



Northumberland

County Council

CABINET

DATE: 10 SEPTEMBER 2019

NORTHUMBERLAND SUPPLEMENTARY PLANNING DOCUMENTS SCOPING CONSULTATION: PLANNING OBLIGATIONS; AND AFFORDABLE HOUSING

Report of Rob Murfin, Director of Planning

Cabinet Member: Councillor John Riddle, Portfolio Holder for Planning, Housing & Resilience

Purpose of report

This report informs Members of the intention to consult on two scoping documents for proposed Supplementary Planning Documents (SPDs). One in respect of Planning Obligations and one in respect of Affordable Housing.

Recommendations

It is recommended that Cabinet note the proposed approach to planning obligations and affordable housing, and approve the Supplementary Planning Document (SPDs) Scoping Documents for public consultation.

Link to Corporate Plan

The proposed Supplementary Planning Documents (SPDs) are aligned to the priorities outlined in the Corporate Plan 2018-21 “A Council that Works for Everyone”. In particular the SPDs are relevant to ensuring efficiency and openness. Planning obligations secured

using the proposed SPDs could be applicable to the key themes of living, enjoying, connecting and learning.

Key issues

1. Planning Services is seeking to update and ratify the Council's approach to planning obligations and affordable housing.
2. As set out in the draft Northumberland Local Plan, it is the Council's intention to supplement certain policies in the Plan with additional guidance in the form of Supplementary Planning Documents (SPDs). SPDs do not introduce new policy but provide non-statutory guidance and interpretation on the implementation of policies contained within the Development Plan. SPDs are a material consideration in planning decisions.
3. The two proposed SPDs subject of this report, relate to planning obligations and affordable housing. They will complement and dovetail with each other, in order to provide users with detailed guidance and good practice. They will be applicable to a number of policies in the Local Plan, but particularly they will supplement the following Northumberland Local Plan Policies:
 - Policy HOU 2 - Provision of new residential development
 - Policy HOU 5 - Housing types and mix
 - Policy HOU 6 - Affordable housing provision
 - Policy HOU 7 - Exception sites
 - Policy INF 6 - Planning Obligations
4. In advance of the preparation of the SPDs, it is the intention to consult on two Scoping Documents to seek views and comments from stakeholders in respect of the guidance and information which should be contained in the respective SPDs.

Background

1. Addressing the unacceptable impacts of development is usually dealt with through the use of planning conditions. Developers have to comply with any conditions attached to their planning permission. Where it is not possible to address unacceptable impacts through planning conditions (for example "off-site" issues), planning obligations can be used.
2. Planning Obligations are secured through a Section 106 legal agreement. They can be financial or non-financial, but are commonly referred to as 'developer contributions'. They serve to mitigate the impacts of new development, and ensure that it is acceptable in planning terms. Planning obligations can be used to support

the delivery of a wide range of infrastructure, services and facilities, including the provision of affordable housing.

3. The emerging Northumberland Local Plan is currently subject to independent examination by the Planning Inspectorate with public hearings likely to take place later this year. Upon anticipated adoption, the Plan will provide the statutory development plan policy basis for seeking planning obligations.
4. The proposed SPDs are envisaged as setting clear expectations for new housing, and in some cases other development, in respect of affordable housing and wider planning obligations such as in respect of healthcare and education. They will provide advisory guidance and will explain how and why respective requirements are calculated. In the case of developer contributions, it is intended that they will also explain how the money collected will be spent in order to address the impacts of development.
5. The SPDs will provide further detail on procedural matters, potentially helping to expedite the planning process and the delivery of affordable homes. Furthermore, the SPDs will ensure effective monitoring arrangements are in place.
6. The scoping document consultation is non-mandatory, but is considered to be good practice. Subject to Cabinet approval consultation is scheduled to commence on the 25th September 2019 and run for 6 weeks, concluding on the 6th November 2019. Draft SPDs will then be prepared and will be subject to required public consultation under the Town and Country Planning (Local Planning) (England) Regulations 2012. In light of comments received during consultation, the SPDs will then be reviewed and finalised before they can be formally adopted.

