

Draft Affordable Housing Supplementary Planning Document (SPD) – Consultation Draft (March 2022)

Schedule of Consolidated Representations and Proposed Responses

<u>Document, paragraph or section reference</u>	<u>Representation type</u>	<u>Summary of representation(s)</u>	<u>Consultee and representation reference (ahxxx)</u>	<u>Councils' Response</u>	<u>Councils' Proposed Changes</u>
General Comments					
	General	The SPD is based on pre pandemic Housing Needs Assessment- another Housing and Economic Needs Assessment is required to have the up-to-date evidence for this SPD to reflect current housing need.	Northam TC 187, Livewest 260, Braunton PC 102	The SPD does not alter the policies of the Local Plan, nor revise evidence of housing need. Outside of the preparation of the SPD, the Councils are embarking on a review of a local plan and an update of the housing needs evidence.	No change to the SPD required.
	General	The result of Covid 19 has been to remove tenants for Air BnB to gain greater returns. The second result is the attraction of seaside resorts to owners who can work from home, inflating house prices.	Helen Brookhouse 224, Terry Elliott 11	The wider housing crisis and challenges with accessibility to appropriate housing, worsened by the housing market changes since Covid, is recognised. The SPD only provides guidance around the policy provided in the local plan and is unable to alter principles or approaches.	No change to the SPD required.
	General	There is lack of affordable housing and affordable lets in the Ilfracombe area. If I take the example of Ilfracombe there are very few available sites and if even a small development	Carolyn Weeks 195 William Taper 196, Terry Elliott 3	The limited delivery of affordable housing with respect to need across northern Devon is recognised. The SPD does not have the ability to amend the level or nature of affordable housing to be provided;	No change to the SPD required.

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		is possible there should be a commitment to affordable housing.		this is established through the local plan.	
	General	When looking at affordable housing in hamlets, the whole community needs to be involved in the debate.	Barnabas Hurst Bannister 61	<p>Community led housing is becoming more popular in North Devon and this works on the involvement of the whole community as the very premise of the model.</p> <p>Neighbourhood planning also offers a route.</p> <p>In rural areas, affordable housing has traditionally been delivered through the use of 'rural exception sites' which are enabled through Policy ST19 of the local plan. The delivery of affordable housing in this way, would normally look to directly respond to the community need for affordable housing – often including the completion of a rural housing need survey involving local communities and the parish council. The Councils recognise that more recently, the inability to demonstrate a housing land supply has resulted in 'market led' housing schemes coming forward in rural areas that do not always result in housing that is seen to address community needs. The SPD can only provide guidance and does not have the ability to alter the wider approach to the delivery of</p>	No change to the SPD required.

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				affordable housing. Through the People and Place project, the Councils have embarked on the review and update of the local plan, which will provide the opportunity to consider how to address housing needs. The Councils recognise the importance and valuable contribution that communities can offer to this wider project. In regards individual planning applications, the community is encouraged to make representation.	
	General	Brownfield sites should be used first to address affordable homes. There may be significant opportunities to redevelop empty properties for residential use in Towns like Ilfracombe, in particular hotels. These properties have the potential to provide Town centre accommodation that is affordable to local people. This should be encouraged as a good use of local empty buildings rather than aim for a reduction in the affordable housing contribution.	Sue Taylor 192, Terry Elliott 3	The Local Plan recognises the stock of underused and empty housing provides an opportunity to meet northern Devon housing needs. Both Councils have adopted empty homes strategies; as explained in chapter 7 of the Local Plan. Equally, the plan does support delivery of affordable housing on all sites, be they greenfield or brownfield. The role of the SPD is limited to providing detail and clarity on the policies contained in the adopted local plan. It cannot introduce new approaches to the delivery of affordable housing, which are constrained by provisions of national planning policy – often limiting the scope for the delivery of affordable housing on brownfield sites, due to the imposition of thresholds and vacant building	No change to the SPD required.

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				credit. The People and Place project and the associated review and update of the local plan provides the mechanism to explore opportunities to further address the housing crisis.	
	General	There is no discussion of the Almshouse Association which provides affordable rented accommodation for those in need within a defined beneficiary group.	Colin McDonald 208	The SPD does not make explicit reference to individual delivery organisations for affordable housing. Although there is not an explicit reference to the Almshouse Association, it is recognised this as part of the Registered Providers as detailed in chapter 8.	No change to the SPD required.
	General	Acknowledgement the SPD may help in ensuring an increase in the delivery of affordable housing.	Cllr Pearson 227	Noted. The wider housing crisis and challenges with accessibility to appropriate housing is recognised. Whilst the SPD cannot fundamentally change the approach taken to the delivery of affordable housing across northern Devon, the detail provided in the SPD is intended to provide clarity to all parties involved so as to ensure that opportunities for delivery are maximised and the outcomes best focussed on meeting identified needs.	No change to the SPD required.

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General	General Comment	Applications should more strongly take into account Neighbourhood Plans.	Sue Taylor 193	The Councils recognise the value that Neighbourhood Plans can bring to the planning process. Planning legislation affords them the same status as the local plan in decision making and therefore they have significant role to play. A minor amendment is suggested to the SPD in order to recognise the role of neighbourhood plans.	Amend final sentence in paragraph 2.2 to read “The principal element of the development plan within North Devon and Torridge is the adopted North Devon and Torridge Local Plan 2011-2031, although there are also other documents relating to minerals and waste, along with neighbourhood plans in some areas.”
	General	No mention of Active Travel or the negative impact of health and well-being on unsuitable housing. No mention of using the most sustainable building materials in construction of affordable homes.	Emily Harper Devon CC and Public Health Devon 251, 255, 257	The Councils expect affordable housing to be built to a high standard of design, as per the wider provisions of the local plan; including a range of considerations relating to the creation of sustainable places. Paragraph 5.41 of the SPD recognises the importance of this. The SPD focusses on providing guidance specific to the delivery of affordable housing and the associated policies provided in the local plan. Wider matters such as active travel, health and well-being, along with sustainable design and construction apply to development more widely and are covered by other policies of the plan. Changes to policy approaches on these matters are outside of the scope of	No change to the SPD required.

				the SPD and would need to be made through alterations to the local plan.	
Section 1 - Introduction					
1.6	Support	There needs to be watertight clauses to set the level of affordable housing so that the final construction of affordable units is not reduced due to viability concerns. Affordable housing is delivered during the construction of the site as a whole. Delivery of affordable housing should not be delayed until the end of the construction phase. There needs to be social housing rented housing included in the balance.	Tim Hamilton Miller 62, Sue Taylor 188, Braunton PC 91	It is recognised that it can be frustrating when the level of affordable housing provided through a development is reduced in response to consideration of development viability. The ability to alter a proposal on this basis is however provided through national planning policy and is accepted practice. The local planning authority would be acting unreasonably to not provide the ability to vary a proposal on this basis. The Councils do ensure that they are robust in their consideration of development viability so as to secure the maximum level of affordable housing as possible. The local plan requires that affordable housing be delivered 'broadly in step' with the market housing on a development. The Council does not routinely allow the affordable housing to only be delivered at the culmination of construction, rather requiring it to be phased as development progresses. The Council does however have to act reasonably and has to be mindful that development finance would	No change to the SPD required.

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				<p>often not allow for the affordable housing to be delivered in advance of any other development.</p> <p>Section 5 (paragraphs 5.46 and 5.47) seek to ensure that affordable housing delivery is not left till the end of development delivery and that on-site delivery is prioritised.</p>	
1.7	General	<p>Social housing levels have been decimated. There appears to be no commitment from local councils to tackle the problems that have led to the huge shortage in social housing. Development of affordable housing to buy will not address the local housing crisis, social housing stock needs to be replenished. For many people their circumstances will mean they will never be in a position to buy.</p>	Braunton PC 91	<p>It is recognised that there is need for more affordable housing to be delivered, which may be through the planning system and other mechanisms. The SPD can however only support delivery of affordable housing as provided for in the current Local Plan. The issues will of course be revisited through the Local Plan update.</p> <p>Of note, while the Councils approach to the delivery of affordable housing supports the supply of affordable home ownership, the evidenced need is focused on homes provided on the basis of social rent.</p>	No change to the SPD required.
1.11	General	<p>An objective should be to increase the level of social housing – social housing does not appear anywhere in the objectives.</p>	Braunton PC 92	<p>National planning policy uses the term “affordable housing” rather than the more historic traditional term of “social housing”. Affordable housing is now used as the umbrella term for the forms of housing that are intended to provide for those whose needs are not met by the market.</p>	<p>Add paragraph to follow 1.11 to read:</p> <p>“In achieving these objectives, the intention is to ensure that opportunities for the delivery of affordable housing are optimised</p>

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				<p>A key objective of the local plan is indeed to provide a range of affordable housing to meet local needs. The objectives set out in the SPD are intended to be more specific and explain the purpose of providing the detailed guidance, rather than to repeat this wider objective which is intended to be explained by the preceding text in chapter 1. The Council does recognise that the text could benefit from ‘closing that loop’ back to the overarching objective which could be addressed by introducing a statement to follow paragraph 1.11.</p>	<p>within the constraints to the adopted local plan and national planning policy.”</p> <p>Add clarification at 4.1 that “affordable housing can also be known as social housing”.</p>
1.11	Support	With regards to 1.11(b) – Clarity required: what will this mean for the consultation process?	Braunton PC 92	The stated objective is not intended to result in changes to any pre-existing consultation process. It is simply to recognise that the provision of detailed guidance should result in a better shared understanding of requirements that should in turn result in a more efficient process.	No change to the SPD required.
1.11	Support	With regards to 1.11(d) - How will this ensure that the 30% affordable target can be met. It is evident from previous planning applications that the 30% affordable target is met at	Braunton PC 92	The SPD will not be able to ensure that the 30% affordable housing requirement can be met in all circumstances. There are a range of external factors that impact on the ability for proposals to achieve that requirement. The Councils are	No change to the SPD required.

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		pre-application, but the developer later makes a case that it cannot be met due to viability and the affordable element is usual removed.		unable to prevent the revisit of development viability at the application stage, as this is a mechanism supported by national planning policy. The Councils do however ensure that any variation to provision on the basis of viability is robustly justified and independently appraised to ensure it is legitimate.	
1.11	Support	With regards to 1.11(e) - It is evident from previous planning applications that social housing is identifiable due to higher density, size and location. We support this objective to ensure that affordable housing is integrated effectively within development sites.	Braunton PC 92	The support for the objective is welcomed. The local plan contains provisions that seek to ensure that affordable housing is visually indistinguishable from the market housing and that it is effectively integrated into the wider development.	No change to the SPD required.
Section 2-Policy Context					
Table 2.1 Recommended Housing Mix	Object	The overall housing mix is noted although it is thought that post Covid conditions there is a greater demand for 1-bedroom properties. I don't recognise this level of need represented in these figures. We have an incredible level of housing need for families in Ilfracombe.	Terry Elliott 12, North Devon Homes 64	The wider housing crisis and challenges with accessibility to appropriate housing is recognised. The SPD can only provide guidance around the policy provided in the local plan and not alter principles or approaches. The Councils will be commissioning new research on housing need as part of the People and Place project to inform the review and update of the local plan, which provides the opportunity to	No change to the SPD required.

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				revisit ways that the planning system may be able to help further.	
2.1	Object	Any development above a low threshold should have an element of affordability. Create a low threshold for any development over say 5 houses that one unit must be affordable. In fact, given the housing need I think that most developments agreed via the local plan should be for social housing only or truly affordable to buy. Local housing need should be a priority.	Terry Elliott 3	<p>The Councils have adopted the lowest possible thresholds for requiring affordable housing in both urban and rural areas; with the threshold being for developments over 5 dwellings in the rural areas. This is outlined in paragraphs 5.3 and 5.4 of the SPD.</p> <p>The Councils are unable to insist that all housing proposals to provide only social (rented) housing or only affordable homes to buy. The Councils seek to ensure that they maximise the delivery of affordable housing provided through development proposals, within the constraints and limitations set out by national planning policy. The Councils will revisit ways that the planning system may be able to help further through the People and Place project and the review and update of the local plan.</p>	No change to the SPD required.
2.12-2.14	General Comment	The level of affordable homes should include homes to rent	Terry Elliott7 and 8, Braunton PC 101, Northam TC 172 and 173	The Councils do prioritise the delivery of affordable housing to rent – with planning policy in the local plan (clause (7) of Policy ST18) setting the starting point to be that 75% of the affordable housing sought to be for social rented homes.	No change to the SPD required.

