p> <p>Change to SPD as follows: Replace first sentence of paragraph 2.11.3 with “As a starting point, it would be sensible for the space standards of affordable housing to be the standards used in the Local Plan Viability Assessment (LPVA), since the LPVA showed that the affordable housing based on those standards could be viably delivered in most cases.”</p> <p>In the second sentence of paragraph 2.11.4 replace “Council’s” with “LPVA’s”</p>				
<p><u>Facilities for the disabled (Section 2.11.0)</u></p> <p>The emerging SPD made no reference to accessible and adaptable dwellings M4(2) and wheelchair user dwellings M4(3). If this is to be considered will this be to all homes on a scheme and appropriate to the scheme location and levels of demand?</p> <p>(Home Group)</p>	<p>Part M4(2) and M4(3) of the Building Regulations 2010 (as amended) are optional. The potential use of planning policies to require these optional regulations to be met was a measure introduced in the 2018/2019 National Planning Policy Framework (NPPF) (footnote 46, page 39). The Craven Local Plan was adopted on the basis of conformity with the 2012 NPPF. Hence there is no plan policy which specifically refers to these building regulations. To require these optional regulations within local plan policy, the council will need to provide evidence of a plan area need</p>				

There is no mention of the disabled in the Local Plan who have similar need to older people who need specialist housing.

(S. Morrell)

for this size and type of housing and have assessed the impact of applying the design specification of these regulations on the viability of residential development. This work will be considered in the review of the Local Plan.

Nevertheless, policy H2 (f) provides that the size, type and tenure of affordable units will be expected to reflect the most up to date evidence of affordable housing needs. Further, at paragraph 2.11.5 of the SPD cross reference is made to Policy ENV3: Good Design of the Local Plan. Criteria i) of policy ENV3 states that "Reasonable provision should be made to ensure that buildings and spaces are accessible and usable and that individuals, regardless of their age, gender or disability are able to gain access to buildings and to gain access within buildings and use their facilities, both as visitors and as people who live and work in them."

Further guidance on what this 'reasonable provision' for both market and affordable means, will be set out in the forthcoming SPD on Good Design.

However, it is useful to highlight this important matter in this SPD and changes to the SPD are set out below:

Change to SPD as follows: Insert sentence at end of paragraph 2.11.5 to read:

"Making provision for the needs of disabled people in dwellings is highlighted in the plan's policy ENV3 i). Building regulations 2010, (as amended) Part M4(2) and M4(3) provide design specifications for accessible and adaptable dwellings and for wheelchair users. These are optional requirements in the building regulations and were unable to be incorporated as requirements of the Craven Local Plan. (The NPPF upon which the plan was based did not include such a policy option for local plans). Nevertheless, policy H2 (f) provides that the size, type and tenure of affordable units in development proposals will be expected to reflect the most up to date evidence of affordable housing needs. Further, through policy ENV 3 i), the plan requires

<p>There is a huge shortage of accommodation for the disabled in Craven and North Yorkshire.</p> <p>(S. Morrell)</p>	<p>reasonable provision to be made to ensure that buildings and spaces are accessible and useable to all individuals, including those with disabilities. All Part M of the Building Regulations relate to this provision. The council's forthcoming SPD on Good Design will set out examples of what 'reasonable provision' for people with disability could be in both market and affordable housing. Suffice to say in this SPD on affordable housing: - where local evidence has identified an affordable housing need for a disabled person/household in the local area from the council's housing register or another robust source at the time of the planning application, the council will apply Policies H2 (f) and ENV3 (i) in combination to seek reasonable provision to meet that need in new development proposals and accommodation that can also be adaptable for future needs. "</p> <p>Change to para 2.8.5 SPD as follows: Insert sentence at end of paragraph 2.8.5 to read: "Para 2.11.5 of this SPD relates to providing for the needs of disabled people in dwellings and addresses how the type of affordable housing to reflect the most up to date evidence of need, as required by policy H2(f) can include design matters embraced by policy ENV3(i), which requires that reasonable provision is made to ensure buildings and spaces are accessible."</p> <p>Both North Yorkshire County and Craven District Councils work to provide suitable accommodation for the needs of disabled people within their roles, responsibilities and budgets.</p> <p>The delivery of Disabled Facility Grants (DFG) is currently a statutory function of Craven District Council, with North Yorkshire County Council (NYCC) having the statutory functions to carry out assessment of an individual's need for the adaptation. Referrals from NYCC to Craven for DFG are for people living in both market and affordable housing and the</p>
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works undertaken, via the grant, include installation of stair lifts, specialist toilet accommodation, access arrangements in and around the dwelling, including door widening, bathroom adaptations and extensions.

North Yorkshire County Council has responded to this comment and set out their role under the Care Act as follows: "NYCC's responsibilities are specifically in relation to meeting the needs of people with eligible needs under the Care Act. This applies to young and older people, and is not defined by a person's disability. Our primary aim would always be for people to live as independently as possible within their local community. Wherever possible, we would aim to support someone to reside/remain in general needs accommodation, and commission a package of care & support appropriate to their needs. This may include personal care, alongside Assistive Technology and/or Aids & Adaptations. Where people have an eligible need under the Care Act, we work in partnership with the District/Borough Councils and specialist Housing Providers to deliver accommodation to meet those needs, with the underlying ethos that people live as independently as possible within their local community.

In Craven and North Yorkshire, we have a range of accommodation options to meet the needs of people with a disability. This includes fully accessible Extra Care schemes, generally for people over 55. Age restrictions often apply as a result of local s106 agreements. There are currently two in the Craven locality in Skipton and Settle, with a total of 89 self-contained flats. There are also a further two in development in Skipton and Benthams, due for completion by Spring 2021, adding a further 130 self-contained flats. We also have a number of Supported Living and Supported Accommodation settings, to meet the needs of people who require additional support to live independently. This includes settings specifically for people with mental health, as well as people with a learning/physical disability and/or autism. There are 20

	<p>Care Homes in the Craven locality, which equates to approximately 700 beds. We understand occupancy levels within these Care Homes is consistently around 90%.</p> <p>We have a mechanism in place in Craven to work alongside our Social Care colleagues as well as our District Housing colleagues to allocate available accommodation to meet people’s needs, as well as to respond to market demand and identify short & long term future needs. However, we would reiterate our ethos that people should be supported to remain within their own home and to live as independently as possible within their community.”</p> <p>No change to SPD required</p>
<p><u>Biodiversity (Section 2.11.0)</u> We would like to see reference to in Paragraph 2.11.1 to building space for nature, for example, this could read <i>‘The Council is committed to securing good design, including sustainable design and construction <u>and high quality, connected green infrastructure</u>’.</i></p> <p>(Yorkshire Wildlife Trust)</p> <p>All sites, whether allocated or unallocated should have an ecological survey and impact assessment undertaken as part of the planning application process, with biodiversity net gain required as standard, in line with the NPPF</p>	<p>It is accepted that there should be reference to biodiversity and green infrastructure within the SPD’s section 2.11.0 on the design, distribution and construction of affordable housing.</p> <p>Change to SPD as follows: -</p> <p>Replace ‘6’ with ‘4’ in the title of section 2.11.0 Add text at the end of paragraph 2.11.1: -</p> <p>“Policies ENV1, 2, 4 to 9 of the plan set out the council’s approach to assessing new development against other design issues. Respectively these policies ensure that, where relevant, proposals take account of the countryside and landscape; heritage; biodiversity; green infrastructure; flood risk; land and air quality; water resources, water quality and groundwater: and renewable energy.”</p> <p>This council, through policy ENV4 of the local plan, supports the principle of achieving a net gain in biodiversity on all development sites. Further detail of how this policy will operate will be set out in the</p>

<p>which states that proposals should demonstrate a measurable gain in biodiversity. The emerging Environment Bill which is expected to put a requirement for all proposals to achieve a 10% net gain in biodiversity; whilst not yet formally released, this level is already being implemented as good practice across the country, and should be applied to affordable housing sites.</p> <p>(Yorkshire Wildlife Trust)</p>	<p>forthcoming SPD on Green Infrastructure and Biodiversity. The achievement of a 10% net gain target, expected to be introduced by the emerging Environment Bill, does not form part of this policy and therefore cannot be included in this SPD. This is an issue that can be assessed into a future review of the local plan, and this would include a viability testing of such a requirement.</p> <p>No change to SPD required.</p>
<p><u>Distribution of affordable homes (Paragraphs 2.11.7 to 2.11.9)</u></p> <p>A good spread of affordable housing across a scheme should take into account the need for most RP’s seeking a close arrangement of their properties, to allow for simpler transfer processes and better management of the properties in the medium and long term. This approach should only be sought on larger development schemes, where the overall number of affordable dwellings can be split into larger manageable groups, rather than small clusters of two, three or four units scattered around a site.</p> <p>(Progress Housing Group)</p>	<p>Disagree. The council’s longstanding approach is to seek clusters of between 6 to 10 affordable dwellings, which allows groups of dwellings to be managed efficiently and without problems.</p> <p>No change to SPD required.</p>
<p><u>Sustainable design and construction (Paragraphs 2.11.10 to 2.11.12)</u></p> <p>Support the Council’s approach to sustainable design and construction. Will the developer be required to meet a designated energy reduction target? If so, how would this be enforced? A developer should liaise with the RP as early as possible to ensure any energy efficiency strategies are suitable for the RP and not cause any long term management and maintenance issues.</p> <p>(Home Group)</p>	<p>Developers are not required to meet a designated energy reduction target, but will be required to take all reasonable opportunities to reduce energy use and wherever possible to generate power through solar or other means, in accordance with building regulations and Policy ENV3 criterion t).</p> <p>Change to the SPD as follows: Add new paragraph after 2.11.12 to state: “2.11.13 Developers should discuss with the registered provider and the council as early as possible to ensure that any energy efficiency</p>

	<p>measures to be employed in the affordable housing (and market housing) meet the requirements of Policy ENV3 t), are suitable for the registered provider and not cause the registered provider any long term management and maintenance issues. Further guidance on energy efficiency and low carbon solutions will be set out in the council’s forthcoming SPD on Good Design.”</p>
<p><u>Pre-application discussions (Sections 1.2.0, 3.1.0, 3.2.0, 3.3.0 and 3.4.0)</u></p> <p>Concern over the Council’s capacity to engage in pre-application discussions to resolve issues arising from proposed developments. Recent experience of the pre-application process stage has delayed the process by at least three months so far due to resourcing issues in the planning department. Delay is a major issue when, as often RP’s are reliant on time limited grant funding. We would therefore seek clarity on what additional resources have or will be provided to the relevant departments that will ensure the delivery of new housing and specifically affordable housing across the district as set out in the SPD.</p> <p>(Progress Housing Group)</p> <p>The approach for pre-application service is welcomed but it needs to be timely and explicit.</p> <p>(Rollinson Planning Consultancy Ltd)</p>	<p>The council has in the recent past had difficulties in staffing in Development Management. New appointments have recently been made to improve staffing levels. The council is committed to supporting a good pre-application enquiry service.</p> <p>No change to SPD required.</p> <p>See response above.</p>
<p><u>Part Three of the SPD</u></p> <p>We do not accept that Part Three is appropriate for inclusion in an SPD. It sets out or attempts to impose policies which are not consequential upon Policy H2.</p>	<p>Part Three of the SPD is a valuable part of the SPD as, in accordance with the NPPF definition of an SPD, provides further guidance on relevant plan policies. This SPD’s subject matter is ‘Affordable Housing’ and hence Policy H2 on the same matter is the primary policy which this SPD</p>

(Walton and Co).

supports. Nevertheless, there are other relevant policies, including the strategic policy of the plan, Policy SD1: The Presumption in Favour of Sustainable Development, which are also relevant to proposals for affordable housing.

Policy SD1 states that “The council will take a proactive approach and will work cooperatively with people and organisations wishing to carry out development and applying for planning permission, to find solutions to secure sustainable development that meets relevant plan policies and can be approved wherever possible.”

Part three, entitled ‘Preparing and Submitting Planning Applications’ is clearly providing ‘further guidance’ on the above statement in Policy SD1. Paragraph 1.1.2 of the SPD already states the importance of the SPD in providing further guidance on Policy SD1.

Part three of the SPD does not impose new policies. The SPD does, reasonably and helpfully for the applicant, refer to the council’s validation requirements which have been set out under the appropriate and separate procedural requirements outside the local plan process. Nevertheless, for further clarity and to reinforce the point that Part 3 explains how pre-existing requirements, such as the Council’s validation requirements can be met, some change in wording is proposed below:

Change to the SPD: -

Amend second sentence of paragraph 3.1.6 as follows:

Delete ‘submissions should be accompanied with’ and replace with ‘planning applications should meet the council’s validation requirements through the submission of’

Replace fourth sentence of paragraph 3.1.7 with the following text: ‘At

<https://www.cravendc.gov.uk/planning/planning-applications-and-notifications/national-and-local-planning-validation-requirements/local-information-requirements/planning-obligations-and-draft-heads-of-terms-pro-forma/>

it is stated that “Where relevant to the development proposal, failure to supply a completed and agreed Draft Heads of Terms with the submitted application will result in the application not being validated”

Amend fifth sentence of paragraph 3.1.7 by

Replacing ‘In determining whether the information in the pro-forma is adequate,’ with ‘In determining whether to agree the Draft Heads of Terms,’

Replace paragraph 3.1.9 with the following ‘Policy H2 d) states that ‘Development proposals that seek to provide a lower level of affordable housing contribution, either on or off site, will not be acceptable unless it can be clearly demonstrated that exceptional circumstances exist which justify a reduced affordable housing contribution. In such exceptional circumstances, the local planning authority will look to maximise provision of affordable housing having regard to the circumstances of individual sites and scheme viability.’

In order to comply with policy H2 d) and thereby clearly demonstrate that exceptional circumstances exist and that under these circumstances, the maximum provision of affordable housing has been achieved, a clear and comprehensive site viability assessment is required to be submitted by the applicant (ASVA). This SPD, Section 2.5.0 and Appendix 4 provides the guidance on what the content of such ASVA’s should include to comply with policy H2 d). Failure to provide an adequate ASVA with a relevant planning application runs the risk of a refusal of permission on the grounds that it does not comply with policy H2 d).

	<p>Delete first sentence of paragraph 3.1.10.</p> <p>In the first sentence of paragraph 3.1.11 replace the wording ‘ is likely to’ with ‘may’</p> <p>Delete the first two sentences of paragraph 3.2.8 and replace with ‘Policy H2 J) II) and III) require viability assessments to be submitted with planning applications which propose a proportion of market housing on a rural exception site. A relevant planning application failing to submit an adequate ASVA, along the lines of that shown in Appendix 7 will run the risk of a refusal of permission on the grounds that it does not comply with Policy H2 J) II) and III)’. Applicants are advised to seek agreement with the council on the payment of an independent assessment as set out in Appendix 5.</p>
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PART TWO: SECOND PUBLIC CONSULTATION ON DRAFT AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT; PUBLICITY, REPRESENTATIONS RECEIVED AND COUNCIL'S RESPONSE.

Public Consultation On the Second Draft Affordable Housing SPD

9. In line with Regulation 3(2) of the Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings, etc) (England) (Coronavirus) (Amendment) Regulations 2020 (SI 2020/1398) which are in place until the 31 December 2021 and the Council's [Statement of Community Involvement](#) (SCI) 2018, the second draft SPD was published on the Council's website for a period of public consultation. It should be noted that The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 temporarily modifies Regulation 35 (availability of documents) up to 31st December 2021 to reflect the Coronavirus situation. These modified Regulations removes the requirement for Local Planning Authorities to place paper consultation documents at Council Offices and other appropriate locations such as libraries, and only requires consultation documents to be published on the authority's website. However, in order to provide opportunities for consultees unable to access the document digitally, paper copies were available to view during limited opening times at the Council Offices and in line with COVID-19 rules.
10. The Regulations require Local Planning Authorities to invite representations to be made on a draft SPD over a period of not less than four weeks. However, given the restrictions relating to the COVID-19 pandemic, public consultation on the first draft Affordable Housing SPD ran for a period of 6 weeks from 15 February to 29 March 2021 in order to maximise opportunities for interested parties to consider the draft SPD during the COVID-19 pandemic. Comments were invited to be submitted in writing, no later than 29 March 2021 either by post or email.
11. The Council has developed a comprehensive local plan consultation database which includes specific and general bodies and individuals for consultation purposes. The [Subscribe to Planning Focus](#) web page on the Council's website allows individuals and organisations to submit their details and be entered onto the local plan consultation database, via Mailchimp at any time. All contacts within the local plan consultee database were notified of the draft Affordable Housing SPD consultation by either postal or electronic mailshot. Consultees include:
 - Specific Consultation Bodies as defined in The Town and Country Planning (Local Planning) (England) Regulations 2012 and amended Regulations, including Town and Parish Councils
 - General Consultation Bodies as defined in The Town and Country Planning (Local Planning) (England) Regulations 2012 and amended Regulations.
 - Individuals registered on the local plan database.
12. A press release was issued by the Council on 4 February 2021. This was subsequently published in the Craven Herald & Pioneer newspaper on Thursday 11th February 2021. An article based on this press release also appeared in the February 2021 edition of Core Brief, the Council's staff magazine. The consultation was also promoted on social media (Twitter and Facebook). A copy of the press release and Core Brief article is included at Appendix 1 to this report.

Table 2: Second Public Consultation: Summary of issues raised by respondent, Council’s response and recommended changes to the SPD.

Summary of Issues raised (respondent in brackets)	Council’s response and recommended changes to the SPD (shown in bold)
<p><u>Development costs: Paragraphs 2.5.4 to 2.5.7</u></p> <p>The proposed policy which requires all foreseeable development costs (normal and abnormal) be deducted carte blanche from the land value is not a proper reflection of either RICS Guidance or National Policy. The correct starting point is to establish the existing land value and then to allow for a premium to landowners in order to encourage a willing seller. When assessed against the requirement for affordable housing the wholesale deduction of development costs can reduce the land value below its existing use value plus a premium. Such a policy would patently discourage a potential vendor from selling the site.</p> <p>Related to the above, the company has stated that: We reiterate the objections that we submitted to last consultation. The council have failed to take into account the objections we made last time which therefore remain relevant when considering whether this SPD can lawfully be adopted.</p> <p>(Walton & Co)</p>	<p>The council is not proposing a new policy. The policy is already part of the adopted local plan, has been examined by an independent inspector and found sound. These paragraphs of the SPD simply explain and illustrate the factors that the Council will consider, in line with paragraphs 6.17 and 6.18 of the Local Plan, when assessing whether there are “exceptional circumstances” under Policy H2 of the Local Plan. They do not constitute a further policy requirement and are in line with the latest RICS Guidance, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).</p> <p>The PPG advises on development costs and land value as follows: <i>“Benchmark land value should:</i></p> <ul style="list-style-type: none"> • <i>be based upon existing use value</i> • <i>allow for a premium to landowners (including equity resulting from those building their own homes)</i> • <i>reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees...”</i> <p><i>(para ID10-014-20190509).</i></p> <p>(This part of the PPG is already set out in the SPD at paragraph 2.5.5 of the SPD.)</p> <p>In other words, a landowner should not expect to receive the same price/premium for a site where the development costs are high compared to one where the costs are much lower.</p>

	<p>It is of course accepted that there may be circumstances where deducting all site-specific costs could result in a negative value, in which case there would be no incentive for the landowner to sell the land.</p> <p>However, a recent appeal decision at Warburton Lane, Trafford (APP/Q4245/W/19/3243720) and the publication of the RICS report “Assessing Viability under the National Planning Policy Framework 2019”, provides support for the council’s approach. At paragraph 118 of the Inspector’s decision letter the following provides a very clear statement on the setting of the landowners premium:</p> <p><i>“The Planning Practice Guidance gives no indication as to what the uplift should be and the reason for that is because it will vary according to site specific and policy circumstances. There is no evidence that I have seen that says the premium should be any particular value. The important point is that it should be sufficient to incentivise the landowner to sell the land and should also be the minimum incentive for such a sale to take place.”</i></p> <p>The Council has taken into account the representations made by Walton & Co during the first public consultation on the SPD and this is set out in Table 1 above. However, on further assessment of Section 2.5.0, Part Three of the draft SPD, and Appendices 4, 5 and 7, in addition to those changes made in Table 1, it is considered appropriate to make additional changes here to make it absolutely clear that the council is not introducing any new requirements to those already covered in the plan’s policies and the council’s validation requirements. These additional changes are set out below.</p> <p>In conclusion, the SPD reflects the provisions of the adopted Craven Local Plan, in particular Policy H2; does not constitute a new policy requirement on this issue; and is supported by the government’s Planning Practice Guidance (PPG) and the very recently published RICS report “Assessing Viability under the National Planning Policy Framework 2019, March 2021”.</p>
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	<p>External legal advice and the advice of Aspinall Verdi (the authors of the Craven Local Plan Viability Assessment) has been provided on this matter. The above response and changes below reflect this advice.</p> <p>Change to Section 2.5.0 as:</p> <p>In the first sentence of paragraph 2.5.21 insert “it is recommended that” between “provided” and “they”.</p> <p>Change Part Three of the SPD as follows:</p> <p>At the beginning of paragraph 3.1.3 insert “In accordance with Policy H2 f) and Policy ENV3, sections”</p> <p>At end of the penultimate sentence of para 3.1.3, after reference to “Sections 2.5.0 and 2.10.0 above” insert “(Policy H2 d) and h)”</p> <p>At the end of the last sentence of paragraph 3.1.3 insert “(Policy H2 c))”</p> <p>At the end of the first sentence of paragraph 3.1.4 insert “(Policy H2 a))”</p> <p>At the end of the second sentence of paragraph 3.1.4 insert “(Policy H2 c) and d))”</p> <p>At end of the last sentence of para 3.1.4, after reference to “Sections 2.5.0 and 2.10.0 above” insert “(Policy H2 d) and h))”</p> <p>After “Where acceptable” in the first line of paragraph 3.1.6 insert “to the applicant”</p>
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	<p>Replace the last sentence of paragraph 3.1.6 with the following text “The pro-forma is set out in Appendix 8 and a link is provided in paragraph 3.1.7 below.”</p> <p>Replace the first sentence of paragraph 3.1.8 with the following text “Section 2.5.0 and Appendix 4 of the SPD provide guidance on Policy H2 d) and their contents is supported by the NPPF and PPG.”</p> <p>In the first bullet point of paragraph 3.1.8 insert “applicant’s” between “when” and “site” and insert “(ASVA)” between “assessments” and “are”.</p> <p>In the penultimate sentence of paragraph 3.1.9 insert “preferably” between “should” and “include”.</p> <p>In the first sentence of paragraph 3.2.1 replace “should” with “would usefully” between “enquiry” and “be”.</p> <p>In the penultimate sentence of paragraph 3.2.1 replace “should” with “is advised to” between “enquirer” and “contact”</p> <p>In the first sentence of paragraph 3.2.4 replace “should” with “can” between “scheme” and “be”.</p> <p>In the second sentence of paragraph 3.2.4 insert “policy” between “the” and “matters”</p> <p>In the first sentence of paragraph 3.2.5 replace “rule will be for” with “policy position is that” between “general” and “rural”; and replace “to” with “will”.</p> <p>In the second sentence of paragraph 3.2.5 insert “to meet Policy H2 j) l))” between “then” and “a”.</p>
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	<p>Replace the last sentence of paragraph 3.2.5 with “The enquirer is advised to demonstrate that all potential funding sources have been exhausted.”</p> <p>In the first sentence of paragraph 3.2.6 insert “in accordance with Policy H2 i) III)” between “necessary” and “a.”</p> <p>In the last sentence of paragraph 3.2.6 insert “(Policy H2 j) II)” at the end of the sentence.</p> <p>In the first sentence of paragraph 3.2.7 replace “required” with “helpful”</p> <p>In the second sentence of paragraph 3.2.7 replace “The policy” with “Policy H2 j) III)”</p> <p>In the first sentence of paragraph 3.3.2 replace “should” with “will usefully”</p> <p>In the first sentence of paragraph 3.3.3 replace “should then” with “is advised to”</p> <p>Change to Appendix 4 as follows:</p> <p>Insert the following text between the first and second paragraphs:</p> <p>“However, Policy H2 d), based on the evidence provided in the Craven Local Plan Viability Assessments, requires that a proposed development which seeks to provide a lower than policy requirement of affordable housing will not be acceptable unless the existence of exceptional circumstances can be demonstrated. An example of these exceptional circumstances could be where development costs render the scheme unviable (see paragraphs 2.5.5 to 2.5.8). Clearly in these circumstances, to comply with Policy H2 d) an applicant would need to demonstrate</p>
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	<p>what these costs are and how they affect land values through a site viability appraisal.”</p> <p>In the second paragraph replace “must” with “is strongly encouraged to “between “applicant” and “provide”.</p> <p>At the beginning of the third paragraph insert “It is advisable that” and replace “must be” with “is*.</p> <p>In the inset paragraph 3 replace the last sentence before bullet points i) and ii) with the following text:</p> <p>“To comply with Policy H2 d) applicants are advised to provide”</p> <p>Replace the last sentence of inset paragraph 4 with the following text:</p> <p>“In this respect, a comprehensive independent comparable market assessment and analysis to justify values proposed is recommended”</p> <p>Replace the last sentence of inset paragraph 5 with the following text:</p> <p>“In this respect, comprehensive independent technical and cost reports to substantiate development costs would comply with the PPG”.</p> <p>In the first sentence of inset paragraph 6 replace “must be clearly defined” with “is critical to the assessment” between “value” and “based”</p> <p>Insert in the third sentence of inset paragraph 6,</p> <ul style="list-style-type: none">• replace “under no circumstances will” with “the PPG does not consider that” between “that” and “the”, and
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- insert “will” between “land” and “be”.

