

CRAVEN SPATIAL PLANNING SUB-COMMITTEE (Online meeting)

Monday, 8th February 2021 at 6pm

(to be followed by the Member workshop on Carbon Neutral Development).

Due to Covid-19, this meeting will be held remotely and will be livestreamed here: https://www.youtube.com/channel/UCdfb6ZRbYnZ1-rRliLmjUwg

Sub-Committee Members: Councillors Brockbank, Myers, Pringle, Rose, Shuttleworth, Staveley and Sutcliffe

Substitute Members: Councillors Madeley, Mulligan and Solloway

AGENDA

- 1. Apologies for Absence To receive any apologies for absence
- **2. Confirmation of Minutes** To confirm the minutes of the meeting held on 10th November 2020.
- 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.

(Note: 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. Affordable Housing Supplementary Planning Document** Report of the Strategic Manager for Planning and Regeneration. Attached.
 - Purpose of Report To ask Members to approve for public consultation, a revised draft affordable housing supplementary planning document (SPD) and associated documents.
- **6. Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Date of Next Meeting – To be agreed. 7.

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer E-mail: vdavies@cravendc.gov.uk 29th January 2021

CRAVEN SPATIAL PLANNING SUB-COMMITTEE

(Online)

10 November 2020

Present – The Chairman (Councillor Staveley) and Councillors, Brockbank, Myers, Pringle, Rose Shuttleworth and Sutcliffe.

Officers – Interim Legal Services Manager, Strategic Manager for Planning and Regeneration, Interim Spatial Planning Manager, Planning Consultant, Planning Officer (Planning Policy Team) x 2, Planning Assistant (Planning Policy Team) x 2, Senior Democratic Services Officer and Democratic Services and Scrutiny Officer.

Start: 6.38pm Finish: 8.35pm

Minutes – The minutes of the Sub-Committee's meeting held on 22nd September 2020 were confirmed as a correct record.

Minutes for Report

CSP.185 <u>MONITORING DISCUSSION PAPER No.1 : CARBON</u> <u>NEUTRAL DEVELOPMENT</u>

The Strategic Manager for Planning and Regeneration presented a report which provided to Members the first of a series of monitoring discussion papers (MDPs). This particular MDP related specifically to the Climate Change Emergency Strategic Plan theme of carbon neutral development, appended to the report now submitted.

The Craven Climate Emergency Strategic Plan (CCESP) impacted on the Craven Local Plan and would need to be taken into account in the monitoring and review of the Plan. The CCESP themes that related to the Craven Local Plan were:

- 1. Carbon neutral development
- 2. Travel and transportation
- 3. Land and nature
- 4. Carbon neutral energy and low carbon waste.

It was hoped that the Sub-Committee would give officers an early steer how the Local Plan polices could achieve a carbon neutral District and whilst there were limitations on the scope of the Local Plan, it was only one method, and it was anticipated that the ongoing review over a five year period since the Local Plan's adoption would assist in building a picture of the changing circumstances in Craven. The review of the policies within the Local Plan would be underpinned by an evidence base gathered over the next few years and this together with any changes introduced resulting from the recent White Paper or any amendments to Building Regulations would all form part of the review.

The discussion paper before Members set out some points for consideration, namely

- Existing policies how existing Local Plan policies support carbon neutral development and how they could be implemented to achieve optimum results now.
- Future policies how existing policies could be improved (through a review and update of the Local Plan) to achieve better results for carbon neutral developments in the future.
- Requirements and limitations -

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Members raised several issues including the BREEAM 'very good' standard, how these were applied to planning applications and if that standard could not be met, developers could pull out of Craven and build elsewhere leaving the Authority in a position of not meeting its housing targets. The Interim Spatial Planning Manager stated that the monitoring of data was an ongoing process and this would build up a picture over a 12 months' period showing whether the targets were being met. The key issue was how to optimise the policies that were in place now as it was not possible to introduce anything new until going through the process of updating the plan or introducing a new one in 2024. Members suggested that it could be useful if case officer's reports regarding planning applications being presented to Planning Committee, could indicated what BREEAM standards were being required.

The Strategic Manger for Planning and Regeneration informed Members that it was important to note that, whilst a vital tool, the Craven Local Plan alone would not deliver zero carbon by 2030 and he stated that he was in the process of arranging for an expert from Leeds Beckett University to attend a meeting of the Sub-Committee to provide challenge and offer a view on what a future Local Plan could look like and the options available to the Council if it wanted to achieve zero carbon by 2030.

In terms of Building Regulations, Members were keen to see how they could be used to better achieve the Council's aim and whilst national standards were in place, these were a minimum and it could be possible to set higher energy level performance standards, further increasing Craven's desire to become carbon neutral.

In discussing residential housing, Members felt that though carbon neutral homes would be more expensive to build initially, householders would benefit from lower energy bills. Members did not want to make housebuilding in Craven unviable but felt it was a cost that developers and landowners might have to absorb.

Members raised several questions in relation to housing and employment land which included suggestions such as conducting a review of land owned by Craven District Council and the potential of releasing it for employment which were addressed by the Strategic Manager. In relation to Policy H1 regarding affordable housing for elderly disabled people, a Member made the point that not all disabled people were elderly and asked that this be noted by officers. In relation to public transport and cycle routes, which was the responsibility of North Yorkshire County Council, a Member asked if more pressure could be put on the County to improve public transport as this would help to reduce car use.

In terms of working with the polices Craven had, particularly relevant was Policy ENV3 Criterion T and officers were looking at the elements in practically achieving carbon reduction techniques in residential, employment and commercial buildings, including the reduction of energy use and carbon emissions, reduction and minimisation of waste when buildings were constructed and preconstruction plans and finally the reduction of water use. All of these reductions contributed greatly to the reduction of carbon emissions. The Spatial Planning Team would be working with Development Manager over the next few weeks to talk through practical techniques in each of those areas so that carbon emissions could be reduced in new buildings throughout Craven.

Members commented that when the Local Plan was updated and/or a new one introduced, the Council would have to be bolder, demanding higher standards from developers and be more prescriptive and specific in the polices without ending up with too much high end housing that low earners would not be able to afford. It was therefore important to building all housing, including social as well as affordable housing, to a decent standard with renewable energy solutions. It was pointed out that there was a distinct difference between affordable and social housing and there many people in Craven who would never be in a position to afford their own homes and would also need to rent.