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2.16	General Comments	<p>The ND&T Local Plan is known to be failing in its strategic aim to deliver a balanced local housing market as shaped by the HENA dated 2016. More recent evidence in the Braunton HNA details actual current local need which is not addressed by Local Plan or government interventions in the housing market.</p> <p>The Local Plan does not appear to achieve its objective around local housing need</p>	Braunton PC 102, Terry Elliott 9	<p>The Councils recognise that the local plan, and hence the planning system, is unable to fully meet the level of affordable housing need that is found across northern Devon, or indeed in many individual local communities; acknowledging that development viability limits the scale of affordable housing that can be secured.</p> <p>The local plan contains provisions (Policy ST17) that seek development proposals to provide a mix of housing that meets locally identified needs (subject to consideration of development viability and local context). The Councils ordinarily refer to the Housing and Economic Needs Assessment (HENA) to establish the appropriate mix that should be sought (including the size of dwellings). The local plan and the SPD provide the ability to make use of more local evidence to inform and influence the housing mix of a proposal, including more local housing needs surveys and assessments. Whilst there are always circumstances that may influence the mix of housing provided by an individual development, the local plan has been effective in seeking to influence</p>	No change to the SPD required.
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				this in order to make it better match housing need.	
2.18	General Comment/ Objection	<p>The ND&T Local Plan has not kept up to date with planning law changes, nor have developers built out to the required number of units resulting in the LP being silent on policies relating to housing. This has resulted in developers arguing for and being granted 10% affordable contribution as per the NPPF.</p> <p>10% for affordable home ownership is not enough given local demand and the huge shortfall between North Devon average wages and house prices. The percentage should be higher alongside a higher number for social rent bringing the total to 40%.</p>	Braunton PC 103, Terry Elliott 17	The Councils do not believe that the local plan is out-of-date, or that it is considered silent on policies relating to housing; although it recognises that some new provisions have been forthcoming through national policy (such as that stated in relation to the requirement for affordable home ownership). The Councils have sought to make use of provisions in national policy to not implement the provisions for 10% affordable home ownership as it was considered that this would prejudice the ability to best meet identified local needs which are biased towards a need for social rented housing. The Councils are unable to currently seek to increase the overall percentage of affordable housing sought from development as this is established through the local plan and is predicated on an assessment of development viability. The Councils will revisit opportunities to maximise the affordable housing secured from development through the People and Place project and the review and update of the local plan.	No change to the SPD required.
2.20	Objection	Rural developments should always have percentage	Terry Elliott 3	Paragraph 2.20 relates to the provision of housing in defined 'Rural Settlements' in order to meet a	No change to the SPD required.

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		with a local connection policy.		<p>specific identified local need under provisions provided by Policy DM24 of the local plan. Dwellings allowed in accordance with this policy are intended to be provided in response to the needs of a specific identified household with a local connection. The local plan requires that any dwellings allowed in accordance with the provisions of this policy will be subject to secure arrangements to ensure occupancy by those with a local connection (including arrangements to allow a cascade of occupancy to surrounding areas).</p> <p>With respect to wider affordable housing provision, the Councils do seek to secure priority of occupation for those with a local connection in rural areas. This is secured through a section 106 agreement which will provide a local connection cascade in priority order of parish to adjoining parishes to district. This is detailed in paragraphs 5.58, 8.16, 8.17 and 8.18 of the SPD.</p>	
2.22	General Comment	2.22 emphasises the relevance of the HENA as the main evidence base, paragraph 5.27 references local housing needs surveys. Suggest a reference to local HNS in	Colin McDonald 209, Livewest 260	As noted, the Councils support the use of more local housing need information where this is robust and up to date. The Councils support the suggestion of an addition in section 2 to reference other local housing need evidence.	Insert paragraph to follow Table 2.1 to read “There is sometimes more localised evidence of housing need for particular communities across northern Devon which can be useful for

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		<p>2.22 to acknowledge that finer detail can be available outside the HENA?</p> <p>The HENA quoted is now out of date and therefore needs to be updated to form a reference point for this SPD.</p>		<p>The Councils do not agree that the HENA is out-of-date for planning purposes – particularly in relation to the mix of housing sizes sought; recognising that changes to both household composition and the mix of housing stock are not rapid. It remains a robust basis, in lieu of other more up-to-date evidence for establishing needs. As part of the People and Place project and the review and update to the local plan, the Councils will be seeking to commission updated evidence on housing need and demand.</p>	<p>informing the appropriate mix of housing.”</p>
2.23	Support	<p>Housing need should be looked at on both a macro and micro level- where schemes deliver in excess of policy levels of affordable housing that is demonstrated to meet housing need and is supported by a local employer/ stakeholder the mix at the micro level should be assessed on the merits of the proposals made - particular reference should be made where a registered provider is</p>	<p>North Devon Homes- Tim Hamilton Miller 63</p>	<p>The wider housing crisis and challenges with accessibility to appropriate housing is recognised and the Councils will support schemes that contribute to the delivery of affordable housing where they are appropriate.</p> <p>The delivery of levels of affordable housing in excess of policy requirements, as part of an individual development proposal, would be a material planning consideration that would be weighed in the determination of that planning application. The local plan cannot seek provision of affordable housing about the level established through policy and it would therefore be</p>	<p>No change to the SPD required.</p>

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		directly involved with promoting the application		inappropriate for the SPD to provide guidance advocating such an approach. Support offered by a local community or employer is always welcomed, as is the early involvement of a registered provider in a proposal as this can enhance certainty and likelihood of delivery. It is not necessary or appropriate for this to be addressed within the SPD as it is simply a matter to be considered, if deemed material, in the planning balance for an individual planning application.	
2.24-2.25	Objection	Altair report not in public domain and should be published.	Braunton PC 105 and 106	The North Devon and Torridge Affordable Housing Research (the 'Altair report') was published in January 2022 in the Evidence Base section of the Councils' joint local plan website (https://www.torridge.gov.uk/ndt1p). A link was provided to the evidence on the webpage for the consultation on the Affordable Housing SPD and via Footnote 18 within the SPD, although it is recognised that these could have been presented more clearly.	Add the following additional sentence to the end of paragraph 2.25 "The research is published in the Evidence Base section of the Councils' joint local plan website www.torridge.gov.uk/ndt1p/evidence "
Section 3 - The Development Management Process					
3.1-3.8	General Comment	The early discussions around the development should include a legal requirement that the	Cllr Pearson 230, Terry Elliott 13 and 14	The local plan, in accordance with national planning policy, enables the scale and nature of affordable housing (along with other	No change to the SPD required.

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		developers understand their obligations to provide affordable housing and that they do not reduce the number of affordable units later in the process citing viability concerns.	Bideford TC 166, Northam TC 174 and 175 Braunton PC 107, Ilfracombe TC 238	obligations) to be varied on the basis of considering development viability. The SPD can only provide guidance in relation to the policy provided in the local plan and cannot alter principles or approaches.	
Section 4- What is affordable housing?					
Section 4	General Comment	The Draft SPD looks to provide an updated position and an amended definition of affordable housing to encompass further housing tenures/ products.	Livewest 258	The draft SPD does not alter the definition of affordable housing, which is established by reference to that provided through Annexe 2 to the National Planning Policy Framework. Rather, the SPD seeks to explain the different tenures of affordable housing, and which may be applicable and appropriate to the particular circumstances found across northern Devon.	No change to the SPD required.
4.1	Support	Specialist discount market sale products at 20% discount to market values can provide a valuable source of home ownership which keeps those on intermediate incomes in the area and prevent the leeching of talent to more affordable areas/areas with higher wages. Schemes that ensure the preservation of the 20% discount can provide this	Terry Elliott 19	The Councils acknowledge that providing discount market sale products with a 20% discount will increase home ownership and meet the needs of some households who are unable to access market housing for sale. With the ability to only secure a finite and limited supply of affordable housing insufficient to address the full identified affordable housing need across northern Devon, the Councils seek to prioritise the delivery of affordable housing to meet those most in need.	No change to the SPD required.

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		opportunity for future generations.		<p>Regrettably, this means seeking to address those with higher needs first and not those who are very close to being able to afford open market housing.</p> <p>The Council's evidence – the North Devon and Torrington Affordable Housing Research (the 'Altair report') demonstrates that a 20% discount from open market housing prices is not sufficient in order to make purchase achievable for those most in affordable housing need. The Councils consider that a higher level of discount is required in order to ensure discount open market housing is targeted to most effectively meet identified housing need. The evidence is provided at: https://consult.torrington.gov.uk/kse/folder/91956</p>	
4.1	Support subject to amendment	20% off local houses process does not make for affordable homes.	North Devon Homes 66	Agreed. The Council's evidence – the North Devon and Torrington Affordable Housing Research (the 'Altair report') demonstrates that a 20% discount from open market housing prices is not sufficient in order to make purchase achievable for those most in affordable housing need. The Councils consider that a higher level of discount is required in	No change to SPD required.

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				order to ensure discount open market housing is targeted to most effectively meet identified housing need. A “Purchase Power” approach is provided in order to establish the appropriate level of discount that should be applicable to a particular location within northern Devon (see paragraph 4.11 onwards).	
4.4		The rental market also needs to look at increased percentage discounts- 20% does not reduce the rents to affordable levels.	Braunton PC 109, Terry Elliott 16	The Councils recognise the challenges faced across the rental market and that properties are unaffordable to many. This is why the Councils prioritise the delivery of affordable housing for rent, at a social rent, which has a high level of discount from market rent. Where affordable housing for rent is secured at rents other than social rent, these are capped at local housing allowance in accordance with national provisions.	No change to SPD required.
4.4	Objection	The last two sentences appear to imply that the Councils will be relying on grant funding to make up the shortfall of affordable housing due to developer viability concerns.	Colin McDonald 210	Any grant funding is not considered in determining the level of affordable housing that can be secured directly from a market-led development proposal. It would not impact on the level of affordable housing secured and required through a legal agreement (s106). Grant funding may be utilised to increase the level of affordable housing provided on a development site, occasionally to	Amend the social rent element of paragraph 4.4 to clarify that it's not only affordable rent units that end up being grant funded. To ensure correct grammar, amend part (b) to read: “be provided by a landlord that is a registered provider.”

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				<p>result in the delivery of 100% of the housing as affordable housing.</p> <p>The reference to grant funding in this sentence is only because of the terminology usage i.e. the term “affordable rent” can only be used if the unit is grant funded (as per NPPF and capital grant funding guide).</p> <p>In reviewing the paragraph, minor grammatical and formatting errors were identified in part (b) of the paragraph which is corrected for legibility.</p>	<p>Move the content of paragraph 4.4 from the second sentence onward to be a new paragraph.</p>
4.5	Support subject to amendments	Homes that can be delivered on the basis of Discount Market Rent should be recognised where there is support from a key local stakeholder on the basis of staff retention/attracting new staff from outside of the area. Build to Rent homes can incorporate Discount Market Rent and provide a valuable ongoing resource of new stock which perform more efficiently than competing older conversions.	North Devon Homes 65	The Councils recognise that providing discount market rent products can help support the employment market and help maintain a local workforce. The Councils are always open to exploring new opportunities and approaches to the delivery of affordable housing. The ability for the Build to Rent product to meet local identified need is not currently fully understood and further research is required. The SPD does not have the scope to introduce new policy approaches or to change existing policy. This is a matter for the People	No change to the SPD required.

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				and Place project and the review and update of the local plan.	
4.6	Objection	There are references throughout the SPD to 'intermediate' housing which do not accord with the Annex 2 definitions of the Framework. In particular, paragraph 4.6 of the SPD states that " <i>Affordable housing provided with an element of purchase is referred to as 'Intermediate Affordable Housing for Sale'</i> ".	Rentplus 93	The Councils recognise that the references to 'intermediate' housing contained within the SPD do not fully accord with the terminology contained within current national planning policy. More recent national planning policy has been introduced subsequent to the adoption of the local plan which removed use of the term. The Councils recognise that this may be confusing to the reader and advocate that a change is made to the SPD to provide explanation for clarity.	Change paragraph 4.6 to "Affordable housing provided with an element of purchase is referred to in the Local Plan as intermediate affordable housing for sale."
4.7-4.8	Objection	Paragraphs 4.7 and 4.8 explain that the assessment of needs for affordable home ownership options is that contained within the Housing and Economic Needs Assessment 2016 ("HENA"). It also sets out that the Council has adopted an affordability threshold of 25% of gross household income being spent on housing costs. The approach taken in the HENA is now somewhat dated, as the amended Framework definition of	Rentplus 95	The Councils recognise that new products have come to market since the preparation of the local plan. The Councils will be seeking to commission updated evidence of housing need in support of the review and update of the local plan as part of the People and Place project.; providing the opportunity to consider new approaches or products to help address affordable housing need. As noted, the Councils' approach to considering household income was intentional, recognising the need to prioritise those in highest need and reflecting on the fact that the level of need	No change to the SPD required.