In the fourth sentence of inset paragraph 6 replace “will require” with “recommends the submission of” between “Council” and “a”.

In the last sentence of inset paragraph 6 replace “must” with “should” between “premium” and “be”.

In the first sentence of inset paragraph 7 replace “must” with “is advised to” between “applicant” and “set”.

In the second sentence of inset paragraph 8 replace the last phrase with the following text:

“a clear agreement of how policy compliance can be achieved over time would comply with the PPG”

In the last sentence of inset paragraph 8 replace “should” with “are advised to” between “Applicant” and “set”

Appendix 5

Replace the first sentence of the first paragraph with

“It is only reasonable for the Council to secure an independent assessment of the applicants site viability assessment (ASVA). This independent assessment will be subject to the following process, fees, terms and conditions:”

In the third sentence of the second paragraph replace “must” with “will be asked” between “who” and “confirm”

	<p>In the last sentence before the ‘signature section’ replace “will not” with “is unlikely to” between “appraisal” and “be”, and</p> <p>Insert “by the council” between “considered” and “unless”.</p> <p>Appendix 7</p> <p>In the third paragraph insert “advised” between “are” and “to”.</p> <p>In the first sentence of the fifth paragraph insert “landowner/” before “RP”</p> <p>In the second sentence of the fifth paragraph replace “is to” with “should” between “this” and “be”.</p> <p>In the first sentence of the sixth paragraph insert at the start “To comply with Policy H2 j) II) “and replace “must” with “should” between “RP” and “provide”</p> <p>In the last sentence of the penultimate paragraph replace “will not” with “is unlikely to” between “council” and “accept”</p> <p>In the last sentence of the appendix add at the end “in accordance with Policy H2 j) II) “.</p>
<p><u>Paragraph 2.5.9 ‘Meeting other planning objectives’ and Section 2.10.0 ‘Planning Obligations’</u></p> <p>The obligations sections need to make reference to Health Infrastructure as well as the normal education, open space, affordable housing and highways obligations. Developers must be aware that for any development of 10 or more units the NHS will be seeking financial contributions to</p>	<p>A small part of the north west of the plan area lies with the NHS Clinical Commissioning Group (CCG) for Morecambe. (This includes Bentham and Ingletton in the Craven Local Plan area). This CCG has produced their own policy document on developer contributions for this area. The CCG did not request that the council consider the inclusion of such developer</p>

<p>support health infrastructure directly impacted by the proposed development.</p> <p>The NHS Policy has already been issued to the council and clear reference must be made to this policy document and how calculations are determined. Affordable housing brings with it demands on the NHS and can result in high dependency patients for the NHS.</p> <p>(National Health Service Blackpool and National Health Service Fylde and Wyre Clinical Commissioning Groups, working in partnership with the Morecambe Clinical Commissioning Group)</p>	<p>contributions during the preparation of the plan. These developer contributions did not form part of the plan’s viability assessment.</p> <p>There is no legal requirement for the council to reference this document within this SPD.</p> <p>It is considered that the relevance of this NHS document is a matter better considered in the context of individual development proposals located within the part of the plan area that falls within the CCG for Morecambe, and any consultation responses received from the NHS in relation to such proposals.</p> <p>External legal advice has been provided on this matter. The above response and the recommendation below to not change the SPD reflect this advice.</p> <p>No change to the SPD.</p>
<p><u>100% affordable housing on Craven Local Plan allocated sites (Paragraph 2.7.3)</u></p> <p>Object to the content of paragraph 2.7.3 where it suggests that 100% affordable schemes will not be supported on sites that are allocated for residential development in the Local Plan.</p> <p>This is introducing a level of policy control which is not contained within the Local Plan. The only lawful way of bringing this requirement into effect would be through a review or partial review of the Local Plan.</p> <p>(Yorkshire Housing)</p>	<p>On this issue, paragraph 2.7.3 of the second draft SPD states that:</p> <p><i>“The plan’s promotion of developments of 100% affordable housing within Tier 1 to 5 settlements at policy H2, criterion e) l) relate to ‘windfall housing’ sites coming forward within the main built up area of the settlement. None of the plan’s site allocations for housing are considered appropriate for 100% affordable homes. To be in accordance with the Local Plan, these allocations should provide for mixed and balanced communities of approximately 70% market housing and 30% affordable housing as expected through the plan’s policies SP5 to SP11.”</i></p>

	<p>The council added the above content to the SPD following a representation to the first consultation draft which sought clarity on the council's position regarding 100% affordable housing on allocated sites.</p> <p>There is little doubt that in allocating land for residential development in the Craven Local Plan, the council envisaged that:</p> <ul style="list-style-type: none">• viability would restrict the affordable housing provision on these sites to not less than 30% and therefore the likely split between market and affordable housing would be in the region of 70%/30%. <p>Furthermore, to meet the council's objectively assessed need for housing, the plan's housing allocations, as a whole, should provide for a mix of market and affordable homes. The added benefit of this being the provision of mixed and balanced communities in new housing developments.</p> <p>However, on further assessment of the relevant policies in the plan (policies H2, SP3, SP4 and SP5 to SP11), it is accepted that there is no explicit policy approach in the Craven Local Plan which either supports or resists 100% affordable homes on the plan's allocated sites for residential development.</p> <p>Therefore, it is not the place of the SPD to introduce such a policy approach. On the issue of the acceptability of 100% affordable housing on an allocated site, a proposal will have to be considered on its individual merits on a case by case basis.</p> <p>External legal advice has been provided on this matter. The above response and recommended change below reflects this advice.</p>
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	<p>Change to the SPD: Delete that part of paragraph 2.7.3 of the SPD which refers to the council’s position on 100% affordable homes on Craven Local Plan allocated sites for residential development as set out above.</p>
<p>Paragraphs 2.11.2 to 2.11.4</p> <p>I am concerned that the space standards used in the LPVA are regarded as an adequate ‘starting point’ for either affordable or market housing and would encourage the council to be bold and adopt the Governments Nationally Described Minimum Space Standards. I appreciate these are not law and not enshrined in building regulations. They are however much more comprehensive and take account of: Storage Space, Number of floors and hence space required for stairs, Number of bedrooms and number of bed spaces. Minimum floor area for rooms and minimum dimensions ensuring the space is usable. Minimum head height.</p> <p>I acknowledge that a lot of the affordable housing in Craven exceeds the government minimum but in order to ensure this is the case going forward I would like to see the government minimum space standards adopted in their entirety by the council as policy. My concern is that if the standards used in the LPVA are used houses that are fully compliant but not fit for purpose will be built. Eg Mandale Homes, Haymarket Development where the properties are compliant with the council’s policy but about 15 sq m smaller than the government minimum. This is equivalent to a study, small kids’ bedroom or a more spacious living area.</p> <p>(Jenny Andrews)</p>	<p>The council is committed to providing housing, particularly affordable housing, with good space standards.</p> <p>However, unfortunately when the Craven Local Plan was being prepared, national planning policy did not advise local planning authorities to include the Nationally Described Space Standards (NDSS) in local plan policies. Therefore, in preparing the plan, the viability assessment used the space standards which the council had been regularly using in discussions with developers and registered providers.</p> <p>In doing so, the council cannot now introduce in this SPD a new policy requirement which insists on the provision of the NDSS. This can only take place with a review and update of local plan policy.</p> <p>The above constraints do not stop the council strongly encouraging the use of the NDSS in new developments. This approach is already incorporated in the SPD in paragraph 2.11.4.</p> <p>Legal advice has been provided on this matter. The above response and the recommendation below reflect this advice.</p> <p>No change to the SPD.</p>
<p>Appendix 11</p> <p>Appendix ELEVEN includes the following definition of transfer price for Affordable Housing</p>	<p>Paragraph 2.4.4 of the SPD covers this issue and states that the transfer price will be reviewed at an appropriate time when relevant updated data is available.</p>

<p>Transfer price: means a price that equates to one thousand pounds (£1000) per square metres of the gross internal area of the affordable dwelling.</p> <p>Can the definition explain how this price will be reviewed as it is already well below the cost of development?</p> <p>(Ian Thompson, Consultant)</p>	<p>No change to SPD</p>
<p>General</p> <p>It is acknowledged that this is the second consultation of the document and that Homes England did not submit a representation in relation to the first draft. Therefore, following review it is confirmed that Homes England does not wish to provide any representations at this time in relation to the subject second draft.</p> <p>(Homes England)</p>	<p>No response required</p>
<p>General</p> <p>Thank you for consulting the Canal & River Trust on the draft Affordable Housing SPD.</p> <p>Having reviewed the contents, we can confirm that we do not have any comment to make on the document</p> <p>(Canal & River Trust)</p>	<p>No response required</p>
<p>General</p> <p>Your attention is drawn to the planning policy guidance provided by your central planning departments in England, Scotland and Wales. For England: https://www.gov.uk/guidance/hazardous-substances in particular paragraphs 65 to 69 which explain an LPAs responsibilities when taking public safety into account in planning decisions and formulating local plans.</p>	<p>No response required</p>

(Health and Safety Executive)	
General No comments	No response required
(Marine Management Organisation)	
General No comments	No response required
(North Yorkshire County Council)	

PART THREE: CHANGED CIRCUMSTANCES REQUIRING UPDATES TO THE AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT

Table 3: Amendments to SPD due to changed circumstances

Changed circumstance	Comment and change to the SPD
<p>On Monday 24 May, the Housing Minister laid an Affordable Housing Update Written Ministerial Statement. This introduces planning policy on First Homes, and sets out:</p> <ul style="list-style-type: none"> • policy detail on the definition of First Homes, • the process for securing developer contributions for them, • the types of developments that will be exempt from the requirement to provide First Homes, • the transitional arrangements that will apply to local and neighbourhood plans depending on their level of advancement through the plan making process, as well as for planning applications • the policy framework for First Homes exception sites. <p>The Written Ministerial Statement (WMS) comes into force on 28 June 2021.</p> <p>However, the First Homes requirement will not apply to sites with full or outline planning permission already in place or determined before 28 December 2021 (or</p>	<p>The introduction of this new planning policy at national level will require on major development sites that 25% of affordable homes on site in Craven should be First Homes. First Homes are for eligible first time buyers and will be for sale at 30% discount below market value, with the option to increase that discount to 50% where justified by local evidence.</p> <p>The government expect local planning authorities to introduce the provisions of their new policy as soon as practicable. Relevant to this council, the written ministerial statement states:</p> <p><i>“...local planning authorities should make clear how existing policies should be interpreted in the light of First Home requirements using the most appropriate tool available to them.”</i></p> <p>The two tools suggested in the Planning Practice Guidance are:</p> <ul style="list-style-type: none"> • an interim policy statement, or • an update of relevant local plan policies. <p>The First Homes requirement cannot be incorporated in the SPD as First Homes do not form part of the Craven Local Plan Policy H2.</p> <p>Officers will be reporting to the Craven Spatial Planning Sub-Committee on the matter of how the First Homes requirement should be brought into planning decisions in Craven.</p> <p>It is appropriate to acknowledge in the SPD the government’s new policy and also update on the government’s position regarding First Homes Exception Sites.</p> <p>Changes to the SPD</p>

28 March 2022 if there has been significant pre-application engagement). That said, the WMS states that the local authorities should allow developers to introduce First Homes to the tenure mix if they wish to do so. This would of course be subject to compliance with the details of the WMS on developer contributions.

The government has also published planning practice guidance on First Homes, including First Homes Exception Sites.

Add a preface to the SPD which summarises the purpose of the SPD and explains the need for the council to consider how the government’s first homes requirement will operate in Craven as follows:

“PREFACE

This supplementary planning document adds further detail to those policies of the adopted Craven Local Plan which are key to the delivery of affordable housing. It cannot and does not introduce any new policy requirements, rather it provides additional guidance to help applicants understand how it is possible for proposed developments to satisfy existing plan policies. In particular, Part 2 of the SPD, explains how proposed developments can satisfy each individual criterion of Policy H2, the plan’s primary policy on affordable housing. Part 3 of the SPD is designed to assist applicants in preparing planning applications for different types of housing development, emphasising the importance of early pre-application discussions with council planners and housing officers.

On 24 May 2021, the government’s Housing Minister published an Affordable Housing Update Written Ministerial Statement on ‘First Homes’. The policy in this statement comes into force on 28 June 2021, albeit does not apply to planning applications determined before 28 December 2021 (or potentially 28 March 2022).

The First Homes requirement cannot be incorporated in the SPD as First Homes do not form part of the Craven Local Plan Policy H2. However, the new national First Homes policy replaces the NPPF concept of entry-level exception sites with a new concept of ‘First Homes Exception Sites’, which is discussed within this SPD.

The operation of this new government policy, which will require 25% of major development sites affordable homes to be for eligible first time buyers, will run alongside the Craven Local Plan Policy H2. The government has advised that local planning authorities should consider how best its new policy requirement should operate locally, with options to alter national standards to reflect local circumstances. The council is currently considering what work is necessary to do this and ensure that First homes are affordable to those who live and work locally in Craven.”

Delete final bullet point of paragraph 1.2.2 and replace with “First Homes Exception Sites (Written Ministerial Statement 24 May 2021)”

Delete last sentence of paragraph 2.10.5.

Delete last two sentences of paragraph 1.4.6 and replace with “This policy concept has been replaced by ‘First Homes exception sites’ in a ministerial statement published on 24 May 2021. These types of sites are discussed in section 3.4.0 of the SPD.”

Delete last two sentences of paragraph 2.7.3 and replace with “A written ministerial statement on 24 May 2021 has replaced the NPPF concept on entry-level exception sites with a new concept of ‘First Homes Exception Sites’ These types of sites are discussed at section 3.4.0 of the SPD.”

Replace section 3.4.0 on ‘Entry-level exception sites’ with the following text:

“3.4.0 First Homes Exception Sites

3.4.1 The written ministerial statement (WMS) on 24 May 2021 introduced the concept of ‘First Homes Exception Sites’. The WMS comes into force on 28 June 2021 and replaces the concept of Entry Level Exception Sites (previously referred to in the draft SPD). This concept accompanies the wider government’s priority to enable as many people as possible to enjoy the benefits of home ownership and secure 25% of the majority of affordable housing provision as housing for eligible first time buyers.

3.4.2 Rural exception sites, as referred to in criteria i) and j) of Policy H2 and dealt with in section 3.2.0 of this SPD continue to be supported by the WMS. For information only, the following text reflects statements made in the WMS on first homes exception sites:

‘First Homes exception sites should be on land which is not already allocated for housing and should:

- a) Comprise First Homes (as defined in this Written Ministerial Statement)*
- b) Be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in the National Planning Policy Framework, and comply with any local design policies and standards.’*

	<p>3.4.3 The WMS also states that</p> <ul style="list-style-type: none"> • a small proportion of market homes may be allowed on these sites, subject to the local authority’s discretion, for example where it is essential to enable the delivery of First Homes without grant funding, and • also, a small proportion of other affordable homes may be allowed on these sites where there is significant identified local need. <p>3.4.4 The WMS indicates that the First Homes exception sites policy will not apply in National Parks, Areas of Outstanding Natural Beauty (AONB) and Designated Rural Areas (DRA’s). Appendix 2 of this SPD identifies those parts of the plan area that lie within and outside DRA’s. The Forest of Bowland AONB lies within the DRA’s of the plan area.”</p> <p>The draft SPD referenced Entry Level Exception Sites (ELES) in section 3.4.0 and cross referred to Appendix 9. This appendix set out how the Craven Local Plan Policy SP4 and the NPPF on ELES would work together in the council’s decision making process. Given the fact that the new national First Homes policy replaces the NPPF concept of entry-level exception sites with First Homes Exception Sites, Appendix 9 is not required.</p> <p>Delete Appendix 9 and renumber appendices 10 and 11 accordingly.</p>
<p>This document is now the adopted version.</p>	<p>Section 1.3.0 in the earlier draft documents referred to the details of the public consultation that was to take place at that time. This document will now be the adopted version and this section needs to reflect that status. Furthermore, the information on the two environmental impact screening reports should be updated.</p> <p>Change to SPD.</p> <p>Replace section 1.3.0 with the following text:</p> <p>1.3.0 Public consultation and adoption.</p> <p>1.3.1 This supplementary planning document has been the subject of two public consultations. Representations received during these consultations have informed this adopted document. As</p>

	<p>required by regulation 12(a) of the Town and Country (Local Planning) (England) Regulations 2012 a Consultation Statement has been prepared which sets out details of the consultations that have taken place and how those issues raised have been addressed in the supplementary planning document.</p> <p>1.3.2 In accordance with the provisions of the Strategic Environmental Assessment (SEA) Directive and the Environmental Assessment of Plans and Programmes Regulations (2004) (Regulation 9(1)), the local authority must determine whether a SEA is required under Regulation 9(3) for a supplementary planning document. An SEA screening report has been published alongside this supplementary planning document and this concludes there is no need for a full SEA.</p> <p>1.3.3 A Habitats Regulations Assessment (HRA) is required to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance (also known as Natura 2000 sites). The requirement for HRA is set out within the Habitats Directive 92/43/EEC, and transposed into British law by Regulation 102 of the Conservation of Habitats and Species Regulations, 2010. A screening report can determine if a full HRA is required (i.e. an Appropriate Assessment or further report, as necessary). A HRA screening report has been published alongside this supplementary planning document and concludes there is no need for a full HRA.</p> <p>1.3.4 This document was adopted by the council on 3rd August 2021.</p>
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Press Release for Immediate Release

August 24th, 2020

Public Consultation on the Draft Affordable Housing Supplementary Planning Document: Craven Local Plan

Craven District Council is launching a public consultation on its Draft Affordable Housing Supplementary Planning Document.

The public consultation runs from Tuesday September 1, for a six-week period until Tuesday 13 October 2020.

All relevant information can be found at www.cravencd.gov.uk/planningpolicyconsultations from [September 1, and also in](#) paper form at the Council offices at Belle Vue Square.

This draft Supplementary Planning Document (SPD) adds further detail to the policies of the Craven Local Plan.

The need to provide this document was agreed at the examination of the Local Plan, and the Local Plan's supporting text confirms the Council's commitment to its publication.

The Craven Local Plan was adopted by Craven District Council last November. It covers the period up until 2032, and sets out how the district will deal with important issues in the future including homes, employment, education provision, affordable housing, green space, sporting facilities, urban regeneration, transport, air quality, renewable energy and flooding.

The delivery of affordable homes for local people is an important Council objective and an SPD will help applicants in preparing and submitting policy-compliant planning applications for affordable housing.

The draft Affordable Housing SPD is available to view on the Council's website at www.cravencd.gov.uk/planningpolicyconsultations and will also be available for inspection at the Council's offices at Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ, which are open from 9am to 1pm from Monday to Friday.

In making representations, please be as clear as possible about which parts of the SPD you are referring to. You should make specific reference to the relevant paragraph numbers, and sections in your response. There are no representation forms for this consultation.

The Planning Policy Team can be contacted by emailing localplan@cravencd.gov.uk

Notes: For further media information contact Craven District Council – Jenny Cornish: 01756 706315

Core Brief Article – September 2020

Affordable Housing Consultation

Craven District Council has launched a public consultation on its Draft Affordable Housing Supplementary Planning Document, which runs from Tuesday September 1, for a six-week period until Tuesday 13 October 2020. This draft Supplementary Planning Document (SPD) adds further detail to the policies of the Craven Local Plan. The need to provide this document was agreed at the examination of the Local Plan, and the Local Plan's supporting text confirms the Council's commitment to its publication. The Craven Local Plan was adopted by Craven District Council in November 2019 and covers the period up until 2032. The delivery of affordable homes for local people is an important Council objective and an SPD will help applicants in preparing and submitting policy-compliant planning applications for affordable housing. The draft Affordable Housing SPD is available to view on the Council's website at www.cravencd.gov.uk/planningpolicyconsultations and will also be available for inspection at the Council's offices at Belle Vue Square, Broughton Road, Skipton.

Ruth Parker 46232



For Immediate Release

February 4th, 2021

**Second Public Consultation on the Draft Affordable Housing Supplementary Planning Document:
Craven Local Plan**

Craven District Council is launching a second public consultation on its Draft Affordable Housing Supplementary Planning Document (SPD).

The public consultation runs from Monday 15 February, for a six-week period until Monday 29 March 2021.

All relevant information can be found at www.cravencd.gov.uk/planningpolicyconsultations from **15 February**.

This second public consultation follows the first, which ran from 1 September to 13 October 2020. Representations submitted during the first consultation have been taken into account, and where appropriate, the draft SPD has been changed.

The Council is now required to publish the draft SPD and Consultation Statement for public consultation, therefore representations are now invited on the current draft Affordable Housing SPD. As representations submitted during the first public consultation have already been considered, they should not be resubmitted.

Representations should be made in writing by either posting to the Spatial Planning Team at the Council's offices, Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ or emailing to localplan@cravencd.gov.uk

In making representations, please be as clear as possible about which parts of the draft SPD, or other consultation documents you are referring to. You should make specific reference to the relevant paragraph numbers, and sections in your response. There are no representation forms for this consultation.

The need to provide this SPD was agreed at the examination of the Craven Local Plan (adopted in November 2019), and the Local Plan's supporting text confirms the Council's commitment to its publication. Once adopted, this SPD will add further detail to the policies of the Craven Local Plan.

The delivery of affordable homes for local people is an important Council objective and an SPD will help applicants in preparing and submitting policy-compliant planning applications for affordable housing.

The Planning Policy Team can be contacted by emailing localplan@cravencd.gov.uk

Notes: For further media information contact Craven District Council – Jenny Cornish: 01756 706315

Core Brief Article – February 2021

Draft Affordable Housing SPD - public consultation

Craven District Council has launched a second public consultation on its Draft Affordable Housing Supplementary Planning Document (SPD). The public consultation runs from Monday 15 February, for a six-week period until Monday 29 March 2021. All relevant information can be found at www.cravencd.gov.uk/planningpolicyconsultations from 15 February. This second public consultation follows the first, which ran from 1 September to 13 October 2020. Representations submitted during the first consultation have been taken into account, and where appropriate, the draft SPD has been changed. The Council is now required to publish the draft SPD and Consultation Statement for public consultation, therefore representations are now invited on the current draft Affordable Housing SPD. Once adopted, this SPD will add further detail to the policies of the Craven Local Plan. The delivery of affordable homes for local people is an important Council objective and an SPD will help applicants in preparing and submitting policy-compliant planning applications for affordable housing.

Ruth Parker 46232

Appendix 2

Building specifications for affordable homes agreed between Craven District Council and its pool of Registered Providers.

Element	Specification
Building	To meet EPC band B or above. All works must meet the requirements of Building Regulations, NHBC, Gas Safe Regulations, IEE Regulations, Fire Regulations, existing British Standards, Codes of Practice & manufacturers' recommendations. 10-year NHBC or equivalent warranty to be provided.
Gutters and fall pipes	Matching the market homes on the development.
Windows and rear doors	Matching the market homes on the development. Window restrictors to first floor casement windows (except fire escape window).
Front entrance door	Steel faced paint finish secured by design fire door matching market units. Mains operated door bell. Letter box & house numbers to be included.
Internal doors	4 panel painted flush doors.
Heating	Gas-fired Combi boiler (minimum A* rated), radiators throughout, thermostatically controlled bar towel rail in bathroom, which must meet the required heat output for the room. Smart controls featuring automation and optimisation functions (or as agreed).
Ventilation	Background ventilation including trickle vents.
Bathroom/WC/Cloaks	Electric shower over bath. Shower screen to shared ownership homes, fixed shower rail & curtain to rented homes. Full-sized non-slip bath, wide enough to be used as a shower bath, with handles. Mixer taps to bath & basins. Half height tiling to bathrooms and cloakrooms, fully tiled around bath & to window sills. Electric shaver points in bathroom and cloaks. Extractor fan.
Floor coverings	Flooring to kitchens, bathrooms, cloaks and utility room meeting R10 slip resistance standard.
Kitchen	Fitted kitchen with adequate storage for the property size, to include tall broom unit if no other similar storage available. Stainless steel sink & drainer with mixer tap. Space for washing machine (water & waste pipe connections must be fitted), tall standing fridge freezer and cooker (fittings for either electric or gas cooker must be included). Extractor fan/vented cooker hood. Worktops to have mitred joints and upstand or be tiled from worktop to cupboard. Full height splashback protection to be provided to cooker area. Shared ownership homes to include fitted oven & hob with vented cooker hood.
Electrical	White sockets & switch plates. All lighting to be low energy lamp fittings.
TV	TV wiring to be HD compatible with wiring to loft for TV aerial (communal digital compatible aerial with booster to apartments). Telephone and broadband connections wired into living room.

