

**From:** [REDACTED]  
**To:** [Local Dev. Framework](#)  
**Cc:** [REDACTED]  
**Subject:** Craven Local Plan Publication Draft Consultation 2018  
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[130218 - Craven Representation.pdf](#)  
[DOC130218-011.pdf](#)  
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[DOC130218-014.pdf](#)  
[DOC130218-015.pdf](#)

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Dear Sir/Madam

In response to the above consultation, please find enclosed representations on behalf of Skipton Properties Ltd. The representation is accompanied by the relevant completed Publication Stage Representation Forms.

If you require hard copies of the attached, please do not hesitate to contact me on the details below.

Kind regards

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**REPRESENTATIONS ON BEHALF OF  
SKIPTON PROPERTIES LIMITED**

**Publication Draft Craven  
Local Plan Consultation**

**February 2018**



**PUBICATION DRAFT CRAVEN LOCAL PLAN**  
**REPRESENTATIONS ON BEHAV OF SKIPTON PROPERTIES LIMITED**

**1. Introduction**

1.1 This representation is submitted on behalf of Skipton Properties Ltd (“SPL”) in relation to the soundness of the ‘*Publication Draft Craven Local Plan*’ (“Draft Local Plan”).

1.2 Craven District Council (“the Council”) published its Draft Local Plan for consultation on 2<sup>nd</sup> January 2018. The Council are consulting upon the Draft Local Plan until 13<sup>th</sup> February 2018. The consultation comprises a number of documents, including: the Draft Local Plan document and appendices, Policies Map, Statement of Consultation, Statement of Representations Procedure and a Sustainability Report. In addition, the Council have also published a number of supporting documents.

**2. Legal Context**

2.1 Section 20(5)(b) of the Planning and Compulsory Purchase Act 2004 requires an Inspector at an independent examination to determine whether a Development Plan Document is “sound”.

**3. National Policy Framework**

3.1 Paragraph 182 of the National Planning Policy Framework (“NPPF”) explains “soundness” as follows:

*“The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:*

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be delivered over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”

3.2 Paragraph 158 of the NPPF refers to the use of a proportionate evidence base and states:

*“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.”*

3.3 In addition, we note guidance published by the Planning Advisory Service entitled ‘Soundness Self-Assessment Checklist’ (March 2014). This guidance, although advisory, enables the preparation of a robust Local Plan which is positively prepared, justified, effective and consistent with national policy.

3.4 The Soundness Checklist advises that in terms of being “justified” the plan should be based on a robust and credible evidence base involving:

- Research/fact finding: the choices made in the plan are backed up by facts.
- Evidence of participation of the local community and others having a stake in the area.

3.5 In terms of the plan being the most appropriate strategy when considered against reasonable alternatives, the Soundness Checklist advises that these alternatives should be realistic and subject to sustainability appraisal. The plan should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

3.6 With regards to the test of “effective”, the Soundness Checklist advises that this means the plan should be deliverable, requiring evidence of:

- Sound infrastructure delivery planning;
- Having no regulatory or national planning barriers to delivery;
- Delivery partners who are signed up to it;
- Coherence with the strategies of neighbouring authorities, including neighbouring marine planning authorities; and
- The plan should be flexible and able to be monitored.

3.7 The Soundness Checklist advises that the plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals.

3.8 The NPPF contains a presumption in favour of sustainable development. Paragraph 14 provides:

“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan making and decision-taking.

For **plan-making** this means that:

- Local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted...”

3.9 One of the Core Planning Principles contained in the NPPF (at paragraph 17) is to:

*“proactively drive **and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the county needs**. Every effort should be made objectively to identify and then meet the housing, business and other development needs of the area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.”*  
(our emphasis)

3.10 Paragraph 28 of the NPPF supports a prosperous local economy and states that importance of sustainable rural tourism:

*“**support sustainable rural tourism** and leisure development that benefit **businesses in rural areas, communities and visitors, and which represent the character of the countryside**. This should include supporting the provisions and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in the rural service centres.”*  
(our emphasis)

## 4. Assessment of the Draft Local Plan

### 4.1 **Introduction**

4.1.1 An assessment of the Draft Local Plan and its supporting documents has been undertaken to establish whether its policies are “sound” with particular regard to the policies relating to Housing Mix and Density, Affordable Housing, Planning Obligations and Education Provision.