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		<p>affordable housing was not in place at the time of its preparation. The HENA therefore does not identify any need for affordable rent to buy housing (which is informed by an understanding of household income and the ability to raise a deposit, to arrive at a need figure). We therefore recommend an up-to-date assessment of housing need is undertaken in the near future, to provide a suitable evidence base to justify affordable housing proposals in the districts. It should also be noted that the HENA affordability threshold of 25% of gross income is somewhat low, and paragraph 4.8 suggests this is a deliberate approach to focus the assessment of need on those in greatest need. For those seeking affordable routes to home ownership, a higher threshold is likely to be appropriate, since these households are potentially</p>		<p>outweighs the likely opportunity for delivery.</p>	
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		better placed to “stretch” their budget (and in any event, may already be factoring expensive private sector rents into their budget). Rentplus would welcome the opportunity to discuss the approach to assessing affordable housing needs with the Councils in more detail			
4.9	Objection	Discounted Market Sales (DMS) Housing; It is recognised that the NPPF (Annex 2) stipulation of 20% market value discount is unrealistic to meet local affordability. Is it possible to have the Discounted Market Scheme on a leasehold property, especially linked to Community Land Trusts.	211 McDonald	<p>The Councils welcome the recognition that a 20% discount from market value is not sufficient to adequately address those in housing need across northern Devon.</p> <p>The Councils recognise the contribution that Community Land Trusts can make towards helping address housing need.</p> <p>With respect to supporting Discount Market Sales housing on a leasehold basis, the Councils default position will be for such housing to be provided on a freehold basis. Exceptionally the Councils can explore the provision of such housing on a leasehold basis if there are scheme specific considerations that suggest this is necessary and appropriate. These will be considered on a case-by-case basis</p>	<p>Amend paragraph 4.9 to read:</p> <p>“Discount Market Sales Housing (DMS) should be provided on the basis of 100% freehold property purchase. Exceptionally, the Councils can explore the provision of such housing on a leasehold basis if there are scheme specific considerations that suggest this is necessary and appropriate. These will be considered on a case-by-case basis and supported only where it is determined that there is a legitimate and justified position to do so. Any leasehold proposals must continue to ensure that the</p>

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				and supported only where it is determined that there is a legitimate and justified position to do so. Any leasehold proposals must continue to ensure that the property remains as affordable housing in perpetuity for future households and any required service charges must not render the property unaffordable.	property remains as affordable housing in perpetuity for future households and any required service charges must not render the property unaffordable.”
4.9- 4.20	Objection	<p>This entire section for Discounted Market Sales is based on research conducted by Altair but not published. It is unclear how NDC can propose such an approach without providing the research evidence. Discounted Market Sales (DMS) Housing - It is recognised that the NPPF (Annex 2) stipulation of 20% market value discount is unrealistic to meet local affordability.</p> <p>Areas have been split into Zones which will determine the level of discount allocated in each area. It is noted that Braunton has been split over two Zonal areas. Braunton East is in Zone 3 and Braunton West and Georgeham is in Zone 4. Why has Braunton been</p>	110 and 123 Braunton Parish Council	<p>The North Devon and Torridge Affordable Housing Research (the ‘Altair report’) was published in January 2022 in the Evidence Base section of the Councils’ joint local plan website (https://www.torridge.gov.uk/ndtlp/evidence). A link was provided to the evidence on the webpage for the consultation on the Affordable Housing SPD and via Footnote 18 within the SPD, although it is recognised that these could have been presented more clearly; especially by providing the link to the document through Footnote 15.</p> <p>Braunton has been split into two zones in recognition of differing house values. Geographical analysis was completed on a ward basis, with a differential identified between the prices in Braunton East and</p>	Add link to footnote 15 as part of reference to document to read: “; available at https://www.torridge.gov.uk/ndtlp/evidence ”

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		split over two Zones? What impact will this have on the discounted market values? The Altair research suggests that the Zones have been identified based on the average cost of housing. This implies that depending on which Zonal area you are in you will be entitled to a different level of discount, where is the evidence to support this?		Braunton West (see Chapter 4 of the Altair report). It is correct that a differing level of discount would be applicable to discount open market housing dependent upon which zone within which the property resides. This is intended to ensure that the discount best reflects the affordability of housing in those localities	
4.31	Support	Recognising that shared ownership products are unaffordable, agree that it is necessary to find alternative affordable products to address need; such as affordable houses to rent.	Terry Elliott 21	Noted. The Councils welcome the support for the approach set out in the SPD.	No change to the SPD required.
4.31	General Comment	There is a serious shortfall of affordable housing, with open market housing unaffordable to local families.	Russell Johnstone 197	The Councils recognise the significant issues with housing affordability across northern Devon and seek to maximise opportunities to secure affordable housing to meet identified needs. The SPD does not have the ability to increase the level of delivery achieved through development proposals, however it is intended to provide clear guidance and help ensure that the process of securing affordable housing is streamlined and efficient as possible.	No change to the SPD required.

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4.34-4.40	General Comment	The [Town] Council is concerned that this section appears to state that this form of Affordable Housing [First Homes] would not be introduced until it had been considered as a part of the Local Plan review, which had been approved by both Councils, though members were not aware that any such approval had been sought. The result of this delay to the allotment of proportions of Affordable Housing would be to reduce the numbers available.	Northam TC 176	The Town Council is correct in recognising that the SPD does state that the Councils intend to defer the consideration of the introduction of the First Homes affordable housing product to the review and update of the local plan. The Council's evidence – the North Devon and Torridge Affordable Housing Research (the 'Altair report') shows that the default level of discount that could currently be applied to First Homes would not result in a product that would address affordable housing need in northern Devon. The Councils consider that it is necessary to introduce any higher level of discount through the review and update to the local plan and that even then, the maximum allowable level of discount is unlikely to provide a product that is affordable to households in need in northern Devon. The deferral of the introduction of the First Homes product is not considered to prejudice the ability to address affordable housing needs, with the Discount Market Sale product addressing similar needs in a genuinely affordable manner.	No change to the SPD required.
4.34	General Comment	Suggest that a higher level of discount for First Homes may be justified for	Colin McDonald 207	The Councils concur that a higher level of discount will be required in order to allow First Homes to be an	No change to the SPD required.

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		northern Devon but recognise that this would need to be justified with evidence. Question whether evidence provided through the Altair report may be able to assist.		<p>effective product at meeting housing need across northern Devon. The North Devon and Torridge Affordable Housing Research (the 'Altair report'), whilst not commissioned for the purpose of establishing the discount for First Homes, does serve such a purpose, demonstrating that applying the default discount of 30% would not result in a product that would not be suited to effectively addressing identified housing need across northern Devon. Having considered the national First Homes provisions, the Councils have determined</p> <p>that the most legitimate way to consider the routine implementation of First Homes for northern Devon is as part of the review of the North Devon and Torridge Local Plan which was formally instigated by resolution of the Councils in late 2020. This approach recognises the need to robustly consider the wider policy implications of introducing First Homes and to legitimise the formal introduction of the additional local requirements necessary in order for the product to meet identified local needs.</p>	
4.35	Support subject to amendment	The principle of First Homes is acknowledged however it is challenging to	North Devon Homes 68	The Councils recognise that the introduction of the First Homes product and the associated	No change to the SPD required.

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		capture a local connection requirement. For this reason, Discount Market Sale (with nil grant and nil Homes England conditions) should be prioritised in order to preserve these homes for those with a local connection in order to preserve communities going forward.		provisions need careful consideration in order to ensure that the product will effectively help to meet identified housing need. Having considered the national First Homes provisions, the Councils have determined that the most legitimate way to consider the routine implementation of First Homes for northern Devon is as part of the review of the North Devon and Torridge Local Plan which was formally instigated by resolution of the Councils in late 2020. This approach recognises the need to robustly consider the wider policy implications of introducing First Homes and to legitimise the formal introduction of the additional local requirements necessary in order for the product to meet identified local needs.	
4.35	General Comment	Consider that the requirement for First Homes (25%) of the affordable element, is likely to result in delivery of affordable housing that is not best tailored to meeting local affordable housing need and that affordable housing to rent should continue to be prioritised.	Terry Elliott 22	The Councils recognise the importance of providing affordable housing for rent in northern Devon, having, based on evidence of housing need, prioritised this tenure for delivery through the local plan. The Councils recognise that the introduction of the First Homes product and the associated provisions need careful consideration in order to ensure that	No change to the SPD required.

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				<p>the product will effectively help to meet identified housing need. Having considered the national First Homes provisions, the Councils have determined that the most legitimate way to consider the routine implementation of First Homes for northern Devon is as part of the review of the North Devon and Torridge Local Plan which was formally instigated by resolution of the Councils in late 2020. This approach recognises the need to robustly consider the wider policy implications of introducing First Homes and to legitimise the formal introduction of the additional local requirements necessary in order for the product to meet identified local needs.</p>	
4.36-4.37	Support/Objection/General Comment	It is good that the scheme's discount is in perpetuity, but it is questioned the First Homes scheme allows enough flexibility for northern Devon housing needs.	Terry Elliott 23 Braunton PC 133 Ilfracombe TC 240	<p>The Councils acknowledge the concerns about the First Homes product and whether they are likely to deliver a product that best meets the housing needs of northern Devon's communities. Having considered the national First Homes provisions, the Councils have determined that the most legitimate way to consider the routine implementation of First Homes for northern Devon is as part of the review of the North Devon and Torridge Local Plan which was</p>	No change to the SPD required.

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				formally instigated by resolution of the Councils in late 2020. This approach recognises the need to robustly consider the wider policy implications of introducing First Homes and to legitimise the formal introduction of the additional local requirements necessary in order for the product to meet identified local needs.	
4.40	Support	We note that in relation to First Homes the Councils' consider that a review of the DP is necessary (paragraph 4.40). For the reasons set out in this letter we concur.	PLC Planning 277	The Councils welcome the recognition and support that a review of the development plan is the appropriate mechanism for considering the introduction of First Homes product in northern Devon.	No change to the SPD required.
4.44	General Comment	Whilst Low-Cost Homes do not necessarily meet housing need they do meet market demand and therefore housing need (non-capital letters). By delivering homes to the open market that are efficiently sized those on the first step of the housing ladder can remain in an area where they might otherwise be priced out of. Energy efficient compact new homes will also provide better accommodation than older	North Devon Homes 69	The Councils recognise the value of 'lower cost housing' in helping to address wider issues of housing affordability. Policy ST17 of the local plan requires that the mix of housing provided through development proposals, including the type and size, should reflect identified local housing needs (subject to a range of caveats). The Councils make use of this policy to seek a mix of housing (in terms of sizes) on development proposals that are reflective of wider housing need (both market and affordable).	Add an additional sentence at the end of paragraph 4.44 "However, as Policy ST17 of the local plan requires that the mix of housing provided through development proposals, including the type and size, should reflect identified local housing needs (subject to a range of caveats), the Councils will make use of this policy to seek a mix of housing (in terms of sizes) on development proposals that are reflective of wider

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		conversions with low energy credentials. Low-Cost Homes should therefore be encouraged, although not counted towards Affordable components.			housing need (both market and affordable).”
Section 5 –Delivery of Affordable Housing on Development Sites					
5	General Comment	Public Health Devon supports robust policies to ensure there is a mix of housing opportunities in terms of tenure, size and affordability.	Public Health Devon 252	The Council welcomes the support offered to this aspect of the SPD.	No change to the SPD
5.1	Support	As is evidenced in other local authority areas the affordable percentage based on Unit Numbers can be a blunt tool which impacts negatively on delivering housing need - a percentage based on Habitable Room percentages of affordable/private can deliver better outcomes for a local authority where there has been effective input into scheme design from a locally active Registered Provider.	North Devon Homes 70	The approach to the level of affordable housing required by a development is fixed through the local plan and cannot be altered through the SPD, which is only able to provide guidance on adopted approaches. The consideration of alternatives is a matter for the local plan review which is being taken forward through the People and Place project.	No change to the SPD
5.1	Objection	Consider the text box giving the strapline for ST18 is too prescriptive	PCL Planning 275	Agreed. It is recognised that the text provided in the box at the beginning of chapter 5 is not fully	Amend the text box following paragraph 5.1 to read: “Subject to a range of

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		and does not include the caveat discussed in paragraph 7.31 in the Local Plan		representative of the policy position provided through Policy ST18 of the local plan; not reflecting the caveats provided through the policy.	considerations, the starting point is to require 30% of the total number of units on qualifying development sites (Policy ST18).”
5.2	General	I think it would be helpful to insert a sentence here on how one is to interpret 30% for rounding purposes. Is it 'at least' 30%, therefore rounding up to the next whole number, or 'approx' 30%, therefore rounding up or down to the nearest whole number. I suspect it is neither as I see a reference elsewhere to the residual element being taken as a commuted sum which implies that it is always rounded down.	212, McDonald	The Councils seek a financial contribution in the case where the percentage of affordable housing does not result in a whole number of dwellings. Detail on the approach is provided in Chapter 11 – Financial contributions towards the off-site delivery of affordable housing - where chapter 11.6 states “A financial contribution may also be required where the affordable housing provision required by policy generates a fraction.” In real terms this means the units are initially worked out in numbers on-site and then if there is a fraction this is achieved by an off-site contribution. Chapter 5 is only introducing the thresholds for the affordable housing with percentages and the need for financial contributions considered to be adequately covered elsewhere in the SPD.	No change to the SPD required.
5.4	General Comment	The wording suggests that the threshold of 11+ and of contributions for 6 -10 dwellings as currently defined Policy ST18 are	Braunton PC 134,	Paragraph 5.3 of the SPD explains that national planning policy relating to thresholds for securing affordable housing on development sites was amended subsequent to the	No change to the SPD required.