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As investment from the private sector developers progressed new technology, both social housing and general housing stock could all be built to decent affordable standards. Using renewable energies did not have to be a battle between cost and implementation. If Government took the lead in the future of decent home standards and provided incentives for industry to get on board with renewable energy, costs would start to come down very quickly.

The Strategic Manager for Planning and Economic Development also highlighted the importance of local communities embracing the challenge of reducing carbon emissions. Wider issues to consider included public transport for getting to work and shopping, improve the provision for home working i.e. better communications would all reduce the use of cars and atmospheric pollution. The type of materials used in housebuilding was mentioned because timber framed housing reduced the need for a lot of cement which produced an enormous amount of pollution during production. Alternatively, lime based mortar could be used as the drying out process absorbed C02. Where possible locally sourced materials should be used resulting in a lower carbon footprint.

Members also considered brownfield sites and felt that this was a good thing to be encouraged although it was acknowledged that some sites could be financially unviable due to the removal of contaminants that could be discovered. It was pointed out that most of all Skipton's mills had been developed and an example had been set as to the worth of bringing forward and developing such sites in Craven.

In discussing new methods of house construction it was suggested that Appendix C to the Strategic Manger's report should be sent to the Council's Climate Change Officer as it explained how policies of the Craven Local Plan could influence actions of the Climate Emergency Strategic Plan. The Strategic Plan was a living document and could be amended and improved as necessary.

Resolved –That, subsequent monitoring discussion papers will be presented to this Sub-Committee in line with the approach and format agreed by Members on 18th April 20230.

CSP.186 AFFORDABLE HOUSING CONSULTATION RESPONSE

The Interim Spatial Planning Manager referred to the draft affordable housing SPD (supplementary planning documents) that had been presented to this Sub-Committee in August 2020. It was subsequently approved for public consultation and in that report it stated that the final SPD, the consultation statement and associated documents would be reported to this Sub-Committee for information. Regarding the preparation of SPDs, the Term of Reference for this Sub-Committee allowed it to approve the draft up to and including a draft for public consultation which is what had been done so far. Policy Committee was the parent Committee required to formally adopt the SPD.

The Interim Spatial Planning Manager suggested that rather than a being presented to an actual meeting of this Sub-Committee, the final SPD, consultation statement and the adoption statement be circulated for information at the same time the Policy Committee agenda and reports were published. Any individual Member of the Sub-Committee would be welcome to make their views known to Members of the Policy Committee.

Resolved – That, the final Affordable Housing SPD is presented to Policy Committee for approval and adoption.

CSP.187

DATE OF NEXT MEETING

To be confirmed.

Chairman.

Craven Spatial Planning Sub-Committee 8 February 2021

Affordable Housing Supplementary Planning Document: Revised Draft for Consultation



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 ask members to approve for public consultation, a revised Draft Affordable Housing Supplementary Planning Document (SPD) and associated documents.
- **2. Recommendations** Members are recommended to:
- 2.1 Approve the Affordable Housing SPD: Consultation Statement set out at Appendix A to this report.
- 2.2 Approve the Draft Affordable Housing SPD: Revised Draft for Public Consultation set out at Appendix B to this report, and to act as a material consideration when dealing with and determining relevant planning applications.
- 2.3 Approve the Strategic Environmental Assessment: Screening Report and the Habitat Regulations Assessment: Screening Report in Appendices C and D of this report.
- 2.4 Grant delegated authority to the Strategic Manager for Planning and Regeneration to publish the documents in the appendices to this report for a period of public consultation for 6 weeks running from Monday 15 February until Monday 29 March 2021.

3. Report

3.1 Members will recall that on 18 August 2020, the Craven Spatial Planning Sub-Committee approved for public consultation the Draft Affordable Housing SPD over a six week period ending on 13 October 2020. The public consultation took place and representations were received. These representations have

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been examined by officers and a 'Consultation Statement' produced (see Appendix A) which provides 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.
- 3.2 In the report to members on the 18 August 2020, the intention was to publish this 'Consultation Statement', and seek Policy Committee's approval to adopt the SPD, including any appropriate changes or modifications resulting from the representations received. Following receipt of further legal advice from Michael Bedford (the Council's barrister on spatial planning matters), the adoption of the SPD should be deferred until another period of public consultation has taken place, as there is a legal requirement to carry out such consultation on both the draft SPD and the Consultation Statement.
- 3.3 The advice from Counsel states that the High Court has commented more than once on the poor quality of the drafting of the relevant regulations. The relevant provisions are set out in Regulations 11, 12, 13, 14 and 35 of the Local Planning (England) Regulations 2012 (SI 2012/767) (LPER 2012) together with s.23 Planning & Compulsory Purchase Act 2004. The legal advice is clear that the consequence of these provisions, whether intended or not, is that production of a SPD in accordance with the regulatory requirements of the LPER 2012 involves two separate opportunities for interested persons to comment on the SPD. However, whether the two stage process for SPDs is intentional or a result of poor drafting of the LPER 2012, the Council does nevertheless need to adhere to it.
- 3.4 Hence officers are recommending that a second period of public consultation takes place on the SPD before it is adopted. The council's barrister has confirmed that the recommended arrangements for this second consultation are sound. As the travel and work restrictions associated with the Coronavirus remain, officers are recommending that a six week period of consultation takes place.
- 3.5 Appendix A to this report sets out the 'Consultation Statement' which members are being asked to approve for the the purposes of the second consultation period. The main body of this statement is a table which summarises the main issues raised in the representations received during the first consultation in the left hand column, and how these issues have been addressed in the right hand column. As can be seen in this table, in addressing the issues, reasons are given as to whether a change to the SPD is considered appropriate or not. Where a change is put forward in the 'Consultation Statement', this is reflected in the revised draft SPD in Appendix B. To do this, Appendix B is formatted as follows:

- where the change requires the deletion of wording in the first draft SPD, those words are crossed through.
- where the change requires the addition of wording compared to the first draft SPD, these words are underlined and highlighted.
- 3.6 Modifications to the LPER 2012 were made on the 16th July 2020 to temporarily remove the requirement for local planning authorities to place paper consultation documents at council offices and libraries. This temporary period up to 31 December 2020 has now been extended to the end of 2021. Therefore, in line with these modified regulations, the consultation documents will only be available on the council's website. Two additional documents will be published for the consultation. These are screening reports on Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA). These are set out in Appendix C. These reports conclude that neither a full SEA or HRA are necessary to accompany the SPD.
- 3.7 Counsel has advised that prior to adoption the Council can have regard to the revised draft SPD as a material consideration when dealing with and determining applications, and give it such weight as it considers reasonable as a matter of planning judgment, bearing in mind that it is still a draft and may change before it is adopted.
- 3.8 Following the second public consultation on the draft SPD, officers will assess the representations received. If any representations made result in modifications to the SPD (or there are modifications for other reasons), then those modifications must be set out in an adoption statement. Officers will then seek Policy Committee's approval of the Adoption Statement and to adopt the SPD. The adopted SPD and Adoption Statement will then be published on the Council's website.