Implications

Policy	New planning policies are emerging to update planning obligation requirements, through the emerging Local Plan and planned Supplementary Planning Documents. Key topics addressed via planning obligations include affordable housing, education provision, healthcare and second/holiday homes.
Finance and value for money	The costs associated with the consultation will be met from existing resources within the Planning budget
Legal	Contributions are collected in accordance with s.106 of the Town & Country Planning Act, the National Planning Policy Framework and Planning Policy Guidelines.
Procurement	NA
Human Resources	Planning obligations are dealt with by legal and planning services. Once enacted, government reforms to the system of

	developer contributions will mean a monitoring fee can be secured as part of an obligation agreement.
Property	Non financial planning obligations could potentially include property or land provided directly by a developer.
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	There are no equalities issues arising
Risk Assessment	A full audit of the s.106 process is planned. Updates to the planning policy approach will ensure compliance with national policy and regulatory requirements.
Crime & Disorder	NA
Customer Consideration	The development industry have been engaged in the preparation of the Local Plan, including in respect of work on the economic viability of development. There will be consultation on two scoping documents then further consultation on draft SPDs to ensure stakeholders have opportunities to shape the guidance.
Carbon reduction	The proposed SPDs will supplement the emerging Northumberland Local Plan. The Local Plan includes the overarching objectives and policies relating to climate change and carbon reduction.
Wards	All

Background papers:

Northumberland Local Plan Submission Draft Plan May 2019

Northumberland Supplementary Planning Document Scoping Document- Planning Obligations

Northumberland Supplementary Planning Document Scoping Document- Affordable Housing

Report sign off.

	Full Name of Officer
Monitoring Officer/Legal	Liam Henry
Service Director Finance & Interim S151 Officer	Alison Elsdon
Relevant Executive Director	Paul Johnston
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Portfolio Holder(s)	John Riddle

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**APPENDIX A - DRAFT PLANNING OBLIGATIONS SUPPLEMENTARY
PLANNING DOCUMENT (SPD) SCOPING DOCUMENT**



Northumberland
County Council

Northumberland Local Plan

Planning Obligations
Supplementary Planning Document
DRAFT Scoping Document

If you need this information in Large Print, Braille, Audio or in another format or language please contact us:

(Telephone) 0345 600 6400

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1. Introduction

1.1. About this consultation document

- 1.1.1. The Council is proposing to prepare a Supplementary Planning Document (SPD) to provide guidance on the use of planning obligations in Northumberland. The Northumberland Planning Obligations SPD will provide further detail on Policy INF 6 (Planning Obligations) and other cross cutting policies in the emerging Northumberland Local Plan. Upon adoption its guidance will be a material consideration in the Council's decision making on planning applications.
- 1.1.2. This consultation document sets out the Council's initial views on the scope and content of the proposed SPD and is seeking feedback on that proposed coverage, prior to preparing a draft SPD for consultation.
- 1.1.3. Alongside consulting on the scope and content of the proposed Planning Obligations SPD, the Council is also consulting on the scope and content of a proposed Affordable Housing SPD. The two SPDs will cross-reference each other where relevant. Affordable Housing is intentionally intended not to be addressed in detail in the Planning Obligations SPD.

1.2. How to get involved

- 1.2.1. The Council is seeking your comments at this stage in order to ensure the Planning Obligations SPD is fit for purpose and is prepared in a transparent way. Specific consultation questions have been included within this document to identify the issues that the Council would particularly welcome views on.
- 1.2.2. Consultation on this scoping document is taking place over a six week period between 25th September 2019 and 6th November 2019.
- 1.2.3. Comments in response to the consultation document can be submitted online or by returning a response form by email or by post. The Council is encouraging people to submit their comments online or via email but response forms are available from libraries, customer information centres and County Hall, or can be downloaded from the Council's website at www.northumberland.gov.uk/localplan. Details of how to respond to the consultation using these methods is provided below:
- 1.2.4. Online: Comments can be submitted via the consultation website at www.northumberland.gov.uk/localplan;
- 1.2.5. Email: planningstrategy@northumberland.gov.uk
- 1.2.6. Post: Planning Policy, Northumberland County Council, County Hall, Morpeth, Northumberland, NE61 2EF.
- 1.2.7. All comments must be received by **5pm on 6th November 2019**.

