

Report to	Planning Committee
Date	11 July 2019
By	Director of Planning
Title of Report	Affordable Housing SPD – draft for consultation
Purpose of Report	Approve for consultation the draft Affordable Housing SPD

Recommendation: The Committee is recommended to:

- 1) Approve the draft South Downs Affordable Housing Supplementary Planning Document (SPD) for public consultation (Appendix 1).**
- 2) Delegate to the Director of Planning, in consultation with the Planning Committee Chair, authority to make further minor changes to the SPD prior to public consultation.**

1. Summary

- 1.1 The National Park Authority (NPA) adopted the South Downs Local Plan (SDLP) on 02 July 2019. This includes robust policies requiring the provision of affordable housing alongside housing to be sold or rented on the open market, or as rural exception sites (RESs) to meet an identified local need.
- 1.2 The Affordable Housing SPD supports the implementation of the SDLP, and therefore supports the wider objectives of the SDNPA (for example it supports the Partnership Management Plan Outcome 9 in relation to provision of housing). It has been drafted to provide further detail to the policies in the SDLP that relate to affordable housing. It covers a number of implementation issues, including local connections, tenure mix, vacant building credit, and financial contributions in lieu of on-site affordable housing provision. It also sets out matters for inclusion in a Section 106 legal agreement, and will include as an appendix a model legal agreement.
- 1.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended) legally require local planning authorities to consult the public for a minimum 6 week period. Planning Committee Members are therefore asked to approve for public consultation the draft Affordable Housing SPD (Appendix 1).

2. Background

- 2.1 The South Downs Local Plan 2014-2033 (SDLP) has recently been found sound by an independent planning inspector subject to some main modifications, and was adopted by the NPA on 2 July 2019. From this point in time, the SDLP will be the adopted development plan for the whole of the South Downs National Park, replacing all currently extant joint core strategies and district / borough / unitary authority local plan policies insofar as they relate to the National Park.

- 2.2 The SDLP contains policies on residential development, to reflect the duty to seek to foster the economic and social well-being of the local communities within the National Park. This includes the following policies:
- **Policy SD28: Affordable Homes** sets out a requirement for residential developments of 3 or more homes to provide for affordable housing. This provision should be on-site on sites with capacity for 4 or more homes. The level of provision is determined by the overall capacity of the site in terms of potential number of homes, with a minimum 50% of the total to be affordable on sites of 11 or more homes. The policy also sets out how many affordable homes should be provided as rented tenure (as opposed to shared ownership or other forms of low-cost ownership).
 - **Policy SD29: Rural Exception Sites** sets a requirement that residential housing sites outside of settlement boundaries should provide 100% affordable housing. The precise mix of homes and tenures should be based on the local needs of the community, and provide specifically for local housing needs.
 - **Policy SD27: Mix of Homes** sets out a broad strategic mix of affordable dwelling sizes.
 - **Policy SD25: Development Strategy**, and in particular paragraphs 7.15 and 7.16, outlines the SDNPA's approach with respect to Whole Estate Plans and affordable housing.
- 2.3 In October 2018, Planning Committee endorsed a revised Local Development Scheme (LDS) setting out the timetables for the various local development documents being prepared or jointly prepared by the SDNPA. This showed that an Affordable Housing SPD would be produced and consulted on between May and June 2019, and that the Authority would work towards adoption of the SPD in October 2019. However the LDS also acknowledged that work on the SPD had been put on hold pending the initial findings of the Local Plan Inspector in regard to Policy SD28: Affordable Homes.
- 2.4 Due to the Local Plan adoption timetable slipping by approximately three months as a result of a delay in receiving the Inspector's final report, the Affordable Housing SPD has consequentially also slipped. Nevertheless, the Local Plan has been found sound by the Inspector, whose report has emphatically supported the Local Plan policies in respect of affordable housing.

3. Next stages

- 3.1 Planning Committee is recommended to approve the draft version of the Affordable Housing SPD presented as **Appendix I** for public consultation. The SDNPA's Statement of Community Involvement (SCI) (Version 3, Aug 2017) states that we will endeavour to avoid running consultations in the month of August, and also that we will consult on all SDNPA development plan documents for a minimum of 8 weeks. The anticipated timetable for the Affordable Housing SPD is therefore as follows:

11 July 2019	Planning Committee endorses the draft SPD for consultation
Sep – Oct 2019	Statutory public consultation undertaken for an eight week period
Nov 2019	Produce consultation statement giving summary of main issues raised and how these have been addressed
Nov – Dec 2019	Revise SPD in light of representations
Dec 2019	Planning Committee formally adopt the SPD

- 3.2 It should be noted that Appendix 3 of the SPD, which will provide a model Section 106 Agreement to be used when securing affordable housing, is not included in the committee version of the SPD, as it is still currently being worked on and may be subjected to specialist legal advice currently being sought by officers. As this is a technical appendix, it is not

considered necessary to seek Planning Committee approval. Further minor changes may be needed to the SPD in other respects to ensure factual accuracy, and authority for this is delegated to the Director of Planning in consultation with the Planning Committee Chair.