4. Financial and Value for Money Implications

4.1 Costs associated with this public consultation 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 draft 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 the consultation exercise 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 The Chief Solicitor to the Council 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: August 2020.

11. Appendices

- Appendix A Affordable Housing Supplementary Planning Document: Consultation Statement (February 2021).
- Appendix B Affordable Housing Supplementary Planning Document: Second Draft for Consultation. (February 2021)
- Appendix C Screening Report for Strategic Environmental Assessment (February 2021)
- Appendix D Screening Report for Habitat Regulations Assessment (February 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 (SPD)

Consultation Statement – February 2021

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 <u>Statement of Community Involvement</u> (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 <u>Subscribe to Planning Focus</u> 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 changed to the SPD

Summary of Issues Raised (respondent in brackets)	Council's response and recommended changes to the SPD (shown in bold)
Housing need. (Section 1.4.0)	·
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. (Rollinson Planning Consultancy Ltd).	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.
	No change to SPD required
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.	Support welcomed. The Local Plan and SPD supports affordable housing for young people across the plan area.
(S. Kendall)	No change to SPD required.
Use class definition of retirement communities. (Section 2.2.0)	
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. (Inspired Villages)	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.
	No change to SPD required.

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	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.
(Inspired Villages)	No change to SPD required.
Transfer prices (Section 2.4.0)	
Very strong support for a council wide transfer price, but this must be fixed and adhered to by all.	Support welcomed. Yes, the price is fixed and adhered to by the council.
(Home Group)	
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.	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.
(Home Group)	Change to SPD as follows: Add the following text at the end of paragraph 2.4.4
	"Registered Providers (RP) developing in Craven have agreed an appropriate specification to accompany transfer prices. This is set out in appendix 10 to this SPD." Add appendix 10 to the SPD which sets out the agreed specification to accompany transfer prices. (See appendix 2 to this report)
It is not acceptable to base transfer prices on figures from 2017 (paragraph 2.4.4) (Rollinson Planning Consultancy Ltd)	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.

	No change to SPD required.
Financial contributions (Section 2.1.0 and 2.4.0)	
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'. (Rollinson Planning Consultancy Ltd)	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. No change to SPD required.
Site Viability Assessments (Section 2.5.0)	
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.	Support welcomed.
(Historic England)	
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. (McCarthy and Stone Retirement Lifestyles Ltd)	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.
	No change to SPD required.

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 preapplication 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

•	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."

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.

(Progress Housing Group)

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).

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.

In conclusion, policy H2 criterion e) I) supports Registered Providers bringing forward developments of 100% affordable homes within the

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. Change to the SPD as follows: Add the following text to the start of paragraph 2.7.3: "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." Size, type and tenure (Section 2.8.0) Noted that over the years there has been a preponderance of approvals for 4 Absent in the previous local plan, the Craven Local Plan now includes a bedroom dwellings 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 (S Kendall) 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. No change to the SPD required Choice of tenure/type of affordable housing should be based on local Agree and this is the aim of policy H2, the SPD and the council's authority approval that the product will be affordable, mortgage-able and approach to affordable homes for sale. This is set out in paragraph there is a demand for it in the given location. Support the tenure split set out 2.8.3. Support of paragraph 2.8.4 is welcomed. in paragraph 2.8.4.

	No change to SPD required.		
(Home Group)			
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.	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.		
(Progress Housing Group)	No change to SPD required.		
Sub-division of sites (Section 2.9.0)			
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.	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. No change to SPD required.		
(A. Brown)	The shall go to or 2 required.		
Section 106 legal agreements (Section 2.10.0)			
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.	Agree that providing an appendix setting out example text on such matters would be useful to include in the adopted SPD.		
(Home Group)	Change to SPD as follows: Add new sentence between the second and third sentences of paragraph 2.10.1 to read: "Appendix 11 provides examples of the clauses the council has used in Section 106 agreements to appropriately control matters contained in this SPD." Add Appendix 11 which covers these matters to SPD (See appendix 3 of this report).		
Could S106 requirements be flexible so as to allow additional affordable housing by agreement only with the local authority?	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.		

(Home Group) No change to SPD required Local connection priorities (Paragraphs 2.10.4 to 2.10.10) Support prioritising homes for local people and not imposing a local connection Support welcomed. Yes, local connection criteria will be set out in criteria for affordable housing for sale. Will local connections criteria be set out Section 106 legal agreements. (See response above). The local in a Section 106 agreement? If local people cannot be identified for a home connection priorities and criteria set out at paragraphs 2.10.6 to 2.10.10 registered providers need the ability to quickly cascade out to the wider area supports prioritising homes for local people and shows the process used to avoid prolonged void time, ideally just by liaison/approval with the local 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 authority. properties are available to eligible occupiers within the North Yorkshire (Home Group) Home Choice area using the bidding system. No change to SPD required The Local Connection Priorities detailed from paragraph 2.10.4 onward should The local connection priorities are not defined independently by the council; they are set at the sub-regional partnership across North be expanded to account for the following instances. • Should also include required connections prior to the age 18 for those Yorkshire. People who have moved out of the area may still retain a moving back to the area when they are older local connection if they have immediate family living in the area for the • Need for clearly defined and reasonable timescales for each stage of the last five years. The inclusion of timescales for each stage of the cascade cascade i.e. 2/3 weeks before we can progress to the next stage are not supported and can lead to 'void' properties longer than is • Requirement to be able to start promoting properties as soon as there is a needed. The council operates an efficient system which provides a defined completion date (i.e. 28 day notice is issued) before the houses are generally speedier allocation of properties than the representor's ready to let. 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. (Progress Housing Group) 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".