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		being set aside. The threshold will be 10+ and on-site contributions for 6 - 10 dwellings. Is this correct? If so, the paragraphs should be revised to clearly state the policy changes.		adoption of the local plan and that clause (1) of Policy ST18 contains provisions to allow for the set aside of the thresholds contained within the policy in such circumstances. Accordingly, the Councils apply the thresholds provided through national planning policy as set out in paragraph 5.4 of the SPD. The Councils consider that the SPD already provides sufficient clarification on this matter.	
5.4	Support	Agree that the 30% threshold on all sites (outside and inside DRA) should be party to robust measures to ensure this percentage is delivered.	Braunton PC 135 Terry Elliott 25 Cllr Pearson 228 Ilfracombe TC 242	The Councils recognise the need to robustly seek the delivery of affordable housing through development sites in accordance with the adopted development plan. The Councils do adhere to the policy requirements to seek 30% affordable housing from qualifying development sites, however, need to have regard to the provisions of the policy that allow for deviation on the basis of development viability. Where a case is made for variation on this basis, the Councils do routinely seek independent review of the viability evidence to ensure that the position is legitimate. Where discrepancies are identified the Councils robustly challenge the assumptions and seek increases in the level of affordable housing where deemed appropriate.	No change to SPD deemed necessary.

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5.5	General Comment	Parish and Town Councils should have access to the price paid for land and when it was bought to be able to comment effectively on viability issues.	Bideford TC 167, Northam TC 181	In accordance with national best practice, the Councils routinely publish the detailed viability appraisal information submitted by applicants in support of their planning applications. As such, interested parties, including town and parish councils, routinely have access to the information provided to the local planning authorities on the viability of individual proposals. The price paid for land is not a factor in the consideration of development viability, rather being based upon the existing use value of the land.	No change to the SPD required.
5.7	Objection	Why is Fremington included in a list which is otherwise towns within northern Devon. If Fremington is included why is Holsworthy, Winkleigh, South Molton and Ilfracombe excluded?	Phil Parker 97	The Councils recognise that the inclusion and exclusion of particular places may seem obscure. As explained in paragraph 5.6 of the SPD, the determination of whether an individual place is considered to be within a Designated Rural Area is established by reference to the definition contained within national planning policy; which in turn has regard to section 157 of the Housing Act 1985. Having regard to this definition, Fremington is excluded from being considered a Designated Rural Area, whilst Holsworthy, Winkleigh and South Molton are included.	No change to the SPD required.

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5.9	General Comment	<p>LiveWest have an ambitious development programme and are keen to see the delivery of Shared Ownership properties across both North Devon and Torridge. Whilst we appreciate that a large area of the two local authorities is covered by a Designated Protected Area, the restrictions on Shared Ownership sales, whether brought about by the application of a DPA or planning policy presents very real challenges, especially in respect of mortgage lending. A combination of the limited number of lenders willing to offer mortgages on restricted ownership means that it is harder for buyers to secure mortgages and those that do are faced with reduced affordability.</p>	Livewest 262	<p>The Councils welcome the commitment of registered providers to support the delivery of affordable housing in northern Devon and helping to tackle the housing crisis. In line with national provisions, The local planning authorities do have to protect the very limited amount of affordable housing stock in rural areas through the use of 80% stair casing restrictions to ensure its perpetuity for future generations.</p> <p>The use of alternative tenures are considered and are therefore an option, such as discounted market sale or affordable housing for rent. The local planning authorities do recognise the concerns of registered providers in relation to staircasing and do seek to support 100% staircasing in those rural settlements that have had high levels of expansion since the Designated Protected Area maps and boundaries were established.</p>	No change to the SPD required.
5.26- Tenure Mix	Objection	<p>PLC Planning Ltd contend this section is amending the Local Plan to the point of:- <i>Seeking to Avoid Affordable Home</i></p>	PCL Planning 265 and 276	<p>The Council is not seeking to remove or reduce flexibility, but rather to ensure that affordable housing that is delivered best meetings local needs. The NPPF provides an opportunity for exclusion from the requirement</p>	Amend paras. 5.24-5.26 to provide additional detail as to the basis for not applying the national 10% affordable home ownership provision

	<p><i>Ownership 6.1 The emerging document also attempts to set out a justification to avoid the implementation of Government policy across the plan area, principally paragraph 65 of the Framework. This is another example of seeking to remove/reduce flexibility and is unjustifiable. The document states: “Accordingly the councils have taken the opportunity provided through national planning policy to not apply the 10% home ownership requirement” (paragraph 5.26) 6.2 Paragraph 65 of the Framework post-dates the adoption of the DP. The Framework is therefore an important material consideration in making planning decisions and, in this respect (i.e. the tenure split of affordable provision), the DP is out of date. Planning decisions must have regard to that out of date status and the importance of paragraph</i></p>		<p>for 10% affordable home ownership on major development on the basis that it would <i>significantly prejudice the ability to meet the identified affordable housing needs of specific groups</i>; with Paragraph 61 of the NPPF establishing that “<i>those requiring affordable housing</i>” are within the scope of “<i>different groups in the community</i>” and that their tenure requirements should be reflected in planning policies.</p> <p>The Strategic Housing Market Assessment update identified the significant scale of affordable housing need across northern Devon; the need for affordable housing in each district being 57% (North Devon) and 58% (Torridge) of all newly forming households. More recently, the HEDNA identifies a need for a high propensity of social and affordable rented housing (80%).</p> <p>Introducing a 10% affordable home ownership requirement to the policy requirement of 30% would translate into an affordable tenure split of 33.3% home ownership / 66.6% social rented. It is clear from the evidence referenced above that the application of this requirement would</p>	<p>(as per Council’s response – see left).</p>
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		<p><i>65 as prevailing Government policy that carries significant weight in decision making. 6.3 The caveat set out at paragraph 65 is: ‘...or significantly prejudice the ability to meet the identified needs of specific groups.’ 6.4 The Councils have not published any clear evidence that demonstrates that the identified needs of any specific group would be prejudiced. Nor can this caveat simply be adopted on a ‘plan wide’ basis.</i></p>		<p>result in an increasing range of affordable housing needs not being met, and that the outcome provided by a 10% home ownership requirement would significantly prejudice the Councils’ ability to address affordable housing needs. The approach would result in the provision of affordable housing that could not be accessed by those households most in housing need.</p> <p>Recognising that evidence demonstrates a high level of need for the social rented tenure, the delivery of which would be prejudiced by the NPPF requirement for affordable home ownership, the NPPF’s opportunity for exclusion from the 10% home ownership requirement as part of the affordable housing mix on qualifying development sites will therefore be applied.</p> <p>The Councils see no reason in national planning policy as to why the exemption cannot be applied to northern Devon in its entirety; recognising that the delivery of affordable housing is an acute issue for communities across northern Devon and not readily restricted to an individual geographical location.</p>	
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				<p>The use of the exemption was carefully considered when the provision was first introduced into national planning policy in 2019, with the justification for applying the exemption set out in a Practice Note at that time¹.</p> <p>The approach is not considered to be inflexible, as Policy ST18 does already contain provisions that allow for the tenure of affordable housing provision to be varied on the basis of development viability or identified housing need. A conscious decision was made during the preparation of the local plan to maximise the delivery of social rented tenure in lieu of the opportunity to deliver a higher overall yield of affordable housing. It is recognised that the provisions of national planning policy post-date the preparation of the local plan, however this does not render the relevant provisions of the plan to be out-of-date. The Council considers the position stated through the SPD to be legitimate and defensible. The Council does however recognise that the justification for applying the</p>	
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¹ Paragraphs 15-22 of Practice Note 1 - Application of Policy ST18: Affordable Housing on Development Sites (available via: <https://consult.torridge.gov.uk/file/5240320>)

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				exemption may not be fully clear within the SPD and amendment to paragraphs 5.24 to 5.56 is recommended in order to provide clarity.	
5.21	Objection	Concern that the SPD is seeking to introduce a requirement on tenure split that goes beyond that stipulated by policy; seeking at least 75% to be social rented.	PCL Planning 280	The Councils recognise that the wording stated in paragraph 5.21 “For calculations at least 75% should be social rent and the balance as intermediate.” may be open to misrepresentation and not reflect the Councils’ intent on this matter. The purpose of the statement was to highlight that where the percentage split does not result in whole numbers of dwellings, then there would be an expectation of the rounding up on the social rent element for the purpose of real life delivery; recognising that evidence indicates the priority need for social rented housing.	Amend final sentence of paragraph 5.21 to read: “ For calculations at least 75% should be social rent and the balance as intermediate. If a whole number is not generated then as Social Rent represents the highest need, the fraction should always be rounded up to the next whole number of Social Rent.”
5.21-5.26- Tenure Mix	General Comments	Four representations agree with this section <i>Accordingly, the Councils have taken the opportunity provided through national planning policy to not apply the 10% home ownership requirement as part of the affordable housing mix on</i>	Terry Elliott29, 30,31 Ilfracombe TC241, RentPlus94 PLC Planning 265	The Councils consider that retention of the initial tenure split of 75% social rented and 25% intermediate housing is appropriate and legitimate. The Council has carefully considered the application of the national planning policy requirement to provide 10% home ownership as part of the affordable housing mix on	No change to the SPD required

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		<p><i>qualifying proposals for open market housing.</i></p> <p>Rentplus and PLC disagree offering the following amendments:- Recommendation: amend the tenure mix to secure a 66:33 split between affordable rent and affordable home ownership, necessary for consistency with national policy.</p> <p>Argue that the available evidence demonstrates that a flexible approach that embraces the provisions of paragraph 65 is likely to assist scheme viability and enable both a higher quantum of affordable housing and a higher quantum of social rented housing to be provided than the Councils' inflexible approach that actually inhibits necessary development coming forward in a timely manner.</p>		<p>qualifying proposals of open market housing and have determined that it is likely to result in a situation whereby it's application would significantly prejudice the ability of the local planning authority to address affordable housing needs.</p> <p>Accordingly, the Councils consider it appropriate to invoke the exemption provided through national planning policy on this basis.</p> <p>An explanation for the basis of this conclusion was provided at the introduction of this national provision through the publication of an Affordable Housing Practice Note².</p> <p>The Councils recognise that a shift in tenure mix towards a higher level of affordable home ownership would be likely to yield higher levels of affordable housing overall and potentially provide improvements to development viability. However, the Councils consciously elected to prioritise the need to deliver social rented housing at the time of plan preparation in order to address those in greatest need.</p>	
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² Paragraphs 15-22 of Practice Note 1 - Application of Policy ST18: Affordable Housing on Development Sites (available via: <https://consult.torridge.gov.uk/file/5240320>)