1.3. What is a Supplementary Planning Document?

- 1.3.1. The main purpose of an SPD is to add further detail to specific policies contained within the Development Plan. They do not set or introduce new policy but provide guidance on the interpretation and implementation of Development Plan policies.
- 1.3.2. SPDs are prepared by the Council in consultation but are not subject to independent examination in the way that a Development Plan document, (such as the Local Plan or a Neighbourhood Plan) would be. The regulatory framework for adopting an SPD is set out in the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#).
- 1.3.3. Once adopted, the content of an SPD is a material consideration when making decisions on planning applications.

1.4. What are Planning Obligations?

- 1.4.1. Planning Obligations are often referred to as Section 106 legal agreements, in reference to the section of the Town and Country Planning Act 1990. They are used in order to mitigate the impacts of new development and make a development proposal acceptable in planning terms, that otherwise would not be acceptable.
- 1.4.2. Planning Obligations can take a number of forms. They can restrict the development or use of land in any specified way; require specified operations or activities to be carried out in, on, under or over the land; require land to be used in a specified way; or require a sum or sums to be paid to the authority (also known as developer contributions).
- 1.4.3. In the most part, addressing unacceptable impacts of development is dealt with through the use of planning conditions. Developers have to comply with any conditions attached to their planning permission. Planning obligations, should only be used where it is not possible to address unacceptable impacts through planning conditions.
- 1.4.4. Planning Obligations are commonly used to address issues in respect of the impacts of development on local infrastructure. In such instances planning obligations can be used to secure new or improved infrastructure, services and facilities, and where appropriate, cover their maintenance, to make a development acceptable in planning terms.

2. Policy context

2.1. The National Planning Policy Framework

2.1.1. The National Planning Policy Framework (NPPF) sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. The framework repeats the three legal tests in regulations i.e. that a planning obligation must be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

2.2. The Northumberland Local Plan

2.2.1. The Northumberland Local Plan will be a single new Local Plan for the whole of Northumberland and will replace all of the previous District and County Council Local Plan and Core Strategy documents. Once adopted, the Local Plan will become part of the Development Plan along with Neighbourhood Plans prepared by local communities. The Development Plan forms the statutory framework for future development of land and buildings.

2.2.2. There are a number of cross cutting policies which have the potential to be relevant in the case of seeking planning obligations. Specifically, the proposed SPD will supplement Northumberland Local Plan **Policy INF6 planning obligations** which states:

1. *Where it is not possible to address any unacceptable impacts of development through the use of planning conditions, planning obligations will be secured to ensure that otherwise unacceptable development can be made acceptable.*
2. *Planning obligations will be used, as necessary, to ensure that development meets relevant planning policy requirements set out in the Local Plan and any made neighbourhood plans.*
3. *Planning obligations may be used to secure the timely provision, and/or improvement and maintenance of any physical, social, community and green infrastructure and/or any mitigation and/or compensatory measures reasonably necessary to make a development acceptable in planning terms. This may include all or any of the following and any other reasonable measures that meet statutory requirements:*
 - a. *Affordable housing;*
 - b. *Measures to address highways, traffic and transportation impacts;*
 - c. *Provision and maintenance of SuDS schemes;*
 - d. *Sport, play and recreation provision;*
 - e. *Open space provision and maintenance;*
 - f. *Provision for schools and pre-school education;*
 - g. *Provision for primary healthcare;*
 - h. *Training and skills and local employment improvement programmes;*

- i. Provision of community facilities and services;*
- j. Measures to facilitate improvement in health and well-being*
- k. Environmental improvement and mitigation schemes;*
- l. Landscape improvement schemes;*
- m. Mineral and landfill site restoration and aftercare; and*
- n. Measures to mitigate development impact on designated habitats and species.*

