

**LDC HOUSING WORKING PARTY
TASK NO.4
THE CONTENT OF SUPPLEMENTARY PLANNING GUIDANCE
RELEVANT TO THE PROVISION OF AFFORDABLE HOUSING**

Background

1. The Lewes Local Plan was adopted in March 2003. Its affordable housing policy (RES9 – attached as Appendix A)), remains the statutory policy for the District.
2. To accompany and expand upon this policy, in September 2003 officers drafted an Interim Supplementary Planning Guidance Note on 'The Provision of Affordable Housing as part of new residential development'. However, this Guidance was quickly superseded by central government's introduction of the 2004 spatial planning system, the release of associated new national Planning Policy Statements (particularly PPS3 – Housing), and by emerging housing policies in the draft South East Plan.
3. We now have a two-tier planning system, with Regional Spatial Strategies at regional scale and Local Development Frameworks (LDF's) at local scale together forming the development plan. Whilst district level housing numbers will be set by government in the South East Plan, the location and timing of these is set through LDF's
4. We are currently working on Lewes's LDF, particularly its Core Strategy. Rounds of public consultation led to the publication of the Core Strategy: Preferred Options document in September 2006. The latest expression of our affordable housing policy is contained within this document (Policy POH3 – attached as Appendix B)). The Preferred Options however represents an intermediate stage, as we work towards statutory adoption of the LDF Core Strategy (currently anticipated to be in 2010). As it stands, it carries little weight in the planning process.
5. In March 2007 the Council's Cabinet decided to update its adopted Local Plan policy (RES9), and adopt a minimum site size threshold of 15 dwellings for requiring affordable housing to bring it in line with national policy in PPS3. This remains the current situation.

The Status of Supplementary Planning Documents (SPD's)

6. Prior to 2004, the planning system in relation to supplementary planning guidance was less formalised, such that Council's could decide to adopt local guidance without exposing it to the rigours of consultation and assessment. Post 2004, the process is significantly

more formalised as set out in the government's Planning Policy Statement 12: Local Development Frameworks.

7. PPS12 says that Councils may prepare SPD's to provide greater detail on the policies in its LDF. SPD's should not however be prepared with the aim of avoiding the examination of policy which should be examined. PPS12 goes on to say that in fact that councils should not produce planning guidance other than SPD where that guidance is intended to be used in decision making – it would carry little or no weight in an appeal situation.
8. In other words, to be defensible, policy guidance has to be in the form of an SPD, and these have to be included in the LDF and thus form part of the formal planning framework for an area. They are subject to rigorous procedures of community involvement and sustainability appraisal, must be consistent with national and regional policy, and be in conformity with the LDF's Statement of Community Involvement.

Should Lewes produce an Affordable Housing SPD?

9. It would support the Council's eventual Core Strategy policy so the short answer is, yes. However, there are a number of other considerations. Firstly, there ought to be a strategic planning policy off which the SPD can 'hang'.
10. The Local Plan Policy is now out of date, and the Core Strategy: Preferred Options policy POH3 is insufficiently advanced in the planning process to carry much weight. In any event, it may need amendment to respond to the emerging South East Plan and national requirements, and must be tested through public examination. Logically, the publication of an SPD should therefore follow on from the adoption of a related Core Strategy policy.
11. Secondly, if we want to do an SPD, it will need to be formally included as part of a revised Statement of Community Involvement and the Council's Local Development Scheme. These have to be agreed with the Government Office for the South East (GOSE).
12. Thirdly, planning policy team resources are limited and are fully focussed on developing the LDF Core Strategy through to public examination (anticipated to be in 2010). Diversion of resources to preparing supplementary documents would unacceptably displace this work.

The Way Forward

13. Investigations have been made by officers in Housing and Planning Policy over the summer to ascertain what examples of affordable housing SPD have been drafted by other Local Authorities (LA's). This information gathering exercise is on-going. Assessment of the SPD's

obtained has been informative in regard to the criteria used such as site size thresholds, affordable housing quotas and mix, grant availability and space standards etc.

14. Review shows that other LA.'s are clearly at different stages in their LDF preparation, with varying levels of resource and urban / rural spread. Thus a variety of approaches is evident to affordable housing policy. This will need further work with a view to preparing a future affordable housing SPD for Lewes related to an adopted Core Strategy policy in the medium to long term.
15. Whilst in the short term officers could draft a paper for Cabinet agreement setting out local affordable housing guidance to be used as a tool for planning negotiations, it is apparent that PPS12 steers us away from that. Further, it would carry little or no weight at appeal, and it is therefore considered that it would be not a sensible use of staff resources.
16. Nonetheless it would be useful and appropriate to continue with preparatory work on an affordable housing SPD in anticipation of Core Strategy adoption.

Recommendations

That the Housing Working Group endorses the following approach;

- That the LDF Local Development Scheme and Statement of Community involvement be revised to include the preparation of an SPD on Affordable Housing following the completion of the LDF Core Strategy, and that this be submitted to GOSE for approval.
- That officers continue to investigate good practice emerging from other local authorities to inform the preparation of an Affordable Housing SPD related to affordable housing policy in the LDF Core Strategy.

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