External lights	At both front & rear with dusk to dawn sensors.
Smoke/CO detectors	Mains operated with battery back-up.
Garden	Outside tap with isolator valve (no external pipework) & external weatherproof electric socket to be provided to private rear garden. Turf to front & rear garden. Dividing fence to rear to be 1800mm treated timber panel or feather edge with matching lockable gates. Paths to be provided to gates minimum width 900mm, paved patio area to rear minimum width 2.4m.
Water	Automatic water cut off device installed (surestop type) in easily accessible location.
Decoration	All ceilings & walls to be emulsioned and woodwork glossed.
Bins & drying areas	Provision of all necessary refuse & recycling bins. Apartments to have external communal drying areas & bin stores.
Handover	Full property information pack to be provided at handover to include all certification, guarantees & warranties including Landlords Gas Safety Certificate where applicable.

Where relevant (e.g. kitchens) a choice of fittings to be offered to association.

Examples of narrative used by Craven District Council in Section 106 legal agreements as they relate to matters referenced in this SPD.

Definitions

Affordable dwellings for freehold homes will be those dwellings with warranty to be provided on the site shown on the affordable housing plan attached at annex X, with all the necessary rights of access and services to be provided in perpetuity (to the extent permissible by law and subject to any exclusions or provisos contained in this agreement) as affordable housing.

Off-site affordable housing contribution means, if applicable, the sum of money that will be calculated in accordance with the calculation set out at paragraph X.X.X and paid by the owners to the council in accordance with and in the circumstances specified in paragraph X>X to be used by the council for the provision of affordable housing within the Council's administrative area.

Affordable housing sale unit means X nos of affordable dwellings which are to be constructed in accordance with the planning permissions and leased to an eligible occupier on a shared ownership lease or such housing as approved in writing by the Director of Services that provides a subsidised route to home ownership and which complies with either definition (c) "discounted market sales housing" or definition (d) "other affordable routes to home ownership" as set out within Annex 2 of the National Planning Policy Framework (February 2019).

Affordable housing for rent means XX nos of the affordable dwellings which are to be constructed in accordance with the planning permission or such other housing as approved in writing by the Director of Services and as defined in Annex 2 of the National Planning Policy Framework.

Conditional contract is a contract for the future transfer of the affordable housing units (as the context so requires) at the transfer price.

Eligible occupier: - a person or household containing a person who is in housing need for a property of the type and size in question and who is unable to afford to rent or purchase dwellings of a similar kind generally available on the open market within the administrative area of the council provided that a person within the household has a local connection within the search area,

- i. in the event that no such person or household can be found using all reasonable endeavours the registered provider may cascade to the wider search area (see paragraphs 2.10.6 to 2.10.10 of this SPD);
- ii. in the event that no such person or household can be found using all reasonable endeavours the registered provider may cascade to the wider search area (see paragraphs 2.10.6.to 2.10.10 of this SPD);
- iii. in the event that no such person or household can be found using all reasonable endeavours the registered provider may with the written approval of the Director of Services widen the cascade to all those eligible to join the housing register via the bidding system that operates within the North Yorkshire Home Choice area from time to time. (see paragraph 2.10.10 of this SPD)

Local connection: a person has a local connection with an area if they:

- i. have resided within the search area for three years out of the preceding five years; or

- ii. have previously resided within the search area for a period of 20 years or if less than 20 years half of that person's lifetime but subject to a minimum of ten years; or
- iii. have immediate family (mother, father, sister or brother, son or daughter) that live in the search area and have done so for a continuous period of at least five years; or
- iv. are in employment with a company or organisation based within the search area and established for at least three years and such employment to be at least sixteen hours each week for a minimum of 12 months or an offer of such employment.

Registered provider: as defined by the Housing and Regeneration Act 2008 (or as redefined by any amendment, replacement or re-enactment of such Act) and registered under the provisions of the Housing and Regeneration Act 2008 or any company or other body approved by Homes England (or any successor body) or the council or a company wholly owned by the council and nominated or approved in writing by the Director of Services (or successor).

Search area: collectively the original search area, wider search area (a) and wider search area (b). (the relevant search area and wide search areas will depend on the location of the proposed development – see paragraphs 2.10.6 to 2.10.10)

Transfer: means a transfer of the freehold beneficial interest in the affordable dwellings and reference to transfer shall include the terms “transferred”.

Transfer price: means a price that equates to one thousand pounds (£1000) per square metres of the gross internal area of the affordable dwelling.

Warranty: NHBC warranty or LABC warranty of Premier warranty or warranty of another provider approved by the party taking transfer of the affordable dwellings.

Legal Basis

The covenants, restrictions and requirements imposed upon the owner and their successors in title under this deed create planning obligations pursuant to Section 106 of the Act which bind the land and are enforceable in respect of the site by the council as local planning authority against the owner and any successor in title thereto.

Details on affordable housing

The owner covenants with the council as follows:

- i. the number of affordable dwellings shall equate to XX of the on-site dwellings and shall comprise of XX affordable housing for rent and X affordable housing sale units as set out in the first schedule unless a change in the mix of tenure is otherwise agreed by the Director of Services.
- ii. Not to allow cause or permit occupation or sale of more than XX % of the market dwellings until the affordable dwellings have been practically completed and transferred to the registered provider or the Council at transfer price.
- iii. The affordable dwellings shall not (save for where consent in writing to do so is given by the Director of Services) be occupied otherwise than by eligible occupiers found in accordance with the process set out and in that respect the registered provider on the transfer of the affordable dwellings will comply with the provisions herein.
- iv. Following recovery of the transfer price by the registered provider or the council where an affordable dwelling or any portion thereof is sold the sums payable to the registered

provider or the council (as the context requires) in relation to that transaction will be used exclusively for the provision of new units of affordable housing within the district of Craven to the extent permissible by law.

- v. That the owner shall provide in relation to the affordable dwellings an NHBC warranty or LABC warranty or warranty of another provider approved by the party taking the transfer of the affordable dwellings (the registered provider or the Council)
- vi. The affordable dwellings shall be provided in perpetuity to the extent permissible by law.

In the event that a registered provider does not enter into a conditional contract for all of the affordable housing units within twelve weeks of an offer by the owner to transfer the freehold beneficial interest in those dwellings to a registered provider then the following shall apply:

- i. In lieu of the on-site provision of the affordable housing units the owner can pay to the council an affordable housing contribution towards the provision of affordable housing in the administrative district of the council calculated in accordance with clause XXX and following the payment of the affordable housing contribution the affordable housing units will no longer be subject to the terms of this Deed and shall be free to be disposed of (in perpetuity) as open market dwellings at any tenure and at any price to a person or persons originating from any location.
- ii. The payment to which clause XXX applies shall be paid no later than occupation of the affordable housing units as open market dwellings
- iii. The restriction contained within paragraph XXX of the schedule shall no longer apply (in perpetuity) upon the affordable housing contribution being paid.
- iv. The affordable housing contribution shall be calculated as follows by reference to the number of affordable housing units to which the term applies for the purposes of clauses XXX.

$A - (B + C)$

Where:

A = Open Market Value

B = the Transfer Price

C = the owner's reasonable marketing costs incurred in selling each affordable housing unit on the open market together with any costs incurred in the event that an expert is appointed to determine the open market value.

APPENDIX D (HRA Screening)

Habitat Regulations Assessment

Screening Report

**Prepared in relation to the adoption of the
Affordable Housing Supplementary Planning Document
of Craven District Council**

Presentation to Policy Committee 22 June 2021

Prepared by David Feeney, B.E. (Environmental), MRUP, MSc

Prepared for Craven District Council, and reviewed by RP

Completion Date: November 2020 (updated in January and June 2021 to include consultation response of Natural England)

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Notes for readers

The author as named has prepared this report for the use of Craven District Council. The report conclusions are based on the best available information, including information that is publicly available. This information is assumed to be accurate as published and no attempt has been made to verify these secondary data sources. This report was prepared in November 2020 and updated in December 2020. It is subject to and limited by the information available during this time. This report has been prepared with all reasonable skill, care and diligence within the terms of the contract with the client. The author accepts no responsibility to third parties of any matters outside the scope of the report. Third parties to whom this report or any part thereof is made known rely upon the report at their own risk.

1. HRA Purpose and Legislative Background

1.1 Purpose of the HRA Screening Report

1.1.1 This screening report has been prepared to determine whether the Affordable Housing Supplementary Planning Document (SPD) prepared by Craven District Council should be subject to a Habitat Regulations Assessment (HRA) Appropriate Assessment or further assessment.

1.2 Legislative Background

1.2.1 A Habitat Regulation Assessment (HRA) refers to the several distinct stages of assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended). These undertaken stages determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. Hence, these regulations are for all plans and projects which may have likely significant effects on a designated international site or sites, and are not directly connected with or necessary to the management of the designated site.

1.2.2 These designated international sites feature Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar sites. The SAC is defined in the Habitats Directive (92/43/EEC) and it is designated to protect habitats and species listed in Annex I and Annex II of the directive, which are considered to be of European and national importance. The SPA focuses on safeguarding the habitats of migratory birds and particularly certain threatened birds. A Ramsar site is a wetland site designated to be of international importance under the Ramsar convention. As a matter of Government policy, the HRA is also required for candidate SACs, potential SPAs, and proposed Ramsar sites for the purposes of considering plans or programmes which may affect them.

1.2.3 In the Planning Practice Guidance (PPG), paragraphs 65-001 to 65-010 give guidance on the use of Habitat Regulations Assessment. In paragraph 65-002, it states: *“if a proposed plan or project is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site’s conservation objectives, must be undertaken”* and *“a significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site’s conservation objectives.”*

2. Overview of the Affordable Housing SPD

2.1 Relationship with the Local Plan

2.1.1 Under the Planning & Compulsory Purchase Act 2004, policy guidance can be provided in Supplementary Planning Documents (SPDs). In line with the National Planning Policy Framework (NPPF), this SPD provides further guidance on the delivery of affordable housing in the Craven Local Plan area and provides further detail to help explain the objectives relating to the following policies of the Craven Local Plan (2012 – 2032), which was adopted in November 2019:

- Policy H1: Specialist Housing for older people
- Policy H2: Affordable Housing
- Policy SP4: Spatial Strategy and Housing Growth
- Policy ENV3: Good Design
- Policy SD1: Presumption in favour of sustainable development
- Policy SD2: Meeting the challenge of climate change

The SPD hence supports the local plan and is produced in accordance with the procedures introduced by the 2004 Act.

2.1.2 Unlike the local plan itself, the SPD is not examined by an inspector, but it is subject to a public consultation process before being formally adopted by elected Council Members in a Council resolution. The SPD will be a material consideration in planning decisions.

2.2 The content of the Affordable Housing SPD

2.2.1 The NPPF defines affordable housing as social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market.

2.2.2 Policy H2 of the Craven Local Plan states that affordable housing will be provided as part of general market housing developments, in ways specified within the policy. Paragraph 6.3 of the local plan (page 178) states that the provision of affordable housing for local needs is an important objective of the plan. The policy ensures that affordable housing, once provided, is occupied by those in affordable housing need in perpetuity (or any subsidy is recycled). The aforementioned paragraph 6.3 indicates that this SPD will be produced to set out in more detail how Policy H2 will operate and be administered.

3. The Screening Process and Conclusions

3.1 Habitat Regulations Assessment Stages

3.1.1 The Habitats Directive sets out various stages of the HRA process, and the relevant plan or programme must be analysed under the relevant stage(s) as deemed suitable based on the likelihood and severity of significant effects. These stages are listed and explained as follows:

- **Stage 1 – Screening:** To test whether a plan or project either alone or in combination with other plans and projects is likely to have a significant effect on an international site;
- **Stage 2 – Appropriate Assessment:** To determine whether, in view of an international site's conservation objectives, the plan (either alone or in combination with other projects and plans) would have an adverse effect (or risk of this) on the integrity of the site with respect to the site structure, function and conservation objectives. If adverse impacts are anticipated, potential mitigation measures to alleviate impacts should be proposed and assessed;
- **Stage 3 – Assessment of alternative solutions:** Where a plan is assessed as having an adverse impact (or risk of this) on the integrity of an international site, there should be an examination of alternatives (e.g. alternative locations and designs of development); and

- **Stage 4 – Assessment where no alternative solutions remain and where adverse impacts remain:** In exceptional circumstances (e.g. where there are imperative reasons of overriding public interest), compensatory measures to be put in place to offset negative impacts.

3.2 The Craven Local Plan and the HRA

3.2.1 A HRA Appropriate Assessment has been produced for the Craven Local Plan. It is available to view under the ‘Sustainability and habitats’ page of the Craven District Council website (www.cravencd.gov.uk/planning/planning-policy/evidence-and-monitoring/sustainability-and-habitats). During the early stages of the local plan’s preparation, a Screening Assessment Report was prepared in 2016 to determine the requirement for an Appropriate Assessment. As the draft plan process evolved, the emerging spatial strategy, allocated sites, housing growth options and policies were subject to change in content, and at the time of completion, the screening assessment could not rule out potential significant effects on relevant internationally designated sites. An Appropriate Assessment report was hence deemed suitable to analyse all of the plan’s updated elements, as part of the continued interaction of the Habitats Regulations Assessment process with the evolving local plan.

3.2.2 Under this process, a number of iterations of the Appropriate Assessment were prepared to support each key stage of the local plan’s progression to adoption. The final Appropriate Assessment iteration was published to coincide with the adoption of the local plan in November 2019. It was the conclusion of the HRA that the chosen spatial strategy, housing growth option, policies and allocated sites chosen by the adopted Craven Local Plan would not have any adverse impacts on the designated European sites in terms of their ecological integrity.

3.3 Determination of any significant effects relating to the SPD

3.3.1 The aforementioned HRA process for the adopted Craven local plan assessed whether the plan was likely to have significant effects on international sites that are partially inside the local plan boundary, adjacent to the boundary, or thought important through being potentially affected (e.g. downstream of a water body). A full determination cannot be made until the three statutory consultation bodies have been consulted, in this case these bodies are Natural England, the Environment Agency, and Historic England. The international sites which are relevant for the Craven Local Plan and any associated SPDs include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar sites, and are listed in alphabetical order as follows:

- Bowland Fells SPA
- Craven Limestone Complex SAC
- Ingleborough Complex SAC
- Leighton Moss SPA and Ramsar site
- Malham Tarn Ramsar site
- Morecambe Bay Pavements SAC and Morecambe Bay SPA
- North Pennine Dales Meadows SAC
- North Pennine Moors SAC and North Pennine Moors SPA
- South Pennine Moors SAC and South Pennine Moors (Phase 2) SPA

3.3.2 The HRA for the local plan took into account both the extent of the housing and economic growth for the plan area. It concluded that the growth planned could be accommodated without causing significant affects either alone or in combination on any of the aforementioned internationally designated sites. The inspector at the local plan's examination (October 2018) concluded that the plan also would not cause any adverse effects on the integrity of these designated sites. As stated in Policy H2, affordable housing will be provided as part of general market housing developments. Hence, the affordable housing element has already been considered as part of the plan's overall allocated housing growth in the appropriate assessment of the local plan.

3.3.3 All adopted Craven Local Plan policies, including those policies listed at section 2.1 above were analysed in the Sustainability Appraisal (SA) and HRA of the local plan and in the plan's examination, where they were judged to be a sound and suitably evidenced based policy fit for its purpose. The policies listed at paragraph 2.1.1, in terms of the type and amount of development they seek and promote, are not deemed to cause any adverse effects on these internationally designated sites.

3.4 Screening outcome

3.4.1 This screening report has assessed the potential effects of the proposed Craven District Council Affordable Housing SPD, with a view to determining whether an Appropriate Assessment (Stage 2) or further stage in the HRA process is required under the Habitats Directive. The Affordable Housing SPD provides further guidance to relevant policies in the Craven Local Plan, therefore it is closely related. Proposals in the SPD, including requirements for development, refer to policies set out in the district's local plan, but do not propose policies themselves. The Affordable Housing SPD does not create new policies, but instead it provides further guidance to relevant adopted Craven Local Plan policies. Hence, in line with the HRA of the local plan, the Affordable Housing SPD will not cause any adverse effects alone or in combination on the designated international sites, in terms of their integrity. Therefore, it is not necessary to move to the Stage 2 Appropriate Assessment or beyond.

3.5 Consultation with Statutory Bodies

3.5.1 This HRA screening report is subject to consultation with the statutory consultees of Natural England, Environment Agency, and Historic England. Responses from the statutory bodies are presented in Appendix I.

Appendix I: Response from Statutory Bodies

This document was sent from the Planning Policy team of Craven District Council to the relevant statutory body of Natural England for consultation from Thursday, 07 to Monday, 18 January. The Environment Agency and Historic England also received this document in the same correspondence, but the HRA Screening Report is generally regarded as an indirect rather than direct area of interest for these latter two statutory bodies. Specific comments from these two statutory bodies are hence not expected for this document.

Natural England provided the following response to Craven District Council on 29 January:

Affordable Housing Supplementary Planning Document (SPD) SEA and HRA Screening

Thank you for your consultation on the above 7 January 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Habitat Regulations Assessment Screening Report

Natural England agrees with the conclusions of the Habitat Regulations Assessment Screening report and broadly welcomes the assessment. However Natural England advises that, as of 01 January 2021, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) have both been amended so that they continue to operate effectively now that the transition period has ended and the UK has completed its exit from the EU.

The changes that are now in force have been made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The changes ensure the strict protections afforded to sites, habitats and species as derived from the EU Habitats and Wild Birds directives continue. Most of these changes involve transferring functions from the European Commission to the appropriate authorities in England and Wales.

Defra has now published further information about these changes made to the Habitats Regulations as introduced by these amending regulations. This is now available on GOV.UK at

<https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017>

Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment to nature.

Strategic Environmental Assessment Screening Report

As with the Habitats Regulations Assessment Screening report we advise that references to EU directives should be amended to reflect the post transition period legislative framework for Strategic Environmental Assessment. Notwithstanding this we agree with the conclusions reached.

Draft Affordable Housing SPD

Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.

Should the plan be amended in a way which significantly affects its impact on the natural environment, then please consult Natural England again.

*Please send all planning consultations electronically to the consultation hub at
consultations@naturalengland.org.uk.*

Yours sincerely,

Merlin Ash

Yorkshire and Northern Lincolnshire Team

Natural England

Appendix II: Acronyms

CDC	Craven District Council
CIL	Community Infrastructure Levy
EIA	Environmental Impact Assessment
NPPF	National Planning Policy Framework
PP	Policy or Programme
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document

APPENDIX D (SEA Screening)

Strategic Environment Assessment

Screening Report

**Prepared in relation to the adoption of the
Affordable Housing Supplementary Planning Document
of Craven District Council**

Presentation to Policy Committee 22 June 2021

Prepared by David Feeney, B.E. (Environmental), MRUP, MSc

Prepared for Craven District Council, and reviewed by RP

Completion Date: November 2020 (updated in January and June 2021 to include consultation responses of statutory bodies)

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Notes for readers

The author as named has prepared this report for the use of Craven District Council. The report conclusions are based on the best available information, including information that is publicly available. This information is assumed to be accurate as published and no attempt has been made to verify these secondary data sources. This report was prepared in November 2020 and updated in December 2020. It is subject to and limited by the information available during this time. This report has been prepared with all reasonable skill, care and diligence within the terms of the contract with the client. The author accepts no responsibility to third parties of any matters outside the scope of the report. Third parties to whom this report or any part thereof is made known rely upon the report at their own risk.

1. SEA Purpose and Legislative Background

1.1 Purpose of the SEA Screening Report

1.1.1 This screening report has been prepared to determine whether the Affordable Housing Supplementary Planning Document (SPD) prepared by Craven District Council should be subject to a Strategic Environmental Assessment (SEA).

1.2 Legislative Background

1.2.1 The basis for Strategic Environmental Assessment legislation is the European Directive 2001/42/EC (SEA Directive). This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed guidance of these regulations can be obtained via in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM, 2005).

1.2.2 The Planning Practice Guidance (PPG) discusses SEA requirements in relation to supplementary planning documents in paragraph 11-008. Here, the PPG states that: *'Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the relevant strategic policies'* and later in the same section: *"Before deciding whether significant environment effects are likely, the local planning authority will need to take into account the criteria specified in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies."*

1.2.3 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects must be subject to an environmental assessment.

2. Overview of the Affordable Housing SPD

2.1 Relationship with the Local Plan

2.1.1 Under the Planning & Compulsory Purchase Act 2004, policy guidance can be provided in Supplementary Planning Documents (SPDs). In line with the National Planning Policy Framework (NPPF), this SPD provides further guidance on the delivery of affordable housing in the Craven Local Plan area and provides further detail to help explain the objectives relating to the following policies of the Craven Local Plan (2012 – 2032), which was adopted in November 2019:

- Policy H1: Specialist Housing for older people
- Policy H2: Affordable Housing
- Policy SP4: Spatial Strategy and Housing Growth
- Policy ENV3: Good Design
- Policy SD1: Presumption in favour of sustainable development

- Policy SD2: Meeting the challenge of climate change

The SPD hence supports the local plan and is produced in accordance with the procedures introduced by the 2004 Act.

2.1.2 Unlike the local plan itself, the SPD is not examined by an inspector, but it is subject to a public consultation process before being formally adopted by elected Council Members in a Council resolution. The SPD will be a material consideration in planning decisions.

2.2 The content of the Affordable Housing SPD

2.2.1 The NPPF defines affordable housing as social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market.

2.2.2 Policy H2 of the Craven Local Plan states that affordable housing will be provided as part of general market housing developments, in ways specified within the policy. Paragraph 6.3 of the local plan (page 178) states that the provision of affordable housing for local needs is an important objective of the plan. The policy ensures that affordable housing, once provided, is occupied by those in affordable housing need in perpetuity (or any subsidy is recycled). The aforementioned paragraph 6.3 indicates that this SPD will be produced to set out in more detail how Policy H2 will operate and be administered.

3. The Screening Process and Conclusions

3.1 SEA Screening

3.1.1 Screening is the process for determining whether or not an SEA is required. For this process, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the SEA Directive and Schedule I of the SEA Regulations. A full determination cannot be made until the three statutory consultation bodies have been consulted, in this case these bodies are Natural England, the Environment Agency, and Historic England.

3.1.2 The SEA Directive requires plans and programmes to be in general conformity with the strategic policies of the adopted development plan for the relevant area. Within 28 days of its determination, the plan makers must publish a statement, setting out its decision. If they determine that an SEA is not required, the statement must include the reasons for this. The table of Appendix I uses questions based on content of the SEA Directive to establish whether there is a requirement for SEA for the Affordable Housing SPD. The table of Appendix II analyses the Affordable Housing SPD using criteria set out in Annex II of the SEA Directive and Schedule I of the Regulations.

3.2 Determination of significant effects

3.2.1 Paragraph 9 of the SEA Directive that: *“This Directive is of a procedural nature, and its requirements should either be integrated into existing procedures in Member States or incorporated in specifically established procedures. With a view to avoiding duplication of the assessment, Member States should take account, where appropriate, of the fact that assessments will be carried out at*

different levels of a hierarchy of plans and programmes.” The policies of the Craven Local Plan have been subject to a full Sustainability Appraisal (SA).

3.2.2 Therefore it is considered that the potential significant effects of the Affordable Housing SPD, either individually or in combination with other plans and projects, have already been assessed in the SA of the local plan. A summary analysis of the potential effects of the SPD based on the key subject areas is shown in the following paragraphs to ensure that the SPD does not give rise to any new significant environmental effects. This analysis relates to that contained within the SA of the local plan.

3.2.3 Population and human health: The provision of affordable housing is an important social objective, in that the provision of affordable housing for local needs in the plan area is a significant aspect of social cohesion within the population of a local plan area. Affordable housing provision helps those people in Craven on or below the median household income to obtain a suitable home, and thus has benefits for the physical and mental health for such individuals.

3.2.4 Biodiversity, flora and fauna: Policy ENV4 of the local plan focuses on biodiversity, and states that growth in housing on allocated and non-allocated sites will be accompanied by improvements in biodiversity. Specifically, development will then make a positive contribution towards achieving a net gain in biodiversity. There should hence be a positive impact in terms of the flora and fauna in the local plan area, resulting from the development of affordable housing in the plan area.

3.2.5 Climatic factors: Preserving and expanding the supply of affordable housing is important and advantageous in both reducing carbon emissions. All proposed housing in the Craven local plan area must conform to more sustainable construction and design practices promoted in Policies ENV3 and ENV7. Affordable housing units also tend to be located within existing towns and villages, and hence tend to give more opportunities to utilise public transport rather than encouraging private vehicle use.

3.2.6 Cultural heritage: There is not anticipated to be any significant effects on cultural heritage due to the need for conformity to the local plan’s Policy ENV2 on heritage and Policy ENV3 on good design. Such policies set out and advise on architectural style, construction and materials requirements for development, and also principles for design. These policies will help to ensure new developments of affordable housing are not discordant with the existing setting.

3.2.7 Soil, water and air: Similarly, to all housing proposals, new developments of affordable housing units must conform with Policy ENV6: Flood Risk, Policy ENV7: Land and Air Quality, and Policy ENV8: Water Resources, Water Quality and Groundwater. There is not anticipated to be any significant effects on soil, water and air as proposed developments will need to meet with the criteria of such policies in order to gain planning permission.

3.2.8 Landscape: As noted, all proposed housing in the Craven local plan area must conform to more sustainable construction and design practices promoted in Policies ENV3 and ENV7. Hence, there should be significant mitigation of landscape impacts in place when planning for new developments.

