

Tendring *District Council*



Independent Examination of Section 2 of the Tendring District Local Plan '2013-2033 and Beyond'

TOPIC PAPER 1: CONSEQUENTIAL CHANGES

Arising from:

- a) the proposed 'Main Modifications' to Section 1 of the Local Plan; and**
- b) from changes in National Legislation/Policy.**

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Executive Summary

This Topic Paper has been prepared by Tendring District Council for the purposes of the independent examination for Section 2 of the Tendring District Local Plan 2013-2033 Publication Draft – hereafter the ‘emerging Local Plan’. The Inspectors appointed to undertake the Section 2 examination, in their advice note dated 19 August 2020, requested a topic paper, divided into two parts:

- Part 1 - Specifically address any potential consequential changes to individual policies within the Part 2 plan as a result of the proposed Main Modifications identified within Part 1. Whilst this will predominantly be in the form of a schedule, each Council may wish to expand or give greater detail in relation to issues for example, implications for the spatial strategy etc.
- Part 2 – Whilst each plan is being examined under that transition arrangements, it would be helpful if changes in National Legislation/Policy since the submission of each plan (i.e. changes to the Use Classes Order) are identified and if the Council considers if the changes have any bearing on the soundness of the plan. In doing so, it would be helpful to identify any policies which could potentially be affected.

The most significant of the proposed Main Modifications for the Section 1 Local Plan are the removal of two of the three proposed ‘Garden Communities from the plan; i.e. the West of Braintree Garden Community and the Colchester Braintree Borders Garden Community. The Tendring Colchester Borders Garden Community, which is the most relevant to Tendring, remains in the modified plan and, as a consequence, the Council considers that there are very few consequential changes to policies in the Section 2 Plan for Tendring resulting from the Section 1 modifications.

The Council does however highlight the Inspector’s conclusions on the soundness of Policy SP3 in respect of housing requirements and Policy SP4 in respect of employment land requirements which re-inforce the soundness of the housing and employment allocations in Tendring’s Section 2 Local Plan. The other main area highlighted in this Topic Paper relates to the Inspector’s conclusions and modifications in respect of the number of dwellings expected to be delivered as part of the Tendring Colchester Borders Garden Community in the remainder of the plan period to 2033, which have implications for the Council’s updated housing land position – as set out in more detail in Topic Paper 2 on Housing.

In terms of issues arising from national planning policy or legislation changes, the Council considers that the only changes that have direct implications for the Section 2 Plan are in relation to Retail and Town Centre policy and Employment Land policy i.e. Policies PP1 through to PP7, mainly resulting from the creation of a new Class E through changes to the Use Classes Order in September 2020.

Part 1: Issues arising from Section 1 Main Modifications

1.1 On 27th August 2020, the North Essex Authorities published, for six-weeks consultation (ending 9th October 2020), the Inspector's recommended 'Main Modifications' to Section 1 of the emerging Local Plan. Following the consultation and receipt of any representations, the Inspector for Section 1 will determine whether or not any further matters need to be examined or whether his final conclusions on the soundness and legal compliance can be issued.

1.2 The most significant of the proposed Main Modifications are summarised as follows:

- Removal of the West of Braintree and Colchester Braintree Borders Garden Communities from the policies and associated maps and diagrams in the Section 1 Local Plan and any other references to those developments in the text of the plan.
- A new policy SP1A on 'Recreation disturbance Avoidance and Mitigation Strategy' (RAMS) setting out how the impacts of new development on internationally important wildlife sites will be avoided and mitigated in line with the European Habitat Regulations.
- Modifications to Policy SP2 'Spatial Strategy for North Essex' to refer to just one Garden Community – the Tendring Colchester Borders Garden Community.
- Modifications to Policy SP4 'Providing for Employment' to update the employment land requirements for each of the three Councils to reflect the latest evidence, including the requirement for Tendring for between 12 and 20 hectares of new employment land in the plan period to 2033.
- Modifications to Policy SP5 to refer specifically to the 'Tendring Colchester Borders Garden Community' and to include a new section (E) aimed at ensuring there is sufficient capacity in the water supply and waste water infrastructure to serve the development.
- Modifications to Policy SP6 'Place-shaping Principles' to include specific requirements in regard to the protection of internationally important wildlife sites which, depending on the findings of ongoing survey work, might include the creation of a new habitat to offset and mitigate any impacts arising as a result of the development.
- Modifications to Policy SP7 to refer specifically to the 'Development and Delivery of a New Garden Community in North Essex' (as opposed to three) and to state specifically that the Tendring Colchester Borders Garden Community will deliver between 2,200 and 2,500 homes and 7 hectares of employment land within the plan period to 2033 (as part of an expected overall total of between 7,000 and 9,000 homes and 25 hectares of employment land to be delivered beyond 2033) and provision for Gypsies and Travellers.