2.2.3. The SPD will also be relevant other policies in the emerging Northumberland Local Plan, including:

- HOU4 Housing development site allocations
- Policy ENV 2 Biodiversity and geodiversity
- Policy WAT 4 Sustainable Drainage Systems
- Policy INF 1 Delivering development related infrastructure
- Policy INF 2 Community services and facilities
- Policy INF 5 Open space and facilities for sport and recreation

2.3. Neighbourhood Plans

2.3.1. A number of communities across the County have prepared or are in the process of preparing neighbourhood plans. Once 'made' (brought into legal force) these plans also form part of the statutory development plan. Further information on the neighbourhood plans which have been 'made' or passed referendum are available on the Council's website at

<https://www.northumberland.gov.uk/Planning/Planning-policy/Neighbourhood.aspx>.

2.3.2. The scope of neighbourhood plans varies. Policies which could be relevant to the proposed Planning Obligations Supplementary Planning Document include those in respect of mitigating the impacts of development and providing adequate infrastructure in support of new development.

2.4. Superseded Guidance

2.4.1. The existing saved policies of the previous District and County Council Local Plan and Core Strategy documents will be superseded by the Northumberland Local Plan. It is intended that the following SPDs are also superseded by the proposed Planning Obligations SPD.

2.4.2. [Wansbeck Provision for Sport and Play SPD](#)

2.4.3. [Tynedale New Housing: Planning Obligations for Sport and Play Facilities SPD](#)

2.5. A Northumberland Community Infrastructure Levy

- 2.5.1. The Community Infrastructure Levy (CIL) is a fixed rate tariff, charged per square metre of new development. CIL can be used to fund a wide range of infrastructure required to support development across the local authority area.
- 2.5.2. As set out in the Local Plan, the Levy is viewed by the Council as a positive tool which could help support the delivery of the Local Plan and more particularly unlock opportunities for growth by helping to fund infrastructure required to support sustainable development.
- 2.5.3. An appraisal on the scope for introducing CIL and the levels at which it would be viable has been included in the Northumberland Local Plan and CIL Viability Assessment (November 2018). The Council will continue to investigate the benefits of introducing CIL and would anticipate progressing with this matter following adoption of the Local Plan.
- 2.5.4. Should a Northumberland CIL be adopted, appropriate measures would be put in place to ensure there could be no double charging between what is required under a planning obligation agreement and what is required under CIL.

3. Role and Scope of the Planning Obligations SPD

3.1. Role of the Planning Obligations SPD

- 3.1.1. The Planning Obligations SPD will provide guidance on how planning obligations will be used in Northumberland. It will be particularly relevant for decision makers and the development industry, including applicants, agents, developers and land owners. It may also be of interest to local communities which could be affected by development, and Town and Parish Councils. It is considered all of those involved should have the opportunity to inform the content of the Planning Obligations SPD.
- 3.1.2. The SPD will provide further details on why, when and how planning obligations will be sought. It will also have details of procedures, processes and the likely terms of any section 106 (or other) legal agreement. Accordingly, the SPD will improve transparency and serve to expedite the planning process.
- 3.1.3. As set out in the policies of Northumberland Local Plan, development can create a need for measures to mitigate impacts, or generate a need for new or improved infrastructure. The Planning Obligations SPD will help decision makers to ensure that development contributes positively towards enhancing the vitality of communities across Northumberland, supporting economic growth, and conserving and enhancing the County's unique environmental assets

3.2. Proposed scope of the Planning Obligations SPD

- 3.2.1. Planning Obligations can cover a wide range of infrastructure, mitigation and compensatory measures which are specific to individual development proposals. The intended scope of the SPD is not to address every possible planning obligation requirement, but instead to provide further details relevant to any planning obligation, and guidance in respect of the types of planning obligations most commonly used.
- 3.2.2. On this basis, it is proposed that the Planning Obligations SPD should include financial and non-financial planning obligations including in respect of:
- Open space, sport and recreation
 - Education
 - Healthcare
 - Ecological Mitigation
 - Second and Holiday Homes
 - Highways and Sustainable Transport
 - Sustainable Drainage (SUDS)
 - Other development specific requirements