3.2.9 Material assets: The material assets topic considers social, physical and environmental infrastructure, and hence this paragraph should be read alongside the previous subjects in this section. Policies in the local plan are likely to help ensure that arrangements are put in place to upgrade existing off-site infrastructure in line with new developments coming forward, where appropriate. Critical existing infrastructure and services will be likely to have the capacity to deal with increased

demands for their services, in part supported by the implementation of the Community Infrastructure Levy (CIL).

3.3 Screening outcome

3.3.1 Proposals in the SPD, including requirements for development, refer to policies set out in the district's local plan which have been through sustainability appraisal. An Appropriate Assessment of the local plan was undertaken and it concluded that the plan's contents would not have any adverse impacts on the integrity of any designated European site or SEA objective. Therefore, it was not necessary to move to the Stage 2 Appropriate Assessment.

3.3.2 The SPD provides further guidance to relevant policies in the Craven Local Plan, therefore it is closely related. The SPD will not have any adverse effects on an internationally designated site such as a Special Protection Area (SPA) or Special Area of Conservation (SAC), above and beyond any significant effects that the local plan is likely to have, either individually or in combination with other plans and projects. Therefore, the SPD will not trigger the need for a SEA in this regard. Further analysis and more information on these designated European sites relevant to Craven are available in the HRA Screening Report for the Affordable Housing SPD. This SPD will not have any adverse social impacts, and indeed as previously explained, affordable housing should have overall positive impacts for the population of Craven.

3.3.3 This screening report has assessed the potential effects of the Craven District Council Affordable Housing SPD, with a view to determining whether an environmental assessment is required under the SEA Directive. In accordance with topics cited in Annex 1(f) of the SEA Directive, significant effects on the environment are not expected to occur as a result of the SPD. It is recommended that the Affordable Housing SPD should be screened out of the SEA process.

3.4 Consultation with Strategic Bodies

3.4.1 This SEA screening report is subject to consultation with the statutory consultees of Natural England, Environment Agency, and Historic England. Responses from the statutory bodies are presented in Appendix III.

Appendix I: Establishing whether there is a need for SEA

Stage	Discussion	Answer
1. Is the plan or programme subject to preparation and/or adoption by a national, regional or local authority or prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Article 2(a))	The Affordable Housing SPD has been prepared by and will be adopted by Craven District Council to give detail and guidance on local plan contents which are relevant to this SPD, predominately Policy H2 on affordable housing provision in the local plan area.	Yes
2. Is the plan or programme required by legislative, regulatory or administrative provisions? (Article 2(a))	Paragraph 6.3 of the adopted Craven Local Plan refers to the intended production of the Affordable Housing SPD. When the Affordable Housing SPD is adopted it will be a material consideration but it will not be part of the adopted Local Plan.	Yes
3. Is the plan or programme prepared for agriculture, forestry, fisheries, energy industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and does it set a framework for future development consent of projects in Annexes I and II to the EIA Directives? (Article 3.2(a))	It is a SPD prepared for town and country planning and land use and provides detail to the local plan policy framework for future consent of projects listed in Schedule II of the EIA Directive.	Yes
4. Will the plan or programme, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	The Affordable Housing SPD is not anticipated to have an adverse effect on any designated European sites relevant to the Craven local plan area, in terms of their ecological integrity.	No
5. Does the plan or programme determine the use of small areas at local level, or is it a minor modification of a plan or programme subject to Article 3.2? (Article 3.3)	The SPD will be a material consideration in the consideration of planning applications for new developments. It provides detailed guidance to adopted local plan policy.	Yes
6. Is it likely to have a significant effect on the environment? (Article 3.5)	The purpose of the SPD is to provide guidance to assist in the interpretation of adopted policies in the local plan (Part 1). The policies to which the SPD relates were subject to SEA (incorporated within the SA) through the local plan preparation process.	No

	<p>Therefore, the SPD will not itself have any significant effects on the environment, and may assist in addressing potential negative effects identified in the SEA of the relevant adopted policies.</p> <p>See Section 3.2 and appendix II detailed assessment.</p>	
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Appendix II: Affordable Housing SPD and the SEA Directive

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Response
The characteristics of plans and programmes	
(a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	The Affordable Housing SPD sets a framework for projects by providing detail and guidance on adopted policies of the Craven Local Plan, particularly Policy H2. The SPD forms a material consideration in planning application decisions.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The Affordable Housing SPD does not create new policies, but instead it provides further guidance to relevant adopted Craven Local Plan policies, which have been subject to SEA (incorporated within the SA). It sits below 'higher tier' documents and does not set new policies.
(c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The SPD provides guidance on the interpretation of adopted local policy along with national guidance, all of which promote sustainable development. The SPD does not introduce new policy.
(d) Environmental problems relevant to the plan or programme	As explained in the local plan, there are a number of environmental issues to be considered in the Craven Local Plan area including: potential impacts of development on natural and historic landscapes, high private vehicle dependency, climate change impacts including fluvial flooding risk, and potential loss of biodiversity. There are no negative environmental issues associated with this SPD, moreover the SPD seeks where possible to achieve environmental improvements via good quality, sustainable design.
(e) The relevance of the plan or programme for the implementation of community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	This is not directly applicable in the case of the Affordable Housing SPD, and there are other policies in the Craven Local Plan which address water protection (particularly Policy ENV8). North Yorkshire County Council is the relevant authority who addresses waste management issues for this region.
Characteristics of the effects and of the area likely to be affected	

(a) The probability, duration, frequency and reversibility of the effects	The Affordable Housing SPD is not expected to give rise to any significant environmental effects.
(b) The cumulative nature of the effects	The Affordable Housing SPD is not considered to have any significant cumulative effects. As the document provides further guidance to adopted local plan policies, but does not set policies itself, it cannot contribute to cumulative impacts in combination with the Craven Local Plan.
(c) The transboundary nature of the effects	The Affordable Housing SPD is not expected to give rise to any significant transboundary environmental effects. Any potential significant transboundary environmental effects have already been assessed as part of the local plan's sustainability appraisal, the Habitat Regulations Assessment and the plan's examination process.
(d) The risks to human health or the environment (for example, due to accidents)	There are no anticipated effects of the Affordable Housing SPD on human health or the environment due to accidents or other related subjects.
(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will be applied to all relevant planning applications in the plan area.
(f) The value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> - Special nature characteristics or cultural heritage; - Exceeded environmental quality standards or limit values - Intensive land-use 	The Affordable Housing SPD is not anticipated to adversely affect any special natural characteristics or cultural heritage in the Craven local plan area or beyond its borders. The Affordable Housing SPD is also not expected to lead to the exceedance of environmental standards or promote intensive land use. The SPD covers areas protected for their special natural characteristics and cultural heritage including the Forest of Bowland AONB, SACs, SPAs and Conservation Areas. However, it provides further guidance on the implementation of existing local plan policies, which have been subject to SEA, to provide further positive effects. The SPD does not introduce new policy nor does it propose any new development over and above that assessed within the Craven Local Plan.
(g) The effects on areas or landscapes which have a recognised national, community or international protection status.	As has been outlined in previous paragraphs of this document, the Affordable Housing SPD is not expected to have any adverse effect on areas with national, community or

	<p>international protection. The SPD covers areas protected for their special natural characteristics and cultural heritage including the Forest of Bowland AONB, SACs, SPAs and Conservation Areas. However, it provides further guidance on the implementation of existing local plan policies, which have been subject to SEA, to provide further positive effects. The SPD does not introduce new policy nor does it propose any new development over and above that assessed within the Craven Local Plan.</p>
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Appendix III: Responses from Statutory Bodies

This document was sent from the Planning Policy team of Craven District Council to the three statutory bodies of Historic England, the Environment Agency and Natural England for consultation from Thursday, 07 January to Monday, 18 January.

Historic England provided the following response to Craven District Council on 18 January:

Dear Sir/Madam,

DRAFT AFFORDABLE HOUSING SPD – STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) SCREENING REPORT

Thank you for consulting Historic England about the above Screening Report.

In terms of our area of interest, given the nature of the SPD, we would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Policies contained within an Adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA. As a result, we would endorse the Authority's conclusions that it is not necessary to undertake a Strategic Environmental Assessment of this particular SPD.

The views of the other three statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,

James Langler

Historic Environment Planning Adviser

(North East and Yorkshire Region)

e-mail: james.langler@HistoricEngland.org.uk

Note on highlighted section of HE response: For the avoidance of doubt, there are only three statutory bodies involved in SEA consultation, and not four as this response infers.

The Environment Agency provided a response on 28 January, which included the following text of relevance to here: *“Although we are a statutory consultee on scoping, we do not normally provide a response for screening reports”*. Upon receiving this position update from the Environment Agency regarding screening reports, Craven District Council hence does not expect a further response from the agency on this document.

Natural England provided the following response to Craven District Council on 29 January:

Affordable Housing Supplementary Planning Document (SPD) SEA and HRA Screening

Thank you for your consultation on the above 7 January 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Habitat Regulations Assessment Screening Report

Natural England agrees with the conclusions of the Habitat Regulations Assessment Screening report and broadly welcomes the assessment. However Natural England advises that, as of 01 January 2021, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) have both been amended so that they continue to operate effectively now that the transition period has ended and the UK has completed its exit from the EU.

The changes that are now in force have been made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The changes ensure the strict protections afforded to sites, habitats and species as derived from the EU Habitats and Wild Birds directives continue. Most of these changes involve transferring functions from the European Commission to the appropriate authorities in England and Wales.

Defra has now published further information about these changes made to the Habitats Regulations as introduced by these amending regulations. This is now available on GOV.UK at

<https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017>

Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment to nature.

Strategic Environmental Assessment Screening Report

As with the Habitats Regulations Assessment Screening report we advise that references to EU directives should be amended to reflect the post transition period legislative framework for Strategic Environmental Assessment. Notwithstanding this we agree with the conclusions reached.

Draft Affordable Housing SPD

Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.

Should the plan be amended in a way which significantly affects its impact on the natural environment, then please consult Natural England again.

Please send all planning consultations electronically to the consultation hub at

consultations@naturalengland.org.uk

Yours sincerely,

Merlin Ash

Yorkshire and Northern Lincolnshire Team

Natural England

Appendix IV: Acronyms

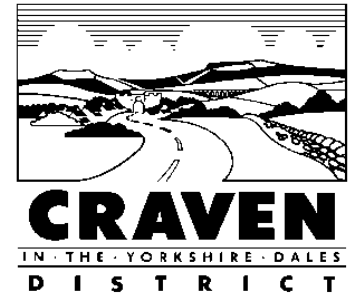
CDC	Craven District Council
CIL	Community Infrastructure Levy
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NPPF	National Planning Policy Framework
PP	Policy or Programme
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document

Policy Committee – 22nd June 2021

Cultural Strategy for Craven

Report of the Strategic Manager

Lead Member – Cllr Simon Myers



Ward(s) affected: All

1. Purpose of Report

- 1.1 To request approval of a five-year Cultural Strategy for Craven, to be delivered with cross-sector partners following the opening of Skipton Town Hall as a cultural hub for the District.

2. Recommendations – Members are recommended to:

- 2.1 To adopt the Cultural Strategy for Craven 2021 to 2026.
- 2.2 Grant authority to the Strategic Manager for Planning and Regeneration for the development and delivery of the Action Plan

3. Report

- 3.1 As Members are aware, Skipton Town Hall has undergone major redevelopment and is opening as a cultural hub for the District this June. Prior to, and during closure, the Cultural Services team have been consulting with sector colleagues regarding ongoing cultural development in the District.

This initially took the form of a workshop in 2018 prior to the Town Hall closure, which looked at strategic and developmental priorities for cultural organisations in the District. Subsequent group discussions then took place around these priorities during the Town Hall closure, followed by one to one consultation carried out by the Cultural Services Manager with each contributing partner, prior to preparation of the strategy and to discuss various drafts. These sector colleagues are listed in section 9 of this report.

- 3.2 In addition, internal consultation has taken place across Cultural Services, Arts Development and Great Place: Lakes & Dales, as well as further external consultation with Arts Council England through the process.
- 3.3 The Cultural Services Team have also been delivering the Arts Council England funded Rural Culture project, the first stage of connecting the hub with village halls and community venues across the District, and these relationships will play a core part in strategic delivery.

3.4 The strategy covers June 2021 to June 2026. The key elements of the strategy are:

- It recognises the collaborative nature of the cultural sector, and applies this sensibility to strategic development to ensure it is embedded in the sector and can affect real results
- It defines the terms creativity and culture, to establish clarity within delivery and ensure all parties are clear what we are trying to achieve and for what purpose
- It focuses energies on three core strategic themes, which closely align with broader CDC priorities, and those of our sector partners, again to ensure usefulness and effective implementation
- It is succinct and therefore easy to integrate with existing plans of work across Craven's cultural sector, in order to maximise impact and lessen unnecessary burden on (particularly smaller and volunteer-run) organisations to overhaul/rewrite their own organisational priorities in order to fit the Craven-wide strategy

3.5 Now we have the physical hub venue completed and the next stage will be to deliver on strategic priorities for the benefit of the community, visitors to the area, and economy.

4. Financial and Value for Money Implications

4.1 The Cultural Services Skipton Town Hall Team would deliver the strategy for CDC; these costs are included in the current service budget.

4.2 Grant funding will be sought for specific related projects (such as Rural Culture) and the existing Arts budget would also be utilised.

5. Legal Implications

5.1 There are no legal implications arising from this strategy.

6. Contribution to Council Priorities

6.1 Supporting the Wellbeing of our Communities

Research has evidenced that a higher frequency of engagement with arts and culture is generally associated with a higher level of wellbeing.

Engagement in structured arts and culture improves the cognitive abilities of children and young people.

Several studies have reported findings of applied arts and cultural interventions and measured their positive impact on specific health conditions which include dementia, depression, and Parkinson's disease.

The Arts Council England report into The Value of Arts & Culture to People & Society notes from their audience review, that those who had attended a cultural place or event in the previous 12 months were almost 60 per cent more likely to report good health compared to those who had not, and theatre-goers were almost 25 per cent more likely to report good health.

Attracting & Retaining Younger People

Attracting and supporting young creatives is a strategic theme, and particularly references attracting and supporting young creatives as creative industries are generally characterised by a younger workforce, and young people are more likely to be attracted to places where the local arts and cultural offer is strong, vibrant and growing.

In addition, the Town Hall Cultural Hub contributes to this priority through programming geared to younger people, outreach work within the Rural Culture project and various Arts Development initiatives, as well as collaborative projects with Great Place and Heritage Action Zone.

Carbon Neutral Craven

All cultural partners are committed to reducing environmental impact, and one partner has a specific 'greening arts' focus to their entire practice.

From the cultural hub specific viewpoint, Skipton Town Hall takes its environmental sustainability responsibilities seriously and has incorporated energy efficiency and greener practices within the redevelopment project, including through carbon-offsetting with the main contractor.

In addition, sustainable and compostable materials are used for retail packaging, disposable refreshment materials and general consumables.

The Town Hall is undertaking further energy efficiency through installation of insulation in the Concert Hall, solar panels on the roof, and new BMS system.

Financial Sustainability

Activity within the strategic themes in the Cultural Strategy will have various positive impacts on local economy through increased visitor spend; contribution to development of night-time offer; and attraction of more people to live, work and spend in the area.

From a cultural hub perspective, the income derived from the professional operation of a cultural programme inclusive of museum, exhibitions, performances, and events at Skipton Town Hall is a crucial aspect of the venue's future financial sustainability.

6.2 Impact on the declared Climate Emergency

The strategy contains the Key Action 'Embrace local climate change activity and ensure delivery of an environmentally responsible cultural agenda', ensuring that our cultural activity helps to develop and support our shared Climate Emergency response across the District.

7. Risk Management

7.1 The level of risk to the Council is considered low, as we have budget available for the associated costs and the internal skills to facilitate delivery.

7.2 Chief Finance Officer (s151 Officer) Statement

7.3 Monitoring Officer Statement

The Cultural Strategy forms part of the Council's Policy and Budget Framework and will therefore be referred to a meeting of Council for adoption."

8. Equality Impact Analysis

8.1 A full EIA will be completed prior to delivery plan implementation.

9. Consultations with Others

9.1

- Ingleborough Community Centre, Ingleton
- Museum of North Craven Life, Settle
- Craven Arts
- Voices of Craven
- Glusburn Institute Community & Arts Centre, Glusburn
- Pioneer Projects, Bentham
- Chrysalis Arts, Gargrave
- Settle Stories, Settle
- Yarndale
- The Mart Theatre, Skipton
- Skipton Camerata
- Blue Moose Dance (working across North Yorkshire)
- Arts Council England

10. Background Documents

10.1 N/A

11. Appendices

- Appendix 1 – Cultural Strategy (in draft design)

12. Author of the Report

Danielle Daglan, Cultural Services Manager
01756 706222
ddaglan@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



Cultural Strategy 2021-2026

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Introduction

Cultural organisations and the creative industries significantly contribute to the district's local economy, both directly through their business activities and through cultural tourism, and indirectly by boosting the evening economy.

Just as importantly, creativity is known to be important for the health of individuals and culture cements the wellbeing of communities - providing joy, growth, inspiration, and a sense of belonging.

The cultural sector has a strong history of collaboration, and innovation often comes from sharing ideas, working in partnership, and seeing the benefit of working together rather than in competition. This strategy has been developed in consultation with cultural organisations, individuals, and collectives across the Craven District, in this spirit of cultural collaboration.

The strategy will work alongside existing strategies, business and delivery plans within organisations and with individuals involved in this process, as well as those of key stakeholders such as Arts Council England, NLHF and Historic England.

We believe that what follows is a good first step towards our ambition of being a place where everyone, irrespective of age, location or personal circumstances has the opportunity to create, participate, experience and be inspired by a wide range of creative and cultural activities and assets, and believe our strategy will benefit residents, visitors and the economy in Craven.





Purpose & Vision

Purpose

The purpose of this strategy is to set a course for the development and delivery of a vibrant and well represented cultural environment in Craven.

Vision

Craven will be a place where everyone, irrespective of age, location or personal circumstances has the opportunity to create, participate, experience and be inspired by a wide range of creative and cultural activities and assets.

Working in partnership we will champion cultural development and ambition, ensuring that creativity is thriving, and the Craven area is recognised as a leader in rural cultural and heritage development.

Challenges, Definitions & Themes

Craven's Cultural Challenges

All creative and cultural organisations and individuals in Craven contribute to the vibrancy of life in the district and are working in an environment with a range of challenges, including:

- Dispersed rural population
- Minimal availability of transport and high transport cost
- Heavy reliance on volunteers
- Per capita costs higher, outputs lower, and the perceived need not as great, for projects in rural areas, making them less attractive to funders
- Lack of corporate funding opportunities – few HQs in rural areas
- Lack of connectivity with the cultural sector in the area
- Lack of coherent digital presence, making online fundraising more difficult
- Covid 19 and its aftermath.

In addition, the small size of our rural creative and cultural organisations often means lack of capacity for mentoring/networking/fundraising/working at a strategic level/developing succession planning.

Despite all this, Craven's organisations have proved themselves to be flexible, resilient, enthusiastic, and ambitious.

Definition of Creativity & Culture

We reference the terms creativity and culture throughout this strategy document and recognise the difference between, and definition of them as set out by Arts Council England:

'Creativity is the process by which, either individually or with others, we make something new: a work of art, or a reimagining of an existing work. Culture is the result of that creative process: we encounter it in the world, in museums and libraries, theatres and galleries, carnivals and concert halls, festivals and digital spaces.'

We are committed to delivering our strategy enhancing both of these elements.

Strategic Themes

Our overarching vision is that Craven will be a place where everyone, irrespective of age, location or personal circumstances has the opportunity to create, participate in, experience and be inspired by a wide range of creative and cultural activities and assets.

With this in mind we are going to concentrate our efforts in three areas:

1. Cultural Development
2. Place making
3. Attracting & Supporting Young Creatives



Cultural Development

Creative individuals, cultural organisations, creative industries, and CDC's Cultural Services Team work together throughout Craven; these partnerships are key to the successful delivery of this strategy.

Craven's cultural organisations are generally small in size with skilled and dedicated staff and volunteers who organise and deliver a wide range of cultural activity.

Located across the district, they include a number of established cultural organisations such as Settle Stories and Skipton Camerata, artist-led organisations like Craven Arts, semi-professional and community choirs and orchestras, combined arts festivals including Skipton International Puppet Festival and Yarndale, cultural venues such as the Mart Theatre, Glusburn Community & Arts Centre, Settle Victoria Hall & Skipton Town Hall, along with many creative groups.

Much everyday creativity carries on at a local level often via village halls and community centres, of which many are actively engaged with delivery of cultural content, including Ingleborough, Gargrave and Cowling.

In addition, Pioneer Projects, a specialist arts and health charity in the district, promotes and improves health and wellbeing using creative arts and is redefining what community arts looks like.

Heritage organisations and venues including Craven Museum & Gallery in Skipton, The Museum of North Craven Life in Settle and Grassington Museum in the Yorkshire Dales National Park further widen and deepen the range of cultural and tourism opportunity on offer.

Skipton library is run by North Yorkshire County Council, and supports volunteer-run libraries across Craven, housed mainly in village halls, and a mobile library service. Libraries frequently work in partnership with other cultural organisations within the district to offer more opportunities to engage with a range of activity, e.g. Craven Museum On Tour during the refurbishment of Craven Museum.

Chrysalis Arts is the only National Portfolio Organisation in the Craven district – the organisation supports and develops the visual arts and environmentally responsible arts practice.

We will

1. Increase the opportunities for all our residents and visitors to be creative and engage with culture
2. Become a leader for rural artistic and cultural development and a testing ground for innovative solutions for engaging rural communities

Our objectives are

- For Craven's cultural sector to demonstrate growth, with organisations providing more diverse and accessible creative and cultural content
- For the digital offer to be increased, and other new methods of rural delivery in evidence
- For more young people to be co-producing and curating new events and activities, working alongside creative professionals
- For arts and health activities to be implemented into our core delivery programmes
- For affordable accommodation, studio and co-working space for young creatives to be identified, developed and in use
- For a programme of creative and cultural events aimed specifically at pre-school, primary school or secondary school aged children to be delivered throughout the district – including performance with child-centred theatre, dance, orchestral and visual arts groups - ensuring a cultural offer that extends from early years through to adult



Key Actions To Take

- Provide network, skills exchange and other mutual support opportunities for individuals and organisations
- Research and develop innovative methods of cultural activity delivery in rural settings
- Create opportunities for young people to co-curate and deliver cultural content
- Assess methods of reaching individuals who don't have access to digital platforms
- Establish an advisory panel to give insights to ensure inclusion and representation of people with protected characteristics in creative and cultural activities provided in Craven
- Provide relaxed and accessible performances and museum visits to ensure all members of our communities are welcome
- Make the most of digital technologies and other means to ensure that we reach into all areas of Craven
- Encourage and develop digitally engaged creative practice
- Embrace local climate change activity and ensure delivery of an environmentally responsible cultural agenda
- Advocate the practice of social creative engagement, social prescribing and real interventions that help improve people's wellbeing



Placemaking

Craven comprises the upper reaches of Airedale, Wharfedale, Ribblesdale, and includes most of the Aire Gap and Craven Basin within North Yorkshire. It is in a unique position as a rural area incorporating a sizeable part of the Yorkshire Dales National Park, whilst also sitting adjacent to the more populated West Yorkshire areas of Keighley, Bradford and Leeds, with Lancastrian cities like Burnley also in close proximity.

Craven has

- Extensive areas with a true sense of tranquillity, remoteness, and solitude
- Unique landscapes, expansive views, and dark night skies
- Historic and extensive networks of footpaths, bridleways, tracks, and sites of historic interest
- Extensive areas of public access, rivers, crags, and caves
- Natural and industrial heritage
- A number of attractive market towns, villages and hamlets with distinctive traditional architecture and built heritage
- More than 48 village halls, with additional larger community and cultural venues in Glusburn, Skipton and Settle
- Unique and unusual local festivals
- A relationship with Screen Yorkshire to champion film, TV, games, and digital industries in Yorkshire, and provide locations for filming within the district

Our understanding of place making aligns with the definition outlined by Historic England, and we are committed to developing our distinctive 'place' in this way:



'Place making is the process we use to shape our public spaces and buildings. Rooted in community-based participation, place-making involves planning, design, and management. It brings together diverse people (including professionals, elected officials, local groups, residents, and businesses) to improve a community's cultural, economic, social and environmental situation. It's often best achieved through a clear understanding of the historic significance of the existing place'.

We will

1. Identify, preserve, and promote the district's rich cultural heritage
2. Achieve a year-round vibrant cultural tourism economy with increasing growth
3. Increase integration of public art into the fabric of our communities
4. Work with our communities to ensure our cultural offer is representative of our people and our place
5. Celebrate of the uniqueness of the district

Our objectives are

- Development of a cohesive network and central resource for the cultural sector in Craven
- Further development of the district place-making framework, engaging local groups and residents
- For the reopening of Craven Museum in 2021 to be a catalyst to raise the profile of heritage in Craven, and to provide opportunity for further heritage development connecting the district
- For district visitor information services to be integrated into the new Craven Museum interpretation themes, ensuring residents and visitors can make links and access heritage and sites of interest across the Craven in a type of 'wheel and spoke' model
- For cultural venues to be a key element in developing a night-time economy in the district, and to contribute to cultural tourism through their programming



Key actions to take

- Work with individuals and communities in the district to identify content for inclusion in museums that mirror their sense of place and identity
- Work with creatives to develop work which is meaningful to our local audiences and interesting to visitors, using our unique place, heritage, and museum collections as inspiration
- Museums, community, and local history groups to promote and develop heritage and place making throughout the district; sharing knowledge, developing unique streaming/ broadcast content, and enabling wider access to heritage expertise and research, including local expertise
- Actively seek out opportunities for public art interventions in new development schemes and for public art to be integrated into the fabric of built heritage or within our rural environment; adopt the Great Place: Lakes and Dales Public Art Strategy and help to implement its proposed campaign
- Support each other to develop unique cross-artform content, particularly co-produced work, which emphasises our local distinctiveness



Attracting & Supporting Young Creatives

Because of Craven's demographic profile, there are more jobs in Craven than there are people of working age to fill them, particularly in Skipton. The district has significantly below the national average numbers of 16 – 34-year olds. To ensure the dynamism and vibrancy of Craven's communities and economy, it's essential that more young people and young families live and work in Craven.