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		<p>The LP Inspector carefully considered the matter of underperformance against target and sought to enshrine a flexible approach in the DP. Paragraph 65 builds on that flexibility. The Councils' inflexible and unlawful approach is counter-productive.</p>		<p>The Councils do not consider that this provides an inflexible approach. Policy ST18 of the local plan provides the ability to vary the scale and nature of affordable housing provision (and other infrastructure and planning requirements) on the basis of consideration of development viability, with the tenure capable of being further varied on the basis of identified local housing need. Accordingly, a case may be made to provide an alternative mix of affordable housing where it is considered appropriate.</p>	
5.27	General Comments	An updated HENA is required	<p>Braunton PC 137, Northam TC 182</p>	<p>The Council consider that the Housing and Economic Needs Assessment continues to provide robust evidence in order to inform the mix of housing sought through development proposals. The composition of households along with the stock of housing within the area which predominantly influence the size and type of dwellings required are not subject to significant change over time. The SPD and the local plan more widely do allow for other up-to-date evidence of local housing need to be utilised to inform development proposals where available and relevant. The Councils will be seeking to prepare updated evidence of identified housing need</p>	No change to the SPD required.

				for northern Devon as part of the People and Place project and the review and update of the local plan.	
5.28	Objection	Consider that the SPD is seeking to impose a new policy test on mix requirement that may not necessarily be reflective of locally identified needs	PCL Planning 274	The Councils do not consider that they are introducing a new policy test with respect to housing mix. Policy ST17 of the adopted North Devon and Torridge Local Plan establishes the policy requirement for development proposals to provide a housing mix (in terms of types, sizes and tenures) that are reflective of identified local housing needs (subject to consideration of site character, context and development viability. The supporting text to the policy in the local plan (7.12) indicates that development proposal should have regard to relevant up-to-date and robust evidence on this matter. The SPD seeks to simply sign-post to the most up-to-date northern Devon wide evidence that may be utilised to meet this policy obligation. It does not establish the policy position, but rather provides guidance in order to assist interested parties in meeting the policy requirements. As noted in paragraph 5.27 of the SPD, the Councils recognise that appropriate alternative evidence may be utilised to justify an appropriate housing mix	Amend second sentence of paragraph 5.28 to read: “In lieu of more locally specific evidence, the mix of dwellings sought in terms of bedsizes should be based upon the Housing and Economic Needs Assessment (May 2016). In the absence of alternative evidence and based upon this assessment, the following dwelling mix in terms of bedsize will be sought:..”

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				for an individual proposal. It is recognised that the wording provided within the SPD may not be fully clear that an alternative mix may be justified based on appropriate alternative evidence and amendment is proposed.	
5.28- 5.38 Size of dwellings and space standards	Support	Five representations supported the weight of affordable housing to be 3 and 4 bedroom to allow for family growth Two consultees challenge the statistics and argue for 1 or 2 bed units.	Cllr Pearson 232, 243, Terry Elliott33, 35, 199 North Devon Homes75	The sizes of dwellings sought through development proposals are based upon evidence of housing need; principally provided by the Housing and Economic Needs Assessment (GL Hearn, 2016). Accordingly, the mix is objective and reflects the needs of northern Devon's communities. Should more local evidence of identified housing need suggest that an alternative mix is appropriate then provisions of the local plan allow it to be varied on this basis.	No change to the SPD required.
5.30	Objection	Limiting flats to 4-6 units in a block restricts efficiency in construction and use. This line should be removed. Keyworker and specialist accommodation should be driven by design (eg Sellick Court, Mariners Court etc.).	North \Devon Homes 77, Russell Johnstone 198	Clause (8) of Policy ST18 in the adopted North Devon and Torridge Local Plan requires affordable housing to be "intermixed" across the site. This is in the interests of good place making, ensuring social cohesion and community integration. The Councils do however recognise that there is a need for properties to be clustered from a wider	No change to the SPD required.

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		More 3 and 4 bed homes needed for social rent		management perspective and from a practical construction perspective (particularly in the case of apartments). The limitation on numbers of apartments to be contained in one building is reflective of the need to prioritise alternate forms of affordable housing (i.e. houses and bungalows). It also supports the effective management of properties and allows appropriate integration of affordable housing into wider development proposals.	
5.36	Objection	Northam and Braunton consider that a Local Plan should be aspirational and should increase the size <i>The space standards are not sufficiently generous, the Councils should aspire to exceed national targets. The space standards should also specify garden dimensions/areas to ensure sufficient private outdoor space.</i>	Braunton PC 138, Northam TC 179	National planning practice guidance indicates that should local planning authorities wish to introduce floorspace standards then they should do so by reference to the nationally described space standard. Accordingly, the Councils do not readily have the ability to introduce requirements that exceed these standards. The Councils can explore the opportunity to do so, along with standards for private outdoor amenity space, as part of the People and Place project and the review and update of the local plan.	No change to the SPD required
5.38	Support	I fully support this and hope that economically this is achievable. Double bedrooms instead of tiny bedrooms where only one	Terry Elliott 35	The Councils welcome the support for the advocated approach which is intended to ensure flexibility of stock and accommodate growing families. In terms of achievability, it is	No change to the SPD required.

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		child can ever be accommodated would be fantastic (I've seen plenty of very small rooms with two children in them).		recognised that larger dwellings do invariably have an associated cost, which would be reflected in any consideration of development viability.	
5.38 / 5.39	Objection	Housing need can also be addressed for the Keyworker Groups in smaller units e.g., 1 bed 1 person at 37 or 39m2 and 2 bed 3 person homes. By delivering a broader range of unit types this will encourage more choice and mobility within the sector, and also allow some smaller, cheaper units to head will also result.	North Devon Homes 75	The Councils recognise that there cannot always be one approach that is appropriate to all circumstances. The provision to seek maximum bedspaces intends to provide maximum flexibility of occupation, ensuring that it can accommodate the widest range of needs and future proof-housing to some extent when households grow. Whilst the SPD advocates the application of maximum bed-space provisions, the Councils recognise that they may sometimes be a basis for an alternative, to be considered on a case-by-case basis supported by a sound justification. Suggest insertion of additional paragraph to recognise that the Councils may consider alternatives based on a sound justification.	Insert new paragraph following paragraph 5.39 to read: "The Councils recognise that there cannot always be one approach that is appropriate to all circumstances. The provision to seek maximum bedspaces is intended to provide maximum flexibility of occupation, ensuring that it can accommodate the widest range of needs and future proof-housing to some extent when families grow. Whilst the SPD advocates the application of maximum bed-space provisions, the Councils recognise that they may sometimes be a basis for an alternative which can be considered on a case-by-case basis supported by a sound justification."
5.37 & 5.38	Objection	Objection to the requirement that new properties are built to national space standards	270- PCL Planning	The SPD does not seek to impose the nationally described space standards on development; recognising that it is necessary to do	Amend paragraph 5.37 to read: "It is therefore

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		(paragraph 5.37)-This will increase costs over and above that which was assessed as part of the evidence base that underpinned the DP (i.e., these change will impose additional costs).		by prescribing such a requirement in the local plan. Rather, the SPD seeks to encourage the provision of affordable dwellings in accordance with the nationally described space standards, recognising the benefits of doing so for the end user and to facilitate the smooth transfer of dwellings to registered providers who often insist on such requirements. The Councils recognise that this may not be fully clear in the SPD and advocate a minor wording change.	important that <u>ideally</u> new properties will be built to..." Amend final sentence of paragraph 5.38 to read: "This means the highest number of bed-spaces per room (double bedrooms) will <u>be sought</u> :"
5.39	Objection	Objection to the requirement for affordable housing to be constructed to the maximum bedspace requirements for the size of dwelling This will increase costs over and above that which was assessed as part of the evidence base that underpinned the DP (i.e. these change will impose additional costs-paragraph 5.39).	271- PCL Planning	The SPD does not require affordable housing to be delivered to the maximum bedspace requirements. Rather the SPD seeks to do so on the basis of providing flexible housing stock that is best able to meet the housing needs of northern Devon's communities; reflecting the policy provisions set out in Policy ST17 of the local plan. As such, the SPD does not seek to introduce an additional unacceptable policy burden onto development.	No change to the SPD required.
5.40	General Comment	This point is covered in more detail in the Code of Measuring Practice, 6th Edition RICS, as updated.	North Devon Homes 78	Noted. The explanation of the Gross Internal Area (GIA) provided through the SPD is reflective of that provided in the nationally described space standards guidance. It is recognised that the RICS guidance provides a useful reference to measuring the	Amend paragraph 5.40 to include reference to RICS Code of Measuring Practice in proceeding sentence as follows: "The Code of Measuring Practice (RCIS) provides detailed guidance on

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				GIA and that a reference to the guidance would be beneficial.	what may and may not be included in the determination of the Gross Internal Area (GIA).”
5.41-Design	General Comment	There should be a policy on Climate Change to ensure that the design of the affordable housing are well designed to allow for more extreme weather patterns. This could be achieved by increasing energy efficiency in homes. There need to be standards, derived from and complying with the Climate Emergency targets, applied to the energy efficiency of these properties. This would have the added benefit of reducing the future energy bills of the occupants of Affordable Homes.	Emily Harper Devon CC 253 and 254, Northam TC 180	The Councils recognise the importance of addressing the climate emergency and the challenges that this brings – both in terms of the need for mitigation and adaptation, whilst also recognising the benefit this can bring to ongoing housing affordability. The adopted North Devon and Torridge Local Plan contains a range of policies associated to mitigation and adaptation to climate change; although it is recognised that given the subsequent declaration of Climate Emergencies there is likely that more can be done. The Affordable Housing SPD is unable to change policy or introduce new requirements, so is not the appropriate mechanism for introducing new provisions on this matter. The Councils have embarked on a review and update of the North Devon and Torridge Local Plan as part of the “People and Place Project” and this provides the appropriate opportunity to consider such matters.	No change to the SPD required.

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5.41	Support subject to amendment	Not always relevant to align market and affordable unit sizes for the reasons of preserving efficient size units in the affordable element. Affordable homes should promote fuel efficiency and adherence to National Space Standards, developers should be allowed to reflect market demand in the private offering in order to promote scheme viability.	North Devon Homes 79	The local plan contains provisions that seek to deliver a balanced local housing market for northern Devon; seeking to ensure that the housing meets community needs. Policy ST17 of the local plan provides policy provisions to manage the type, size and tenure of housing (both affordable and market) provided through development proposals to ensure that it reflects identified local housing needs (subject to consideration of site context and development viability). As such, the local plan does seek to influence the form of market housing to ensure that it too helps to meet local needs. The Councils recognise that there may be limited occasions where it is not appropriate for the floorspace of the affordable housing to be precisely aligned to that of the market housing provided and these would be considered on a case-by-case basis; however, the SPD cannot provide guidance for all eventualities.	No change to the SPD required.
5.41	Objection	The space standards are not sufficiently generous, the Councils should aspire to exceed national targets. The space standards should also specify garden dimensions/ areas to	Northam 178 and 180	National planning practice guidance requires that if local planning authorities are to introduce floorspace requirements then these should be by reference to the nationally described space standards and as such are not readily able to	No change to the SPD required.

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		ensure sufficient private outdoor space.		introduce standards that exceed this level. The Councils can explore the appropriateness and/or opportunities for increasing standards as part of the local plan review and update being carried out as part of the People and Place Project.	
5.41	General Comment	Consideration should also be given to traditional housing construction (e.g, cob) associated within the area in relation to sustainable housing, particularly in smaller developments within environmentally sensitive areas. With a focus on greener energy sources being fitted on all new affordable housing to ensure minimal running costs, which would help the emotional wellbeing of residents, living in a home they can afford to run, whilst helping the environment and movement toward a Carbon neutral future	Emily Harper Devon CC 254	The Councils recognise the value of traditional methods of construction and the benefits that this may bring about to all forms of development, including affordable housing. The local plan does contain some wider provisions that support sustainable methods of construction and approaches that reduce energy consumption. As these are matters that are applicable to all development and not just affordable housing, it is not considered appropriate to provide detailed guidance in the affordable housing SPD. The Councils will seek to examine this matter in more detail through the review and update to the local plan being carried out through the People and Place Project.	No change to the SPD required.
5.41	General Comment	Iffracombe wanted to ensure all affordable units are of the same design spec as open market units.	Iffracombe TC 245	The Council recognises the importance of parity between the specification and quality of the market and affordable housing. The local plan, and the guidance	No change to the SPD required.