4.1.2 The Craven plan area is located in North Yorkshire. The Craven District is approximately 1,777 square kilometres and the remainder of the Craven District lies within the Yorkshire Dales National Park (“YDNP”). The Yorkshire Dales National Park Authority (“YDNPA”) is a separate planning authority which produces its own Local Plan.

4.1.3 The current local plan for Craven consists of the ‘saved’ policies of the Craven District Local Plan (1999).

## 4.2 Draft Policy SP3: HOUSING MIX AND DENSITY

4.2.1 SPL objects to Policy SP3 on the grounds the Policy is UNSOUND. This is because the Policy as drafted is derived from insufficient evidence and cannot be justified; and because the Policy as drafted is ineffective and doesn’t provide a reasonable basis for the Council to apply Development Management assessments of Planning Applications.

4.2.2 In relation to the evidence base, the mix split as currently drafted has been taken directly from the 2017 SHMA Update (paragraph 7.16 p89). The table 7.3 sets out a suggested dwelling mix by market and affordable housing tenures.

<b>Overall dwelling size mix</b>	<b>Market (%)</b>	<b>Affordable (%)</b>	<b>Overall (%)</b>
1/2 Beds	18.9	87.4	39.4
3 Beds	57.3	11.8	43.7
4 Beds	23.8	0.8	16.9
Total	100.0	100.0	100.0
Base	145	97	242

4.2.3 The SHMA however only provides an overview and provides no analysis of how the need or demand for differing house types will vary over the district. It also represents no more than a snap shot in time. In reality, the demand for different house types and sizes can vary quickly depending on complex interrelating factors including the availability of different sizes of second hand housing stock. This point is amply illustrated by the preceding version of the SHMAA 2016 which shows a markedly different suggested dwelling mix just 12 months earlier.



<b>Overall dwelling size mix</b>	<b>Market (%)</b>	<b>Affordable (%)</b>	<b>Overall (%)</b>
1/2 Beds	8.2	86.4	39.4
3 Beds	64.9	12.9	44.0
4 Beds	26.9	1.2	16.6
Total	99.9	100.5	100.0
Base	128	86	214

4.2.4 Importantly, the Council decides to use the combined 'Overall' housing mix percentage in draft Policy SP3. This is actually a meaningless figure as it has the effect of artificially skewing the housing mix that the Council will seek to apply in a Development Management scenario.

4.2.5 To illustrate the point, if an Applicant submits an Application for ten market dwellings – where there is no requirement for affordable housing to be provided on site – the Policy could be interpreted to reduce the amount of four bed market housing and more than double the amount of 1/2 bed housing which the actual evidence base suggests is required for market housing. The starting point in that scenario should be that the SHMAA suggested mix for market housing is actually for 19% 2-beds – not 40%.

4.2.6 As drafted the Policy attempts to introduce some flexibility at Criterion C by stating the very specific housing mix percentages will be applied as a general guide flexibly. This does not offer sufficient comfort because, for the reasons set out above, the starting point for the application of the 'general guide' range is fundamentally flawed. If the starting point is flawed, the rationale for the policy as drafted indicates that the Council is actually seeking to prescribe a specific housing mix using a flawed interpretation of the evidence base in order to seek to secure a great proportion of smaller market dwellings than is actually required.

4.2.7 The Policy as drafted is therefore UNSOUND for these reasons:

4.2.8 If the Inspector considers there is sufficient evidence to warrant a housing mix policy, the Policy should be amended by:

- Deleting criterion (a) and all references to the specific guide range of percentages; and
- Amending Criterion (c) so that it is more generic and flexible along the lines of "The local planning authority will seek to ensure that the housing mix proposed on development sites reflects up to date evidence of local housing need, taking into account scheme viability or other site-specific circumstances."

### 4.3 Draft Policy H2: AFFORDABLE HOUSING

4.3.1 The draft policy H2 and the text at Paragraph 6.11 of the draft Local Plan are **unsound** because they specify that 30% affordable housing is a minimum requirement and proceed on false assumptions regarding viability generally.

4.3.2 Paragraph 6.18 perpetuates and amplifies such unsoundness because it provides that only in very exceptional circumstances will the local planning authority review individual sites in terms of scheme viability.

The financial viability of developments should be assessed on a scheme by scheme basis. See further submissions provided by Savills at Appendix 1.