- Further modifications to Policy SP7 to explain that a Development Plan Document (DPD) will be prepared for the garden community containing policies setting out how the new community will be designed, developed and delivered in phases; and that no planning consent for any development forming part of the garden community will be granted until the DPD has been adopted.
- Modifications to Policy SP8 'Tendring / Colchester Borders Garden Community' to state that the adoption of the DPD will be contingent on the completion of a 'Heritage Impact Assessment' carried out in accordance with Historic England, which will inform the content of the DPD.
- Modifications to Policy SP8 to explain how housing delivery for the garden community, irrespective of its actual location, will be distributed equally between Tendring District Council and Colchester Borough Council when it comes to counting house completions and monitoring delivery against each of the Councils' housing targets.
- Modifications to Policy SP8 also requiring that the planning consent and funding approval for the A120-133 link road and Route 1 of the rapid transit system are secured before planning approval is granted for any development forming part of the garden community.
- Other modifications to Policy SP8 emphasising the need for development at the garden community to achieve an efficient use of water, manage flood risk, avoid adverse impacts on internationally important wildlife sites arising from sewerage treatment and discharge, conserve and enhance heritage assets and their settings, and to minimise adverse impacts on sites of international, national and local importance for ecology.
- Finally, modifications to Policy SP8 to require the allocation of land within the garden community to accommodate expansion of the University of Essex.

1.3 Of the three North Essex Authorities, Tendring is arguably the least affected as a consequence of the Section 1 Main Modifications because it is not directly affected by the proposed removal of a Garden Community from the plan. Of the three Garden Communities originally proposed as part of the Section 1 Local Plan, it is the Tendring Colchester Borders Garden Community and associated policies that are set to remain in the plan – thus leaving the overall spatial strategy in Tendring essentially unchanged with no requirement to identify alternative sites.

1.4 There are, however, a number of areas that the Council would like to draw to the Inspectors' attention that either warrant some consequential changes to selected parts of the Section 2 Plan or otherwise re-inforce the soundness of some of its policies. These areas are:

- 1) Recreational disturbance Avoidance Mitigation Strategy (RAMS) (SP1A);
- 2) Avoidance of coalescence (SP2);

- 3) Confirmation of the housing requirement (SP3);
- 4) Confirmation of employment land requirement (SP4);
- 5) Housing and employment at the Tendring Colchester Borders Garden Community (SP7); and
- 6) Mapping changes.

Recreational disturbance Avoidance Mitigation Strategy (RAMS) (SP1A)