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				contained within the SPD, seeks to ensure that this is achieved.	
5.44 – 5.49- Phasing		<p>Support for delivery of affordable housing to be phased alongside market housing. Qestion from one respondent (Braunton Parish Council) as to how this will be enforced.</p> <p>Support the phasing proposal that affordable housing should be delivered in-step with market housing. How do you propose to enforce this? We would suggest that each phase of development should contain 30% affordable housing within the mix.</p>	<p>Terry Elliot 36, 37,38</p> <p>Braunton PC 140,</p>	<p>The Councils welcome the support for the guidance provided on the timing of securing affordable housing as part of market-led development proposals. The phasing of the delivery of the affordable housing would be secured through appropriate clauses provided within a s106 (legal agreement) that is tied to the planning permission. This provides legally enforceable mechanisms which provide the Councils with mechanisms to seek redress if not adhered to.</p>	<p>No change to the SPD required.</p>
5.45	Support	<p>It is very important that affordable units are prioritised in any future developments so that this housing is completed early in the build. This mitigates against future challenges to viability or a developer failing to complete the affordable units as the development comes close to completion. We are pleased to see</p>	<p>Cllr Pearson 244</p>	<p>The Councils recognise the importance of ensuring that the affordable housing secured through a development is delivered. The Councils welcome the support for the proposed phasing guidance.</p>	<p>No change to the SPD required.</p>

		acknowledgment of this and plans in place to bring this about.			
5.46	Objection	PCL Planning take the view that the required phasing provisions are more aggressive than 'broadly in step'.	PCL Planning 273	<p>The Councils recognise that the guidance set out in the draft SPD may not be fully reflective of the policy provisions in clause (8) of Policy ST18 that seek for the affordable housing to be delivered 'broadly in-step' with the market housing. The intent was to support the early delivery of affordable housing in recognition of the housing crisis and best ensure that delivery of the affordable housing is realised. The Councils acknowledge that this may have resulted in guidance that were not in the spirit of the policy provisions.</p> <p>Revised guidance that is more aligned to the policy provisions, whilst still balancing delivery certainty, is advocated.</p> <p>The Councils also recognise that paragraphs 5.46 and 5.47, as worded, would also benefit from being amended for the purposes of simplification, rationalisation and clarification and changes are proposed on this basis.</p>	<p>Amend paragraphs 5.46 and 5.47 and insert new paragraph to follow to improve clarity and consistency and to reflect provisions that accord with the principle of delivery 'broadly in-step' with the market housing.</p> <p>5.46 For on-site provision of affordable housing: (a) on developments of up to 150 dwellings the Councils will require that: (i) 50% of the affordable housing dwellings have been completed and made available for occupation* by the developer prior to the occupation of 50% of the open market dwellings; and (ii) 100% of the affordable housing dwellings have been completed and made available for occupation* by the developer prior to the occupation of 75% of the open market dwellings; whilst</p>

					<p>(b) on larger developments of 150 dwellings or more, the Councils will require that:</p> <ul style="list-style-type: none">(i) 50% of the affordable housing dwellings have been completed and made available for occupation* by the developer prior to the occupation of 25% of the open market dwellings;(ii) 75% of the affordable housing dwellings have been completed and made available for occupation* by the developer prior to the occupation of 50% of the open market dwellings; and(iii) 100% of the affordable housing dwellings have been completed and made available for occupation* by the developer prior to the occupation of 75% of the open market dwellings. <p>* Completed in accordance with the Affordable Housing Scheme, having been connected to all main services and made available and fit for residential occupation.</p> <p>5.47 In all cases, where a commuted sum towards the</p>
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					<p>off-site delivery of affordable housing is secured, the Councils will require that:</p> <p>(i) 50% of the financial commuted sum for affordable housing has been paid to the local planning authority by the developer prior to the occupation of 50% of the open market dwellings; and</p> <p>(ii) 100% of the financial commuted sum for affordable housing has been paid to the local planning authority by the developer prior to the occupation of 75% of the open market dwellings.</p> <p>5.48 For the provision of Discounted Market Sales Housing (DMS), the developer must ensure that the dwellings are advertised, allocated and occupied in accordance with the relevant District's DMS Marketing and Allocation Procedure.</p>
5.50	General Comment	The whole process of assessing financial viability should be far more robust with financial viability concerns considered early in the planning process.	Terry Elliott 39, Cllr Pearson 234	The Councils recognise the importance of development viability being considered early in the planning process and always encourage pre-application engagement with the local planning	No change to the SPD required.

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				<p>authority and other key stakeholders; helping to ensure that potential issues and opportunities are identified at a stage where proposals can be more readily influenced. The Councils do however recognise that issues affecting development viability can come to light at various stages of a development proposal's lifetime. As such, national planning policy and the adopted local plan contain provisions that do allow for provisions such as affordable housing to be reconsidered on the basis of development viability. The Councils seek to ensure that any variation to agreed proposals (and affordable housing provision) are subject to robust decision-making processes, including independent review of viability information.</p>	
5.51- 5.53- Clustering	Objection	Northam Town Council object to any proposals that promote clustering,	Northam TC 183,	<p>The Councils recognise the importance of effective integration of affordable housing into development proposals and the benefits that arise from doing so. Equally, the Councils acknowledge the practical benefits and necessity to group affordable housing in order to facilitate the effective management of such housing. The advocated approach to clustering, with maximum cluster sizes, is intended to offer an</p>	No change to the SPD required.

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				appropriate balance between the two.	
5.51	Objection	PCL Planning object to imposing a maximum cluster size of six.	PCL Planning 272	The Councils consider that a maximum cluster size of six dwellings is reasonable and appropriate. It is considered to be reflective of clause (8) of Policy ST18 which seeks for affordable housing to be intermixed across a site. The Councils recognise the value of the integration of the affordable housing across wider development proposals however do support a level of clustering in recognition of the practicalities of doing so from a construction and management perspective. The level of six units is considered to provide this balance.	No change to the SPD required.
5.55- Viability		Four representations support this paragraph with two asking for more transparency with access to the public <i>The viability statement should be not just 'open book' but be made available to all interested parties relevant to the site. This should be strengthened as it provides too much opportunity for developers to challenge the viability. Viability</i>	Terry Elliott 40, North Devon Homes 81, Phil Parker 98, Braunton PC141	The Councils routinely publish the viability appraisals submitted in support of planning applications, alongside the other documentation provided for a planning application. As such, information on the viability of a development proposal is available to all interested parties. The Councils recognise the importance of securing affordable housing from development proposals. Where a reduction in the level of affordable housing (or other provisions) is sought on the basis of	No change to the SPD required

		<p><i>Assessments should also be publicly available and open to scrutiny.</i></p>		<p>development viability, the Councils robustly consider the evidence provided, including the use of independent expert review to ensure that it is appropriate; challenging where necessary and justified.</p> <p>The Councils recognise the frustration caused when proposals are not seen to be achieving the levels of affordable housing targeted for delivery. However, in line with national planning policy and the associated provisions contained within the local plan, the Councils are required to have regard to development viability and can only seek levels of affordable housing and other contributions where viable to do so; subject to the resultant development still being considered to be acceptable in planning terms and contributing to the delivery of sustainable development.</p> <p>The SPD can only provide guidance around the policy provided in the local plan and does not alter principles or approaches. The Councils will seek to revisit issues associated to development viability and the delivery of affordable housing through the review and update to the local plan, as part of the People and Place Project.</p>	
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5.57- Local Connection	Support	Although I welcome the local connection for the rural areas I believe that in urban areas it should not be District wide necessarily but should first be for those people who are in housing need and are resident in that Town (with certain exceptions for example people with a need for disability adapted housing).	Terry Elliott 41,	The Councils welcome the support for the local connection requirement in the rural areas. The urban areas (i.e. the towns) hold a more strategic role, providing for not only their needs but also those of a wide surrounding rural hinterland; where opportunities for meeting need are much more limited – due to low levels of development to provide additional affordable housing and limited turn-over and availability of existing stock. Accordingly, there is a more liberal connection requirement applied to those urban areas.	No change to the SPD required
5.57- Local Connection	General comment	Clarification sought on: <i>It is noted that the rural Parish of Braunton is explicitly given a local cascade Appendix 6 Figure 6.3.</i>	Braunton PC 142	The areas subject to rural local connection criteria are defined by reference to the definition of Designated Protected Areas (DPAs). These were defined some time ago and the expansion of the extent of the built urban areas in some of the DPA settlements means that the approach no longer seems appropriate in some locations. The Councils have therefore sought to introduce a slight change to the approach for Fremington, Braunton and Holsworthy whilst still keeping the rural local connection going from parish to adjoining parish to District.	No change to the SPD required

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5.58	Support	Bespoke nomination agreements with appropriate cascades need to be incorporated into Section 106 agreements where specialist housing is provided (eg keyworker accommodation).	North Devon Homes 82	<p>Paragraph 5.58 of the SPD relates to occupancy restrictions as opposed to nomination agreements.</p> <p>The Councils do recognise that there may be a requirement for a Local Lettings Plan to support the specific circumstances of some individual proposals.</p>	Add a paragraph following 8.9 to read “On occasion, there may be a requirement for a Local Lettings Plan to be adopted to support the specific circumstances of an individual proposal.”
Section 6 - Exception sites					
Section 6	General comment	Exception sites: Ilfracombe is an area whose geography and topography limit suitable sites for development. It is therefore important that the SPD supports affordable housing exception sites in the town. It is unlikely that any hope of meeting affordable housing needs can be achieved without recognition that exception sites may be part of the solution.	Cllr Pearson236, Ilfracombe TC 246	<p>The local plan, reflecting national planning policy, does not currently support the delivery of affordable housing exception sites at towns. This recognises the higher levels of housing development that are planned in such locations, and which offer the opportunity to deliver affordable housing. As the SPD is only able to provide guidance on the provisions of the adopted local plan, it is not possible to introduce provisions that would enable the delivery of affordable housing on exception sites around towns.</p> <p>The Councils will explore opportunities to support the additional delivery of affordable housing through the review and update of the local plan that is being taken forward as part of the People and Place Project.</p>	No change to the SPD required

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6.4	Objection	We request that Braunton village be listed under the North Devon Villages. Policy ST19 “ in the ND&T Local Plan Braunton is linked to Wrafton (in adjoining Parish) and categorised as a Main Centre . We are concerned that Braunton village within the wider Parish would not be supported as an area where affordable housing on exception sites can be brought forward.	Braunton PC 143	The SPD is unable to change the provisions of the adopted local plan that currently classify Bruanton as an urban settlement and consequently prevent it from being able to seek affordable housing through the delivery of exception sites. The Councils are currently embarking on a review and update to the local plan as part of the People and Place Project, which provides the opportunity to revisit matters such as this.	No change to the SPD required
6.16	General Comment	Request clarity regarding how the sum of £10,000 per plot was arrived at. The Farmers Weekly website indicates that the EUV is £8- £9k per acre. An acre can accommodate a lot of plots. Existing use value should be based on the predominate agricultural/ pasture land in the local area.	Braunton PC 144	The sum of £10,000 per plot is a specified as a maximum and is intended to reflect not only the Existing Use Value (EUV) but also a premium that reflects the alternate use of the land.	No change to the SPD required.
6.17	Support	The number of dwellings developed on exception sites should also be based on the density of the surrounding settlement.	Braunton PC 145	The starting point for establishing the appropriate number of dwellings to be delivered on an exception site is an understanding of the specific local identified housing need in that locality (i.e. the number of	No change to the SPD required.

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				households that require affordable housing and an understanding of their specific needs including the sizes and types required). The actual number (and type/ size) of dwellings that are realised on an individual site would respond to this specific need and be required to be reflective of site character and context - including matters such as the density and character of neighbouring areas.	
6.21	General Comment	There should be encouragement for people to register on the housing list so as to give a more accurate picture of housing need. Also, it should be widely disseminated information the length of time people are waiting for housing dependent on their banding.	Terry Elliott 42	This is a matter that falls outside of the scope of the SPD.	No change to the SPD required.
6.21	General Comment	This survey should be mandatory for all development proposal not just affordable housing. This would help to ensure that housing need is being delivered to meet evidenced local need.	Braunton PC 146	National planning policy and the local plan would not support the requirement for all development proposals to be supported by a local housing needs survey. The survey is required for exception sites to ensure that the exceptional release of land is justified by a specific and identifiable local need for housing. More widely, the Housing and Economic Needs Assessment (GL	No change to the SPD required.