4.3.3 The policy is unsound because:

- a) The expression of a provision of a minimum of 30% affordable housing is simply unsound if it is to be supposed that this is a minimum which the Council will seek to achieve. It proceeds on a false assumption that, as drafted, a viability appraisal will be required on every single development, so as to ensure that a greater level of affordable housing could not be achieved. It seems unlikely that this is the Council's objective but as drafted (with an exception of a minimum provision) then that is how the policy must be interpreted. We consider that this is unsound both substantively and as a matter of drafting because it is not clear and will not provide any certainty to developers.
- b) The expression of 30% affordable housing to be a target would be sound but only if this is not subject to a caveat that any lower provision would be the subject of demonstrating exceptional circumstances. Once again, such policy is not supported in National Planning Policy Guidance which makes clear that viability must be underpinned by an analysis of a very wide range of factors including profit levels, abnormal costs and fundamentally, a land value which reflects the sale of land at a level appropriate to a willing seller.
- c) As drafted, the policy will act as a straitjacket upon delivery of affordable housing. As noted by Savills, each site has varying factors which can hugely affect financial viability and therefore each site must be capable of demonstrating a viability level in the market at a particular time and should not be based upon, what amounts to be an additional test in demonstrating "exceptional circumstances".
- d) Land values throughout the area can vary and therefore, in combination with other circumstances, viability could be affected. We do not accept a general

proposition, that all land values will support a delivery of 30%, which appears to be the assumption of the Aspinall Verdi report.

e) We also do not accept that profits should be based upon 20% GDV for market sale (private) units and 6% profit on affordable units. Housebuilders and their funders will require, in general, a return of 20% of GDV and this should be the assumption in any viability appraisal.

f) Overall, the assumption that all abnormal costs should be borne by the Landowner is not as a principle, acceptable and nor is it underpinned by national guidance. The level of affordable housing should take into account an underlying land value which would be acceptable to a willing seller. If a reasonable land value cannot be achieved then it is unrealistic to expect a Landowner (unless desperate) to enter into agreement which will not realise a level of value which would encourage a sale.

g) The policy and text should therefore be amended as follows:

- Page 170, paragraph 6.17 and 6.18 of the draft Local Plan should be amended by the deletion of the following text:

*“Abnormal costs associated with individual sites should be negotiated between the developer and the landowner.”*

- Page 170, paragraph 6.18 of the draft Local Plan should be amended by the deletion of the following text:

*“Only in very exceptional circumstances will the local planning authority review individual sites in terms of scheme viability”*

and its replacement with something along the lines of:

*“The financial viability of developments should be assessed on a scheme by scheme basis having regard to individual circumstances.”*

- Policy H2 should be amended by:
  - (i) the deletion of the text *“a minimum of”* from criterion a) I; and
  - (ii) the deletion of the text *“not be acceptable unless it can be clearly demonstrated that exceptional circumstances exist which justify”* from criterion a) I. and its replacement with something along the lines of:

*“will be supported by an appropriate viability appraisal which justifies”*

#### Financial and Off-Site Contributions

4.3.4 Paragraph 6.20 of the draft Local Plan is **unsound** because it sets out a methodology for calculating off-site contributions in lieu of affordable housing being provided on site. The paragraph is describing a policy approach and is not a justification for a policy. The content of paragraph 6.20 is clearly designed to establish strict parameters for a commuted sum calculation by using a 'transfer value' as the basis for the calculation. There is no evidence to justify the use of a 'transfer value' in such a calculation or indeed what an appropriate 'transfer value' might be.

4.3.5 The proposed calculation is itself also fundamentally flawed; its application significantly impacts on land value and acts as a disincentive to land owners to bring forward small sites under the 10-dwelling threshold. The calculation is not justified and should therefore be deleted from the Local Plan.

4.3.6 In order to address this issue, Paragraph 6.20 should be deleted in its entirety from the Local Plan. Alternatively, the Council should state that commuted sums for off-site contributions will be calculated on a site by site basis subject to viability; or through a methodology that is formulated on evidence, set out in an SPD, and subject to consultation and testing through Examination.

#### Paragraph 6.21 Vacant Building Credit

4.3.7 Paragraph 6.21 states that "*The Council will bear this in mind when considering whether a vacant building credit should apply...*". This implies that Vacant Building Credit is discretionary on the part of the Council. This conflicts with the provisions for VBC as set out in the NPPG and is therefore **unsound**.

