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**TITLE: Statement on the Seeking of Affordable Housing**

Committee: Planning

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1.0 ISSUE

1.1 To note the slightly conflicting national and local policy for the seeking of affordable housing from development schemes, and to endorse a *Statement* clarifying the likely approach decision takers on planning applications will take henceforth.

2.0 RECOMMENDATION(S)

2.1 That Planning Committee:

- I. Endorses the attached '*Statement on the Seeking of Affordable Housing Developer Contributions*'.
- II. Notes that the *Statement* is not formal policy of the Council, and that it does not supersede any relevant policy in the Local Plan 2015 or in any duly made Neighbourhood Plan, but that instead its purpose is to clarify the likely weight planning decision takers will give to local and national policy on affordable housing.
- III. Notes that by endorsing the attached *Statement*, it does not compel any decision taker, including this Planning Committee, to follow the principles set out in the *Statement* in all instances, and that for any particular planning application the decision taker is able to determine the relevant and reasonable weight to be applied to local and national policy as it sees fit (with such weight potentially different to that as suggested by the *Statement*).

3.0 BACKGROUND/OPTIONS

**Introduction**

3.1 Planning decision takers, whether that be this Planning Committee or others (such as planning officers and planning inspectors), often have to grapple with potentially conflicting policy and guidance. Where such conflict arises, the decision taker often has to give greater 'weight' to one policy over another. The provision of 'weight' to various issues, in favour or against a particular proposal, is well established in planning decision taking, and is ultimately used in the planning balance to determine whether a proposal should be permitted or not.

- 3.2 One such current area of slight conflict between national and local policy relates to the matter of when affordable housing should be sought as part of a development scheme.
- 3.3 The attached *Statement* aims to explain what the conflict is, and then goes on to set out what is *likely* to be a reasonable position for the decision maker to take for the vast majority of planning applications that will be considered in East Cambridgeshire.
- 3.4 It is important to note, however, that the *Statement* is not formal planning policy. It does not replace any policy in the Local Plan (to do so would be unlawful). It also does not alter the fact that the decision taker must, lawfully, still use as the starting point for considering proposals the relevant policies as set out in the Local Plan (and Neighbourhood Plan, if one exists in that area).
- 3.5 However, as set out in legislation and confirmed by national policy, whilst the starting point for decision taking is always the Local Plan / Neighbourhood Plan, 'material considerations' may indicate that a decision not in accordance with the Local Plan / Neighbourhood Plan might be the most appropriate. For example, more up to date national planning policy is often a reason to deviate away from the Local Plan / Neighbourhood Plan (i.e. give them less weight), and instead place more emphasis on the differing national policy provision (i.e. give national policy greater weight).
- 3.6 It is also important to note that the *Statement*, if endorsed, does not compel the decision taker to apply it in all instances. Rather, the *Statement* is intended to be used as a guide as to how a decision taker in East Cambridgeshire is *likely* to wrestle with the currently conflicting policy provisions of the Local Plan and national policy, and is *likely* to apply greater weight to the provisions of national policy. But, if the decision taker believes, in considering any particular planning application, that alternative weight ought to be applied, then the decision taker is free to do so (albeit the decision taker must be reasonable in determining what weight to give to the various conflicting policies).
- 3.7 Planning Committee are asked to endorse the attached *Statement*, which officers believe will be helpful to all those involved, including those submitting planning applications, communities which consider and provide their views on proposals, as well as decision takers.
- 3.8 If the *Statement* is not endorsed, then it will not be published, and instead decision takers will continue to be free to consider what weight to apply to national and local policy as they see fit. However, such an approach is considered resource intensive (because each decision taker will be starting from scratch in researching and determining weight to the matters raised in this *Statement*) and not helpful to all other parties that are involved in the planning system.

4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 4.1 If the recommendations in this report are approved, then there are no financial implications arising.
- 4.2 An Equality Impact Assessment (INRA) is not required because the *Statement* is not formal policy, and there is no requirement for the *Statement* to be implemented. It is therefore not possible to determine whether an impact would arise.

5.0 APPENDICES

Appendix 1 – A draft ‘Statement on the Seeking of Affordable Housing Developer Contributions’

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
None	Room12A The Grange Ely	Richard Kay Strategic Planning Manager (01353) 616245 E-mail: <a href="mailto:richard.kay@eastcambs.gov.uk">richard.kay@eastcambs.gov.uk</a>