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

	"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 x 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"
Design (Section 2.11.0) 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.	Support welcomed. Yes, early engagement, via the pre-application process, is encouraged at paragraph 3.1.1 of the SPD.
(Home Group)	No change to SPD required
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.	Agree. The key aim is that affordable and market homes should be visibly indistinct. Paragraph 2.11.2 of the SPD states this. No change to SPD required
(Progress Housing Group)	No change to 3r D required
Space standards (Section 2.11.0)	
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. (Home Group)	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

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

8p	117	124	130	3
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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.

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.

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."

In the second sentence of paragraph 2.11.4 replace "Council's" with "LPVA's"

Facilities for the disabled (Section 2.11.0)

(Progress Housing Group)

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?

(Home Group)

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

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

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."

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."

There is a huge shortage of accommodation for the disabled in Craven and North Yorkshire.

(S. Morrell)

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.

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

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 Bentham, 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

Care Homes in the Craven locality, which equates to approximately 700 beds. We understand occupancy levels within these Care Homes is consistently around 90%. 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." No change to SPD required **Biodiversity (Section 2.11.0)** It is accepted that there should be reference to biodiversity and green We would like to see reference to in Paragraph 2.11.1 to building space for nature, for example, this could read 'The Council is committed to securing infrastructure within the SPD's section 2.11.0 on the design, distribution good design, including sustainable design and construction and high quality, and construction of affordable housing. connected green infrastructure'. Change to SPD as follows:-(Yorkshire Wildlife Trust) Replace '6' with '4' in the title of section 2.11.0 Add text at the end of paragraph 2.11.1:-"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." All sites, whether allocated or unallocated should have an ecological survey This council, through policy ENV4 of the local plan, supports the and impact assessment undertaken as part of the planning application principle of achieving a net gain in biodiversity on all development sites. process, with biodiversity net gain required as standard, in line with the NPPF Further detail of how this policy will operate will be set out in the

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.

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.

(Yorkshire Wildlife Trust)

No change to SPD required.

Distribution of affordable homes (Paragraphs 2.11.7 to 2.11.9)

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.

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.

No change to SPD required.

(Progress Housing Group)

Sustainable design and construction (Paragraphs 2.11.10 to 2.11.12)

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.

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).

(Home Group)

Change to the SPD as follows: Add new paragraph after 2.11.12 to state:

"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."
Pre-application discussions (Sections 1.2.0, 3.1.0, 3.2.0, 3.3.0 and 3.4.0)	
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.	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. No change to SPD required.
(Progress Housing Group)	
The approach for pre-application service is welcomed but it needs to be timely and explicit.	See response above.
(Rollinson Planning Consultancy Ltd)	
Part Three of the SPD	
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.	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

(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

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'

requirements can be met, some change in wording is proposed below:

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 comply with policy H2 d).

Delete first sentence of paragraph 3.1.10.

In the first sentence of paragraph 3.1.11 replace the wording ' is likely to' with 'may'

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.



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.cravendc.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.cravendc.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@cravendc.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 sub

mitting policy-compliant planning applications for affordable housing. The draft Affordable Housing SPD is available to view on the Council's website at

www.cravendc.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

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 (eg 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 persons 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.



Affordable Housing Supplementary Planning Document

Second Draft for Consultation (August 2020) February 2021

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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:
 - o Building on-site affordable housing
 - Making contributions for off-site affordable housing,
 - Rural Exception Sites.
 - Specialist Housing for Older People.
 - Entry-level exception sites (NPPF paragraph 71)

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

1.3.0 Public consultation, document format and status

1.3.1 This is a <u>second</u> consultation draft SPD which seeks the views of all stakeholders, including parish councils, developers and agents, registered providers and statutory bodies. <u>The first consultation draft</u> was <u>It is</u> the subject of a six week consultation from 1st September to 13 October 2020.

- 1.3.2 Following this consultation, comments Representations submitted during the first consultation have been will be taken into account, and adjustments made for the purposes of this second consultation. as necessary, and the finalised SPD will be approved as a material consideration in the determination of relevant planning applications. These adjustments and other minor changes to the first draft are shown in this second consultation draft as follows:
 - Where additions to the first consultation draft have been made the text is underlined and highlighted in a light blue/grey tone.
 - Where text has been deleted from the first consultation draft the text is crossed through.

Regulations require that this second consultation draft SPD be published alongside a 'Consultation Statement'. This statement has been published and amongst other matters, it summarises the main issues arising from the representations identified during the first consultation period and explains how the council has assessed them.

- 1.3.3 Legal advice has been sought and having undertaken the first public consultation, and made modifications to address the representations received, the Council can have regard to this second draft SPD as a material consideration when dealing with relevant planning applications. The Council can give the draft SPD such weight as it considers reasonable as a matter of planning judgment, bearing in mind that it is still a draft and may change before it is adopted.
- the council will identify the main issues arising from the representations received and set out any modifications to be made to the draft SPD in an Adoption Statement. The Council will then approve the modified SPD and Adoption Statement and again the adopted SPD will be a material consideration in dealing with relevant planning applications. However, it is the policies of the local plan itself, which the SPD supports, which will be used to guide the determination of planning applications. The SPD is intended to assist applicants in formulating their proposals so as to best achieve policy compliance but its contents do not amount to development management policies and cannot be treated as such.
- 1.3.5 A sustainability appraisal is not necessary for the preparation and approval of this SPD, which does not set the framework for decisions on planning applications. Sustainability appraisals have been undertaken for the local plan policies which this SPD supports.
- 1.3.6 Under the requirements of Directive 2001/42/EC, local authorities must consider a Strategic Environment Assessment (SEA) of SPDs. Whether a SEA is required for a particular SPD generally depends on its subject and its

implications in terms of the local plan context. A screening report can assess whether the SEA is necessary in a particular case. In accordance with the provisions of the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations (2004) (Regulation 9(1)), the local authority must determine that SEA is not required then under Regulation 9(3). An SEA screening report is published alongside this second consultation draft and this concludes there is no need for a full SEA.

1.3.7 A Habitats Regulations Assessment 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. As outlined in paragraph 1.3.4, a screening report can determine if a full HRA is required (i.e. an Appropriate Assessment or further report, as necessary), which is prepared by the local authority. Hence, as with the SEA process, a HRA screening report has been prepared. It is published alongside this second consultation draft SPD and concludes there is no need for a full HRA.