4.3.8 The justification should be amended to make it clear that the Council will apply VBC in accordance with National Policy.

#### Draft Policy H2: Criterion a) I

4.3.9 The thresholds for requiring Affordable Housing contributions is not clear, not properly justified and not in accordance with National Policy. It is therefore **unsound**. As drafted, the threshold applies to any development sites that generate more than 1000 sq. m of combined gross floor space, irrespective of the number of dwellings proposed. The Planning Practice Guidance states:

*"There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in*



the written ministerial statement of 28 November 2014 and should be taken into account.

These circumstances are that; contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area) in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. **No affordable housing or tariff-style contributions should then be sought from these developments.** In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home

Paragraph: 031 Reference ID: 23b-031-20161116

Revision date: 16 11 2016 See previous version”

4.3.10 The Practice Guidance provide further clarity as follows:

“Are there any exceptions to the 10-unit threshold?

Local planning authorities may choose to apply a lower threshold of 5-units or less to development in designated rural areas being areas as described under section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty. **No affordable housing or tariff-style contributions should then be sought from these developments.**

4.3.11 Where this lower threshold is applied, local planning authorities should **only seek affordable housing contributions from developments of between 6 to 10-units as financial contributions and not affordable housing units on site.**

Any payments made (whether as an affordable housing contribution or contribution to a pooled funding pot for general infrastructure provision) should also be commuted until after completion of units within the development.

Paragraph: 017 Reference ID: 23b-017-20160519

Revision date: 19 05 2016”

4.3.12 Criterion a) I; provides for an even lower threshold of less than 6 dwellings by stating that any sites over 1000 sq. m require an affordable contribution. This is clearly at odds with the thresholds set out in the Practice Guidance as Government Policy intended to stimulate local economies by alleviating the burden of planning obligations on small scale house builders. The Policy could be brought into line with the Governments thresholds by introducing further clarity such that:

“No affordable housing contributions will be sought on developments of 5 or less dwellings”.

- 4.3.13 Criterion a) II. As per paragraph 6.21 the Policy seeks to retain flexibility to apply Vacant Building Credit in appropriate circumstances. The policy should be amended such that:

*“Vacant Building Credit will be applied in accordance with national planning policy.”*

- 4.3.14 Criterion d): This criterion is unsound because it is unclear, ineffective and unnecessary. The criterion appears to be designed to retrospectively seek affordable housing on sites where earlier phases may have had a reduction in affordable housing negotiated through a Financial Viability Appraisal. For example, on a phased scheme, a development may incur higher infrastructure costs for the first phase which justifies a reduction in the affordable housing contribution to make the first phase viable. This criterion is designed to enable the Council to try and retrospectively claw back any discount in affordable housing in a first phase of development by adding that level of discount as an additional requirement (on top of normal policy requirements) on a subsequent phase.

- 4.3.15 The purpose of the criterion has no basis in evidence or national planning policy. In practice, any affordable housing requirement on a phase of a development will be assessed in accordance with the policy requirements and financial viability at the time the application is made. The criterion is therefore unsound and should be deleted from the plan.

- 4.3.16 Criterion f): This part of the Policy fails to recognise that for Rural Exception Sites to come forward without grant support a sufficient financial incentive must be provided to landowners for them to release sites. The introduction of market housing to cross subsidise affordable housing on these sites will therefore not only contribute to the construction cost of the affordable housing but also to the price paid to the landowner. It is therefore inappropriate to ignore that the fact that for exceptions sites to come forward, the landowner should be able to realise a sufficient financial incentive to release the site. Criterion g) II should be amended such that:

*“the market homes proposed are the minimum number required to achieve viability in the absence of any public subsidy or with reduced public subsidy, and for the landowner to realise a sufficient financial incentive to release the site”.*

## **SECTION 8 INFRASTRUCTURE, SERVICES AND FACILITIES**

### **4.4 Draft Policy INF1: PLANNING OBLIGATIONS**

- 4.4.1 Paragraph 8.2: – Community Infrastructure Levy. This paragraph states that the Council will consider introducing a Community Infrastructure Levy and that developers will be ‘safeguarded from double charging’. The Local Plan Viability

Assessment is however, predicated on the basis that the Council will not introduce CIL. That is, the policies within the plan that set out obligations for affordable housing, open space, education are all derived from an evidence base that specifically excluded the potential additional burden of CIL on developers. This paragraph indicates that the Council intends to now retrospectively introduce CIL once the Local Plan is adopted. This is unsound because to do so would completely undermine the evidence base for these Local Plan policies. Paragraph 8.2 should be deleted unless the Council clarifies in this statement that it will only consider a CIL in conjunction with a future review of the Local Plan.