- 1.5 The Main Modifications to the Section 1 Local Plan include modification MM6, the inclusion of a new policy entitled 'Recreational disturbance Avoidance and Mitigation Strategy (RAMS)' which states *"Contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS)."*
- 1.6 Whilst this is an overarching policy that affects all three of the North Essex Authorities and it is not essential for it to be repeated in Section 2 of the Local Plan, Section 2 does contain Policy PPL4 'Biodiversity and Geodiversity' which was written before the RAMS Strategy was formulated. Reading Policy PPL4 in isolation without recognising or realising the existence of the new Policy SP1A in Section 1 of the Plan could leave the reader unaware of RAMS or its implications for the determination of planning applications.
- 1.7 For this reason, the Council suggests that amendments to Policy PPL4 and its supporting text could be made to reinforce both the importance of the Habitats Regulations and to provide specific reference to RAMS.
- 1.8 It is proposed that supporting paragraph 7.4.3 be amended as follows:
 - 7.4.3 It is necessary to apply the 'precautionary principle' to new development, as a matter of law, and assess new projects or plans for any impacts upon any of the above sites – both alone and in combination. Proposals and plans with the potential to have a significant impact upon such sites will need to be supported by a Habitats Regulation Assessment (HRA) to provide the information necessary for the decision makers to establish the likelihood and nature of impacts before a decision is taken. If significant impacts are identified, An an 'Appropriate Assessment' may will be necessary to assess whether the proposals would adversely affect the integrity of a site, having regard to its conservation objectives. The Council will only grant planning permission where there would be no adverse effects on biodiversity (including any mitigation), unless there is consider to be an overriding public interest (such as the port expansion at Bathside Bay, Harwich) – in which case a compensatory habitat must be provided. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Strategy Document was adopted in 2019. The Essex Coast RAMS aims to deliver the mitigation necessary to avoid adverse effects on integrity from the in-combination impacts of residential development in Essex. The Essex Coast RAMS identifies a detailed programme of strategic avoidance and mitigation measures which are to be funded by developer contributions from all residential development within the Zones of Influence.
- 1.9 It is proposed that Policy PPL4 itself be amended as follows:

Policy PPL 4

BIODIVERSITY AND GEODIVERSITY

Sites designated for their international, European and national importance to nature conservation: including Ramsar sites; Special Protection Areas (SPAs); Special Areas of Conservation (SACs); Marine Conservation Zones (MCZs); Natural Nature Reserves (NNRs); and Sites of Special Scientific Interest (SSSIs) will be protected from development likely to have an adverse effect on their integrity.

Where a proposal for development is likely to have a significant impact upon International and European sites, applications must be supported by a Habitats Regulation Assessment (HRA) to provide sufficient information to the Council to establish the likelihood and nature of impacts before a decision can be made. If necessary, this may need to be followed by a more detailed 'Appropriate Assessment' of the impacts. An Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has been completed in compliance with the Habitats Directive and Habitats Regulations. Contributions will be secured from residential development, within the Zones of Influence, towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

As minimum, there should be no significant impact upon any protected species, including European Protected Species and schemes should consider (and include provision, as may be relevant for) the preservation, restoration or re-creation of priority habitats, ecological networks and the protection and recovery of ~~protected~~ priority species populations.

Proposals for new development should be supported by an appropriate ecological assessment. Where new development would harm biodiversity or geodiversity, planning permission will only be granted in exceptional circumstances, where the benefits of the development demonstrably outweigh the harm caused and where adequate mitigation or, as a last resort, compensation measures are included, to ensure no net loss, and preferably a net gain, in biodiversity.

Proposals for new infrastructure and major development should consider the potential for enhanced biodiversity, appropriate to the site and its location, including, where appropriate, within Green Infrastructure.

Any proposed development on sites which may support protected species will require a relevant survey(s), undertaken by a suitably qualified ecologist. If protected species are present, a suitable mitigation plan will be required prior to planning permission being granted.

This Policy contributes towards achieving Objective 8 of this Local Plan.

Avoidance of coalescence (SP2)

- 1.10 Main Modification MM7 (B) in respect of Policy SP2 of the Section 1 Local Plan results in the following wording to its second paragraph: *“Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting.”*
- 1.11 Whilst the modification does not necessitate any changes to the Section 2 Plan, the inclusion of this wording is welcomed because it adds weight to the Council’s approach in Section 2 of designating ‘Strategic Green Gaps’ through Policy SP6 – a policy designation that is designed to maintain separation between settlements and neighbourhoods, maintain their individual characters, avoid coalescence and conserve their landscape settings.
- 1.12 The Council is proposing a separate topic paper on Strategic Green Gaps which will contain more detailed justification for the policy and the designations in the Local Plan in light of various objections, drawing upon the available evidence, relevant appeal decisions and the experience of other authorities promoting similar policies in their plans.