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'. Paragraph 3.4.1 of this SPD deals with these types of sites.
- 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.

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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 offsite 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

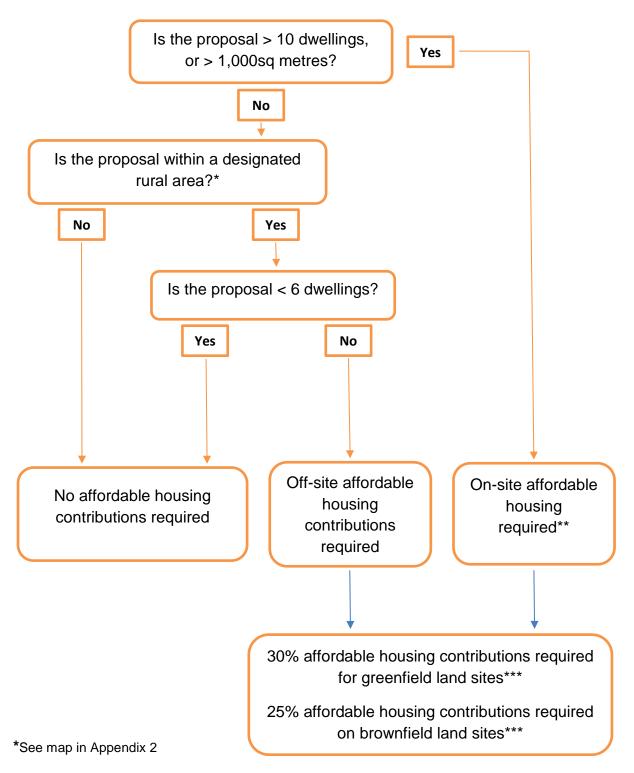
All contributions will be subject to vacant building credit, where appropriate.***

^{*}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.



^{**}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 form 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 10 to this SPD.
- 2.4.5 An illustration based on a **6 dwelling proposal in a designated rural area** is given below:

The Council's 30% affordable housing requirement would equate to 1.8 affordable dwellings	30% of 6 dwellings = 1.8 affordable dwellings
Evidence indicates a need for two-bedroom houses (at 70sqm each) to suit newly forming households	1.8 x two bed (70sqm) = 126 sqm
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

 If similar two bedroomed houses are up for sale on site, their asking price or sale contract price can be used to establish a comparable market value. 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 	Market value of a 70sqm two bed = say £200,000 Market value of 1.8 x two bed = £360,000
 The commuted (cash) sum due is the difference between market and affordable values 	Cash sum due = £360,000 - £126,000 = £234,000

- 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
 - o 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, 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:

- o the condition of the property
- o the period of non-use
- o whether there is an intervening use; and
- o 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 redevelopment
- 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 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

<u>Policies SP5 to SP11, and H2.</u> The current NPPF includes an additional method of delivering affordable housing and this is through entry-level exception sites. These sites are discussed at paragraph <u>section</u> 3.4.40 of this 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 11 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.

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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. The Government is proposing to require local authorities to provide local connection priorities for 'First Homes'.
- 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 subarea, 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 A divided by B multiplied by C = Management Company contribution applicable to each individual dwelling.

Where

A = Gross internal floor space area of the individual unit in sqm

B = Total gross internal floor space of all dwellings in sqm

C = Total management fee

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 x 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"

2.10.13The 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, 64 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 minimum the space standards of affordable housing should be the standards used in the Local Plan Viability Assessment (LPVA). 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 Council's 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:

Gross internal floor areas and storage (m2)						
Number of	Number of	1 storey	2 storey	3 storey	Built-in storage	
bedrooms	bed spaces	dwellings	dwellings	dwellings		
	(persons)					
1b	2p	57	60	N/A		1
2b	4p	70	79	N/A		2
3b	5p	N/A	93	99		2.5
4b	6p	N/A	106	112		3

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
			-	,	
<u>1b</u>	<u>2p</u>	<u>50</u>	<u>58</u>	<u>n/a</u>	<u>1.5</u>
<u>2b</u>	<u>4p</u>	70	79	n/a	2
<u>3b</u>	<u>5p</u>	<u>86</u>	<u>93</u>	<u>99</u>	2.5
	<u>6p</u>	<u>95</u>	<u>102</u>	<u>108</u>	<u>2.5</u>
<u>4b</u>	<u>5p</u>	90	97	<u>103</u>	<u>3</u>
	<u>6p</u>	<u>99</u>	<u>106</u>	<u>112</u>	
	<u>7p</u>	108	<u>115</u>	121	<u>3</u> 3
	<u>8p</u>	<u>117</u>	<u>124</u>	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.cravendc.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. The declaration is related to the organisational wide 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 Policy 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 Tier 1	Policy SP4 for general market housing outside a settlement's main built up area. Subject to compliance	Policy H2 for rural exception sites (RES) RES not supported
	with a number of criteria in Policy SP4 this type of housing may be supported, but only where the proposal is adjoining the main built up area	
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 adjoining the main built up area.	Subject to compliance with a number of criteria in Policy H2 RES may be supported, both adjoining the main built up area and where the site is physically and visually well related to the settlement.
Tier 5	Not supported outside the main built up area.	Subject to compliance with a number of criteria in Policy H2, RES may be supported, both adjoining the main built up area and where the site is physically and visually well related to the settlement.

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): nwatson@cravendc.gov.uk
 - Strategic Housing (SH): eshepherd@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 1000sgm 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. 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.cravendc.gov.uk/media/9312/j-planning-development-control-pre-application-charging-consultation-pre-app-advice-charging-2020-2021-obtaining-pre-application-advice-rev-apr-20.pdf 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 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.
- 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. Sections 2.4.0 and 2.6.0 provide further information on this matter. Again, early preapplication 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 and paragraphs 3.1.6 to 3.1.10 below.
- 3.1.5 Contact details at the time of publication are:
 - Development Management (DM): nwatson@cravendc.gov.uk
 - Strategic Housing (SH): jkerfoot@cravendc.gov.uk

Conditions, planning obligations and validation

- 3.1.6 Where acceptable, 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 submissions should be accompanied with 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.
- 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. Failure to submit an adequately completed 'Heads of Terms' pro-forma as part of a relevant planning application will result in an application not being validated. 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". In determining whether the information in the pro-forma is adequate, 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 preapplication 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/

- 3.1.8 Section 2.5.0 and Appendix 4 of the SPD provide guidance, supported by the NPPF and PPG, on <u>applicant's site viability assessments</u> (ASVA). They cover matters such as:
 - when site-specific viability assessments 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 Applications seeking a lower than plan policy requirement for affordable housing which are not accompanied by an adequate ASVA will not be validated. An ASVA will be inadequate if it does not provide the information set out in Appendix 4 and required by Section 2.5.0. 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). Section 2.5.0 and Appendix 4 of this SPD 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 comply with policy H2 d).