- 3.3 Statutory public consultation is anticipated to take place in September and October 2019. Changes may be made to the SPD as a result of this consultation, and a revised version of the SPD presented to Planning Committee for formal adoption.
- 3.4 Once adopted, the SPD will be a material consideration in the determination of planning applications. As such, it will help to maximise the number of new affordable homes provided in the South Downs National Park in a way which meets local needs, whilst also supporting the landscape-led approach.
- 4. Sustainability Appraisal and Habitats Regulations Assessment screening**
- 4.1 The European Union Directive 2001/42/EC sets out legislation on the assessment of the effects of certain plans and programmes on the environment (known as ‘Strategic Environmental Assessment’ or ‘SEA’). Where the Authority determines that SEA is not required then under Regulation 9(3) the Authority must prepare a statement setting out the reasons for this determination.
- 4.2 The SDNPA has therefore produced a draft SEA Screening Statement. Full determination cannot be made as to whether or not an SEA is required until three statutory bodies have been consulted: The Environment Agency, Natural England and Historic England. Nevertheless, and subject to the outcome of this consultation, it is not considered that the Affordable Housing SPD is likely to have any significant environmental effects, and therefore does not require an SEA.
- 4.3 As required by Habitats Regulations Assessment (HRA), the SDNPA has also assessed whether the policies and proposals set out in the Affordable Housing SPD will have any significant impacts on Natura 2000 sites, thereby necessitating an Appropriate Assessment to consider the impact on the integrity of any such sites. The HRA Screening Statement concludes that the SPD does not set the principle of development nor does it direct development to a specific location. Therefore, as with the assessment of SD28 and SD29 there are no linking impact pathways present and there are no HRA implications. Subject to the outcome of consulting the three statutory bodies listed in paragraph 3.2 above, it is considered that a full appropriate assessment is not required.
- 4.4 The combined SEA Screening Statement and HRA Screening Statement is presented as **Appendix 2** to this report.

5. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	Yes. The final version of the SPD will need to be adopted by Planning Committee. It is anticipated that the revised SPD will be presented to the Committee for adoption on 12 December 2019.
Does the proposal raise any Resource implications?	The SPD has been produced using existing internal resources. The further stages of the SPD will similarly be completed using existing internal resources.
Has due regard been taken of the South Downs National Park Authority’s equality duty as contained within the Equality Act 2010?	<p>The Authority has a duty under Section 149 of the Equality Act 2010 (‘the Act’) to have due regard in the exercise of its functions to the need to:</p> <ul style="list-style-type: none"> • Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act; • Advance equality of opportunity between persons who share a relevant protected characteristic (age,

	<p>disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;</p> <ul style="list-style-type: none"> • Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. • Due regard in this context involves having due regard in particular to: <ul style="list-style-type: none"> a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic; b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it; c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low. <p>The Affordable Housing SPD promotes the advancement of opportunity for people within the communities of the National Park who have lower incomes. This will in particular advance equality of opportunity for younger people who are currently often disadvantaged by the poor availability of affordable homes close to existing family or areas of potential employment. There are also likely to be indirect benefits for those with other protected characteristics who due to those characteristics find themselves to have lower incomes than might otherwise be the case.</p>
<p>Are there any Human Rights implications arising from the proposal?</p>	<p>None.</p>
<p>Are there any Crime & Disorder implications arising from the proposal?</p>	<p>None.</p>
<p>Are there any Health & Safety implications arising from the proposal?</p>	<p>None.</p>
<p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?</p>	<p>2. Ensuring a strong healthy and just society: The provision of affordable housing strongly supports this strategic objective, as it promotes justice and supports the health of those in housing need.</p> <p>3. Achieving a sustainable economy: The provision of affordable housing strongly supports this strategic objective, as it helps local communities retain and attract working age people who are economically active and therefore supports local enterprise.</p>

6. Risks Associated with the Proposed Decision

6.1 A risk assessment is provided in the table below.

Risk	Likelihood	Impact	Mitigation
Consultation on the SPD attracts significant objection, thereby damaging the reputation of SDNPA and/or undermining the adopted South Downs Local Plan.	3	2	The SPD itself provides clear links to the relevant adopted Local Plan policies, so there is built-in mitigation in respect of spurious objections. Should objections be made, these will be considered and the SPD appropriately revised to take account of concerns raised.
The SPD inadvertently presents conflicts with the development plan, for example conflicts with made Neighbourhood Development Plans.	3	2	The development plan will always take precedence over any SPD. If any especially problematic of this nature is identified, a review of the SPD may be necessary. However most such conflicts would be of a minor nature.

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Appendices

1. Draft Affordable Housing SPD

2. Draft SEA Screening Statement and draft HRA Screening Statement

SDNPA Consultees

Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning

External Consultees

None

Background Documents

[Partnership Management Plan](#)

[South Downs Local Plan 2014-33](#)

[Local Development Scheme](#)

[Statement of Community Involvement](#)