- 3.2.3. As set out in para 1.1.3, affordable housing is intentionally intended not to be addressed in detail in the Planning Obligations SPD as this is subject to a proposed separate SPD.
- 3.2.4. Procedures and Processes
- 3.2.5. In respect of each obligation type, further guidance will be provided as appropriate, including in respect of any exemptions, thresholds, and how financial and non-financial contributions will be calculated.
- 3.2.6. The Planning Obligations SPD will also provide details of processes and procedures such as in respect of pre-application advice, drafting and finalising of agreements, viability, timing of payments, indexation and fees.
- 3.2.7. Monitoring
- 3.2.8. In accordance with government reforms of developer contributions, Northumberland County Council is committed to effectively monitoring planning obligations ensuring transparency. The Planning Obligations SPD will include details of how planning obligations are recorded, how they are spent, clawback arrangements, monitoring and monitoring fees.

4. Proposed Content of the Planning Obligations SPD

4.1. The following sets out the suggested outline contents of the Planning Obligations SPD:

1. Introduction

Purpose of the SPD
Status of the document
Overview of the document structure

2. Background

Policy Context
Legal Context
Community Infrastructure Levy

3. Scope

Scope and Limitations

4. Planning Obligations

Types:

Affordable Housing (cross referencing proposed Affordable Housing SPD)
Open space, sport and recreation
Education
Healthcare
Ecological Mitigation
Second / Holiday Homes
Highways and Sustainable Transport
SUDS
Other development specific requirements

Thresholds / Trigger points

Exemptions

Financial and Non Financial contributions

How contributions will be calculated

How contributions will be spent

5. Viability

6. Process and Procedures

Pre application advice
Drafting and finalising of agreements
Timing of payments
Indexation
Clawback mechanisms
Fees

7. Planning Obligation Monitoring and Enforcement

Appendices

Standard forms and templates

Model agreements and clauses

5. Consultation and Next Steps

5.1. Consultation questions

5.1.1. We are seeking responses to the following questions in relation to the Northumberland Planning Obligations Supplementary Planning Document (SPD) scoping document:

Question 1

- a. Do you agree with the proposed role and scope of the Planning Obligations SPD as set out in sections 3.1 and 3.2 of this document?
- b. Please provide further comment if there is anything you would change in relation to the proposed role and scope of the Planning Obligations SPD.

Question 2

- c. Are there any specific procedural and or process related issues you consider should be covered by the Planning Obligations SPD which are not identified in this scoping document?

Question 3

- d. Do you agree with the proposed structure of the Planning Obligations SPD as set out in section 4 of this document?
- e. Please provide further comment if there is anything you would change in relation to the proposed structure of the Planning Obligations SPD.

5.2. Next Steps

- 5.2.1. Following the consultation on this document, a Draft Northumberland Planning Obligations SPD will be prepared. The feedback received from the consultation on this scoping document will be used to help inform the contents of the draft document.
- 5.2.2. The Draft Planning Obligations SPD will be published for a minimum four weeks of public consultation and feedback will be used to help finalise the SPD. The Council will then adopt the SPD and it will become a material consideration in making decisions on planning applications.
- 5.2.3. A Strategic Environmental Assessment (SEA) screening will be carried out prior to a consultation on the Draft Planning Obligations SPD to determine if there is a need to carry out an SEA. SPDs do not normally require Strategic Environmental Assessment (SEA) except in exceptional circumstances where there are likely to be significant environmental effects that have not already been assessed during the preparation of the Local Plan. The Council will consult the environmental assessment consultation

bodies on the result of the SEA screening and will make this information available during consultation on the draft SPD.

- 5.2.4. A full timetable will be identified for the preparation of this SPD following an analysis of the feedback from the consultation on this scoping document.