#### **4.5 Draft Policy INF6: EDUCATION PROVISION**

4.5.1 Policy INF6 and the accompanying Appendix B are UNSOUND because there is no evidence to justify the thresholds at which contributions will be sought and no evidence to justify the proposed formula for calculating contributions. The Policy also fails to set out any detail on the circumstances where a contribution will be necessary having regard to an objective assessment of need to meet education infrastructure requirements.

4.5.2 INF6: 1<sup>st</sup> Para and criterion (d): States that planning obligations for education will be sought 'where necessary'. Neither the supporting text or Appendix B defines 'where necessary'. In fact, the whole policy and Appendix B fails to clarify any circumstances at all where it will not be necessary for a contribution from a residential development. The Policy and Appendix therefore lacks any credibility as there is a complete lack of transparency on the actual circumstances where a contribution will be necessary relative to the CIL Reg tests. In practical terms, a residential development may have an impact on a local school within the school catchment area of the development site in circumstances where that school has a lack of capacity to accommodate the number of children that might be 'generated' by the development. In those circumstances, there is a clearly a 'need' to increase the capacity of the school and a reasonable contribution can assist towards that objective.

4.5.3 In order to be transparent, the Policy and Appendix B must clearly set out the circumstances where a contribution will be necessary. In doing so, the Council needs to have regard to the following issues. NYCC Education Authority can provide an assessment of the current school capacity (the number of children it can accommodate) against the actual number of children on the school roll at the time of the application in order to work out the 'spare capacity'. If there is a lack of capacity at the time of the application, a contribution to improve that capacity may be necessary. The same exercise can also be undertaken using forecasts from the Education Authority over a 3/5 year period of the likely increase in the school roll, in order to determine if there is any 'spare capacity' in 3/5 years' time. This is designed to reveal whether there is likely to be any capacity issues at the point the residential development delivers occupied houses. There are

though fundamental flaws with this approach, and the Council/Education Authority needs to clearly set out the exact methodology for calculating the forecast school occupancy rates. This is because it is likely the forecast increase in school occupancy is based on population and migration projections. These will be the same population and migration projections used to forecast housing need requirements as the basis for identifying housing allocations. Thus, there is likely to be an element of double counting if the Education Authority forecasts an increase in a school's occupancy, and then calculates an additional increase in occupancy from an allocated housing site. The detail of these 'necessary' tests must be clearly articulated and evidenced, and set out in the Policy itself.

- 4.5.4 INF6 (a) and (b): This deals with the thresholds at which a contribution will be sought. Reference is made in Appendix B (p 4.1) to "North Yorkshire has operated a policy and methodology"... in relation to a threshold of 25 dwellings. This policy and methodology is not referenced nor forms part of the CDC Local Plan evidence base. In any event, CDC seeks to depart from this NYCC norm and introduces a lower threshold of 15 dwellings for all sites outside of Skipton. There is no evidence for this policy approach. The Council must evidence and clearly set out its reasons for the proposed site size thresholds and that evidence must be subject to scrutiny.
- 4.5.5 INF6 (c): The last part of this criterion adds "...if they are clearly incapable of being enlarged to two-bedroom units." This is a completely subjective test, incapable of being rationally measured. It is unnecessary, and introduces uncertainty and ineffectiveness into the policy criterion. It should be deleted.
- 4.5.6 INF6 Appendix B: As a general point, the Appendix contains elements of Policy not justification. It needs careful review, with the elements of Policy taken out and inserted directly into Policy INF6.
- 4.5.7 Appendix B Para 2.1: This paragraph states that the Council will consider applying a requirement for education contributions from retail and employment developments. As above, this is policy not justification. And it is un-evidenced Policy which conflicts with the attempted justification in the remainder of Appendix B. It is unsound and should be deleted.
- 4.5.8 Appendix B Para 3.2: This paragraph is seeking to prevent disaggregation of sites in order to avoid the thresholds for contributions. Firstly, this is policy and not justification. Secondly, it is unnecessary in any event because each application must be considered on its individual merits against the 'need and threshold tests' set out in Policy.