Confirmation of the housing requirement (SP3)

- 1.13 Policy SP3 contains no modifications to the housing requirements per annum or total requirement for the plan period 2013-2033 for any of the three North Essex Authorities. For Tendring, the Inspector has concluded that the requirements of 550 dwellings per annum and 11,000 dwellings over the period 2013-2033 is based on sound evidence and does not require modification.
- 1.14 The Council’s Housing Topic Paper contains more detail of the Inspector’s conclusions in respect of housing requirements, acknowledging that he has sought views on whether the recently published 2018-based household projections have any bearing on the figures in SP3 – to which the North Essex Authorities have responded. Unless told otherwise by the Inspector in his final conclusions on the soundness of the Section 1 Local Plan, the housing requirement for Tendring is considered by the Council to be confirmed as 550 dwellings per annum and 11,000 dwellings over the period 2013-2033 – with no need for the issue to be revisited as part of the Section 2 examination. .
- 1.15 As a consequence, there are no requirements to alter any of the references to the housing requirement contained within Policy LP1 in Section 2 of the Tendring Plan or the supporting Tables – although a number of amendments are proposed, within the Council’s Housing Topic Paper in relation to the updated supply figures which demonstrate that the housing requirement will be met and exceeded within the remainder of the plan period to 2033, with a significant level of headroom.

Confirmation of the employment land requirement (SP4)

- 1.16 Policy SP4 in the Section 1 Local Plan is the subject of Main Modifications including adjustments to the B use employment land requirements for Tendring. In the plan as submitted, the requirement ranged between 20 and 38 hectares using ‘baseline’ and

'higher growth scenario' projections respectively. The modifications reduce the expectations range between 12 and 20 hectares to reflect more up to date evidence and to correct errors in the evidence that informed the original figures. More details explaining the change will be set out in a separate topic paper on employment land.

- 1.17 The implication for the Section 2 Local Plan is that Policy PP7 'Employment Allocations' needs to identify land to deliver the revised employment land requirements of 12 to 20 hectares in the plan period 2013-2033. Policy PP7 in the plan, as originally submitted, identified 19.83 to 21.8 hectares of employment land for the period to 2033 with a further 8.4 to 28.4 for further 'aspirational' growth beyond 2033 – essentially meeting the modified employment land requirement to 2033 at the higher end of the range.
- 1.18 However, as will be explained in the Council's Employment Land Topic Paper, 36.6 hectares of land for B-class employment use can be identified, of which the vast majority has already obtained planning permission. Significant amendments to that policy will be suggested within the topic paper to ensure that the full range of employment land opportunities across the district are accurately listed – demonstrating that the Local Plan comfortably meets the projected employment land requirements.

Housing and employment at the Tendring Colchester Borders Garden Community

- 1.19 Main Modification MM18 to first section of Policy SP7 sets out the revised expectations for the delivery of housing, employment land and gypsy and traveller provision at the proposed Tendring Colchester Borders Garden Community. The relevant wording, as modified (Modification B) is "Tendring/Colchester Borders, a new garden community which will deliver between 2,200 and 2,500 homes, 7 hectares of employment land and provision for Gypsies and Travellers within the Plan period (as part of an expected overall total of between 7,000 and 9,000 homes and 25 hectares of employment land to be delivered beyond 2033)."
- 1.20 Main Modification MM30 provides greater clarity over how the housing delivery from the Garden Community (which crosses the Tendring/Colchester border) will be distributed between the two authorities. It confirms: "For the Plan period up to 2033, housing delivery from the garden community, irrespective of its actual location, will be distributed equally between Colchester Borough Council and Tendring District Council. If, after taking into account its share of delivery from the garden community, either of those authorities has a shortfall in delivery against the housing requirement for its area, it will need to make up the shortfall within its own area. It may not use the other authority's share of delivery from the garden community to make up the shortfall."
- 1.21 The main consequences of these modifications for the Tendring Section 2 Local Plan are as follows:
- a) That the Garden Community's expected contribution towards housing delivery in the remainder of the plan period to 2033 is revised from 2,500 to a range between 2,200 and 2,500 of which 50% (i.e. 1,100 to 1,250) would count towards Tendring's housing supply - whereas Policy LP1 'Housing Supply' and associated Table LP2 in

the Section 2 Plan (as submitted) refer only to an expected contribution of 1,250 dwellings;