- 3.1.10 Applications accompanied by an adequate ASVA will not be validated without a signed form set out in Appendix 5. 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 preapplication discussions, as insufficient attention to affordable housing requirements is likely to 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 should be submitted to the Council's Development Management Team (DM). The current planning officer to contact is Neville Watson on nwatson@cravendc.gov.uk Enquiry forms and the charging regime can be found at naccordance 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 should contact the Council's Strategic Housing Team (SH). The current housing officer who should be contacted is eshepherd@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 should be put to the DM planning officers for discussion. Providing this scheme complies with the 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.cravendc.gov.uk/media/5647/statement-of-community-involvement-for-planning-march-2018.pdf
- 3.2.5 **Step Four (only if necessary)**: The general rule will be for rural exception sites to provide 100% affordable housing. Should the enquirer seek to deliver less than 100% affordable housing on a suitable site, then 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 will have to demonstrate that all other potential funding sources have been exhausted before the Council will accept any market housing on the site.
- 3.2.6 If step four is necessary, 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.
- 3.2.7 Appendix 7 provides more detail of what information would be required to be included in an applicant's site viability assessment (ASVA) for rural exception sites. The policy 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 Applications seeking market housing on a RES which isn't accompanied by an adequate ASVA in accordance with Appendix 7 will not be validated. Applications accompanied with an adequate ASVA will not be validated unless the applicant has signed a form as copied in Appendix 5. 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)' Applicant's 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/

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 should 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/media/9312/j-planning-development-control-pre-application-charging-consultation-pre-app-advice-charging-2020-2021-obtaining-pre-application-advice-rev-apr-20.pdf
- 3.3.3 In the event that the proposal is considered to be Use Class C3, the applicant should then discuss with the Councils 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/

3.4.0 Entry-level exception sites

- 3.4.1 The 2018 NPPF introduced the concept of entry-level exception sites for affordable housing and the concept remains in the current NPPF. Appendix 9 describes the relevance of Policy SP4 in determining proposals for entry-level exception sites, as well as the NPPF. Early pre-application discussions with the Council's Development Management and Strategic Housing Teams are strongly recommended. (See contact details at paragraph 3.1.5 above)
- 3.4.2 The Government has launched its 'First Homes' initiative with a consultation between February and April 2020. 'First Homes' is an initiative to boost the supply of affordable homes for first time buyers. The consultation proposes changes to the NPPF on entry-level exception sites. Currently, entry-level exception sites can provide for both first time home owners and renters.

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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:

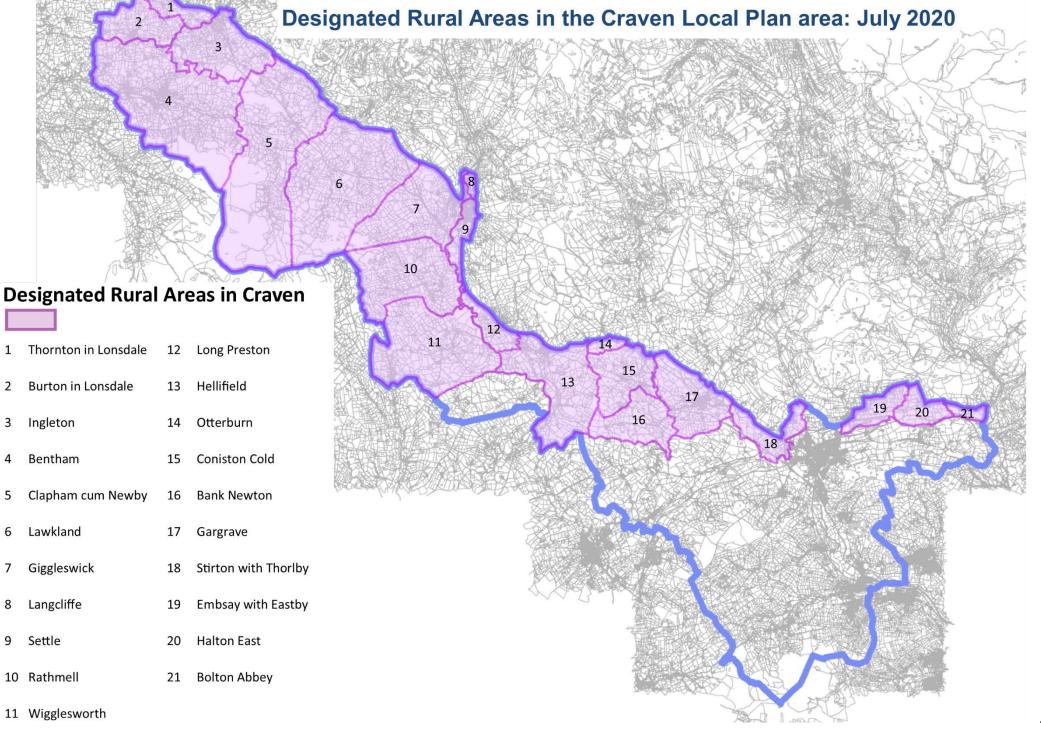
- "Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:
- a) Affordable housing for 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 DESGINATED RURAL AREAS IN CRAVEN DISTRICT OUTSIDE THE YORKSHIRE DALES NATIONAL PARK.



Establishing Use Class status for Specialist Housing for Older People

- 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.
- 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.
- 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"
- 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.

- 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.
- 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.'

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 must provide a comprehensive site viability assessment completed by a suitably qualified valuation surveyor to evidence why this is the case.

The applicant's site viability assessment (ASVA) must be compliant with the PPG on Viability (as updated from time to time) and set out clearly the following:

- 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 <u>2.</u>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. Applicants must 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.