4.59

Appendix B Para 5.14: This sets out a Policy position (not justification) of requiring a claw back period (for unspent commuted sums) of 10 years. This is not reasonable on the basis that the justification for a commuted sum is that it must be necessary to resolve a school capacity issue and thus fairly related to the development. Applications for full permission must (under current legislation) be implemented within 3 years of permission. In Craven, the majority of sites are under 100 dwellings and thus will be built out within 5 years of permission. If the required contribution has not been spent by the Education Authority within 5 years of the payment (often made at 50% occupation) – it cannot have been needed to resolve an infrastructure issue. The issue here is that the Council and the Education Authority, in justifying the need for a contribution, must then act within a reasonable period to ensure that contribution is spent on increasing capacity at the school local to the development site – so that those residents are not faced with an infrastructure deficiency. The claw back period should be a maximum of 3 years from payment for that reason. More importantly, this paragraph attempts to introduce a policy of allowing the Education Authority to direct paid contributions away from the school where the need (and thus the basic justification for the contribution) has been identified. This is the opposite of fair and transparent as any 'necessary' contributions should be ring fenced to the school with the identified capacity problem.

**APPENDIX 1**

9 February 2018  
Letter to Craven Council -09.02.18.docx



Craven Council

Via e-mail

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Dear Sirs

**Craven Local Plan Pre-publication Consultation Draft - Viability Assessment – Addendum Report and Draft Affordable Housing Policy**

We have been instructed by Skipton Properties to analyse the above report, which was published by Aspinall Verdi (AV) on 29<sup>th</sup> November 2017, and the subsequent Draft Affordable Housing Policy document. Herein we provide our view against the following points outlined in the report and the Draft Policy:

1. The recommendation that a **minimum** provision of 30% affordable housing on new build schemes is required across the District.
2. That abnormal costs on individual sites should be negotiated between the developer and the landowner and that 'only in very exceptional circumstances' will the local planning authority review individual sites in terms of scheme viability.
3. AV's opinion that profit should be split at 20% on the Gross Development Value (GDV) of private/market sale units and a 6% profit assigned to the affordable units on development sites.

**1. Minimum provision of 30% affordable housing**

A policy that specifies a minimum level of affordable housing, particularly at a high level such as 30%, is not practical as it does not provide certainty to developers. Less development will take place as a result of a minimum level of affordable housing being enforced on all sites as this will affect the financial viability on schemes.

Every development site differs based on a number of factors, including but not limited to: Gross Development Value (GDV, also known as sales revenue) based on housing mix, number of units, floor areas and sales rates per micromarket and development costs (such as build costs and abnormal costs). As the variables on each site is different, applying a 'minimum' across the board could jeopardise the entire viability of a site.

In addition, we would note that this 'minimum' policy does not conform to affordable housing policies from other local authorities across the country. As is the case with other local authorities, the affordable provision should therefore be a **target** provision and not a minimum.

**2. Abnormal costs and viability in 'exceptional circumstances'**

As indicated above, each site differs depending on a number of factors, which include but are not limited to, a combination of GDV and varying development costs. Build costs in particular are increasing rapidly at present as a result of labour, skills and materials shortages, and abnormal costs vary widely based on ground conditions, drainage, contamination etc. for each site. As each site has varying factors, these can hugely affect financial viability and as such each site and its individual circumstances should be considered on its own merit.

We therefore firmly reject the assumption that viability assessments should only be reviewed in exceptional circumstances.

### **3. Profit on GDV**

AV's report indicates that when assessing the return (profit) on sites, a profit of 20% on the GDV should be applied on the market sale (private) units and 6% profit on the affordable units. Savills rejects this assumption. We work with a range of housebuilders and continually monitor the level of profit margins that developers purchase land upon. The definitions of profit margins differ from developer to developer; but ultimately, the profit margin that developers use in calculating a land value is their Operating Margin.

Taking into consideration the current market conditions that the UK housing market finds itself in, developers require an operating margin of 18% to 22% of Gross Development Value (GDV) – or in simple terms a percentage of revenue, with the vast majority of schemes requiring a return of 20% of GDV.

### **Risk**

The level of profit required to pursue a scheme correlates with the level of risk, with a higher level of risk requiring levels of profit at the higher end of the scale. Examples of risk include:

- Specific market conditions (sales revenue, rate of sale);
- High levels of abnormal development costs;
- Lower levels of economies of scale;
- A housebuilder's lending facility and finance requirements;
- Macroeconomic and political concerns.