Planning Policy

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**APPENDIX B - DRAFT AFFORDABLE HOUSING SUPPLEMENTARY
PLANNING DOCUMENT (SPD) SCOPING DOCUMENT**



Northumberland
County Council

Northumberland Local Plan

Affordable Housing
Supplementary Planning Document
Draft Scoping Document

If you need this information in Large Print, Braille, Audio or in another format or language please contact us:

(Telephone) 0345 600 6400

(Typetalk) 018001 0345 600 6400

1. Introduction

1.1. About this consultation document

- 1.1.1. The Council is proposing to prepare a Supplementary Planning Document (SPD) to provide guidance on affordable housing in Northumberland. The Affordable Housing SPD will provide further detail on the planning policies that relate to affordable housing provision in the emerging Northumberland Local Plan. Upon adoption, its guidance will be a material consideration in the Council's decision-making on planning applications.
- 1.1.2. This consultation scoping document sets out the Council's initial views on the scope and content of the proposed SPD, and seeks feedback on that proposed coverage prior to preparing the draft SPD for consultation.
- 1.1.3. Alongside consulting on the scope and content of the proposed Affordable Housing SPD, the Council is also consulting on the scope and content of a proposed Planning Obligations SPD. The two SPDs will cross-reference each other where relevant.

1.2. How to get involved

- 1.2.1. The Council is seeking your comments at this stage in order to consider what guidance should be contained in the Affordable Housing SPD and ensure it is prepared in a transparent way. Specific consultation questions have been included at the end of this document focusing on the issues that the Council would particularly welcome views on.
- 1.2.2. Consultation on this scoping document is taking place over a six week period between 25th September 2019 and 6th November 2019.
- 1.2.3. Comments in response to the consultation document can be submitted online or by returning a response form by e-mail or by post. The Council is encouraging people to submit their comments online, but response forms are available from libraries, customer information centres and County Hall, or can be downloaded from the Council's website at www.northumberland.gov.uk/localplan. Details of how to respond to the consultation using these methods are provided below:
 - Online: Comments can be submitted via the consultation website at www.northumberland.gov.uk/localplan
 - E-mail: planningstrategy@northumberland.gov.uk
 - Post: Planning Policy, Northumberland County Council, County Hall, Morpeth, Northumberland, NE61 2EF
- 1.2.4. All comments must be received by **5pm on 6th November 2019**.

1.3. What is a Supplementary Planning Document?

- 1.3.1. The main purpose of an SPD is to add further detail to specific policies contained within the Development Plan. They do not set or introduce new statutory policies, but provide non-statutory, advisory, supporting guidance on the interpretation and implementation of the Development Plan's policies. An SPD may address a particular topic or it may provide guidance on the development of a specific site or area.
- 1.3.2. SPDs are prepared by the Council in consultation with the community, but are not subject to independent examination in the way that a statutory Development Plan Document (such as the Local Plan or a Neighbourhood Plan) would be. The regulatory framework for preparing and adopting an SPD is set out in the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#).
- 1.3.3. Once adopted, the contents of an SPD are a material consideration when assessing and making decisions on planning applications.

1.4. What is Affordable Housing?

- 1.4.1. The meaning of affordable housing, in planning terms, is defined in the glossary of the National Planning Policy Framework (NPPF). It formally defines affordable housing as:

“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 [see [NPPF glossary](#) for full definitions]:

- *Affordable housing for rent*
- *Starter homes*
- *Discounted market sales housing*
- *Other affordable routes to home ownership”*

2. Policy context

2.1. National Planning Policy Framework

- 2.1.1. The [National Planning Policy Framework](#) (NPPF, February 2019) sets out the Government's overarching stance on key planning policy matters and is a material consideration in planning decisions. In particular, it requires planning policies to reflect the size, type and tenure of housing needed for different groups in the community, including for those who require affordable housing, while also setting out expectations for that affordable provision to be on-site unless alternative off-site provision or financial contributions in lieu can be robustly justified¹.
- 2.1.2. The NPPF also sets out the approach to facilitating affordable housing through Entry-level Exception Sites providing 100% affordable homes for first-time buyers and renters², and small-scale Rural Exception Sites for predominantly affordable housing³.
- 2.1.3. As set out previously, the glossary of the NPPF importantly defines what is affordable housing in planning terms.