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

- 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, Craven Council requires comprehensive independent comparable market assessment and analysis to justify values proposed.
- 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, Craven Council requires comprehensive independent technical and cost reports to substantiate development costs.
- 6. Land value must be clearly defined 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 under no circumstances will the price paid for land be relevant justification for failing to accord with relevant policies in the plan². In this respect, the Council will require a Red Book valuation report supported by comparable market evidence to confirm the EUV of the site. The rationale for any premium must 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 types³' i.e. obsolescence and historic legacy cost and liabilities of sites being promoted for redevelopment.
- 7. Return to developers the applicant must 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, 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'.

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

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

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, there should be a clear agreement of how policy compliance can be achieved over time⁵. Applicants should set out within their viability assessment how they propose to achieve this.

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

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AGREEMENT TO INDEPENDENT ASSESSMENT OF APPLICANT'S SITE VIABILITY APPRAISAL

The independent assessment of the applicant's site viability appraisal (ASVA) is subject to the following 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 <u>suitably qualified independent firm of Chartered Surveyors</u>. This quotation will be conveyed to the applicant who must 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 34 of thise Council's affordable housing 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 will not be considered 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
	iditions and agree to pay for a financial viability appraisal] + 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 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 RP will be required to provide a viability assessment to consider the financial viability of the scheme. This is to be provided on the same basis as set out in Appendix 4 above, apart from the following detail:

The RP must 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 will not 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.

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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.

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

It is not necessary to have either an agent or a solicitor dealing with	Company:
this for you, however it is recommended.	Address:
	Telephone:
	Email:
6. Details of the legal	Name:
representative dealing with this matter (if	Company:
applicable):	Address:
It is not necessary to have either an agent or a solicitor dealing with this for you, however it is	Telephone:
recommended	Email:
7. Title number:	If the land is not registered, please submit a copy of the title deeds
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.	with this form.
8. Play & open space	Early pre-application discussions to establish the required contributions
contribution (on sites of	for your scheme should take place with the Sports Development Officer
11 or more dwellings or	via email <u>shudson@cravendc.gov.uk</u>
more than 1000sq metres):	The following documents must be submitted with this form:
,	On-site provision:
See Policy INF3 and Appendix A of the Craven Local Plan on Sport, Open	 Proposed plan for on-site provision Maintenance schedule and proposed management of on-site provision (if applicable)
Space and Recreational	Please also provide the following information:
Facilities.	 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:
	Off-site provision:
	Amount/calculation of contribution:What is the commuted sum to be used for?
1	VITIAL IS THE COMMITTALED SUM TO DE USED TO!!

 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.

Please note, interest will be charged on late payments.

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)

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@cravendc.gov.uk or esheperd@cravendc.gov.uk

Reserved matters and full planning applications (where the details for affordable housing have not been approved at outline stage).

The following information must be submitted in writing with this form:

See Policy H2 of the Craven Local Plan on Affordable Housing.

On-site provision (if the proposal is for 11 or more dwellings or more than 1000 sq m. regardless of the number of dwellings)

- 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;

Off-site provision (usually only for proposals for 6 to 10 dwellings within Designated Rural Areas)

- 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.

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)

The following information must be submitted in writing with this form:

On site provision (if the proposal is for 11 or more dwellings or more than 1000 sq m. regardless of the number of dwellings) 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. Off-site provision (usually only for proposals for 6 to 10 dwellings within Designated Rural Areas) 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. 11. Education Early pre-application discussions to establish whether your scheme contribution - (Where requires a contribution, and if so, what that contribution is, should take residential development place with Nicola. Howells @northyorks.gov.uk is above the relevant plan's policy thresholds and results in a deficit in The information received from North Yorkshire County Council school places in the area) Education should be submitted with your planning application. See Policy INF6 and **Appendix B of the Craven** Local Plan on Education **Provision** 12. Highway Early pre-application discussions to establish whether your scheme improvement/public requires any contribution, and if so, what that contribution is, should take transport contribution place with Area5. Skipton @northyorks.gov.uk See Policy INF7 of the The information received from North Yorkshire County Council Craven Local Plan on Highways, along with relevant transport statements, assessments **Sustainable Transport** and travel plans should be submitted with your planning and Highways. application. 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. Please note, interest will be charged on late payments.

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@cravendc.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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Craven Local Plan Policy SP4: Spatial Strategy and Housing Growth and the National Planning Policy Framework on entry-level exception sites.

- 1 Due to the assessment of the Craven Local Plan's soundness against the 2012 National Planning Policy Framework (NPPF), there is no specific reference to entry-level exception sites (ELES) in Policy H2 on affordable housing or any other part of the plan. National planning policy on these types of sites was only introduced in the 2018 NPPF. Nevertheless, as a form of housing growth, the plan's spatial strategy for housing growth is key in determining the compliance of ELES proposals with the development plan. Hence, Policy SP4: Spatial Strategy and Housing Growth of the Craven Local Plan, is the 'go to' plan policy on this matter.
- 2 Paragraph 71 of the NPPF is a material consideration which will also form an important part of the Council's decision making process. This states that housing on these sites are for first time buyers or renters and must be one of the types of affordable housing defined in the 2019 NPPF glossary. (see Appendix 1). Planning law indicates that applications for planning permission be determined in accordance with development plan, unless material considerations indicate otherwise. This appendix outlines the approach the Council intend to use in the decision making process on ELES proposals in Craven.
- 3 Policy SP4: Spatial Strategy and Housing Growth sets out the development plan's policy on where and when housing growth should take place up to 2032. ELES proposals will be considered against the relevant criteria of this policy, namely criteria I, J and K.
- 4 <u>Tier 1 to 4 settlements</u>: For ELES proposals adjoining the main built up area sub-criterion I c) of Policy SP4 provides support for new housing on non-allocated sites where it is justified by special economic, environmental and/or social circumstances. This aligns well with paragraph 71 of the NPPF which supports ELES proposals if they are adjacent to existing settlements on unallocated land and the need for this type of housing is not already being met.