				Hearn, 2016) has demonstrated the wider need for market and affordable housing across northern Devon.	
Section 7-Alternative Delivery					
7	General Comment	Affordable housing is not affordable with 2 people working full time. Social housing is allocated to a few, I mean few people from the area and the system is a failure to local people. Renting should be capped. The schools, doctors and dentists are full to capacity. Bursting at the seams. It's all totally unrealistic. The roads are crammed and falling into disrepair. Yes we need housing but real affordable housing in line with 2x full-time wages in North Devon.	Marion Slee 1	The Councils recognise the very real and challenging housing affordability issues that face many households across northern Devon. The Councils acknowledge that many tenures of affordable housing, along with wider market housing, will not address the housing needs of many households. That is why the local plan seeks to prioritise the provision of social rented affordable housing, which provides the most affordable tenure and which evidence shows is best suited to meet northern Devon's affordable housing need.	No change to the SPD required.
7.6- 7.9- Self builds		The self-build register held by the Council does not appear to deliver and is only used as a tool to collect data. Self-build provides opportunities for higher standards of housing and should be encouraged and supported where possible.	Braunton PC 147 and 148	The Councils recognise that self and custom build housing may provide, to some households the opportunity to deliver housing that is more affordable than mainstream 'off-the-shelf' market housing; although this does not readily result in affordable housing in most circumstances. The purpose of the self-build register is to provide a proxy to understand the level of demand for custom and self-	No change to the SPD required.

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				<p>build housing in the area. The Councils consider that they are appropriately fulfilling their statutory duties associated to the register, although recognise that this has not resulted in direct delivery by the Councils.</p> <p>The adopted local plan does not contain any specific policies or provisions that enable the delivery of self and custom build housing in any different way to mainstream market or affordable housing. The SPD is only able to provide guidance on the adopted policies of the local plan and cannot introduce new policy approaches. The Councils have the opportunity to consider the approach to self and custom build housing as part of the review and update of the local plan which has commenced under the People and Place Project.</p>	
7.7	General Comment	How do these definitions address affordability and provision of housing for local need as opposed to “executive style” proposals?	Braunton PC 148	The definitions do not in themselves address affordability. One of the stated benefits of self-build housing is that it has the opportunity to make housing more affordable by allowing the household the opportunity to complete some of the work themselves; thereby reducing costs. There are opportunities to deliver affordable housing through self-build by working with a Registered	No change to the SPD required.

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				Provider or Community Land Trust as stated in paragraph 7.9 of the SPD.	
7.6- 7.9- Self builds		Community Land Trusts can be an effective mechanism to work with local people to custom build affordable units that meet housing need and provide homes in perpetuity.	Terry Elliott 47	As noted in paragraph 7.9 of the SPD, the Councils recognise the potential opportunities for Community Land Trusts to work to help deliver custom and self-build housing as Discount Market Sale housing, so long as it meets the requirements to allow it to be considered as affordable housing.	No change to the SPD required.
7.6- 7.9- Self builds		Self-build properties could be included in the DMS and the consultee cites an example whereby a local Housing Association let to "self builders"	Colin McDonald 205	As per paragraph 7.9 of the SPD, the Councils recognise the potential for self and custom housing to be considered as affordable housing where it is provided as Discount Market Sales and all appropriate restrictions are applied.	No change to the SPD required.
7.12-7.13- Community Land Trusts	Support	CLTs supported.	Braunton PC 48, 49, Terry Elliott 48 Ilfracombe TC 247, Braunton PC 150	The Councils welcome the support for the recognition of Community Land Trusts in the SPD. The Councils recognise the role that they can play in helping to deliver housing to meet the needs of local communities. Comment for CLTs noted.	No change to the SPD required.
Section 8- Management Arrangements					
8.2	General Comment	In the interest of plain English add a note that most not-for-profit 'private' registered providers are better known as Housing Associations.	Colin McDonald 216	The Councils recognise the value of plain English and providing clarity and therefore propose a minor amendment to the SPD for clarity.	Amend paragraph 8.2 to read "...not for profit <u>such as housing associations</u> and for profit)..."

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		In other locations there are some Community Land Trusts and some Almshouse Trusts that are RPs!			
8.5	Objection	This clause should be deleted - it is common for DMS to be delivered across the country as Leasehold as well.	North Devon Homes 216	With respect to supporting Discount Market Sales housing on a leasehold basis, the Councils default remains for such housing to be provided on a freehold basis. Exceptionally the Councils can explore the provision of such housing on a leasehold basis if there are scheme specific considerations that suggest this may be necessary and appropriate. These will be considered on a case-by-case basis and supported only where it is determined that there is a legitimate and justified position to do so.	Amend paragraph 8.5 to read “Discounted Market Sales housing (DMS) is delivered directly to those in housing need by developers, with the freehold transferred to that household (in all but exceptional circumstances – see paragraph 4.9).”
8.6	General Comment	[Consider that] currently it can also mean households in insecure accommodation whereby they may have endured numerous Section 21s over their renting history due to the short term nature of letting under assured shorthold tenancies	Terry Elliott 49	The Councils recognise the challenges faced by many households in northern Devon due to no-fault (s21) evictions. The housing situation of an individual household is certainly a factor in the consideration of whether they are considered to be in housing need and therefore whether they may be eligible to occupy a specific affordable dwelling. Eligibility for occupation will be based upon compliance with a local connection	No change to the SPD required.

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				criteria and compliance with the definition of housing need; having regard to the Councils' allocations policy. The matter of those households subject to s21 evictions is therefore considered to be adequately addressed by the existing guidance.	
8.6	General Comment	Suggest inserting the word 'prevailing' when describing households inability to access market housing.	Colin McDonald 217	Whilst the Council can appreciate the intent of the additional word, it is not considered necessary.	No change to the SPD required.
8.7	General Comment	The link does not work.	North Devon Homes 85	The Councils welcome the highlighting of the non-functioning link which will be appropriately addressed in any published version going forward.	Adjustment to address non-functioning link to DMS Allocation Policy in paragraph 8.7.
8.7	Objection	DMS and DMR should respect keyworker allocations and also recognise a key stakeholder bringing that scheme forwards - for instance a scheme on Hospital Land that seeks to provide accommodation for NHS workers should be dealt with accordingly.	North Devon Homes 85	The Councils always expect to be granted nomination rights on all tenures of affordable housing. The Councils do recognise that there may be a requirement for a Local Lettings Plan to support the specific circumstances of some individual proposals.	Add a paragraph following 8.9 to read "On occasion, there may be a requirement for a Local Lettings Plan to be adopted to support the specific circumstances of an individual proposal."
8.8	General Comment	There are some forms of community led housing, such as CoHousing schemes, some Co-	Colin McDonald 218	The Councils will expect nomination rights for all tenures of affordable housing. The Councils recognise (paragraph 8.9) that there may be	No change to the SPD required.

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		operatives and other 'self-help' type schemes, where the project is for an 'intended community'. Would suggest 'in the vast majority' rather than 'In all instances...'		some circumstances whereby there will be reason for the Council to enter into an agreement (Nomination Agreement) with the housing provider to manage that nomination process and the relationship between the rights of the housing provider and the Council.	
8.16-8.19 Local Connection Cascades	General Comment	There is a need for affordable housing for key workers who are needed locally but may have to move from outside the area for employment (nurses, pharmacists, etc)	Terry Elliott 50	The Councils recognise the importance of attracting and retaining keyworkers to northern Devon. Unfortunately, neither national planning policy, nor the local plan, currently offer provisions to prioritise support for key workers. As such, the SPD, which can only provide guidance around adopted planning policy, does not have the opportunity to directly address this matter. The review and update of the local plan, as part of the People and Place Project, provides the opportunity to consider this matter further.	No change to the SPD required.
8.16-8.19 Local Connection Cascades	General Comment	Support the cascading approach but from experience this does not happen in reality.	Braunton PC 152	The Councils welcome the support for the cascade approach. Where a cascade is required for an individual development proposal, it is robustly applied through the subsequent management of the individual properties.	No change to the SPD required.
8.16-8.19 Local	General Comment	I am just wondering whether, in the case of a	Colin McDonald 219	Where a rural parish adjoins the boundary of the local planning	No change to the SPD required.

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<p>Connection Cascades</p>		<p>small number of parishes in North Devon, there is a case to cascade out to the area covered by Exmoor National Park (e.g. where the immediate adjacent parish is within ENPA) rather than, necessarily, the County of Devon?</p>		<p>authority, the cascade to adjoining parishes in a rural area may see those neighbouring parishes residing in a neighbouring authority's area (such as Exmoor National Park or Cornwall Council) be eligible.</p> <p>The Devon-wide cascade of the local connection only applies to urban areas.</p>	
<p>8.24</p>	<p>Objection</p>	<p>Include leasehold as against common practice.</p> <p>The Keyworker initiative being worked up by North Devon Homes will include leasehold flats and should not be prevented by this clause.</p> <p>It is possible that some DMS is part of a wider scheme developed by a Community Land Trust or similar where the not-for-profit entity wishes to retain the freehold.</p>	<p>North Devon Homes 86 Colin McDonald 220</p>	<p>With respect to supporting Discount Market Sales housing on a leasehold basis, the Councils default position remains for such housing to be provided on a freehold basis. Exceptionally the Councils can explore the provision of such housing on a leasehold basis if there are scheme specific considerations that suggest this may be necessary and appropriate. These will be considered on a case-by-case basis and supported only where it is determined that there is a legitimate and justified position to do so.</p>	<p>Amend paragraph 8.24 to read:</p> <p>“To ensure the ongoing affordability of DMS, it is imperative that they are sold as 100% freehold rather than leasehold, with provisions to ensure that they will remain so in perpetuity; with any variation being exceptional (see paragraph 4.9).”</p>
<p>8.25</p>	<p>Objection</p>	<p>This is not realistic in the real world. The affordability of rentals in Braunton is much higher than other areas and this should be taken into account.</p>	<p>Braunton PC 154</p>	<p>It is recognised that there will be a variation in rental levels across the plan area. However, Registered Providers have to charge Rent in Advance, to maximum of 4 weeks as indicated in the SPD. This is not a matter that can be influenced by the SPD.</p>	<p>No change to the SPD required.</p>

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8.26	Support	Supports the recognition that charging deposits on affordable housing will not be acceptable in all but exceptional circumstances.	Terry Elliott 45	Comment noted.	No change to the SPD required.
Section 9- Assessing Financial Viability					
9	General Comment	How will LPAs determine priorities between completing obligations, where a viability case is proven. The burden should not always fall on affordable housing, it should be determined on a case-by-case basis – the significance of the delivery of affordable housing may vary between areas. Suggest the need for a positive statement that a judgement will be made on the relative merits of each obligation according to location.	Colin McDonald 206	The SPD in paragraph 9.3 identifies the need to consider the range of obligations that will be sought and that the Councils will consider competing demands, which will be addressed on a case-by-case basis.	No change to the SPD required.
9	General Comment	Ensure developers proceed with development on the grant of planning permission; prevent land banking.	Northam TC 185	This comment is not a matter for the SPD. Planning permission is time dependent and in the interest of bringing sites forward, outline consents are limited to a 2-year period. Separately, development interests can secure site interests without the need for planning	No change to the SPD required.

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				permission, over which the Council has no control.	
9	General Comment	Provide detail of the “premium” paid to landowners to clarify decisions in respect of viability.	Northam TC 185	The level of acceptable profit is set out in national planning guidance; it is recognised the development industry needs to be incentivised to bring sites forward. Profit levels will be identified as part of any required viability assessment that would result in a variance from a policy compliant proposal.	No change to the SPD required.
9	General Comment	Concerned that the level of affordable housing is renegotiated during the construction stage, resulting a reduction in the overall level of affordable housing delivered on site.	Russell Johnstone 200	Affordable housing levels are set in section 106 agreements. If a variance from the consented level of affordable housing is sought, the developer would be required to submit a new planning application, with a revised viability assessment.	No change to the SPD required.
9	General Comment	Require a robust mechanism for the consideration of viability consideration to maximise the delivery of affordable housing. Concerned about legal challenges to viability agreements. Affordable housing should be a real priority. There should be an onus on developers to demonstrate why the affordable housing requirement cannot be met.	Ilfracombe TC 248	The SPD, in line with the Local Plan, sets out what is required in respect of a viability appraisal that would enable the Councils to accept a development that is not policy compliant in respect of affordable housing and other infrastructure requirements. It is an appropriate mechanism to secure the delivery of housing and associated infrastructure. Note the support for the application of an overage clause on qualifying sites.	No change to the SPD required.