There are also a number of ongoing policy-related and macro-economic changes that will have an effect on schemes, which include:

- Uncertainty over both the global and UK economy following the referendum. Fitch and S&P downgrading the UK credit ratings from AAA to AA, GBP at its lowest level against the dollar for more than 30 years, and uncertainty as to the timescales and terms relating to Brexit all add another layer of instability and uncertainty to the market;
- Recent Stamp Duty reforms for commercial property; and
- Increased Stamp Duty rates for those purchasing additional residential properties.

### **GLA Viability Toolkit (2014)**

We would also refer to the GLA's Viability Toolkit (2014). In January 2014 the GLA updated its position on an appropriate level of developer return to be used in their Development Control Toolkit stating:

*"The 2014 Toolkit, following the BNP Paribas Real Estate review, takes a composite benchmark of 20% Developer Return on the market element of the scheme. This replaces the approach previously adopted, which shows a 17% Developer Return".*

*"The 2014 Toolkit, following the BNP Paribas Real Estate review, takes a composite benchmark of 20% Developer Return on the market element of the scheme. This replaces the approach previously adopted which shows a 17% Developer Return and a 6% Internal Overhead on build costs. The 20% Developer Return is seen to be competitive in current market circumstances. However, scheme specifics may suggest a lower or higher developer return is appropriate and should be amended reflecting site specifics where necessary."*

The updates to the Toolkit follow on from BNP Paribas' review of the 2011 version. Table 4.2.1 (page 24) states that 20% profit on GDV is "reflective of levels currently required by funders."

### **Southwark CIL Viability Study, November 2013**

In April 2015 the Council started charging CIL, based on viability evidence by BNP Paribas Real Estate. The target profit margin in the Council's study was 25% on Cost. BNPP state that:

*"While Developer's Profit has to be assumed in any appraisal, its level is closely correlated with risk. The greater the risk, the higher the profit level required by lenders. While profit levels were typically up to around 15% of completed development value at the peak of the market in 2007, banks now require schemes to show a higher profit to reflect the current risk. Typically developers and banks are targeting around 20%-25% profit on Gross Development Value (GDV) or Cost respectively."*

### **Appeal ref: APP/N2739/S/16/3149425 - Land off Flaxley Road, Selby YO8 4BW**

The above site relates to the erection of circa 200 dwellings and the conversion of agricultural buildings to form a further 2 dwellings. A reduced affordable housing provision of 22% from 40% policy was agreed at an acceptable blended developer's profit of 20% on GDV.

### **Appeal ref: APP/N2739/S/17/3168721 - Land north of The Laurels, York Road, Barlby, Selby YO8 5JH**

We would also note the above site, which went to appeal in November 2017 for the erection of 37 dwellings, at a reduction of the affordable housing element from 40% to 6%. A profit on GDV was accepted at blended 20%.

### **Additional supporting evidence**

We have attached Savills Research paper 'Residential Development Margin – Competitive Return to a Willing Developer' dated October 2016, which provides additional justification of a blended 20% profit on GDV level. We have also attached e-mail correspondence from a number of housebuilders across Yorkshire, who reiterate that their minimum requirement is a 20% return on GDV. Similarly we have included a letter from a funder that states that they will only fund development if its return is a minimum of 25% profit on GDV.

### **Conclusion**


As indicated above, in addition to the requirement for a return of 20% profit on GDV across all tenures we unequivocally disagree with the assumption that a minimum of 30% affordable housing across the District is suitable. This does not provide certainty to developers, does not consider the fact that each site has varying factors that affect revenue and cost, and additionally it does not conform to affordable housing policies from other local authorities across the country. As is the case with other local authorities, the affordable provision should therefore be a **target** provision and not a minimum.



Given the individualities of each site we therefore also firmly reject the assumption that viability assessments should only be reviewed in exceptional circumstances.

Yours sincerely



 BCom (Hons) PGDipSurv MRICS  
Associate

October 2016

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# Residential Development Margin

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Competitive Return to a Willing Developer



# Residential Development Margin

## Competitive Return to a Willing Developer



### Executive Summary

The level of return required by a willing developer needs to have regard to the scale and complexity of the project in question, its cash efficiency, the scale of investment required and the embedded sales risk. Returns need to be set at a level which supports existing business models, stimulates new entrants into the housing market and which do not act as a barrier to entry to smaller less efficient companies. With no new entrants of scale into the housing market over the last 10 years, and SME's in perpetual decline, the evidence would suggest that current returns are not adequate for the risks involved.