- b) That the expectation of employment land at the Garden Community is confirmed as 7 hectares for the remainder of the plan period to 2033, of a total 25 hectares overall – whereas Policy PP7 ‘Employment Sites’ in the Section 2 Local Plan (as submitted) refers to 6 hectares within the plan period and a further 4-24ha post 2033; and
- c) That some (unspecified) provision for Gypsies and Travellers is expected to be made as part of the Garden Community for within the plan period to 2033 – whereas Policy LP9 ‘Traveller Sites’ in the Section 2 Local Plan (as submitted) makes no reference whatsoever to the Garden Community.

1.22 As explained in the Council’s Housing Topic Paper, amendments to both Policy LP1 and LP9 are suggested which include a lowering of the expectation of housing delivery at the Garden Community within the plan period to 1,000 homes (taking a more cautious/conservative position than the Inspector) whilst still demonstrating a significant over-allocation of housing land to meet and exceed the housing requirement. The Housing Topic Paper also contains suggested revisions to Policy LP9 including a reference to longer-term gypsy and traveller provision as part of the Colchester Tendring Borders Garden Community which would be planned for through the separate Development Plan Document (DPD) for that development.

1.23 For employment land, the Council will suggest, through its Employment Land Topic Paper, amendments to Policy PP7 that delete references to the Garden Community’s previous expectations of 6ha of employment land up to 2033 and 4-24ha post 2033 and instead refer to ‘additional employment land’ being identified through the Development Plan Document (DPD).

Mapping Changes

1.24 The proposed Main Modifications to the Section 1 Local Plan includes a new Map 10.2 which more accurately defines the ‘Broad Location’ for the Tendring Colchester Borders Garden Community. The Council recognises that the revised boundary should be reflected on both the Policies Map and relevant Local Map B.7 and amendments to that effect will be suggested by the Councils, for the Inspectors’ consideration.

Summary of issues and changes arising from Section 1 Main Modifications

1.25 As suggested by the Inspectors, the consequential changes to the Tendring Section 2 Local Plan arising from the Section 1 Main Modifications are summarised below in the form of a schedule:

Table 1.1 Summary of issues and changes arising from Section 1 Main Modifications

Topic	Mod Ref	Summary of the relevant modifications and resulting issues.	Suggested consequential changes to Section 2 Local Plan.
Recreational disturbance Avoidance Mitigation Strategy (RAMS) (SP1A)	MM6	New policy on RAMS introduced into the Section 1 Local Plan. No specific references to RAMS in Policy PPL4 of the Section 2 Plan (as submitted) on Biodiversity and Geodiversity.	Addition of new wording into Policy PPL4 and supporting text (see above).
Avoidance of coalescence (SP2)	MM7(B)	Additional wording inserted into Policy SP2 that specifically refers to the avoidance of coalescence – adding weight to the Council’s approach to designated ‘Strategic Green Gaps’ through Policy PPL6 in the Section 2 Local Plan.	None required.
Confirmation of the housing requirement (SP3)	N/a	Confirmation that the housing requirement of 550 dwellings per annum of 11,000 over the period 2013-2033 is based on sound evidence. This is the requirement that needs to be met through policies and proposals in the Local Plan.	None required – although see the Council’s Housing Topic Paper which suggests updates to the housing supply figures.
Confirmation of the employment land requirement (SP4)	MM9(E)	Revisions to the employment land requirement for Tendring from 20-28 hectares to 12-20 hectares.	Revisions to Policy PP7 to be suggested through an Employment Land Topic Paper – mainly aimed at demonstrating that more than enough land can be identified for employment use.
Housing and employment at the Tendring Colchester Borders Garden Community (SP7)	MM18(B)	Revisions to the expected contribution of the Tendring Colchester Borders Garden Community towards housing, employment land and gypsy and traveller provision within the plan period and beyond.	Revisions to Policy LP1 and supporting tables and Policy LP9 proposed within the Council’s Housing Topic paper. Revisions to Policy PP7 to be suggested through an Employment Land Topic Paper.
Mapping Changes	10.2	New Map 10.2 to more accurately define the ‘Broad Area’ for the Tendring Colchester Borders Garden Community.	Revisions to the Policies Maps and Local Map B.7 to reflect the amended boundary.