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		Support the reference to an overage clause that will enable viability appraisals to be reassessed, subject to a change in market conditions.			
9	General Comment	Support the Councils approach to considering financial contributions in addition to affordable housing to ensure the delivery of sustainable communities. Funding needs to be secured from market and affordable housing.	Devon CC 250	Comments noted, the SPD reflects the provided comments, in enabling affordable housing and other infrastructure requirements to be considered as part of assessing site viability.	No change to the SPD required.
9.1	Objection	An alternative approach should be found if a developer indicates that no affordable housing can be delivered. No development should be enabled without a contribution to meet affordable housing need.	Terry Elliott 51	<p>The policy framework for the consideration of affordable housing delivery and other infrastructure requirements is established by the Local Plan, reflecting national planning policy and guidance, which determines that site viability can be taken into account to enable sites to be delivered.</p> <p>The SPD cannot introduce an alternative approach to that established through the Local Plan.</p>	No change to the SPD required
9.1	Objection	Require developers to submit anticipated affordable housing sale values at the time of application and provide a	Sue Taylor 194	Affordable sales values are considered in detail in SPD paragraphs 4.9-4.14. The approach of utilising Discount Market Sales Values will cap values to levels	No change required to the SPD.

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		demonstration that they will be achieved.		which are affordable, reflecting geographical variances within North Devon. independent research provides the basis for establishing current sales and discount values.	
9.1	Support subject to amendment	Limit contributions required from Registered Providers in order to preserve the 100% affordable schemes and regeneration schemes that would otherwise be undeliverable.	87 North Devon Homes	To secure an appropriate development, in respect of meeting generated needs, contributions will be sought as necessary. If a scheme would be prejudiced by the sought contributions, the proposal would be required to be supported by a viability appraisal.	No change to the SPD required
9.2	Objection	Concerns raised that education and open space contributions are sought as a “tariff”. The need for such contributions must only be sought on the basis of CIL tests. In many cases contributions will not be justified.	PCL Planning 278	It is not accepted that the Council seek “tariff” style contributions. Contributions are sought on the basis of generated need on a case-by-case basis. Where no need exists by virtue of the adequacy of existing capacity contributions will not be sought.	No change to the SPD.
9.3	General Comment	Clarity required on the term “Council”-	Bideford TC 168 Northam TC 184	The reference to “Council” relates to either North Devon or Torridge District Council. A singular reference is provided, as each Council will separately make a decision as to the balance between affordable housing and other infrastructure requirements.	No change to the SPD required.
9.4	General Comment	Support provided to an “open book” viability assessment and the assumption that it will be	Terry Elliott 53 Braunton TC 155	The Local Plan, as reflected in the SPD sets out the expectation that viability assessment should be	No change to the SPD required.

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		made publicly available, however some concern that the assessments are not always made available for the public to view and comment on.		provided on an “open book” assessment.	
9.5	Objection	Concerns raised relating to the procedure and inflexibility being utilised by the Council, suggesting the introduction of a higher standard of information to be submitted in relation to viability assessment where required in relation to developments which are not fully compliant in respect of affordable and other infrastructure requirements.	PCL Planning 279	Accept the terminology used in the SPD is not consistent with that used in the Local Plan.	Amend SPD paragraph 9.5 to remove “and unequivocally” . The first sentence to read: “It is the responsibility of the applicant to submit sufficient information to clearly demonstrate how the provision of the full affordable housing and other infrastructure requirements would impact on the deliverability of the site.”
9.7	Objection	Should be a list of independent assessors	Terry Elliott 54	It is a matter for an applicant to appoint an appropriately qualified person; the Council is not able to make recommendations as to suitability.	No Change to the SPD.
9.7	Objection	Concur with the approach that viability assessments should relate the assessment which informed the local plan. Concerned however about an inflexible approach to testing against the baseline – in the applicant should	PCL Planning 268 and 267	It is recognised that the viability evidence prepared in support of the Local Plan was undertaken at a strategic level, but such was not found to be inadequate through the examination process. The Councils approach, in the Local Plan, with further explanation in the	No change to the SPD.

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		<p>provide evidence of changed circumstance. No reflection of the limitations of the Local Plan's evidence base, in not taking account of the variable such as location and site conditions. The Council may be inappropriately seeking non-CIL compliant contributions to the determinant of affordable housing. It is unlawful to introduce development management policies via an SPD.</p>		<p>SPD is consistent with national planning policy (paragraph 34) and national planning practice guidance on viability.</p> <p>In seeking the provision of and contributions to infrastructure CIL tests will be met. It is recognised that viability considerations may impact on the delivery of affordable housing taking into account other infrastructure and policy requirements. It will a matter for the decision taker to come to a view on the acceptability of a scheme considering all site requirements. The Council only seek to provide explanation and guidance in the SPD, not to introduce new policy.</p>	
9.11	Objection	<p>The reference to option agreement should be struck out as this immediately inflates the existing land use value. No consideration is given to the calculation of the Gross Development Value which presumably is the opening figure for a Viability Assessments.</p>	Braunton PC 156	<p>The reference provided in the SPD reflects what is enabled by national planning practice guidance, in that the local authority can request information on the price to be paid for land or expected to be paid through an options agreement.</p> <p>The issue of gross development value will be considered as part of a viability assessment.</p>	No change to the SPD required.
9.12	Objection	<p>Not robust enough in ensuring that affordable housing quota is meet. Developers should ensure</p>	Braunton PC 157	<p>The SPD reflects the policy provisions of the Local Plan, in that the starting point for affordable housing on qualifying sites is 30%,</p>	No change to the SPD required

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		that their proposals are fully policy compliant		with an indication off the requirement for a robust appraisal of development viability if affordable housing and infrastructure requirements cannot be met. This approach is consistent with national planning policy and guidance. The SPD cannot vary the policy approach set out in the Local Plan	
9.14- Overage Clause	Support	Support for the application of an overage clause, but a suggestion that it should apply to developments under 100 dwellings.	Terry Elliott 56, Phil Parker 99, Braunton PC 159, Northam TC 186	An overage clause can be applied to large schemes and additionally those which are multi phased and that will be delivered over a number of years, thus schemes of less than 100 units may be subject to an overage clause.	No change to the SPD required
Section 10 – Vacant Building Credit					
Section 10- Vacant Building Credit	Objection	Questions the loss of affordable housing delivery due to the use of vacant buildings as an element of the proposed development	Terry Elliott 57	A reduction from the standard affordable housing requirement is enabled with the application of vacant building credit as set out in Local Plan Policy ST18(2) as further explained in section 10 of the SPD. Vacant building credit was introduced to incentivise development on brownfield land. It allows the floorspace of existing buildings that are to be redeveloped to be offset against the calculations for section 106 affordable housing requirements.	No change to the SPD required

Section 11- Financial contributions towards the off-site delivery of affordable housing					
11	General Comment	It is of concern when developers would prefer to offer a financial commitment to affordable homes built elsewhere and not on site, as this mitigates against mixed communities and may not result in any units being built if suitable land and housing providers cannot be guaranteed.	Ilfracombe TC 245	The local plan, and the associated guidance contained in the SPD, requires that the affordable housing is provided on site and only allows the off-site delivery or provision of financial contributions to be negotiated where it can be demonstrated that on-site provision is not possible or appropriate. Such provision is therefore at the discretion of the Councils and only be accepted where considered justified and appropriate.	No change to the SPD required.
11.3	Objection	Are CLTs and housing associations partners and do developers have to demonstrate a lack of interest from a number of housing associations.	Braunton PC 160	<p>CLTs are not currently utilised to demonstrate the level of interest in delivering affordable housing, Where CLTs are operating, it is considered appropriate to indicate them in the scope of affordable housing delivery options.</p> <p>Note housing associations are registered providers as indicated in paragraph 11.2.</p> <p>The measures required from developers relating to the interest of registered providers is set out in paragraph 11.3.</p>	No change to the SPD required
11.12	Objection	The figures in this table do not bear any relevance to local values. Where have	Braunton PC 161	The figures in the table are taken from page 39 of the Altair Report and are provided as an example how to	Amend the SPD at Table 11.1 and Table 11.2 to reflect updated data and

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		these figures come from? They should reflect local figures and be evidenced.		calculate off-site contributions. However, it is accepted that the published information does not reflect the most recent research data provided by Altair and shown in the Annual Update. The SPD should be updated, together with an indication of how the Councils will ensure such data remains relevant.	add to paragraph 11.13 to read: "It will not be necessary to rely on worked examples provided in the SPD, which are provided for guidance. To ensure financial information remains relevant the Councils will undertake and publish periodic reviews, as provided through the Annual Update."
11.18	Objection	Affordable housing should be onsite, otherwise the proposal is not policy compliant. Affordable housing should not be provided	Braunton PC 160/163	<p>The Local Plan (Policy ST18 (3) and (4)/ paragraph 7.28) is clear in setting out the circumstances where off-site provision may be negotiated, which is limited to circumstances where on site provision is not possible or not appropriate. The approach must be agreed with the local planning authority. Additionally, financial contributions will be secured when the affordable housing requirement generates a fraction of an affordable house.</p> <p>The SPD usefully sets out how such funds could be most appropriately used.</p> <p>Note the SPD cannot alter requirements established in the Local Plan.</p>	No change to the SPD required.

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11.18	General Comment	Are CLTs able to use financial contributions to secure affordable housing elsewhere in the Parish/District?	Terry Elliott 60	CLTs are recognised providers of affordable housing, it is therefore considered appropriate to enable CLTs to access commuted sums on the same basis as registered providers.	Amend SPD paragraph 11.18, third bullet point: To fund registered providers (sometimes on behalf of CLTs) to deliver affordable housing following a successful bid.....
11.18-punctuation error	General Comment	Unnecessary bullet point.	Colin McDonald 221	Correction at the third bullet point; the sentence will read - To fund registered providers to deliver affordable homes (sometimes on behalf of CLTs) following a successful bid to the Council for the funding, subject to meeting any funding criteria.	Amend SPD, to address typographical error, remove current 4 th bullet point.
Appendices					
Map 3.1 zoning	General Comment	This is a blunt tool, and the local authority should look holistically at the offer of each affordable housing scheme.	North Devon Homes 89	The use of Value Zones is a valuable tool to differentiate areas of variable house prices to enable the Councils to better support households in housing need. The approach is supported by an extensive research project.	No change to the SPD required.
Maps 5.1 and 5.2	General Comment	Given the age of these designations there is a need for an urgent review which reflects current developments, local needs, and taking into account already approved developments.	Phil Parker 170 and 100	Designated Rural Areas are defined by legislation in Section 157 of the 1985 Housing Act. The Councils have no discretion to adjust these areas, even accepting that development will have occurred from the point of designation, although the focus of such has been in the areas outside the Designated Rural Areas.	No change to the SPD required.

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Schedule of Council-led Changes

Foreword – amend to reflect the adopted status of the Supplementary Planning Document (SPD).

4.13 – 4.25 – Changes to section of Initial Sale Price to simplify, recognising that it relates to income levels which are determined at district level and not contingent on the zonal approach as previously stated.

4.25 – Amend approach to calculating subsequent Discount Sale price to 1-bed properties which were previously subject to a bespoke approach, due to limited sample size from research. Revised approach seeks to simplify implementation and apply a pragmatic approach.

5.11-5.13 – Corrections to the stated extent of the Designated Protected Areas and the extents to be treated as urban for the purposes of staircasing and local connection timeframe and geography.

5.52 - The Councils have identified a duplication of text across 5.51 and 5.52 which is superfluous. Amend paragraph 5.52 by removing first and fifth sentences (duplicates).

Box following 8.6 – Amendment to change “District” to “area” in second part of definition. “area” to be defined in the Discounted Market Sale (DMS) Marketing and Allocation Procedure.

Box following 11.10 – removal of reference to 1-beds in methodology to recognise wider simplification of approach.

11.12-11-13 – Removal of examples and insertion of reference to development of an interactive calculator.

11.15 – Minor Correction – Paragraph currently references to two different indexes in error – should be BCIS and not RPI – Amend paragraph 11.15 to remove “Indexation will be on an annual basis in accordance with the Retail Price Index. “.

Appendix 4 – Removed – Currently only shows South Molton. Interactive Map of all Designated Protected Areas (DPAs) to be made available following adoption of SPD.

Appendix 6 – Amend titles of diagrams for clarity.

Minor amendments for clarity and to correct typographical and spelling errors.