Creative industries are generally characterised by a younger workforce, and young people are more likely to be attracted to places where the local arts and cultural offer is strong, vibrant, and growing.

Development of cultural activity by and for young people is a key aspect of this attraction.

We will

- Provide the environment and opportunities for nurturing young people's creative talents
- Work with the formal education sector, local creative businesses, and other partners to increase opportunities for wider creativity and cultural engagement
- Support younger creative people to live and/or work in Craven and encourage younger creative communities
- Gather Craven young people's perspectives, thoughts, and ideas to collaboratively produce a cultural offer that attracts and excites a younger audience



Our objectives are

- Centrality of our communities, and particularly young people, in audience development - building on the work of previous projects in the area and incorporating co-curation models as they develop
- For Craven to have formal and informal opportunities for research, development, and education within cultural sector careers
- For young creatives to be provided business development support
- For Great Place: Lakes and Dales to be supported across the district as it develops a second phase of work and delivery

Key actions to take

- Institute widely representative Advisory Groups, including young people, which will input into programmes of events for venues and festivals, and share this learning and model development across the district
- Nurture young people's creative learning capacity to ultimately help to enrich their personal, social, and academic experiences
- Advocate the practice of social creative engagement and real interventions that help improve young people's wellbeing
- Capitalise on opportunities for new partnership working with young people including developing new festival activity
- Develop affordable accommodation for young creatives, and affordable studio and co-working space
- Encourage and develop digitally engaged creative practice
- Showcase the range of careers and ways of working available to young people within the creative & cultural sector
- Provide business development training and mentoring to young creatives
- Expand and develop Arts Award and other accredited or nationally recognised cultural education opportunities throughout Craven



Strategic Partnerships

Cultural development in Craven involves and relies upon working collaboratively, sharing learning, and finding the strength in a united cultural identity for the area.

With this in mind we have identified key strategic partnerships between national, regional, and local organisations in order to deliver this strategy.

These include Arts Council England, National Lottery Heritage Fund, Historic England, Craven District Council, Canal and Riverside Trust, The National Trust, Leeds and North Yorkshire Local Enterprise Partnerships, North Yorkshire County Council, Yorkshire Dales National Park Authority, Yorkshire Dales Millennium Trust, The Woodland Trust, Settle Stories & Yorkshire Festival of Story, Pioneer Projects, Fresh Perspective, Skipton Puppet Festival, Yarndale, The Mart Theatre, Skipton Camerata, Chrysalis Arts, The Museum of North Craven Life, Settle Victoria Hall, Glusburn Community & Arts Centre, Craven Arts, Craven village & community venues, Rural Arts North Yorkshire, 64 Million Artists, Yorkshire Dance, Orchestras Live, Phoenix Dance, Northern Ballet, Opera North and Great Place: Lakes and Dales (GP:LD)

Concluding statement

Creativity and culture enriches and provides fulfilment in people's lives and is of benefit to our economy.

By investing in culture we're investing in the future – providing a rounded life for our communities and giving them opportunities – as well as attracting people of working age to the district.

During Covid 19, the importance of creativity and culture has been clear, and it is evident that the cultural sector has a huge part to play in the district's economic and wellbeing recovery from the pandemic.



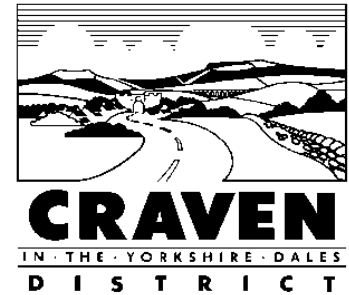


SKIPTON TOWN HALL



Culture, Heritage & Community

Prepared by
Danielle Daglan, Cultural Services Manager, Craven District Council

POLICY COMMITTEE**22nd June 2021****Local Government & Social Care
Ombudsman:
Public Interest Report****Report of the Chief Information Officer****Lead Members – Councillor Mulligan and Councillor Myers****Ward(s) affected: All****1. Purpose of Report**

To consider a Public Interest Report issued by the Local Government and Social Care Ombudsman ('the Ombudsman') following an investigation into complaints numbered 20 001 522 & 20 001 603 and relating to a discretionary grants scheme.

2. Recommendations – Members are recommended to:

Consider whether to accept the Public Interest Report and the recommendations set out at paragraph 3.2 below.

3. Report**Background****3.1 The two cases are identified in the Report as follows:**

Mr C received a discretionary award of £1,000, which was increased by a further £1,000 following a locally-decided appeal.

Mr D received a discretionary award of £2,000 (which was not increased on appeal).

Both awards were made last Summer, and both individuals subsequently appealed to the Ombudsman.

Report**3.2 The Ombudsman upheld the complaints and found that there had been fault on the part of the Council and this had caused injustice to the complainants. A**

copy of the report appears at Appendix 1. He also made a number of recommendations to remedy this injustice:

- Apologise to the complainants accepting the findings of the investigation;
- Pay each £500 in recognition of the distress caused by [the] raised expectations and uncertainty around [the Council's] decision making; and
- Ask Select Committee to carry out a 'lessons learned' exercise to ensure that if the Council is asked again to distribute discretionary grants to small and micro-businesses impacted by COVID-19 it introduces a policy and procedure that is open, transparent, and consistent in application. That the Council also provides clear guidance to staff setting out what records they should keep to show how they have applied the policy to individual cases.

3.3 When a Council receives a Public Interest Report it must consider the report at Council or an appropriately delegated committee of elected members. Standards Committee is delegated to '*receive and deal with reports resulting from Ombudsman complaints*' however, as one of the Ombudsman's recommendations includes making a payment it was agreed with the Chair of Standards Committee that Policy Committee would be the appropriate committee consider the report.

3.4 The Council must place a notice in two local newspapers/newspaper websites and make copies of the Public Interest Report available free of charge at one or more of its offices. A notice has been published in the Craven Herald and the Bradford Telegraph and Argus (both paper and website versions). A copy of the report is available from the offices at Belle Vue Square.

3.5 The Council may only challenge the **findings** in the Public Interest Report by way of Judicial Review. If the Ombudsman's findings are not challenged in this way, they are binding on the Council.

Unlike the findings, the Council has discretion in relation to the **recommendations on remedy** but if the findings are not challenged, the Council must consider the recommendations as though the findings are accepted and that there has been fault on the part of the Council.

3.6 Ombudsman's findings:

- He recognised the pressure that the Council was under from the Government to implement a local scheme.
- He acknowledged that the Council's scheme set out some clear local priorities and there was no inherent fault in this.

- He acknowledged that it was reasonable for the Council to indicate the maximum award that a micro-business could expect to receive (£5,000), and that councils could choose to help a greater number of businesses in this way.
- The failure of the Council to publish or formally record that its scheme would favour certain sectors of the local economy was regarded as a 'significant omission', and this was a failure of transparency, and that there was an 'unwritten policy'.
- It was found that the Council did not record why office and professional businesses were given a lower priority for awards.
- It is claimed that there was inconsistency in decision-making, evident in the case of Mr C.
- There is also a comment on the fact that some businesses with Rateable Values in excess of £51k received discretionary awards, when the published Council scheme indicated that there were excluded.
- Finally, during the Council's enquiries, and after the payment had been made, it came to light that Mr D was a partner in another business that had received a separate Business Support Grant. The Council considered that this would have made him ineligible for a discretionary grant, but the Ombudsman disagrees with this.

3.7 Having noted the points above, the following comments are offered for consideration:

- The pressure to deliver local schemes quickly has been significant and intense throughout the past 15 months, with continued ministerial pressure to make payments swiftly.
- Some of recommendations made by the LGO are not applicable to the issues raised by either complainant.
- The Council's efforts to properly examine the eligibility of a payment to one of the complainants have been hindered by the lengthy LGO investigation. The Council does not support the LGO's assessment of the eligibility of the payment in question based on information submitted to date.
- The nature of the first discretionary scheme was inherently difficult because the Council had a fixed funding pot but an unknown quantum of potential applicants. The Council did indicate the types of business that would be prioritised in its scheme, which was in line with the government's guidance, but could not be exact about the amounts to be paid to every size and type of business, without significantly delaying the payments to all businesses.
- The LGO requested and was provided with records in support of grant award decisions. Further detailed information could have been provided (and was offered to the LGO) that might have provided further assurance in support of the Council's decision making process.
- The provision to make payments to companies with a Rateable Value above £51k was recognised within the published scheme but the Council accepts this

could have been expressed more clearly. The reason it was not stems from the predicament of having cash-limited funds, unknown numbers of eligible businesses and delivering the objective of supporting as many businesses as possible as quickly as possible, within the rules of the scheme and government guidance.

- It should be noted that the point above is not relevant to either complaint considered by the LGO.
- Beyond the LGO's report, members should be assured that rigorous post payment audit checks have been completed with very few queries raised or payments repaid.

4. Financial and Value for Money Implications

- 4.1 A £500 compensation payment to each of the two complainants has been recommended.

5. Legal Implications

- 5.1 The legal implications are set out in the body of the report.

6. Contribution to Council Priorities

- 6.1 The findings in the Ombudsman's report impacts the Council's priorities of Enterprising Craven and Financial Resilience.
- 6.2 The findings of the LG&SC Ombudsman have no material impact on the declared Climate Emergency.

7. Risk Management

- 7.1 There is a risk that if a clear process with the requirement for good record keeping is not apparent, this may lead to inconsistent decisions and application of criteria being made, the impact being that applicants are treated unfairly and the Council becomes open to criticism and being held to account.

7.2 Chief Finance Officer (s151 Officer) Statement

The outcome of this exercise is disappointing, given the efforts that have been made to deliver over £50m in vital business grant payments to over 2,500 businesses. The LGO report recognises the pressures faced by councils at the time but the nature of some of the findings seems inconsistent with such recognition. It is important that the Council is able to respond to the findings in this report to give further information and local context, however, not accepting the LGO's findings would likely be counter-productive for the Council.

Post-payment audit checks have provided assurance that the Council's discretionary grant scheme has been administered and delivered effectively.

7.3 Monitoring Officer Statement

The Local Government Act 1974 requires the Council to consider the report issued by the Ombudsman within three months and confirm the action it has taken or proposes to take.

8. Equality Impact Analysis

8.1 The Council's Equality Impact Assessment Procedure has been followed. An Equality Impact Assessment has not been completed on the proposals as completion of Stage 1- Initial Screening of the Procedure identified that the proposed policy, strategy, procedure or function does not have the potential to cause negative impact or discriminate against different groups in the community based on •age • disability •gender •race/ethnicity •religion or religious belief (faith) •sexual orientation, or •rural isolation.

9. Consultations with Others

9.1 The Ombudsman's report has been shared with the Corporate Leadership Team, Lead Officer for Revenues and Benefits and the Information Governance Manager.

10. Background Documents

10.1 None

11. Appendices

- Appendix 1 – Full Report of the Local Government and Social Care Ombudsman

12. Author of the Report

Name Darren Maycock
Telephone: 01756 706270
E-mail: dmaycock@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

25 March 2021

Mr Paul Shevlin
Chief Executive
Craven District Council
1 Belle Vue Square
Broughton Road
SKIPTON
BD23 1FJ

Our ref: 20 001 522 & 20 001 603

(Please quote our reference when contacting us and, if using email, please put the number in the email subject line)

If telephoning please contact: 0330 403 4755
email address: E.Lerwill@coinweb.lgo.org.uk

Dear Mr Shevlin

Complaints about COVID-19 Discretionary Grant Scheme

We have now completed our investigation of the above complaints and enclose a copy of the final report. We are also sending a copy of the report to each of the complainants.

Before completing this report we have taken account of the comments sent to us on the draft and we draw your attention to the following:

- Paragraph 14 is new and recognises authorities had scope to pay grant awards to businesses occupying premises with a rateable value in excess of £51,000 per annum. However, our criticism of the Council's decision to make such awards is not that they were unlawful but contrary to its stated policy, quoted at paragraph 15. That finding remains although we have tried to make it clearer.
- We have noted the Council's comments on the priority it gave to office/professional businesses at paragraph 33 of the report. We have modified the wording of our findings at paragraph 42 accordingly.
- In the light of the Council's comments that it does not consider we should reach the same findings on 'Mr D's' complaint as that of Mr C we have included further relevant Government advice at paragraph 14 and made changes to the key facts at paragraphs 15, 26 and at 36. These cross reference paragraph 47 where we explain why we do not accept the Council's assertion that it paid 'Mr D' a discretionary grant in error.

We did not consider we could take account of the letter issued by the Secretary of State on 7 January 2021 as this referred to later grant schemes introduced by Government and so was not relevant to the circumstances of these complaints.

Section 30(3) of the Local Government Act 1974 requires us to report without naming or identifying the complainant or other individuals. The people involved in this complaint are therefore referred to by a letter or job role. You must not disclose any information to third parties that could identify the complainant or other individuals referred to in the report.

We will publish the report on our website on or after **29 April 2021**. You should not discuss the report in public or comment on its content in publicly available papers before that date. We may distribute copies of the report and a press release in advance of the publishing date, under an embargo. This means the media could have sight of the report and make enquiries before the publishing date but are expected to withhold publishing anything until after we have published the report.

Section 30 of the 1974 Act requires your Council to place two public notices in local newspapers and/or newspaper websites. To complete your statutory requirements you should place these announcements within two weeks of us publishing the report. We enclose a specimen public notice at the end of this letter which you may find helpful. Please let us know when you have placed these notices. You should also make copies of the report available free of charge at one or more of your offices.

During the current COVID-19 restrictions we understand it may be difficult to make the report available at the Council's offices. Please let us know what appropriate alternative arrangements you have in place, for example sending individual copies to interested persons on request.

Our finding is *Report issued: upheld; maladministration and injustice*. Since we have found the complainants have suffered injustice as a result of fault, under Section 31(2) of the 1974 Act, your Council must formally consider our report. Please arrange for the report to be considered at a high decision making level such as full Council, Cabinet or another Committee with delegated authority.

Please do not hold this meeting or send out publicly available papers for discussion at it that refer to the report before the date of publication for this report.

You must then tell us, within three months of receiving it (or a longer period we may agree in writing), the action it has taken or proposes to take. Please let us know by the week ending **16 April 2021** when your Council will consider the report and when we may expect to receive a response.

Yours sincerely



Michael King
Local Government and Social Care Ombudsman for England

Enc: Final report
Specimen public notice (below)
General information for organisations – public interest reports (below)

Specimen notice (not for publication before the date we confirm that we will publish the report)

Craven District Council

Report of Local Government and Social Care Ombudsman

The Local Government and Social Care Ombudsman has issued a report following its investigation of a complaint against Craven District Council. The complaint was about *Benefits & Tax*. @The Ombudsman found @that there had been @fault on the part of the Council, @and this had caused injustice to the complainant. @but that this caused no significant injustice to the complainant. @The Ombudsman found no fault by the Council.

@Craven District Council has agreed to take action which the Ombudsman regards as providing a satisfactory remedy for the complaint.

@The Council must now consider the report @and tell the Ombudsman within three months (or such longer period as the Ombudsman may agree) what it proposes to do.

Copies of the report will be available for public inspection during normal office hours at [main office address] and at [details of other offices] for three weeks starting on [date]. Anyone is entitled to take copies of the report or extracts from it. Copies will be supplied free of charge.

General information for organisations – public interest reports

Can the report be challenged?

The findings in our report can only be challenged by way of judicial review in the High Court. Judicial review is not an appeal and the most a court can do, if successful, is to quash the Ombudsman's decision. The narrow grounds of challenge include illegality, irrationality or procedural flaws.

How is the report published?

Reports are published on our website. We will tell you when the report will be published. Your organisation should not refer to the report in public before that date.

We will usually send a copy of the report with a press release to the media. We often send out the press release in advance of the publishing date under an embargo. This means the media should withhold writing or broadcasting anything until after we have published the report.

We will share a copy of the press release with you, but for information only, not for commenting on the content.

How does the organisation publicise the report?

The organisation must place two public notices in local newspapers and/or newspaper websites within two weeks of us publishing the report. Copies of the report should be made freely available to the public.

What happens after the final report is published?

The organisation must formally consider our findings and recommendations within three months of the date of the final report. Organisations must discuss our findings and recommendations at a high decision making level, such as full Council or Cabinet, and formally report back to us on the actions it has taken, or proposes to take.

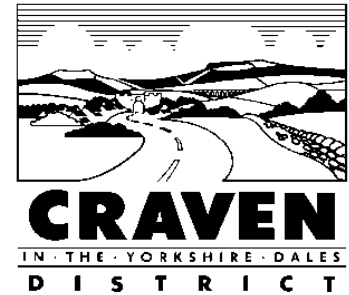
We will send a letter of satisfaction when we are satisfied with the actions the organisation has taken following the report and will update our website to show this.

What happens if an organisation does not comply with the recommendations?

Most organisations agree to our recommendations, often before we publish the report. If an organisation does not comply, we can issue a further report. This explains the latest position and requires the organisation to again discuss it at a high decision making level.

Policy Committee – Date 22 June 2021**DEFRA CONSULTATION ON
CONSISTENCY IN HOUSEHOLD
AND BUSINESS RECYCLING****Report of the Director of Services****Lead Member – Cllr Lis**

Ward(s) affected: All

**1. Purpose of Report**

- 1.1 Present the proposed Craven District Council response to the Defra Consultation on Consistency in Household and Business Recycling.

2. Recommendations – Members are recommended to:

- 2.1 Note and agree the draft consultation response, subject to any further member recommendations.
- 2.2 Provide delegated authority to the Director of Services, in consultation with the Lead Member, to make any final amendments and submit the consultation response.

3. Report

- 3.1 In December 2018, the Government published 'Our Waste, Our Resources: a Strategy for England'. The strategy sets out Government ambitions for higher recycling rates, increased resource efficiency and a more circular economy.
- 3.2 Following the Strategy, the Environment Bill 2020 was published in January 2020. The Bill includes the creation of a new governance framework for the environment and a new direction for resources and waste management.
- 3.3 The Defra Consultation on 'Consistency in Household and Business Recycling' seeks to gather views on the detail of the proposals in the Environment Bill, including how the Environment Bill powers should be used and how policies should be implemented.
- 3.4 The consultation states there are calls for greater consistency in the materials collected for recycling, to help increase recycling rates. Research by the Waste and Resources Action Programme (WRAP) indicates that the most important features of a recycling service identified by householders are having a regular and reliable service and being clear on what can/cannot be recycled. There have also been calls for investment in separate food waste collection.

3.5 The consultation seeks views on the following:

- Measures to improve the quantity and quality of household recycling, including increasing the number of items which must be collected by local authorities and proposals on separate collections of dry recyclable waste.
- Proposed timeline for implementation of consistent collection of dry recyclable materials.
- Weekly food waste collection from households.
- Free collection of garden waste from households.
- Collection of recycling and food waste from businesses.

3.6 The draft consultation response has been collated by the Waste Management Team in consultation with the Lead Member. Officers have also discussed the consultation with members of the York and North Yorkshire Waste Partnership.

3.7 With regards to the main principles of the consultation, the following response is proposed:

Requirement for Councils to collect specified materials from households and businesses for recycling, namely glass, metal, plastic, paper and card: Craven District Council supports the proposals for consistency of recycling collections. However, Councils should be able to continue to collect these materials in accordance with local circumstances. This should include fully 'co-mingled' collections where it can be demonstrated that separate collections of these materials is not technically, environmentally or economically practicable.

Requirement for Councils to collect food waste from households, separately at least once per week: Craven District Council supports the principle of separate food waste collections. However, the reduction of food waste should be the priority. Clear funding arrangements must also be in place for implementation and on-going costs. Consideration needs to be given to locally available Anaerobic Digestion facilities and a national Anaerobic Digestion Strategy.

Requirement to implement a free garden waste collection service for households: Craven District Council disagrees with this proposal, as it is unlikely to lead to any significant increase in recycling rates in Craven.

4. Financial and Value for Money Implications

4.1 The Government has committed to fund the net additional cost to local authorities of new statutory duties placed on them. This would be done in line with Government guidance on new burdens funding.

5. Legal Implications

- 5.1 In relation to the proposals, there are numerous implications for local authorities in terms of existing contracts for waste management. This is considered as part of the consultation exercise.

6. Contribution to Council Priorities

- 6.1 Facilitating economic growth in a low carbon Craven is a priority within the Council Plan. Reducing waste to landfill and increasing re-use and recycling is one of the mechanisms of achieving this.

6.2 Impact on the declared Climate Emergency

Reducing volumes of residual waste and increasing recycling rates across the District contribute strongly to the Climate Emergency priority 'Low Carbon Waste'.

7. Risk Management

- 7.1 The proposals have wide ranging implications for local authorities and waste management services. Dependant upon the outcome of the consultation, risk management will require careful consideration.

7.2 Chief Finance Officer (s151 Officer) Statement

A Chief Finance Officer statement is not required for this report.

7.3 Monitoring Officer Statement

A Monitoring Officer Statement is not required for this report.

8. Equality Impact Analysis

- 8.1 An Equality Impact Analysis will be completed for any future policy decisions around waste collection as a result in changing legislation.

9. Consultations with Others

- 9.1 Craven District Council is a member of the York & North Yorkshire Waste Partnership. The consultation document has been discussed with members of the partnership.

10. Background Documents

1. Full consultation document - [Defra Consultation Waste & Recycling](#)
2. Our Waste, Our Resources Strategy - [Government Waste Strategy](#)

11. Appendices

1. Draft consultation response.

12. Author of the Report

Tracy McLuckie, Environmental Services Manager

Telephone: 01756 706338

E-mail: tmcluckie@cravenc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendix 1

Consultation on Consistency in Household and Business Recycling
DRAFT Response

Proposal 1

Collection of dry recyclable materials

Q6. Do you agree or disagree that local authorities should be required to collect the following dry materials from all households, including flats, by the end of the financial year in which payments to local authorities under Extended Producer Responsibility for packaging commences (currently proposed to be 2023/4 subject to consultation)?

	Agree – this material can be collected in this timeframe	Disagree – this material can't be collected in this timeframe	Not sure / don't have an opinion / not applicable
Aluminium foil	X		
Aluminium food trays	X		
Steel and aluminium aerosols	X		
Aluminium tubes, e.g. tomato puree tubes	X		
Metal jar lids	X		
Food and drink cartons, e.g. TetraPak	X		

Q7. If you have disagreed with the inclusion of any of the additional materials above in the timeframe set out, please state why this would not be feasible, indicating which dry recyclable material you are referring to in your response.

N/A

Q8. Some local authorities may not be able to collect all these items from all households at kerbside by 2023/24. Under what circumstances might it be appropriate for these collection services to begin after this date?

- X *Collection contracts*
- X *Sorting contracts*
- X *Materials Recovery Facility (MRF) infrastructure capacity*
- X *Cost burden*
- X *Reprocessing*
- X *End markets*
- X *Other (please specify)*

Please provide the reason for your response and indicate how long local authorities require before they can collect all of these materials, following the date that funding is available from Extended Producer Responsibility.

Craven District Council currently collect all of the materials at Q6, except aluminum tubes. The addition of aluminum tubes is unlikely to cause any significant collection issues but would require a change to existing contracts. For other local authorities, all the reasons listed may prevent collection of these materials at the kerbside by 2023/24.

Q9. Do you agree or disagree that food and drink cartons should be included in the plastic recyclable waste stream in regulations, to reduce contamination of fibres (paper and card)?

- Agree – cartons should be included in the plastic recyclable waste stream
- Disagree – cartons should be included the paper and card recyclable waste stream
- Not sure / don't have an opinion / not applicable*

Please provide the reason for your response and state if there are any unintended consequences that we should consider.

Other stakeholders, such as Materials Recovery Facility providers, are in a better position to respond.

Q10. Assuming food and drink cartons are included by the date that Extended Producer Responsibility commences, what would be the financial impact on gate fees and processing costs from sending mixed material streams containing cartons into a Materials Recovery Facility?

- No increase
- 0–9% increase
- 10–20% increase
- 21-100% increase
- Not sure / don't have an opinion / not applicable*

Please provide the reason for your response.

Other stakeholders, such as Disposals Authorities and Materials Recovery Facility providers, are in a better position to respond.

Proposal 2

Collection of plastic films from households

We propose that local authorities already providing a collection service for plastic films should continue to do so. We propose that local authorities without a collection service for plastic films as soon as possible and by no later than the end of the financial year 2026/27.

Q11. Do you agree or disagree that local authorities should adopt the collection of this material from all households, including flats, no later than 2026/27?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable

Q12. Which of the following reasons might prevent plastic film collections being offered to all households by the end of the financial year 2026/27?