Part 2: Issues arising from changes in national policy/legislation

- 2.1 Work started on the new Local Plan with the formation of the 'Local Plan Committee' in May 2014 (which has since gone on to be renamed the 'Planning Policy and Local Plan Committee'). At that time, national planning policy/guidance consisted of the National Planning Policy Framework (NPPF), published in March 2012 and later to be joined by the online National Planning Practice Guidance (NPPG). This meant that, in preparing the emerging Local Plan, the Council relied upon the above mentioned planning guidance at a national level.
- 2.2 Since that time however, the NPPF has gone through two new publications in 2018 and 2019 and the NPPG has received numerous changes. However, because the plan was submitted for examination before 24 January 2019, it is still the policies from the 2012 NPPF that apply – as confirmed by the Inspector for the Section 1 Local Plan examination.
- 2.3 The Council has considered the various changes in policy and legislation that have come about since the submission and consider that the only ones that have direct implications for the Section 2 Plan are in relation to Retail and Town Centre policy and Employment Land policy i.e. Policies PP1 through to PP7, mainly resulting from changes in the Use Classes Order.
- 2.4 The Council proposes a specific Topic Paper on the subject of Retail and Town Centre policy which will provide details of the updated evidence contained within a new Retail and Town Centres Study prepared in 2020 by Lambert Smith Hampton (LSH) and suggested changes to Policies PP1 to PP5 resulting from the new evidence, a change in emphasis within the NPPF and changes to the Use Classes Order in September 2020.
- 2.5 Essentially, the changes to the Council's policies that the Inspectors will be invited to consider will include:
 - Changes to Policy PP1 'New Retail Development' and supporting text to reflect the updated forecasts for convenience and comparison retail floorspace and the more flexible approach to development in town centres advocated in the latest version of the NPPF;
 - Changes to Policy PP4 'Local Impact Threshold' and supporting text aimed at lowering the floorspace thresholds for which proposals for retail, leisure and office developments outside of town centres would require an impact assessment – reflecting the latest evidence from LSH and reinforcing 'town centre first' emphasis of national planning policy; and
 - Changes to Policy PP5 'Town Centre Uses' to reflect the introduction of the new, more flexible, Use Class E (Commercial, business and services) and to remove the 'primary and secondary shopping areas' policy designations which have become obsolete as a result of the Use Class changes.

2.6 The introduction of Use Class E in September 2020 and the inclusion of the former B1 'Business' use within that category also has implications for the Council's employment land policies PP6 and PP7 which currently promote B1, B2 and B8 use. The Council will be suggesting various amendments to those policies both in response to this change, but also to reflect the latest evidence in the Council's 2019 Employment Land Review by Hatch Regeneris. The Council proposes a separate Topic Paper which will detail the new evidence and any suggested changes.

2.7 The only other area of note is the change in the definition of affordable housing between the 2012 and 2018/19 NPPF. The 2012 definition (as set out in the Glossary is):

"Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as "low cost market" housing, may not be considered as affordable housing for planning purpose."

2.8 The 2019 definition is:

"Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) 'Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.”

- 2.9 The change in definition does not require any changes to the Council's emerging policy on affordable housing (LP5) although other changes to that policy are being suggested through the Council's Housing Topic Paper. There may, however, be merit in reflecting the up to date definition within the Glossary (section A) of the emerging Local Plan.