2.2. Northumberland Local Plan

- 2.2.1. The [Northumberland Local Plan](#) will be a single new Local Plan for the whole of Northumberland and will replace all of the previous District and County Council Local Plan and Core Strategy documents. Once adopted, the Local Plan will become the principal part of the overall Development Plan, along with Neighbourhood Plans prepared by local communities, which together forms the statutory framework for future development of land and buildings in the County.
- 2.2.2. The following key policies relevant to affordable housing provision are included within the Housing chapter of the Northumberland Local Plan - Publication Draft Plan (Regulation 19) (January 2019), together with supporting explanatory text:
- **Policy HOU 2 - Provision of new residential development**
Overarching strategic policy supporting the delivery of new open market and affordable dwellings in a range of tenures, types and sizes.
 - **Policy HOU 5 - Housing types and mix**
Encourages the provision of a range of good quality, energy-efficient homes, including affordable homes, to deliver a more balanced mix of tenures and housing types and sizes.
 - **Policy HOU 6 - Affordable housing provision**

¹ NPPF paragraphs 61-64.

² NPPF paragraph 71 and glossary.

³ NPPF paragraphs 77, 145f/g and glossary.

Strategic policy setting out the Council's affordable housing requirements by location, tenures and types to help meet the County's identified needs; that the affordable provision should be secured through a legal Section 106 planning obligation agreement to ensure they remain affordable in perpetuity; and the approach to alternative off-site contributions and financial contributions. The supporting text advises that "*further guidance on affordable housing provision and associated financial contributions will be set out in a forthcoming supplementary planning document (SPD)*".

- **Policy HOU 7 - Exception sites**

Sets out the approach to enabling affordable housing through Entry-level Exception Sites and Rural Exception Sites.

2.3. Neighbourhood Plans

2.3.1. A number of communities across the County have prepared or are in the process of preparing neighbourhood plans. Once 'made' (brought into legal force) these plans also form part of the statutory development plan. Further information on the neighbourhood plans which have been 'made' or passed referendum are available on the Council's website at <https://www.northumberland.gov.uk/Planning/Planning-policy/Neighbourhood.aspx>.

2.3.2. The scope of neighbourhood plans varies, however there are a number of policies which could be relevant to the proposed Affordable Housing Supplementary Planning Document.

3. Role and Scope of the Affordable Housing SPD

3.1. Role of the Affordable Housing SPD

- 3.1.1. The Affordable Housing SPD will provide guidance on how affordable housing related policies in the Local Plan should be interpreted and applied. It will be particularly relevant for decision makers, applicants and professionals involved in planning applications for housing development, supporting them in responding positively to the county's identified needs for affordable housing. The guidance within the SPD may also be of interest to local communities, including Parish and Town Councils and community-led housing groups. It is considered that all those involved with new housing development should have the opportunity to inform the content of the Affordable Housing SPD.
- 3.1.2. The role of the SPD will be to ensure that clear expectations are set out for new housing developments in Northumberland in terms of contributing to the provision of affordable housing to meet the area's needs, which is considered to be fundamental to placemaking. Guidance within the document will also seek to inform the planning application process for seeking planning permission. It is anticipated that the SPD will help to provide clarity and improve collaboration between all those involved with the provision of affordable housing through new housing developments.

3.2. Proposed scope of the Affordable Housing SPD

- 3.2.1. It is proposed that the Affordable Housing SPD should include the following:
- Explanation about what affordable housing is, the alternative types and tenures;
 - Explanation of Northumberland's affordable housing requirements;
 - Guidance on the provision of affordable housing within planning applications for housing development, including building upon current [technical paper](#) guidance on the viability value areas mapping for affordable housing;
 - Explanation about the use of Section 106 planning obligation agreements for securing affordable housing provision and their retention in perpetuity (in accordance with the NPPF);
 - Guidance on how S106 commuted sums from developers for affordable housing in lieu of on-site provision will be calculated (currently set out in the affordable housing [protocol](#)⁴);
 - Guidance on the process for applying for S106 monies from the affordable housing developer fund (as per the protocol);
 - Guidance on applying for, the buying, selling and renting of Discounted Market Value (DMV) affordable homes.