- Collection contracts
- Sorting contract
- Materials Recovery Facility (MRF) infrastructure capacity
- Cost burden
- Reprocessing
- End markets
- Other (please specify)

Please provide the reason for your response and provide evidence to support your answer.

All of the reasons listed are relevant. Local Authorities are reliant on the availability of Materials Recovery Facilities capable of processing these materials. There may also be issues of storage for households. Producers should be encouraged to develop alternatives to plastic film, rather than relying on recycling.

Proposal 3

Proposals on the definition of food waste

We propose that the following should be included in regulations to describe the materials to be included within the food waste stream:

All food material that has become a waste, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be consumed by humans and including any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment. This includes the following:

- Food scraps
- Tea bags
- Coffee grounds

Q13. Do you agree or disagree that the above should be collected for recycling within the food waste stream?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response and specify which materials should be included or excluded in this definition.

N/A

Proposal 4

Proposals on separate collection of food waste from households for recycling

Q14. Which parts of Proposal 4 do you agree or disagree with?

	Agree	Disagree	Not sure / don't have an opinion / not applicable
Local authorities already collecting food waste separately must continue to collect this material for recycling at least weekly from the 2023/24 financial year			X
Local authorities should have a separate food waste collection service (at least weekly) in place for all household properties including flats as quickly as contracts allow	X		
Local authorities without existing contracts in place that would be affected by introducing a separate food waste collection service should have a separate food waste collection service in place (at least weekly), for all households including flats, by the 2024/25 financial year at the latest			X
Local authorities with long term existing mixed food/garden waste collection or disposal contracts in place should have a separate food waste collection service in place (at least weekly) for all household properties including flats as soon as soon as contracts allow, with an end date to meet this requirement between 2024/25 and 2030/31	X		

<p>Local authorities with long term residual waste disposal contracts affected by introducing a separate food waste collection service (e.g. some Energy from Waste or Mechanical Biological Treatment contracts) should introduce a separate food waste collection service (at least weekly) to all households including flats as soon as contracts allow, with an end date to meet this requirement to be set between 2024/25 and 2030/31</p>	<p>X</p>		
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Please provide any views on the end date for these obligations and any evidence on associated costs and benefits.

Craven District Council supports the principle of separate food waste collections. However, the reduction of food waste should be the priority. It is vital that clear funding arrangements are in place which cover all costs, including consequential and ongoing costs. Consideration needs to be given to locally available Anaerobic Digestion facilities and a national Anaerobic Digestion Strategy.

A deadline of 2024/25 is ambitious and unlikely to be met by authorities with long term contracts in place.

Q15. Some local authorities may experience greater barriers to introducing a separate food waste collection service to all household properties, including flats, by the dates proposed above. For what reasons might it be appropriate for these collection services to begin after this date?

- X Collection contracts
- X Treatment contracts
- X Cost burden
- X Reprocessing
- X End markets
- X Other (please specify)

All of the reasons listed are relevant. Consideration should also be given to the availability of equipment such as collection vehicles. Procurement of new vehicles is currently taking 6-12 months. Excess demand for suitable vehicles may increase this timeframe.

If you have disagreed with any of the proposed implementation dates above, please provide examples of circumstances where it would be appropriate for this collection service to begin after these proposed dates and any supporting evidence where possible.

N/A

Proposal 5**Proposal on caddy liners**

We propose that the provision of caddy liners in the collection of separately collected food waste should be promoted as good practice and that guidance should be provided on caddy liners, including on caddy liner material types.

Q16. Do you agree or disagree with this proposal? Please provide any other comments on the use of caddy liners in separate food waste collections, including on any preferences for caddy liner material types.

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable

Proposal 6**Proposals on biodegradable and compostable plastics packaging materials**

We propose to provide further guidance to local authorities and other waste collectors on the collection and disposal of compostable and biodegradable materials in kerbside waste streams.

Q17. Do you have any comments on how the collection and disposal of compostable and biodegradable materials should be treated under recycling consistency reforms? For example, this could include examples of what should be provided in guidance on the collection and disposal of these materials.

No

Q18. Do you agree or disagree that anaerobic digestion plants treating food waste should be required to include a composting phase in the treatment process?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable*

Please provide any evidence where possible and explain any advantages and disadvantages.

Proposal 7**Proposal on the definition of garden waste**

We propose that the following should be included in the description of garden waste included in regulations.

Unwanted organic material arising from a garden, including:

- Grass cuttings
- Garden weeds
- Plants and flowers
- Hedge Clippings
- Leaves
- Twigs and small branches

This excludes:

- Waste products of animal origin
- Bulky waste (including but not limited to garden furniture and fencing)
- Plant pots
- Garden tools or other gardening equipment
- Soil, stone, gravel or bricks

Q19. Do you agree or disagree with the materials included in and excluded from this description of garden waste?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response and specify which materials should be included or excluded in this definition.

N/A

Proposal 8

Proposals on increasing the recycling of garden waste from households

In response to the first consultation, there was mixed support that, if a free minimum collection service for garden waste is introduced for households with a garden, this should be a minimum fortnightly collection service, equivalent to a maximum capacity of 240-litre (either bin or sacks) and local authorities would be able to charge for more frequent collections and/or additional capacity. We are seeking further views on the updated costs and carbon benefits of this proposal as detailed in the table below, subject to securing funding for the policy.

Please note that any new additional burdens to local authorities incurred through this policy would be covered by Government.

Q20. Given the above costs, recycling benefits and carbon emissions reductions, do you agree or disagree that local authorities should be required to introduce a free minimum standard garden waste collection (240 litre containers, fortnightly collection frequency and throughout the growing season⁴⁵), if this is fully funded by Government, and if authorities remain free to charge for more frequent collections and/or additional capacity?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable

Please provide any comments or evidence on the costs and benefits presented above.

Additional costs of implementing and maintaining a free garden waste collection service is unlikely to be offset by an improved recycling rate, which is likely to be small. Home composting should be encouraged, rather than a free garden waste collection service, which will only increase overall waste tonnages.

Proposal 9

We are seeking views on options, either alongside or instead of a free, minimum collection service for garden waste, and the extent to which they would achieve the aim of increasing the recycling of garden waste and decreasing the quantity of garden waste in residual waste streams.

Q21. How likely are the following options to support the above policy aims?

	Very likely	Likely	Unlikely
Provide updated guidance on reasonable charges for garden waste.			X
Issue clear communications to non-participating households.			X
Support on increasing home composting (e.g. subsidised bin provision).		X	

Q22. Do you have any further comments on the above options, or any other alternatives that could help to increase the recycling of garden waste and/or reduce the quantity of garden waste in the residual waste stream? Please provide supporting evidence where possible.

Home composting should be encouraged above a free waste collection service.

Proposal 10

Proposals on exemptions for the separate collection of two recyclable waste streams from households

For certain waste streams collected from households, exemptions to separate collection may be appropriate in cases where collection of recyclable waste streams together does not significantly reduce the potential for these recyclable waste streams to be recycled or composted.

Q23. Could the following recyclable waste streams be collected together from households, without significantly reducing the potential for those streams to be recycled?

	Agree	Disagree	Not sure / don't have an opinion / not applicable
Plastic and metal	X		
Glass and metal	X		

If you have agreed with either of the above, please provide evidence to justify why any proposed exemption would be compatible with the general requirement for separate collection of each recyclable waste stream.

Craven District covers a large rural area and operates a fully co-mingled collection service. Under a TEEP assessment, separate recyclable waste streams were not found to be environmentally or economically practicable.

Q24. What, if any, other exemptions would you propose to the requirement to collect the recyclable waste in each waste stream separately, where it would not significantly reduce the potential for recycling or composting?

Where Council's can demonstrate suitable quality materials through co-mingled collections, this should continue. Co-mingled collections are preferable for residents, who may not have the storage space for a number of recycling containers. Separate collections are also likely to reduce the tonnages of recyclable waste.

Proposal 11 Technically Practicable
Proposals on conditions where an exception may apply, and two or more recyclable waste streams may be collected together from households

By technically practicable we mean that the separate collection may be implemented through a system which has been technically developed and proven to function in practice.

Q25. Do you have any views on the proposed definition for 'technically practicable'?

Flexible guidance should be provided to allow for local circumstances.

In order to make the case that separate collection is not technically practicable, local authorities will need to demonstrate that their local circumstances mean that it is not practicable to have separate collection of the recyclable waste streams. Examples of this could include, but are not limited to:

- Type of housing stock and accessibility – e.g. flats, houses of multiple occupation, student accommodation, historic buildings, dwellings with communal recycling points
- Rurality and geography of property location
- Availability of suitable containers
- Storage of containers at properties
- Storage in existing waste transfer infrastructure

Q26. Do you agree or disagree that the proposed examples cover areas where it may not be ‘technically practicable’ to deliver separate collection?

- Agree
 Disagree
 Not sure / don’t have an opinion / not applicable

If you disagree with any of the above, please provide the reason for your response and indicate which example you are referring to.

N/A

Q27. What other examples of areas that are not ‘technically practicable’ should be considered in this proposal? Please be as specific as possible.

Flexible guidance for local authorities should be provided to enable local circumstances to be considered when assessing ‘technically practicable’.

Economically practicable

In order make the case that separate collection is not economically practicable, local authorities will need to demonstrate that their specific financial costs (caused by their local circumstances) mean that it is significantly more expensive to have separate collection. Examples of this could include, but are not limited to:

- Type of housing stock and accessibility – e.g. flats; houses of multiple occupation, student accommodation, historic buildings, dwellings with communal recycling points
- Rurality and geography of property location
- Available recycling and treatment infrastructure

Q28. Do you agree or disagree that the proposed examples cover areas that may not be ‘economically practicable’ to deliver separate collection?

- Agree
 Disagree
 Not sure / don’t have an opinion / not applicable

If you disagree with any of the above, please provide the reason for your response and indicate which example you are referring to.

N/A

Q29. What other examples of 'economically practicable' should be considered in this proposal? Please be as specific as possible.

Flexible guidance for local authorities should be provided to enable local circumstances to be considered when assessing 'economically practicable'.

Economically practicable refers to separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream, considering the added value of recovery and recycling and the principle of proportionality. If the additional cost of collecting a recyclable waste stream separately outweighs its value once collected it may not be economically practicable to collect a waste stream separately.

Q30. Do you have any views on what might constitute 'excessive costs' in terms of economic practicability?

Separate waste stream collections in rural areas are likely to result in excessive costs relating to vehicles, fuel and staff.

No significant environmental benefit

In order to make the case that separate collection is of no significant environment benefit compared to the collection of recyclable waste streams together, local authorities will need to demonstrate that this is the case in their circumstances and that separate collection does not provide additional benefits over other systems. Local authorities should consider the overall impact of the management of the household waste stream throughout the system, from collection through to reprocessing. Examples of this could include, but are not limited to:

- **Greenhouse gas emissions – for examples from vehicles or Materials Facilities**
- **Lifts per vehicle and journey length**
- **Availability of recycling facilities**
- **Reject tonnages**

Q31. Do you have any views on what should be considered 'significant,' in terms of cases where separate collection provides no significant environmental benefit over the collection of recyclable waste streams together?

Flexible guidance for local authorities should be provided to enable local circumstances to be considered when assessing environmental benefit.

Q32. Do you agree or disagree that the proposed examples for ‘no significant environmental benefit’ are appropriate?

- Agree
- Disagree
- Not sure / don’t have an opinion / not applicable

If you disagree with any of the above, please provide the reason for your response and indicate which example you are referring to.

N/A

Q33. What other examples of ‘no significant environmental benefit’ should be included in this proposal? Please be as specific as possible.

Proposal 12
Proposals on compliance and enforcement

In circumstances where it is not technically or economically practicable, or where there is no significant environmental benefit to collecting two or more waste streams separately, obligated parties are required to complete a written assessment. We want to avoid unnecessary burden on local authorities.

We therefore propose that local authorities should only be required to complete a single written assessment for their service area, which will take account of the different exceptions, rather than multiple assessments for the same service area. It may be appropriate for a single assessment to be completed across more than one authority. For example, for two- tier authorities, partnerships, or authorities that share treatment infrastructure.

Q34. Do you agree or disagree that local authorities should only be required to submit a single written assessment for their service area?

- Agree
- Disagree
- Not sure / don’t have an opinion / not applicable

If you disagree, please provide the reason for your response.

N/A

Q35. What other ways to reduce the burden on local authorities should we consider for the written assessment?

A standardised and consistent approach to a written assessment to assist local authorities in calculating the impacts.

Q36. What factors should be taken into consideration including in the written assessment? For example, different housing stock in a service area, costs of breaking existing contractual arrangements and/or access to treatment facilities.

*Compliance with the waste hierarchy
Gross costs including one-off and ongoing costs*

Q37. Do you agree or disagree that reference to standard default values and data, which could be used to support a written assessment, would be useful?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response.

N/A

Q38. Do you agree or disagree that a template for a written assessment would be useful to include in guidance?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response.

Any template should also allow for consideration of local circumstances.

Proposal 13

Proposal on minimum service standards for the separate collection of dry recyclable materials from households

We propose to include guidance on how different types of recyclable waste should be collected separately from each other.

Q39. Do you agree or disagree with Proposal 13, particularly on the separation of fibres from other recyclable waste streams and the collection of plastic films?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response.

Craven District Council supports the broad principles in this consultation. However, there must be scope for local authorities to consider local circumstances and implement collection systems which produce the best outcome.

Proposal 14

Proposal on non-statutory guidance

We propose to work with WRAP, to develop and publish non-statutory guidance on good practice around collection. This may include guidance around the collection of waste streams not included in the Environment Bill (for example, sanitary products and hazardous waste), and may also include guidance on areas such as bring sites and litter collection.

The aim of the guidance will be to demonstrate current good practice in service delivery from across the country and help inform scheme design in light of any future changes needed under New Burdens and Extended Producer Responsibility.

Q40. Which service areas or materials would be helpful to include in non-statutory guidance?

Guidance on litter and bulky waste collection may be of benefit to local authorities.

Proposal 15

Proposals on Review of Part 2 of Schedule 9 of the Environmental Permitting Regulations 2016

Q41. Do you have any comments on the recommendations from the review of the Part 2 of Schedule 9 of the Environmental Permitting Regulations?

Other stakeholders, such as Disposals Authorities and Materials Recovery Facility providers, are in a better position to respond.

Q42. If amendments are made to Part 2 of Schedule 9, do you agree or disagree that it is necessary to continue to retain requirements to sample non-packaging dry recyclable materials?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable

Please provide the reason for your response where possible.

Materials Recovery Facility providers are in a better position to respond.

Proposal 16

Proposals on recycling credits

Q43. Do you agree or disagree that provision for exchange of recycling credits should not relate to packaging material subject to Extended Producer Responsibility payments?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable*

Q44. In relation to recycled waste streams not affected by Extended Producer Responsibility or which are not new burdens we are seeking views on two options:

Option 1 Should we retain requirements for Waste Disposal Authorities to make payment of recycling credits or another levy arrangement with Waste Collection Authorities in respect of non-packaging waste?

Option 2 Should we discontinue recycling credits and require all two-tier authorities to agree local arrangements?

	Agree	Disagree	Not sure / don't have an opinion / not applicable
Option 1	X		
Option 2		X	

Q45. Where local agreement cannot be arrived at what are your suggestions for resolving these? For example, should a binding formula be applied as currently and if so, please provide examples of what this could look like.

Proposal 17

Proposals on dry materials to be collected from non-household municipal premises for recycling

Collection of dry recyclable materials (with the exception of plastic films)

Q46. Do you agree or disagree that waste collectors should be required to collect the following dry materials from all non-household premises for recycling, in 2023/24?

	Agree – this material can be collected in this timeframe	Disagree – this material can't be collected in this timeframe	Not sure / don't have an opinion / not applicable
Aluminium foil	X		
Aluminium food trays	X		
Steel and aluminium aerosols	X		
Aluminium tubes e.g. tomato puree tubes	X		
Metal jar lids	X		
Food and drink cartons e.g. TetraPak	X		

If you disagree with the inclusion of any of the materials above in the timeframe set out, please provide the reason for your response and indicate which dry recyclable material you are referring to.

N/A

Q47. Some waste collectors may not be able to collect all the items in the dry recyclable waste streams from all non-household municipal premises in 2023/24. Under what circumstances might it be appropriate for these collection services to begin after this date?

- X Collection contracts
- X Sorting contracts
- X Materials Recovery Facility (MRF) infrastructure capacity
- X Cost burden
- X Reprocessing
- X End markets
- X Other (please specify)

Please provide the reason for your response and indicate how long waste collectors require before they can collect all these materials.

See response to Q8 (households).

Proposal 18

Collection of plastic films from non-household municipal premises

We propose that waste collectors should be required to collect all recyclable plastic films from non-household municipal premises no later than the end of the financial year 2024/25. We are seeking views from businesses and waste collectors on whether this timing is appropriate, or if more time is required.

We are also seeking to understand any major differences in collection methods between household and non-household municipal collections.

Q48. Do you agree or disagree that collections of plastic films could be introduced by the end of 2024/25 from non-household municipal premises?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response and any evidence as to why this would not be feasible.

This date should be the same as for households.

Q49. Do you have any other comments on this proposal? For example, please specify any barriers that may prevent collectors delivering these services

No

Proposal 19

Proposals for on-site food waste treatment technologies

Food waste that is not properly recycled or fully recovered on the site of production should be separately collected for recycling or recovery elsewhere.

Food waste treatment technologies can be used to pre-treat waste prior to being separately collected for these purposes. Disposal of food waste by landfill or into the sewer system (even if pre-treated) should only be carried out as a last resort in accordance with the waste hierarchy.

Where food waste treatment technologies are used, they should be operated in line with relevant guidelines on environmental and wastewater management and should be compliant with Animal By-Product (ABP) regulations and other appropriate regulatory requirements.

Q50. Do you agree or disagree with Proposal 19?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable

Q51. Do you have any other comments on the use of these technologies and the impact on costs to businesses and recycling performance?

No

Proposal 20**Proposals on reducing barriers to recycling for non- household municipal waste producers**

We propose to continue to support businesses and small and micro-firms (i.e. those employing fewer than 50 and 10 Full Time Equivalent employees respectively) to recycle and overcome any barriers associated with increasing recycling.

Q52. What are the main barriers that businesses (and micro-firms in particular) face to recycle more?

	Large barrier	Some barrier	Low / no barrier
Communication			
Financial			
Space			
Engagement			
Drivers to segregate waste			
Location			
Enforcement			
Variation in bin colours and signage			
Contractual			
Staff / training			
Other			

If you have selected other above, please specify. Please provide any comments on how these barriers can be overcome.

This is best responded to by businesses. However, Craven District Council actively engage with businesses where barriers to recycling exist.

Proposal 21**Proposals on exemptions and phasing for micro- firms**

We propose that micro-sized producers of non-household municipal waste should have special arrangements in place to reflect the higher barriers to recycling that they often face.

We are consulting on two options:

Option 1: Micro-firm producers of non-household municipal waste should be exempt from the requirement to arrange for the collection of five recyclable waste streams (glass, metal, plastic, paper and card, food waste) for recycling and to present this waste in accordance with the arrangements.

Option 2: Micro-firm producers of non-household municipal waste are phased into the new recycling consistency requirements in the Environment Bill, two years after the recycling consistency go live date.

Q53. Should micro-firms (including businesses, other organisations and non-domestic premises that employ fewer than 10 FTEs) be exempt from the requirement to present the five recyclable waste streams (paper & card, glass, metal, plastic, food waste) for recycling? Please select the option below that most closely represents your view and provide any evidence to support your comments.

- Yes – all micro-firms should be exempt from the requirement – **Option 1**
- No – but all micro-firms should be given two additional years to comply with the new requirements in the Environment Bill (i.e. compliant in 2025/26) – **Option 2**
- No – all micro-firms should be required to present these waste streams for recycling, from the ‘go live’ date in 2023/24

Q54. Should any non-household municipal premises other than micro-sized firms be exempt from the requirement? Please provide evidence to support your comments.

No

Proposal 22

Proposals on other cost reduction options

We propose to continue to explore cost reduction options to reduce the cost burden for non-household municipal waste producers and are seeking further views on waste zoning/franchising and collaborative procurement options. We continue to develop these and other cost reduction options that we consulted on previously.

Waste franchising / zoning

Q55. Which recyclable waste streams should be included under a potential zoning scheme?

For each option, please select either agree, disagree, or not sure / don't have an opinion / not applicable.

- Dry recyclable waste streams (glass, metal, plastic, paper and card)
- Food waste
- Other items e.g. bulky office waste (please specify)

Q56. Which of the below options, if any, is your preferred option for zoning/collaborative procurement? Please select the option that most closely aligns with your preference

- Encouraging two neighbouring businesses to share the same containers under contract
- Encouraging businesses to use shared facilities on a site/estate
- Business Improvement Districts/partnerships tendering to offer a preferential rate (opt-in)
- Co-collection – the contractor for household services also deliver the non-household municipal services
- Framework zoning – shortlist of suppliers licensed to offer services in the zone
- Material specific zoning – one contractor delivers food, one for packaging, one for refuse collection services
- Exclusive service zoning – one contractor delivers the core recycling and waste services for the zone
- None of the above

Q57. Do you have any views on the roles of stakeholders (for example Defra, the Environment Agency, WRAP, local authorities, business improvement districts, businesses and other organisations and chambers of commerce) in implementing a potential zoning or franchising scheme?

All of these stakeholders have a role to play in any potential zoning schemes.

Q58. Do you have any further views on how a potential waste collection franchising / zoning scheme could be implemented?

No

Q59. Do you have any views on how Government can support non-household municipal waste producers to procure waste management services collaboratively? This could include working with other stakeholders.

No

Business support

Q60. Which type(s) of business support would be helpful? (Select any number of responses)

- 1:1 support
- National /regional campaigns
- National guidance and good practice case studies
- Online business support tools (e.g. online calculators and good practice guidance)
- Other (please specify)

Commercial waste bring sites

Q61. Are there any barriers to setting up commercial waste bring sites, and do you find these sites useful?

We are not aware of any commercial waste bring sites and so have limited knowledge on this.

Proposal 23

Proposals on exemptions to the separate collection of two waste streams from non-household municipal premises

For certain waste streams collected from non-household municipal premises, exemptions to separate collection may be appropriate in cases where collection of recyclable waste streams together does not significantly reduce the potential for these recyclable waste streams to be recycled or composted.

Q62. Could the following recyclable waste streams be collected together from non-household municipal premises, without significantly reducing the potential for those streams to be recycled?

	Agree	Disagree	Not sure / don't have an opinion / not applicable
Plastic and metal	x		
Glass and metal	x		

If you have agreed with either of the above, please provide evidence to justify why any proposed exemption would be compatible with the general requirement for separate collection of each recyclable waste stream.

See response to Q23 (household).

Q63. What, if any, other exemptions would you propose to the requirement to collect the recyclable waste stream in each waste stream separately where it would not significantly reduce the potential for recycling or composting?

See response to Q24 (households).

Proposal 24 Technically practicable

Proposals on conditions where an exemption may apply and two or more recyclable waste streams may be collected together from non-household municipal premises

By technically practicable we mean that the separate collection may be implemented through a system which has been technically developed and proven to function in practice.

Q64. Do you have any views on the proposed definition for ‘technically practicable’?

No

In order to make the case that separate collection is not technically practicable, waste collectors will need to demonstrate that their local circumstances mean that it is not practicable to have separate collection. Examples of this could include, but are not limited to:

- **Type of premises and accessibility**
- **Rurality and geography of premises**
- **Availability of containers**
- **Storage of containers at premises**
- **Storage in existing waste transfer infrastructure**

Q65. Do you agree or disagree that the proposed examples cover areas where it may not be ‘technically practicable’ to deliver separate collection?

- Agree*
- Disagree
- Not sure / don’t have an opinion / not applicable

If you have disagreed with any of the above, please say why and indicate which example you are referring to.

Q66. What other examples of areas that are not ‘technically practicable’ should be considered in this proposal? Please be as specific as possible.

Flexible guidance should be provided to allow for local circumstances.

Economically practicable

In order to make the case that separate collection is not economically practicable, waste collectors will need to demonstrate that their local circumstances financial costs mean that is significantly more expensive to have separate collection.

Examples of this could include, but are not limited to:

- **Type of premises and accessibility**
- **Rurality and geography of premises**

Q67. Do you agree or disagree that the proposed examples cover areas that may not be ‘economically practicable’ to deliver separate collection are appropriate?

- Agree*
- Disagree
- Not sure / don’t have an opinion / not applicable

If you have disagreed with any of the above, please say why and indicate which example you are referring to.

Q68. What other examples of 'economically practicable' should be considered in this proposal? Please be as specific as possible.

Flexible guidance for local authorities should be provided to enable local circumstances to be considered when assessing 'economically practicable'.

Economically practicable refers to separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream, considering the added value of recovery and recycling and the principle of proportionality. If the additional cost of collecting a recyclable waste stream separately outweighs its value once collected it may not be economically practicable to collect a waste stream separately.

Q69. Do you have any views on what might constitute 'excessive costs' in terms of economic practicability?

Separate waste stream collections in rural areas are likely to result in excessive costs relating to vehicles, fuel and staff.

