

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

22 October 2007

**Report of the Director of Planning Transport and Leisure
and the Director of Health and Housing**

Part 1- Public

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken
by the Cabinet Member)**

**1 AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT (SPD)
CONSULTATION DRAFT**

This report sets out the key features of the Affordable Housing SPD consultation draft that has been prepared to amplify the Local Development Framework (LDF) Core Strategy Policy CP17 and provide developers with more detail on what the Council will expect to secure in terms of affordable housing provision in new residential development. The consultation programme is explained and the initial findings of the Sustainability Appraisal are also set out.

1.1 Background

1.1.1 The Core Strategy (adopted at the last Council meeting in September) sets out the Council's Affordable Housing Policy in Policy CP17. The purpose of this Supplementary Planning Document is to amplify this policy and provide developers with more detail on what the Council will expect to secure in terms of affordable housing in new residential development.

1.1.2 At the Local Development Framework Steering Panel on 26 March 2007, the Local Development Scheme Review – 2007 was agreed. The Local Development Scheme (LDS) is the Council's management plan for the preparation of the Local Development Framework and sets out which Local Development Documents are to be prepared. The current LDS commits the Council to preparing an Affordable Housing SPD with the first stage of targeted informal consultation taking place during November and December of 2007.

1.2 Summary of Key Points in the Affordable Housing SPD

1.2.1 A copy of the draft SPD accompanies this agenda. It has been prepared jointly between Planning, Housing and Legal Services. Within the context of national and regional policies and the LDF Core Strategy (especially Policy CP17), the SPD provides more detailed information on:

- What constitutes a qualifying site
- The amount and tenure of affordable housing to be provided
- The indicative mix of affordable housing
- Minimum design standards for affordable housing
- The nature of land disposal for affordable housing
- The price of affordable housing
- The availability of social housing grant
- Timing of the delivery of affordable housing
- Securing affordable housing through legal instruments
- Alternatives to on-site provision
- The process for delivering affordable housing
- Addressing special housing needs
- Meeting key and essential worker housing needs
- How applications for sheltered housing will be treated.

1.2.2 The SPD is set out in two parts. The main body of the text provides amplification of Policy CP17 and provides more detail on what the Council will expect to secure in terms of affordable housing in new residential development. The second part comprises the annexes which contain useful information to guide negotiations but do not technically form part of the SPD. This will enable them to be updated on an as-and-when basis as new guidance, research and best practice emerges.

1.3 Consultation Programme for the Affordable Housing SPD

1.3.1 Government Guidance requires local authorities to informally involve local communities and stakeholders in the preparation of SPD at an early stage and before the formal statutory consultation stage under Regulation 17 of the Town and County Planning (Local Development Regulations) 2004. The Council's Statement of Community Involvement makes it clear that in preparing SPDs targeted consultation will take place at an early stage on a draft of the document. The range of consultees at this stage will depend on the nature of the document, but in this case will include GOSE, SEERA, KCC, local parishes, Registered Social Landlords, the Homebuilders' Federation and other such similar bodies. This informal consultation is due to take place during November and early December.

- 1.3.2 The intention is to report back on the results of consultation to your meeting on 25 February 2008. The final version of the SPD will then have to be statutorily advertised under Regulation 17 and formal comments invited. A period of not more than 6 weeks is prescribed for this stage and this is programmed in the LDS during March and April. If there are no comments that require further revision then the SPD can be adopted, but if different matters are raised that require Members' consideration the SPD will need to be reported back to your meeting on 27 May with a view to adoption by Council on 8 July.

1.4 Strategic Environmental Assessment

- 1.4.1 Under the Planning and Compulsory Purchase Act 2004, Sustainability Appraisal is mandatory for all SPDs. When preparing SPDs, planning authorities must also conduct Strategic Environmental Assessments (SEA) in accordance with European Directive 2001/42/EC. The SEA process specifically relates to the assessment of potential significant environmental impacts resulting from the SPD.
- 1.4.2 Under the Environmental Assessment of Plans and Programmes Regulations 2004, a Local Authority, in consultation with the statutory consultees (Natural England, English Heritage and the Environment Agency), may make a determination that if there are unlikely to be significant environmental impacts associated with the SPD, then an SEA will not be required.
- 1.4.3 In August 2007, a Screening Opinion was sought from the Statutory Consultees as to whether the proposed Affordable Housing SPD would generate any significant environmental impacts and therefore need to be subject to the SEA process. Natural England determined that there would be no significant environmental impact, however the Environment Agency raised concerns over potential impacts dependent on the precise content of the SPD.
- 1.4.4 Due to the technical and procedural nature of the draft Affordable Housing SPD, officers concluded that significant environmental impacts were unlikely beyond that already assessed during the Core Strategy appraisal process. It is necessary for the Council to make a formal determination that an SEA is not required and to notify the statutory consultees and the general public accordingly.

1.5 Sustainability Appraisal

- 1.5.1 Regardless of the SEA process detailed above, there is still a need to undertake a Sustainability Appraisal. This is an iterative process to be carried out during the preparation of the SPD. An appraisal of the draft SPD has been carried out and the findings are attached for your information (**Annex 1**).
- 1.5.2 Any significant changes that may be proposed as part of the consultation process will then be subject to further sustainability appraisal. A Final Sustainability Appraisal Report will accompany the SPD at the stage of formal consultation under Regulation 17.

1.6 Legal Implications

- 1.6.1 The Council is committed to producing an Affordable Housing SPD in the 2007 LDS. This SPD will provide guidance on the legal instruments that can and are likely to be used to secure affordable housing through the planning system.

1.7 Financial and Value for Money Considerations

- 1.7.1 This SPD will provide important information to secure the amount and type of affordable housing that is needed in the Borough and represents good value for money in promoting and pursuing one of the Council's key objectives.

1.8 Risk Assessment

- 1.8.1 The main risk is that without this SPD what the Council will expect to secure in terms of affordable housing in new residential development cannot be so clearly set out and defined. Consequently, the amount of affordable housing delivered may be less than with this SPD formally in place to supplement the Council's planning policy.

1.9 Recommendation

- 1.9.1 The draft Affordable Housing SPD **BE APPROVED** for the purposes of targeted consultation as outlined in the report.
- 1.9.2 It be determined that a SEA is not required and the necessary notifications **BE MADE**.

The Director of Planning Transport and Leisure confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

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Core Strategy – Sept 2007

PPS3 and other related Government Guidance

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