- 5 For these sites, the Council will consider whether, at the time of determination, there is an outstanding need for first time buyer and renter homes across the District* and whether this need represents a special social circumstance.
- 6 If the combination of Policy SP4 I c) and the NPPF indicate the Council should support the ELES proposal for further consideration, then Policy SP4 requires housing proposals to comply with sub-criteria I i) to vi). These criteria relate to the scale, design and impact of proposals. These sub-criteria align generally well with those in paragraph 71 of the NPPF. However, allowing a housing scheme of one hectare or 5% of the size of the settlement (as allowed in the NPPF) is often much larger than the plan's spatial strategy anticipates would be appropriate for growth in many of the plan areas settlements. Hence, the Council will determine the appropriate scale of such sites in accordance with the plan's spatial strategy and the site specific circumstances of each proposal. Officers will provide agents and developers with pre-application advice on this matter.

*On behalf of the Council, housing assessment consultants Arc4, have evidenced the scale of entry level affordable homes in Craven District that are needed between 2017 and 2032 (the end of the plan period). This work is published as an appendix to the Council's report entitled 'The Need for Entry-level Affordable Homes in Craven District'. On 18 August 2020 this report was approved by the Craven Spatial Planning Sub-Committee and can be found at https://www.cravendc.gov.uk/media/9599/the-need-for-entry-level-affordable-homes-in-craven-august-2020.pdf

This report concludes that the need for entry-level affordable housing up to 2032 in the district is not being met through the housing growth proposed in the Craven Local and Yorkshire Dales National Park Plans. Once all the housing commitments and allocations in the two local plans have been built out with their likely contributions to affordable housing need, there will still remain a shortfall of at least 100 entry-level affordable homes. This unmet need has been calculated by comparing the need identified from 2017 to 2032 with the likely supply of this type of housing from the following sources across the District:

- completions from April 2017 to December 2019:
- housing commitments as at January 2020, and
- outstanding local plan allocations to be delivered by 2032.

- Tier 5 settlements: the only type of housing growth outside a settlement's main built up area which is supported by Policy SP4 is a rural exception site (RES) under sub-criterion J b). There are similarities between RES and ELES insofar as they are both for 100% affordable housing schemes to meet unmet housing need. However, RES seek to meet affordable housing needs of the local parish or small groups of parishes in the locality. ELES seek to meet a wider need for affordable first time buyer or renter housing across the whole plan area. It is not therefore appropriate to assess ELES proposals against sub-criterion J b).
- 8 Therefore an ELES proposal for a tier 5 settlement is in conflict with the development plan. Here, the Council will need to consider whether the support for ELES given in paragraph 71 of the NPPF (if the need is not already being met), indicates a decision other than in accordance with the development plan. Again, officers will provide advice to agents and applicants on whether, at the time of a pre-application enquiry, a decision may be recommended other than in accordance with the development plan.
- 9 ELES proposals that are not adjoining the main built up area of a Tier 1 to 5 settlement will be assessed against Criterion K of Policy SP4. As this development plan policy indicates these sites will be classified as located in the countryside and criterion K strictly controls new housing in the countryside. This aspect of Policy SP4 aligns well with the NPPF which only supports ELES where they are adjacent to an existing settlement.
- 10 As regards what type and size of entry-level affordable housing should be provided on any particular site, the Council's Strategic Housing Team will use the evidence in the report on 'The Need for Entry-level Affordable Homes in Craven District' to discuss with the applicant what is appropriate. They will advise on the basis of what will best meet local needs for entry-level housing, and to ensure that the housing proposed is genuinely affordable for local people as required by the NPPF and development plan policy H2: Affordable Housing.
- 11 The NPPF states that local planning authorities should not support ELES within an Area of Outstanding Natural Beauty (AONB). This will be an important material consideration in dealing with any ELES proposals within Craven's Forest of Bowland AONB. The NPPF does not allow market housing on ELES.

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APPENDIX TEN

<u>Design specification agreed between Craven District Council and Registered</u> <u>Providers operating in Craven District</u>

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.
<u>Electrical</u>	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 easi	
	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.
<u>Handover</u>	Full property information pack to be provided at handover to include
	all certification, guarantees & warranties including Landlords Gas
	Safety Certificate where applicable.

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

<u>Examples of narrative used by Craven District Council in Section 106 legal</u> 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. <u>have resided within the search area for three years out of the preceding five years;</u>
 or
- ii. <u>have previously resided within the search area for a period of 20 years or if less</u> than 20 years half of that persons lifetime but subject to a minimum of ten years; or
- iii. <u>have immediate family (mother, father, sister or brother, son or daughter) that live in</u> the search area and have done so for a continuous period of at least five years; or
- iv. <u>are in employment with a company or organisation based within the search area</u> 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 C

Strategic Environment Assessment Screening Report

Prepared in relation to the adoption of the

Affordable Housing Supplementary Planning Document

of Craven District Council

February 2021

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

Prepared for Craven District Council, and reviewed by RP

Completion Date: November 2020

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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 formerly 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 <u>Population and human health:</u> 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 <u>Biodiversity, flora and fauna:</u> 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 <u>Climatic factors:</u> 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 <u>Cultural heritage:</u> 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 <u>Soil, water and air:</u> 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 <u>Landscape</u>: 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 <u>Material assets:</u> 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 (as they are received).

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))	When the Affordable Housing SPD is adopted, it will become a material consideration element of the statutory Craven 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. Therefore, the SPD will not itself have any significant effects on the environment, and may assist in	No

addressing potential negative effects identified in the SEA of the relevant adopted policies. See Section 3.2 and appendix II detailed assessment.
assessment.

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: 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

Craven District Council Affordable Housing SPD SEA Screening Report

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.

Appendix III: Response 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 to Monday, 18 January. Historic England (HE) 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's 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 does not expect a further response from the agency on this document.

A response from Natural England was not received during the above stated period. As the Affordable Housing SPD is subject to an additional consultation from Monday, 15 February to Monday, 29 March, Natural England will be given another opportunity to comment on the SEA Screening Report during this timeframe.

Appendix IV: 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

Habitat Regulations Assessment Screening Report

Prepared in relation to the adoption of the

Affordable Housing Supplementary Planning Document

of Craven District Council

February 2021

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

Prepared for Craven District Council, and reviewed by RP

Completion Date: November 2020

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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 formerly 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.cravendc.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 (when they are received).

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 not expected for this document.

A response from Natural England was not received during the above stated period. As the Affordable Housing SPD is subject to an additional consultation from Monday, 15 February to Monday, 29 March 2021, Natural England will be given another opportunity to comment on the SEA Screening Report during this timeframe.

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