No significant environmental benefit

In order to make the case that separate collection is of no significant environmental benefit compared to collection of recyclable waste streams together, waste collectors will need to demonstrate that this is the case in their circumstances and that separate collection does not provide additional benefits over other systems. Waste collectors should take into account the overall impact of the management of the household waste stream throughout the system, from collection through to reprocessing. Examples of this could include, but are not limited to:

- **Greenhouse gas emissions – for examples from vehicles or Materials Facilities**
- **Lifts per vehicle and journey length**
- **Availability of recycling facilities**
- **Reject tonnages**

Q70. Do you have any views on what should be considered 'significant,' in terms of cases where separate collection provides no significant environmental benefit over the collection of recyclable waste streams together?

Flexible guidance for local authorities should be provided to enable local circumstances to be considered when assessing environmental benefit.

Q71. Do you agree or disagree that the proposed examples for ‘no significant environmental benefit’ are appropriate?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable

If you have disagreed with any of the above, please say why and indicate which example you are referring to.

Q72. What other examples of ‘no significant environmental benefit’ should be included in this proposal? Please be as specific as possible.

-

Proposal 25
Proposals on compliance and enforcement

In circumstances where it is not technically or economically practicable, or where there is no significant environmental benefit to collecting two or more waste streams separately, we want to avoid unnecessary burdens on waste collectors and waste producers.

Q73. What ways to reduce the burden on waste collectors and producers should we consider for the written assessment?

A standardised and consistent approach to a written assessment to assist local authorities in calculating the impacts.

Q74. We are proposing to include factors in the written assessment which take account of the different collection requirements, for example, different premises within a service area. What other factors should we consider including in the written assessment?

Storage capacity of businesses, which is often a significant issue in rural towns/villages.

Q75. Would reference to standard default values and data, that could be used to support a written assessment, be useful?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response.

Q76. Do you agree or disagree that a template for a written assessment would be useful to include in guidance?

- Agree*
- Disagree
- Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response.

Q77. Do you agree or disagree that the proposed approach to written assessments and non-household municipal collections will deliver the overall objectives of encouraging greater separation and assessing where the three exceptions (technical and economical practicability and environmental benefit) apply?

- Agree
- Disagree
- Not sure / don't have an opinion / not applicable*

Proposal 26

Proposals on the costs and benefits of implementing the changes proposed in this consultation

In the impact assessment, we have specified a few areas on which we would like stakeholder views and additional evidence. These include the following:

- **Familiarisation costs to households and businesses have not be accounted for. Nor are the ongoing costs to households and businesses of sorting waste for new collection requirements.**
- **We would like to improve our approach to accounting for uncertainty in LA and business-related costs.**
- **Wider impacts on the recycling and waste industry have not been monetised either.**

Q78. Do you have any comments and/or evidence on familiarisation costs (e.g. time of FTE(s) spent on understanding and implementing new requirements) and ongoing costs (e.g. sorting costs) to households and businesses?

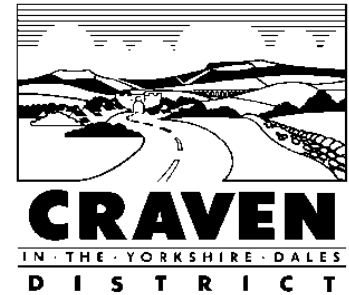
No

Q79. Do you have any comments on our impact assessment assumptions and identified impacts (including both monetised and unmonetised)?

No

Policy Committee – 22 June 2021

**TRANSFORMING CITIES FUND (SKIPTON)
– CONSULTATION FEEDBACK AND
SCHEME DEVELOPMENT**



Report of the Strategic Manager (Planning & Regeneration)

Lead Member – Enterprising Craven (Councillor Myers)

Ward(s) affected: All

1. Purpose of Report

- 1.1 The purpose of this report is to update Members on the development of the Transforming Cities Fund scheme in Skipton, in particular (i.) delivery arrangements for the scheme, (ii.) feedback on the recent public consultation exercise and, (iii.) proposals for the creation of a new pedestrian route through Aireville Park.

2. Recommendations

Members are recommended to:

- 2.1 Accept the feedback from the public consultation exercise as detailed in Section 5 of the report and endorse the continued involvement of the District Council in the development of the Skipton Gateway Transforming Cities Fund scheme.
- 2.2 Request, via North Yorkshire County Council, that the TCF Project Board and Skipton Project Team review and, where appropriate, through the preliminary and detailed design, address the opportunities and concerns raised during the public consultation exercise to better serve all users of the proposed infrastructure and, that a further seminar is held with District Councillors during this design phase.
- 2.3 Agree the implementation of a pedestrian footpath on District Council land from the public right of way to the north of the Leeds Liverpool Canal towards Craven Leisure and give delegated authority to the Director of Services, in consultation with the Lead Member for Enterprising Craven and the Solicitor to the Council, to confirm the final alignment of the route within the corridor detailed at Appendix B and enter into all agreements required to facilitate its construction and operation.

3. Introduction

- 3.1 As at Minute POL.1019/19-20 Members considered a report titled 'Skipton Gateway – Creating an Active and Sustainable Travel Corridor' in response to a request from the West Yorkshire Combined Authority (WYCA) to be part of a wider Leeds City Region bid for the Government's Transforming Cities Fund (TCF) programme.
- 3.2 Following District Council support for the submission, Skipton was included in the bid for the Leeds City Region which was successfully awarded a total of £317m in March 2020. Within the funding awarded, Skipton was allocated £5.8m as part of a wider £31.2m North Yorkshire package (along with the towns of Harrogate and Selby). The completion date required by the Government for all activity delivered through TCF funding is 31 March 2023.
- 3.3 As noted previously and, as presented at Appendix A, the proposals for Skipton include four components:
1. **Skipton Railway Station** - Improvement to the station frontage including the car park and public realm
 2. **Broughton Road Active Travel Corridor** – provision of improved pedestrian and cycle connectivity from the railway station towards the town centre.
 3. **Auction Mart Footpath Improvements** – improvement of the public right of way along the north side of the Canal from Gawflat Bridge to the Auction Mart with a new connection into Aireville Park.
 4. **Black Walk, Carleton Street and Gas Street** – improvement of the route providing connectivity between the railway and bus station; including Gallows Bridge.
- 3.4 The remainder of this report updates the Committee on the governance and delivery arrangements for the scheme, outcome of public consultation, implications on District Council assets and the next steps towards delivery.

4. Governance and Delivery Arrangements

- 4.1 The responsibility for delivery of the Leeds City Region Transforming Cities Fund programme rests with WYCA. Scheme development and approval of funding follows their Assurance Process; a series of business cases and gateway approvals progressing from the strategic context to a fully designed, consented and procured scheme. Upon final approval WYCA will enter into a funding agreement with the lead Local Authority for the construction of the agreed scheme.
- 4.2 Since the previous report to Committee a project team; made up of the County and District Council along with the County Council's highway and engineering design consultants; WSP, has worked closely to continue the development the

Skipton proposals to a point suitable for public consultation and submission of the Outline Business Case to WYCA.

- 4.3 In the previous report to Committee it was noted that the arrangements for governance and delivery were yet to be confirmed but with the assumption that North Yorkshire County Council (NYCC) would, as the Local Highway Authority, be the lead and accountable body and contract directly with WYCA for funding awarded to Harrogate, Selby and Skipton.
- 4.4 With regard to delivery in Skipton it was anticipated that 'on highway' works would be led by NYCC with the District Council potentially having to lead on 'off highway' works through supplementary agreements with the County Council. As the scheme progressed through the Outline Business Case stage it became clear that a single delivery body would be preferable due to several factors including difficulty in isolating on and off highway works, efficiencies during procurement and delivery, capacity and skills. Due to the high level of on highway activity within the Skipton scheme, liaison with rail and bus operators, it was concluded that NYCC should act as the accountable body and delivery lead for all works in Skipton.
- 4.5 The District Council's role and involvement in the scheme is set out in an agreed Collaborative Agreement with NYCC. District Council officers continue to work closely with the County Council which includes senior officer attendance at the North Yorkshire TCF Project Board and the WYCA Thematic Board. In addition, day to day liaison with the District Council to provide delivery advice and support is through the Skipton Project Team represented by officers from the District Council's Economic Development Service.

5. Stakeholder and Public Consultation

- 5.1 As part of the Outline Business Case submission by NYCC to WYCA the Skipton scheme has been subject to consultation with stakeholders including landowners, transport operators and interested parties and two joint online workshops for local District and County Councillors on 6 January and 9 March 2021.
- 5.2 Further to this a public consultation exercise was held between 24 February and 24 March 2021. Due to the Covid-19 restrictions the consultation was held predominantly online via the WYCA 'YourVoice' consultation portal, promotion in local press and the following activities:
- Two online consultation events introducing the scheme, allowing attendees to ask questions and provide guidance on how to respond to the consultation;
 - Dedicated online sessions for residents and businesses of Broughton Terrace and the Carleton/Cross Street area;
 - A written invitation posted to all licensed taxi operators to attend an online meeting to outline the potential implications for the existing taxi ranks on Swadford Street;

- Presentation of the scheme to an online briefing to Town Councillors of Skipton Town Council.

5.3 As a result, 912 users viewed the consultation, 566 users accessed the documents detailing the proposed schemes, 193 survey responses were received via 'YourVoice' and a series of emails were sent to the dedicated NYCC email address.

5.4 For each scheme element respondents were asked to provide an opinion on how they felt about the proposed components. The percentage of responses received for each component is summarised in Table 1. below.

Table 1. Percentage Feedback by Response on Scheme Components

	Very Positive	Positive	Neutral	Negative	Very Negative	Don't Know
Railway Station Frontage	41.8	30.8	6.2	11.0	10.3	0.0
Broughton Road Active Travel Corridor	24.3	30.6	17.1	10.8	17.1	0.0
Aireville Park Canal Footpath	55.7	29.1	7.6	5.1	2.5	0.0
Footpath Link to Craven Leisure	50.6	26.6	10.1	8.9	3.8	0.0
Gas Street Works	45.0	24.0	21.0	4.0	5.0	1.0
Carleton Street Works	34.7	33.7	16.8	6.3	4.2	4.2
Black Walk Works	50.5	37.4	8.1	2.0	2.0	0.0
Gallows Bridge Improvement	37.8	36.7	21.4	1.0	1.0	2.0

5.5 A consultation report is being finalised by WYCA and will be published on the YourVoice consultation portal soon. A short summary of the key issues raised in each component is provided below.

5.6 Skipton Railway Station Frontage

5.6.1 Overall there was a positive response to the scheme with respondents liking the proposed improvement for pedestrian users as well as the proposed one-way circulation and new exit onto Broughton Road for vehicles. Issues raised included concerns about the impact on traffic flow around the station car park, integration with bus services, loss of trees and perceptions of public safety. It was also raised that the Station serves a wider rural hinterland therefore the continued provision of vehicular parking was viewed as important.

5.7 Broughton Road Active Travel Corridor

5.7.1 Overall there was support for the principle of making improvements to Broughton Road as a corridor connecting the railway station to the town centre but at a lower level than the other components. There was positive response to improving connectivity for pedestrians and cyclists, but concerns were raised regarding the bi-directional cycle route, the need for multiple crossings of the carriageway and the absence of a cycleway over Belmont Bridge. Other comments included concerns regarding the loss of on street parking to accommodate cycle lanes and the anticipated use the infrastructure would receive and onward connectivity to further infrastructure.

5.8 Auction Mart Footpath

5.8.1 This component received the highest 'very positive' response with comments that it will benefit Aireville Park, provide circular and alternative access routes but with concerns about security and lighting, maintenance and anti-social behaviour and the value for money of delivering the route.

5.8.2 Although beyond the scope of the Transforming Cities Fund several responses also raised the need for streetlighting along 'Cherry Tree Lane' through Aireville Park. Through a review of the Aireville Park Masterplan the Council's Property Team will shortly be seeking quotations for the implementation of a lighting scheme on this stretch of path.

5.9 Black Walk, Carlton Street, Gas Street and Gallows Bridge

5.9.1 The activities that form part of Component 4 were separated out to seek feedback on the individual elements. Very positive comments were received regarding improvement of Black Walk but with a view that there is potential to add further value through the widening of the route. Carleton and Cross Street were generally positive due to the improved pedestrian access whilst maintaining parking to the south. Comments were provided requesting consideration be given to reversing the proposed one-way direction of the carriageway and addressing the violations of the prohibited right turn from Keighley Road when travelling south. For Gas Street and Gallows Bridge improving the approach from Gas Street was seen positive although maintaining vehicular access to Hirds Yard was raised as a concern.

5.9.2 With regard to Gallows Bridge consultation identified a desire to see an aesthetically improved structure and improved accessibility. During feasibility design work NYCC commissioned WSP to undertake a study into the options for Gallows Bridge within the physical, time and cost constraints of TCF. Due to the nature of the site and vertical clearance required over the Canal it is unlikely that ramped access will be achievable within the available funding envelope or without the creation of a sizable structure impacting on the setting of the conservation area; primarily due to the gradient of ramps required. It was noted though that improvement can be made to the stepped access to improve the experience for users and the replacement of the bridge deck itself.

6. Next Steps and Timescales

- 6.1 As the lead authority, on the 25 May 2021 the NYCC Executive recommended, and the NYCC Chief Executive subsequently approved, the continued development of the Skipton TCF scheme to preliminary and detailed design. The Executive report also noted the need to review and, where appropriate, incorporate feedback received from the consultation into the design. It was also noted that further public consultation would take place prior to final sign-off of the Full Business Case by the Executive and submission to WYCA to consider the approval of funding to deliver the scheme.
- 6.2 The response to the consultation exercise has shown that overall there is support for the Transforming Cities Fund proposals based on the detail provided in the feasibility drawings and information issued. It is therefore recommended that Members take note of the consultation response and reaffirm their support for continued involvement by the District Council in the scheme.
- 6.3 Although noted that consultation responses will be considered during preliminary and detailed design it is also recommended that a request is made to North Yorkshire County Council for the TCF Project Board and Skipton Project Team to review the opportunities and comments raised through the public consultation whilst developing the next stage of designs to ensure the proposed infrastructure better serves all users and that a further seminar is held with District Councillors during this design phase.
- 6.4 Table 2. below summarises the high-level timescales for the Skipton scheme from now until completion of the works. It should be noted that at present the indicative programme extends to June 2023 with a need identify opportunities to accelerate the scheme to deliver by the deadline of 31 March 2023. The dates summarised below are subject to change as the scheme progresses through the preliminary design and Full Business Case.

Table 2. High Level Timescales for Development and Delivery

Indicative Timescales	Activity
By September 2021	Preliminary Design, Consultation and Planning Submission
September – December 2021	Detailed Design
May 2022	All approvals in place
June 2022	Start on Site
June 2023	Scheme Completion

- 6.5 It is anticipated that a further report will be brought back to this Committee upon further development of the scheme design, funding requirements and any implication on District Council assets as part of the full business case sign off process later in 2021.

7. Canal to Craven Leisure Footpath Link

- 7.1 Component 3, improvement of the public right of way to the north of the Canal between Gawflat Bridge and the Auction Mart was viewed as very positive or positive by 85% of respondents to the consultation. As part of the scheme a new pedestrian path is proposed extending north from the public right of way providing connectivity towards Craven Leisure. The creation of this link along with the upgrade of the existing public right of way is included within the Aireville Park Masterplan approved by this Committee in June 2013.
- 7.2 An indicative alignment adjacent to Gallow Syke, like that in the approved Masterplan, was shown within the consultation documents with over 77% of respondents viewing the link proposal as very positive or positive.
- 7.3 In order to ensure this link can progress to the design phases and potentially form part of an early package of works for Transforming Cities Fund it is recommended that Members agree the delivery of a pedestrian connection from the public right of way to the north of the Leeds Liverpool Canal towards Craven Leisure.
- 7.4 The actual alignment of the route would be determined through the preliminary and detailed stages of the design work with WSP based on ongoing engagement with stakeholders and issues such as topography, tree cover and connection with existing facilities. As such it is also recommended that authority is delegated to the Director of Services, in consultation with the Lead Member for Enterprising Craven and the Solicitor to the Council, to confirm the final alignment of the route within the corridor shown at Appendix B and to enter into all agreements required to facilitate its construction and operation.

8. Financial and Value for Money Implications

- 8.1 As the delivery of this scheme is being led by NYCC the predominant financial implications related to the funding from WCYA relate primarily to the County Council.
- 8.2 As part of the scheme design and, where the proposals impact on District Council assets, the Council will be required to confirm the future maintenance arrangements it intends to deliver on the infrastructure.
- 8.3 As at minute POL.1019/19-20 the Council agreed to contribute up to £100,000 towards the delivery of the Transforming Cities Fund scheme in Skipton. NYCC has included this contribution within the cost envelope for the scheme during 2022/23. The proposed use of this contribution and the terms under which it will be offered to NYCC will be subject to a further report to this Committee once the final scheme package and design is known.

9. Legal Implications

- 9.1 The arrangement, roles and responsibilities between the District and County Council for the delivery of the Transforming Cities Fund scheme are set out in the completed Collaborative Agreement.
- 9.2 The construction of a pedestrian link across District Council owned land between the public right of way and Craven Leisure will require a license to be agreed between the District and County Council following finalisation of the alignment and design.
- 9.3 Further licenses and agreements will also be required for the District Council owned land surrounding Gallows Bridge once the scheme design and implications are known.

10. Contribution to Council Priorities

- 10.1.1 The scheme presented in this report contributes to the 'Carbon Neutral Craven' priority of the Council Plan 2020 and beyond (2021 update) by improving the quality and capacity of the transport infrastructure serving the district and specifically by implementing a scheme to increase walking and cycling in our towns.
- 10.1.2 In addition, the scheme also complements the priorities of 'Supporting the wellbeing of our communities' and 'Attracting and retaining younger people' by providing the infrastructure necessary to get around and access employment, education and services in the district.
- 10.2 Impact on the declared Climate Emergency
 - 10.2.1 The delivery of the Transforming Cities Fund scheme contributes to the District Council's Climate Emergency Strategic Plan 2020 – 2030 through the 'Travel & Transportation' theme by providing the infrastructure necessary for pedestrian and cycle connectivity with other sustainable transport methods including rail, bus and taxi.

11. Risk Management

- 11.1 There are no significant risks as a result of the content of this report.
- 11.2 Chief Finance Officer (s151 Officer) Statement
- 11.3 Monitoring Officer Statement

The recommendations set out in the report are lawful and within the powers of the Council.

12. Equality Impact Analysis

- 12.1 As the lead authority North Yorkshire County Council have undertaken and maintain and Equality Impact Analysis on the proposals included within the Transforming Cities Fund scheme for Skipton.

13. Consultations with Others

Assets and Commercial Services

14. Background Documents

None

15. Appendices

Appendix A: Transforming Cities Fund – Skipton Scheme Overview
Appendix B: Canal to Leisure Centre Footpath Corridor

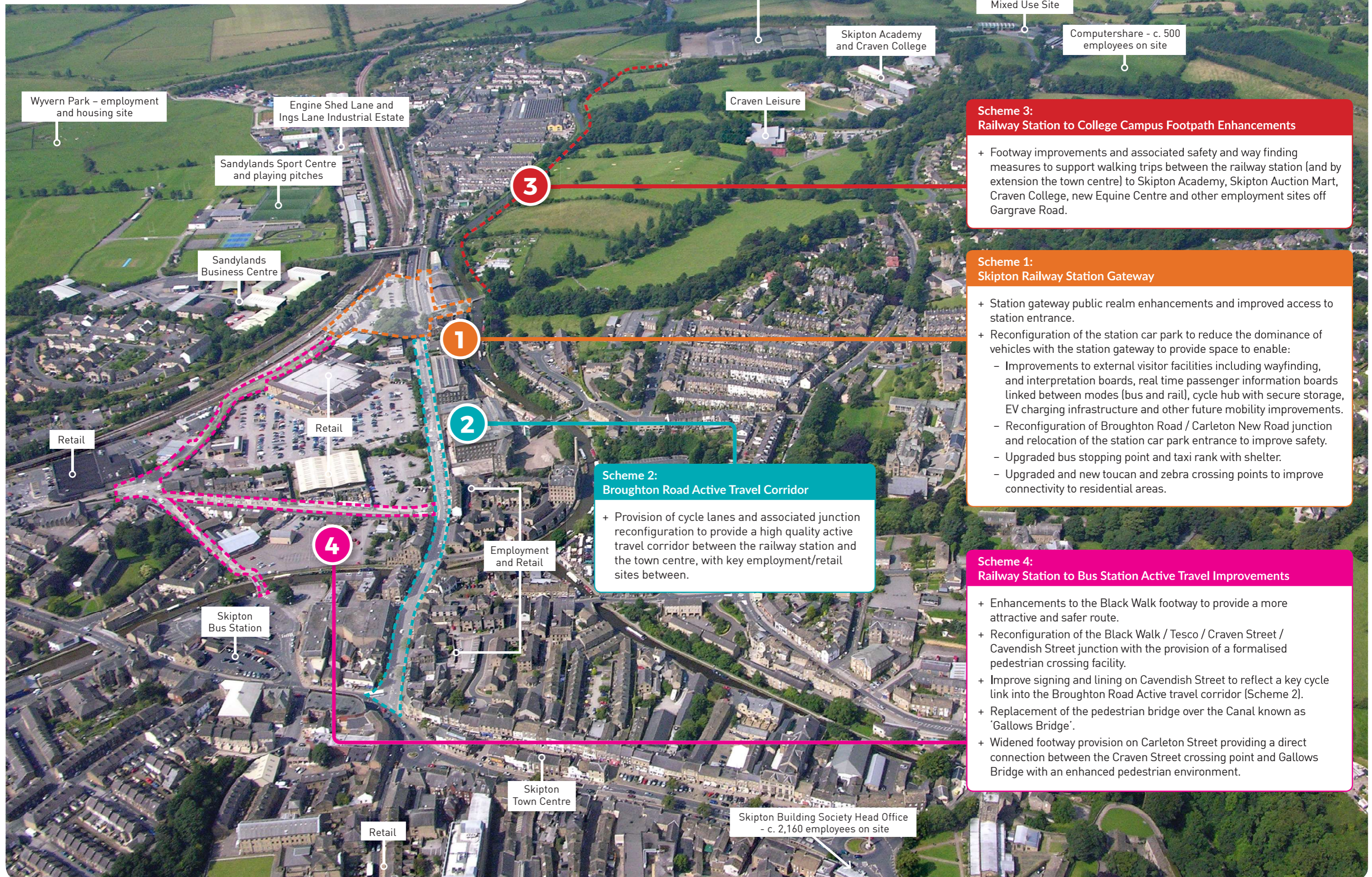
16. Author of the Report

Andrew Laycock, Economic Development Officer
Telephone: 01756 700600
E-mail: alaycock@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Skipton Station Gateway Improvements

Scheme Components



Scheme 3:
Railway Station to College Campus Footpath Enhancements

- + Footway improvements and associated safety and way finding measures to support walking trips between the railway station (and by extension the town centre) to Skipton Academy, Skipton Auction Mart, Craven College, new Equine Centre and other employment sites off Gargrave Road.

Scheme 1:
Skipton Railway Station Gateway

- + Station gateway public realm enhancements and improved access to station entrance.
- + Reconfiguration of the station car park to reduce the dominance of vehicles with the station gateway to provide space to enable:
 - Improvements to external visitor facilities including wayfinding, and interpretation boards, real time passenger information boards linked between modes (bus and rail), cycle hub with secure storage, EV charging infrastructure and other future mobility improvements.
 - Reconfiguration of Broughton Road / Carleton New Road junction and relocation of the station car park entrance to improve safety.
 - Upgraded bus stopping point and taxi rank with shelter.
 - Upgraded and new toucan and zebra crossing points to improve connectivity to residential areas.

Scheme 2:
Broughton Road Active Travel Corridor

- + Provision of cycle lanes and associated junction reconfiguration to provide a high quality active travel corridor between the railway station and the town centre, with key employment/retail sites between.

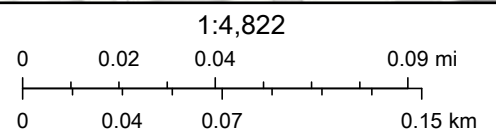
Scheme 4:
Railway Station to Bus Station Active Travel Improvements

- + Enhancements to the Black Walk footway to provide a more attractive and safer route.
- + Reconfiguration of the Black Walk / Tesco / Craven Street / Cavendish Street junction with the provision of a formalised pedestrian crossing facility.
- + Improve signing and lining on Cavendish Street to reflect a key cycle link into the Broughton Road Active travel corridor (Scheme 2).
- + Replacement of the pedestrian bridge over the Canal known as 'Gallows Bridge'.
- + Widened footway provision on Carleton Street providing a direct connection between the Craven Street crossing point and Gallows Bridge with an enhanced pedestrian environment.

Appendix B: Canal to Leisure Centre Footpath Corridor



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- 3.5 A local authority must be 'suitable' to act as a Primary Authority. Suitability is assessed as part of the nomination process, with consideration given to;
- adequacy of proposed arrangements, including mechanisms that promote consistency
 - relevant competence, skills, knowledge and expertise of local authority officers who will support and deliver the partnership.

Suitability may be periodically reviewed by the Secretary of State.

4. Financial and Value for Money Implications

- 4.1 A local authority is entitled to charge, on a cost recovery basis, for primary authority services supplied through a partnership. The statutory guidance provides an illustrative list of which costs can be recovered.
- 4.2 Following a costing exercise, it is proposed that an initial fee of £367 is charged to cover the nomination process, set-up costs and associated overheads. Following the setup of the partnership, it is proposed to charge an hourly rate of £59 for advice provided.
- 4.3 The fees set will be reviewed annually.