⁴ The Council's Cabinet previously adopted a formal protocol in January 2017 setting out the approach to calculating the commuted sums required from developers through Section 106 agreements, together with guidance on applying for monies from this S106 developer fund for spending on affordable housing projects. An updated version of this protocol will be prepared and incorporated into the Affordable Housing SPD.

4. Proposed structure of the Affordable Housing SPD

4.1. The suggested structure of the Affordable Housing SPD content is outlined as follows:

1. Introduction

- Purpose of the SPD
- Status of the SPD
- Preparation of the SPD and stakeholder engagement
- Overview and scope of the SPD and its structure

2. What is affordable housing?

- Definition of what is affordable housing
- The value of and need for affordable housing
- Affordable housing and self/custom housebuilding

3. National and local policy context

- National Planning Policy Framework and Planning Practice Guidance
- Northumberland Local Plan
- Neighbourhood Plans
- Northumberland Housing Strategy

4. Affordable housing needs and viability

- Strategic Housing Market Assessment (SHMA) - summary
- Local housing needs assessments
- Viability of delivering affordable housing - value areas mapping

5. Provision of affordable housing

- Calculating affordable housing requirements
- Vacant building credit calculation - reuse and demolition of vacant buildings
- On-site provision
- Alternative off-site provision - sequential approach to location
- Financial contributions in lieu - commuted sums protocol
- Tenure mix
- Pre-application and outline planning application agreements in principle
- Registered Providers

6. S106 planning obligations and agreements - overview

- Securing affordable housing provision through S106 agreements
- Negotiation of S106 agreements
- Viability and development appraisals - developer viability assessments

7. Applying for funding for affordable housing projects

- Sequential approach to spending S106 affordable housing monies
- Affordable Housing S106 Developer Fund application process and application form

8. Buying, selling and renting Discounted Market Value homes

- Buying DMV properties
- Selling DMV properties
- Renting DMV properties

5. Consultation and Next Steps

5.1. Consultation questions

5.1.1. We are seeking responses to the following questions in relation to the Affordable Housing Supplementary Planning Document (SPD) scoping document:

Question 1

- a. Do you agree with the proposed broad role of the Affordable Housing SPD as set out in section 3.1 of this document?
- b. Please provide further comment if there is anything you would suggest changing in relation to the proposed broad role of the Affordable Housing SPD.

Question 2

- c. Do you agree with the proposed general scope and coverage of the Affordable Housing SPD as set out in section 3.2 of this document?
- d. Please provide further comment if there is anything you would suggest changing in relation to the proposed general scope and coverage of the Affordable Housing SPD.

Question 3

- e. Do you agree with the proposed general structure of the Affordable Housing SPD as set out in section 4 of this document?
- f. Please provide further comment if there is anything you would suggest changing in relation to the proposed general structure of the Affordable Housing SPD.

5.2. Next Steps

- 5.2.1. Following the consultation on this document, a draft Affordable Housing SPD will be prepared. The feedback received from the consultation on this scoping document will be used to help inform the contents of the draft document.
- 5.2.2. The draft Affordable Housing SPD will then be published for a minimum four weeks public consultation and feedback will be used to help finalise the SPD. The Council will then formally adopt the SPD and it will become a material consideration in making decisions on planning applications.
- 5.2.3. A Strategic Environmental Assessment (SEA) screening will be carried out prior to a consultation on the draft Affordable Housing SPD to determine if there is a need to carry out an SEA. However, SPDs do not normally require Strategic Environmental Assessment (SEA) except in exceptional circumstances where there are likely to be

significant environmental effects that have not already been assessed during the preparation of the Local Plan. The Council will consult the environmental assessment consultation bodies on the result of the SEA screening and will make this information available during consultation on the draft SPD.

- 5.2.4. A full timetable will be identified for the preparation of this SPD following an analysis of the feedback from the consultation on this scoping document.



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