5. Legal Implications

- 5.1 The primary authority scheme was established by the Regulatory Enforcement and Sanctions Act 2008.
- 5.2 Statutory guidance has been published by the Department for Business, Energy & Industrial Strategy, which provides a framework for the operation of the scheme. Local authorities must have regard to the guidance when exercising their functions under the scheme.
- 5.3 Primary authorities and their partners are required to accept standard terms and conditions (the 'Primary Authority Terms and Conditions'), which address the following matters:
- a) the specification of partnership functions;
 - b) confidentiality;
 - c) freedom of information;
 - d) sharing information, including personal data and notifications of proposed enforcement action;
 - e) maintaining up-to-date details on the Primary Authority Register; and
 - f) consent to receiving information from the Secretary of State.

6. Contribution to Council Priorities

6.1 Primary Authorities play a valuable role in leading and shaping the regulation of businesses that partner with them. The scheme can deliver benefits for the regulatory system as a whole, for businesses, and for consumers, workers and the environment. This supports the Council's priority of ensuring new and existing businesses have access to and are able to benefit from business support services.

6.2 Impact on the declared Climate Emergency

6.2 Regulatory schemes, particularly under environmental health legislation, impact on the health and wellbeing of communities and support actions under the Council's Climate Emergency Plan. Close working relationships with businesses, a main factor in the primary authority scheme, are also needed if the Council is to be successful in achieving climate emergency targets.

7. Risk Management

7.1 A local authority must be clear about the capacity to provide partnerships. This includes officer resource available to help develop, manage and deliver the partnership, number of partnerships envisaged and management of contingencies, for example officer absences. If capacity is lacking, the council will not be deemed 'suitable' to provide partnerships under the scheme.

7.2 A local authority that provides primary authority services has an ongoing responsibility to ensure that it has effective arrangements in place to resource, manage and deliver partnerships, including suitable oversight and contingency arrangements.

7.3 Provided the scheme is run on a cost recovery basis, the Council is currently able to offer Primary Authority in relation to food establishments.

7.2 Chief Finance Officer (s151 Officer) Statement

It is important that charges are introduced in line with Council policy.

7.3 Monitoring Officer Statement

Under the Council's Fees and Charges Policy, Policy Committee is responsible for approving new discretionary fees and charges where the proposed introduction would be considered a significant departure from existing fees and charges.

8. Equality Impact Analysis

8.1 An Equality Impact Assessment Initial Screening Form has been completed and there are no apparent equality issues under the scheme.

9. Consultations with Others

- 9.1 The Environmental Health Team Leader is a member of the North Yorkshire Food Health and Safety Liaison Group, which contributes to consistent working practices across North Yorkshire, including under the Primary Authority Scheme.

10. Background Documents

1. Regulatory Enforcement and Sanctions Act 2008.
2. Primary Authority Statutory Guidance (October 2017)
3. Primary Authority Handbook (April 2014)

11. Appendices

None

12. Author of the Report

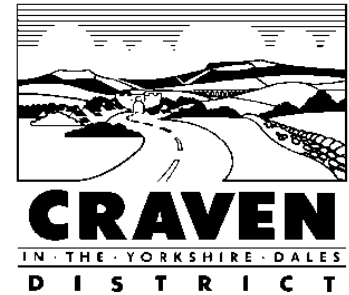
Tracy McLuckie, Environmental Services Manager
Telephone: 01756 706338
E-mail: tmcluckie@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Policy Committee – 22 June 2021

**COMMUNITY RENEWAL FUND AND
LEVELLING UP FUND APPLICATIONS**

**Report of the Strategic Manager (Planning &
Regeneration)**



Lead Member – Enterprising Craven (Councillor Myers)

Ward(s) affected: All Wards,

1. Purpose of Report

- 1.1 The purpose of this report is to seek Member approval for the Council to (i) be actively involved in the delivery of four projects that are seeking funding through the Community Renewal Fund, and (ii) act as Accountable Body for a project seeking funding through the Levelling Up Fund.

2. Recommendations

Members are recommended to:

- 2.1 Agree that the Council is actively involved in, and supports the delivery of four Community Renewal Fund projects: Towards a Zero Carbon Visitor Economy; 21st Century Towns - Connecting Skipton Triangle; North Yorkshire Natural Capital Work Programme and Green Futures: Energy – Craven Industrial Estates
- 2.2 Endorses the submission of an application, in partnership with Harrogate Borough Council, to the Levelling Up Fund, and agrees that the Council will act as the Accountable Body
- 2.3 Subject to the application to the Levelling Up Fund being successful, give delegated authority to the Director of Services, in consultation with the Solicitor to the Council, to enter into Government precedent legal documents, including the Funding Agreement
- 2.4 Subject to the application to the Levelling Up Fund being successful, give delegated authority to the Director of Services, in consultation with the Solicitor of the Council, to enter into a Funding Agreement with Harrogate Borough Council, including other legal documentation as may be required.
- 2.5 Agree that the development of the Skipton Canal Basin element of the Levelling Up Fund is progressed with detailed designs, costings and delivery plans to be presented to a future meeting of this Committee.

3. Introduction

- 3.1 Following the 2021 Budget the Government announcement two new funding streams, the Community Renewal Fund (CRF) and the Levelling Up Fund (LUF). The CRF is a short-term fund, largely revenue and is aimed at developing ideas, carrying out pilots and small scale projects. The Levelling Up Fund is a much larger programme that aims to support areas with specific capital projects.
- 3.2 Each Local Authority in England, Scotland and Wales has been placed in one of three categories with category one representing places with the highest levels of identified need for economic recovery and regeneration. Preference will be given to those areas placed in the lowest category. Craven has been placed in category three and although the Government is clear that this does not preclude a category three district receiving funding it does make it very difficult. In York and North Yorkshire, Richmondshire and Scarborough have been placed in category one, Selby and Ryedale in category two, and York, Harrogate and Hambleton in category three.
- 3.3 Applications for the Community Renewal Fund must be made via a county council in a two tier system; applications for the Levelling Up Fund can be made by the district councils except for transport schemes. Both the CRF and the LUF must be submitted to central government by the 18th June 2021.
- 3.4 The Government timetable from announcement, through project development, bid writing and bid assessment has been very tight and as such the government are wanting projects that can deliver quickly, are already largely on the shelf or will have an immediate impact.

4. Community Renewal Fund

- 4.1 The CRF in theory provides each local authority with the opportunity to access up to £3m (Craven has access to the same as Bradford) although there is insufficient money in the fund to allow this allocation. The category system is very important in the CRF as those projects where 51% of the fund is spent in a category one district will need a lower score than others. Therefore, projects without a strong link to Richmondshire or Scarborough are more likely to be unsuccessful.
- 4.2 The North Yorkshire CRF themes, follow the priorities set-out in the region's Industrial Strategy, which are:
 - Town centres
 - Community investment
 - Smart places (digital connectivity)
 - Tourism, heritage and culture
 - Business and employment
 - Skills
 - Green future

Therefore, any project to have a good chance of succeeding needs to meet one or more of these themes, and also have the majority of the spend in Richmondshire or Scarborough.

4.3 There were two routes to submit applications to NYCC. The first is a full application direct to NYCC, which they will assess before deciding if it is forwarded to Government. The second route is as part of a consortium bid pulled together by YNYLEP which is then submitted to NYCC.

4.4 The four projects that the Council has been involved in developing are:

Project	Lead Body	Value to Craven	Match funding	Description
Towards a Zero Carbon Visitor Economy	Richmondshire DC	£80,000	Staff time	Partnership with Richmondshire, Yorkshire Dales NPA, Harrogate (Nidderdale AONB) and South Lakeland to produce a comprehensive plan to cover the wider Yorkshire Dales and seeks to improve the economic impact of tourism while reducing the environmental impact. Also to pilot a range of initiatives such as farm diversification, youth marketing and accessibility. A separate bid has been made to Cumbria CC for the South Lakeland component.
21 st Century Towns - Connecting Skipton Triangle	YNY LEP	£50,000	£35,000 Heritage Action Zone programme	To develop plans to improve the accessibility, heritage and the attractiveness of the area from Caroline Square and Coach Street to the bus station
North Yorkshire Natural Capital Work Programme	Local Nature Partnership	£40,000	Staff time	To work with artists to engage communities and particularly young people to learn about woodland restoration and natural flood management and encourage future careers
Green Futures: Energy – Craven Industrial Estates	YNY LEP	£90,000	Staff time	Exploring innovative solutions to tackling climate change through saving and generating sustainable heat and energy for businesses.
Total		£250,000		

4.5 At the time of writing the report, we have not been informed whether any of the above applications that have been submitted to NYCC have been selected to form part of the county-wide submission to the Government. In addition to the above mentioned applications, other bids from local organisations or projects that will affect Craven in some way have also been submitted to NYCC. Although we are aware of some of these we do not know what has been submitted for Craven or which have been shortlisted at this stage.

4.6 The final bid from NYCC to the Government must be made by the 18th June 2021. We expect that confirmation of the successful bids will be announced by early August and then each project must be completed by the end of March 2022.

4.7 The very short project timescale is further shortened by the need to carry out a comprehensive procurement exercise, and to employ project officers within this eight-month period. This delivery risk will be mitigated by starting the procurement process as soon as we have confirmation from NYCC that our bids have been submitted. In addition, partners will seek a secondment to manage the largest project - Towards a Zero Carbon Visitor Economy – in order to reduce the time to start the process. Clearly if we are unsuccessful this early procurement work will be abortive but there is no alternative if the project is to be completed within eight months.

5. Levelling Up Fund

5.1 The Levelling Up Fund is a £4.8bn fund that is aimed at providing infrastructure that improves people’s everyday life. Again the fund can support every area but the focus is on category one areas. It is possible to bid for up to £20m but again based on an average of £7.5m per parliamentary constituency this is not possible.

5.2 The themes for the current funding round are to support town centres, culture and heritage and also sustainable transport. It is unknown if there will be different priorities in future funding rounds.

5.3 Unusually the LUF is based on parliamentary constituencies so each district can have one successful bid per MP and the MP can only give their support to one bid. Therefore, for Craven we are allowed one successful bid but the MP can only support one from the Skipton and Ripon Constituency. As both Harrogate and Craven are category three areas, it has been agreed that to give a bid the best opportunity of success that we will work together.

5.4 Although the Government announced that future rounds are planned, it is uncertain that this will happen as priorities and policies change so it is thought that it is best to go in this first round. Although this means that the work required is significant to achieve the timescales, it is felt to be the most prudent approach as some districts appear to be waiting for future rounds because of the work involved.

5.5 Each bid is limited to three complimentary projects so the approach is to have three projects that enhance the heritage and cultural offer of three locations – Skipton, Ripon and Masham. For Skipton the proposal involves enhancing the Skipton Heritage Action Zone programme by:

Theme	Description
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Craven Arts House	To complete the conversion of the Otley Street Centre in to the Craven Arts House
Improvements to Public Realm	Improvements to the streetscape along Otley Street, across the High Street and the along the ginnels to Coach Street and the Canal Basin. The purpose is to encourage the safety and attractiveness of the area for pedestrians and allow opportunities for more outdoors activities including café's and cultural activities
Performance Space	To develop the section of the car park adjacent to the canal basin into a multi-functional space, which would enable the area to be used as a temporary performance space as well as a car park. The proposed works would involve public realm improvements, installation of electricity points and digital/technology feeds, and a temporary canopy to support the delivery of events (especially in wet weather).

- 5.6 Whilst, the projects need to be complete by the end of March 2024, it is important that significant spend can be achieved by March 2022.
- 5.7 As part of the proposal for Skipton will see the enhancement to the car park by the Canal Basin, it is proposed that the detailed designs with a fully costed business case is brought to a future Policy Committee to agree before any on-sites works are carried out.
- 5.8 The outline LUF funding request for the Skipton component is approximately £1,960,000, which is split as follows: capital expenditure - £1,550,000; management and survey fees - £155,000 and contingency - £255,000. At least 10% match funding needs to be made available to the project with a total of £1m having been identified from existing sources of allocated funding - £750,000 from the Heritage Action Zone and £250,000 from Craven District Council – representing a current match funding of 33%. Being a category three area it is important that the level of match funding is significantly above the 10% minimum in order to demonstrate value for money.
- 5.9 Craven District Council, as the applicant, will be the Accountable Body. This means that this Council will need to enter into the Funding Agreement, and other required precedent legal documents, with the Government and then enter into reciprocal agreements with Harrogate Borough Council for the delivery of the two components in Ripon and Masham.

8. Financial and Value for Money Implications

- 8.1 If successful with all applications the total funding for Craven DC will be approximately £2,260,000. All of the projects use exiting staff and budget as match funding therefore this report does not seek any additional funding from Craven DC for either the Community Renewal Fund or the Levelling Up Fund
- 8.2 The total value of the Levelling Up Fund request is £6m of which £4m will be for projects in Harrogate Borough Council area. Harrogate Borough Council will be responsible for securing the match funding that they have identified.

9. Legal Implications

- 9.1 If successful, Craven District Council will become the Accountable Body for the project and will therefore be required to enter into a funding agreement with the Government and also enter into reciprocal agreements with Harrogate Borough Council.

10. Contribution to Council Priorities

- 10.1 The proposals in this report support the Council priorities of Carbon Neutral Craven, Supporting the Wellbeing of our Communities and Attracting and Retaining Younger People

10.2 Impact on the declared Climate Emergency

The delivery of Community Renewal Fund projects all aim to have a positive impact on the declared Climate Emergency by reducing car travel, increasing woodland cover and shifting to sustainable energy and heat production.

The Levelling Up Fund project is repurposing an existing building and including sustainable heat and energy, improving cycling facilities, improving the experience for pedestrians and revitalising the town centre so reducing the need to travel elsewhere.

11. Risk Management

The key risk for these projects is the requirement to meet the outputs within the timescales. Craven DC will be responsible for delivering the projects in Craven and to achieve this early procurement prior to notification of a successful bid will be carried out.

The capital works in Ripon and Masham will be the responsibility of Harrogate Borough Council therefore agreements with third parties will control expenditure and the delivery of outputs.

11.1.1 Chief Finance Officer (s151 Officer) Statement

If successful, the bids present good opportunities for the council. It is assumed that any successful projects would be fully externally funded.

11.2.1 Monitoring Officer Statement

Whilst the report itself doesn't have any immediate legal implications, if the bids to the two funds are successful, the projects will be in receipt of legal advice where necessary.

12. Equality Impact Analysis

12.1 No new policy or procedure is proposed in this report which would give rise to a requirement for an Equality Impact Assessment.

13. Consultations with Others

Property Services

14. Background Documents

None

15. Appendices

None

16. Author of the Report

David Smurthwaite
Strategic Manager, Planning and Regeneration
dsmurthwaite@cravenc.gov.uk
01756 706409

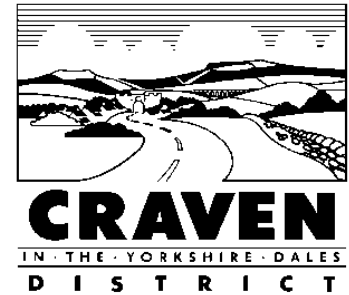
Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Policy Committee – 22nd June 2021

Skipton Town Hall Flag Flying Policy

Report of the Strategic Manager

Lead Member – Cllr Simon Myers



Ward(s) affected: All

1. Purpose of Report

- 1.1 To request agreement of a flag flying policy for Skipton Town Hall so it is clearly defined when and how flags will be flown on Skipton Town Hall throughout the year.

2. Recommendations – Members are recommended to:

- 2.1 Approve implementation of the Policy.
- 2.2 Delegate authority to the Cultural Services Manager in consultation with the Chief Executive and the Lead Member for Enterprising Craven to agree requests to fly any other flags on Skipton Town Hall.

3. Report

- 3.1 As Members are aware, Skipton Town Hall is the only Craven District Council building to have a flagpole; the calendar of flag flying has been used informally for the last few years, but to coincide with building reopening, the Cultural Services Manager would like an official policy to be in place, to ensure clarity for all.

4. Financial and Value for Money Implications

- 4.1 The only cost associated is the cost of replacing flags. Currently a good quality woven Union Flag of the size required for the Town Hall costs circa £200 and it is replaced annually due to normal wind damage.
- 4.2 The other four flags, provided in woven fabric (most hard wearing and durable) cost a similar amount, but do not need replacing as frequently. It is estimated each of the additional flags would need replacing every 5-10 years.
- 4.3 The budget for replacement flags currently comes out of the Cultural Services Skipton Town Hall budget.

5. Legal Implications

- 5.1 The Government requires all government buildings in Britain to fly the Union flag year-round, unless another flag is being flown – such as another national flag, a county flag, or other flags to mark civic pride.

6. Contribution to Council Priorities

- 6.1 Supporting the wellbeing of our communities
Flags representing our communities and the occasions important to them helps to engender civic pride.

6.2 Impact on the declared Climate Emergency

No impact on the declared Climate Emergency'

7. Risk Management

- 7.1 The level of risk to the Council is considered low, as we have budget available for the associated costs and the internal skills to facilitate delivery.

- 7.2 Chief Finance Officer (s151 Officer) Statement
The financial implications are set out and should be met from within existing resources.

- 7.3 Monitoring Officer Statement
A Monitoring Officer Statement is not required for this report

8. Equality Impact Analysis

- 8.1 An initial EIA has been completed and full analysis is not required.

9. Consultations with Others

- 9.1 Internal CDC consultation.
Informal consultation with groups who have requested flag flying, e.g. Royal British Legion.
Research into other Local Authority flag flying protocols.

10. Background Documents

- 10.1 N/A

11. Appendices

- Appendix 1 – Flag Flying Policy

12. Author of the Report

Danielle Daglan, Cultural Services Manager

01756 706222

ddaglan@cravenc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



Craven District Council Flag Policy – Skipton Town Hall

June 2021

1. Days/times for flying the Union Flag



The Union Flag will be flown on **all days** with the exception of those dates listed at Section 2 below.

2. Days/times when Skipton Town Hall will fly a different flag

2.1 St George Cross Flag



The St George Cross will be flown every year on St George's Day 23rd April to commemorate the national English Saint's day.

2.2 Rainbow Flag



The Rainbow flag will be flown for national Pride month each June in support of the Pride Movement and to demonstrate the Council's commitment to equality and inclusion of all citizens.

The exception to the Rainbow flag flying in June will be the official birthday of HM Queen Elizabeth II on 12th June, when the Union Flag will be flown, and during Armed Forces week, when the Armed Forces Day flag will be flown.

2.3 Armed Forces Day Flag



The Armed Forces Day flag will be flown every year for the week leading up to Armed Forces Day in June. The flag will be raised on the Monday preceding the Armed Forces Day on Saturday.

2.4 Yorkshire Day



The Yorkshire flag will be flown on 1st August each year in celebration of our County.

3. Occasions on which the Union Flag is flown at half mast

The Chief Executive will instruct as to when the flag is to be flown at half-mast. Such occasions may include:

- On the announcement of the death of the Sovereign
- The funeral of a member of the Royal Family
- The funeral of the Prime Minister or an ex-Prime Minister of the United Kingdom
- Other prominent individuals who have influenced the social, economic, or cultural life in Craven/Yorkshire

Note: Half Mast means the flag is flown two-thirds of the way up the flagpole, with at least the height of the flag between the top of the flag and the top of the flagpole.

4. Requests to fly other flags

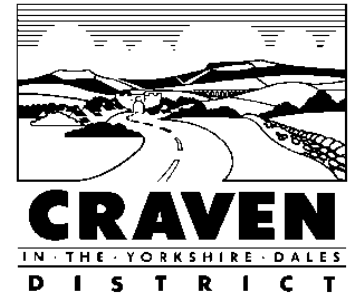
Requests from the public to fly any other flags will be considered and decided upon by Members during the annual Policy review.

5. Policy Review

The Policy will be reviewed annually to ensure it is fit for purpose.

Policy Committee – 22 June 2021

**APPOINTMENTS TO SUB-COMMITTEES
AND PANELS**



**Report of the Solicitor to the Council
(Monitoring Officer)**

Lead Member: Councillor Sue Metcalfe

Ward(s) affected: All

1. Purpose of Report

- 1.1 To consider the appointment of the Craven Spatial Planning Sub-Committee and the Craven Employees' Consultative Group and to confirm or amend the terms of reference as appropriate.

2. Recommendations – Members are recommended to:

- 2.1 Re-appoint the Craven Spatial Planning Sub-Committee for 2021/22 with a membership of seven and three named substitutes; the terms of reference as shown in the Appendix to this report.

(The membership is normally comprised of the Leader of the Council (or Deputy Leader), Group Leaders, Chairman of Planning and three other Councillors. For the purposes of political proportionality the actual membership should be comprised of 4 (3.73) Conservatives, 2 (1.87) Independent and 1 (0.70) Labour. For completeness the figure for the Green Party is 0.47 meaning they are not entitled to a seat.)

- 2.2 Re-appoint the Craven Employees' Consultative Group for 2021/22 with a membership of six and terms of reference as shown in the Appendix to this report.

(As the group is a consultative body and has no decision making powers there is no requirement for political proportionality.)

4. Financial and Value for Money Implications

- 4.1 Some costs associated with servicing meetings and attendance by Members.

5. Legal Implications

- 5.1 Decision making bodies are required to be politically proportional. The recommendations set out in the report are lawful and within the powers of the Council.

6. Contribution to Council Priorities

- 6.1 The appointment of Panels and Sub-Committees provide a forum for bringing forward draft policy for consideration by the Policy Committee and Council which, if adopted, would contribute to the delivery of corporate priorities.
- 6.2 **Impact on the declared Climate Emergency** – The return to face to face meetings increase the requirement for officers and members to travel to meeting venues which impacts on carbon emissions.

7. Risk Management

- 7.1 The political management arrangements underpin the Council's corporate governance process and governance arrangements.
- 7.2 **Chief Finance Officer (s151 Officer) Statement** – The costs noted in 4.1 should be contained within existing budgets.'
- 7.3 **Monitoring Officer Statement** – The recommendation set out in the report is lawful and within the powers of the Council.

8. Equality Impact Analysis

- 8.1 Procedure has not been followed. Therefore, neither an Initial Screening nor an Equality Impact Assessment has been undertaken on the proposed policy, strategy, procedure or function to identify whether it has/does not have the potential to cause negative impact or discriminate against different groups in the community based on •age • disability •gender • race/ethnicity • religion or religious belief (faith) •sexual orientation, or • rural isolation.

9. Consultations with Others

- 9.1 Democratic Services Manager and Interim Spatial Planning Manager.

10. Background Documents

- 10.1 None.

11. Appendix – Terms of Reference and membership for 2020/21.

12. Author of the Report

Vicky Davies, Senior Democratic Services Officer
Telephone: (01756) 706486
E-mail: vdavies@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

APPENDIX

Craven Spatial Planning Sub-Committee

Membership 2020/21: Councillors Brockbank, Myers, Pringle, Rose, Shuttleworth, Staveley and Sutcliffe.

Substitutes: Councillors Madeley, Mulligan and Solloway.

Terms of Reference –

(a) To deal with all aspects of preparation and review of the Craven Local Plan, including considering the role the Craven Local Plan plays in achieving a Net Zero Carbon Craven by 2030, up to the key decision stages set out below:

- (i) Development Plan Document – up to, but not including final approval of the Publication Document (published for formal consultation before submission to the Secretary of State for examination in public) as defined in Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended in 2017) or as defined in any successor regulations.
- (ii) Supplementary Planning Document – up to and including approval of a draft for public consultation.

(b) To act as an initial reference point to provide feedback and input into emerging documents up to Publication stage.

(c) To consider and approve updates to the Local Development Scheme as they are required and prepared.

(d) To receive and accept evidence base reports for the review of the Craven Local Plan as they are completed.

(e) To consider and approve Planning Guidance, including masterplans required by local plan policy save where such guidance constitutes a Supplementary Planning Document.

(f) To provide an arena for discussion and response to regional and sub-regional initiatives which have implications for spatial planning in Craven.

(g) Community Infrastructure Levy – To deal with all aspects of preparation of the Community Infrastructure Levy Charging Schedule up to, but not including final approval of the Publication charging schedule for formal consultation prior to examination as defined in Regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended by Regulation 3 of The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019) or as defined by any successor regulations.

(h) Neighbourhood Planning (moved to Officer Scheme of Delegation) –

(i) To designate neighbourhood plan areas where the local planning authority receive a neighbourhood area application from a parish council and the area does not relate to the whole of a parish council's area and publish the same for consultation subject to the Officer Scheme of Delegation.

(j) To undertake any other function of the LPA as may be required in connection with production, submission and publication of Neighbourhood Plans under the the Neighbourhood Planning (General) Regulations 2012 (as amended in 2015, 2016, 2017) and the Neighbourhood Planning Act 2017 or any regulations made thereunder.

Craven Employees' Consultative Group

Membership 2020/21: Leader of the Council, Councillor Foster and Councillors Brown, Madeley, Myers and Solloway.

Terms of Reference –

To act as a direct channel of communication between the employees and the Council and to consider any problems or matters relating to the employees of the Council, but excluding individual cases to which the Council's disciplinary/grievance procedure or other appeals' procedures may apply.