In all cases developer margin is essentially split into three components with Net Operating Margin, overheads and finance needing to be considered in order to derive a gross hurdle rate. This is more easily explained as follows:

Figure 1 – Understanding Gross Margins



Source: Savills

Establishing the correct Site Level Net Margin for incorporation into residual land value calculations used during development viability discussions is key to ensuring the continuation of a robust and sustainable residential development industry.

Our analysis indicates that Operating Margin targets for housebuilders across the economic cycle are 15-20% on Gross Development Value (GDV). Overheads vary significantly (5% - 12%) depending on the scale and type of developer. For the purpose of our analysis we have used an average of 8% on GDV and, after adjusting for site specific finance the resultant suggests a Site Level Net Margin target of 20 – 25% of GDV. It should be noted that this does not take account of any exceptional items or planning costs associated with the promotion of strategic sites. Similarly it does not take in to account the cost of securing and promoting unsuccessful sites, which developers have to cover centrally. This figure could subsequently be higher for certain types and scale of development, such as high capital projects in London and provincial City Centres.



## Residential Development Margin

### Competitive Return to a Willing Developer

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Also, in most cases, Return on Capital Employed (ROCE) is considered to be an equally important indicator, particularly on large capital intensive schemes. A target ROCE needs to be achieved alongside the Site Level Net Margin of 20-25% on GDV. This means that the minimum KPIs used within viability testing (the hurdle rates) should be a Site Level Net Margin of 20% - 25% on GDV, blended across all tenures, subject to also achieving a minimum site level hurdle rate of 25% Return on Capital Employed (ROCE).

# Residential Development Margin

## Competitive Return to a Willing Developer



## Introduction

The Savills Community Infrastructure Levy (CIL) team has a national mandate from the Home Builders Federation (HBF) to prepare CIL representations, attend Examination Hearings and offer CIL consultancy advice across the country. Savills is the only consultancy firm to have a team of this scale solely focused on CIL advice; making the CIL team a market leader.



The CIL team has been involved with all stages of the CIL process (both pre- and post-implementation) offering advice to landowners, housebuilders, developers and local authorities. Since its inception, the CIL team has submitted over 250 separate representations and formed over 100 local housebuilder and developer consortiums.

We are therefore well placed to observe trends in the emerging viability work and subsequent CIL examinations.

### Purpose



The purpose of this Briefing Note is to present evidence of what represents a competitive return to a willing developer, taking account of the Government's policy priority to stimulate new entrants into the housing market, support the SME sector and to build one million homes during the course of this Parliament.

Please note that this report is based on research and publically available data compiled in the period January - June 2016.

   
Director  
Residential Research

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Associate Director  
Residential Capital Markets

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# Residential Development Margin

## Competitive Return to a Willing Developer



## Definitions

The following definitions will be referred to throughout the report:

Description	Calculation	Target Percentages
Gross Development Value (GDV)	= Total Development Receipts (Turnover)	n/a
Operating Profit (£)	= Turnover less All Development Costs (Excl. Cost of Debt) - Overheads	n/a
Operating Margin	= Operating Profit (as a % of GDV)	15% to 20%
Gross Profit (£)	= Operating Profit + Overheads	n/a
Gross Margin	= Gross Profit (as a % of GDV)	23% to 28%
Site Level Net Margin (% of GDV)	= Minimum profit margin, or hurdle rate, required to allow the development to commence <sup>1</sup>	20% to 25%
Return on Capital Employed (ROCE)	= Site Level Net Margin divided by annualised cumulative funds employed (including overheads)	Min. 25%
Overhead (%)	The level of overhead required by a home builder (of any size) to undertake residential development (NB: In addition to normal overheads many housing developers include the cost of directly employing design managers, buyers and surveyors within their cost of overheads).	5% to 12%

<sup>1</sup> It should be noted that this figure excludes finance costs. For the purpose of CIL and viability testing, industry practice is to use ARGUS Developer or similar modelling tools that include a developer margin separately to the finance rate. For the purpose of our analysis, we therefore make recommendations in relation to the net site margins as finance will be charged in addition.



## Development Margin

### Policy Background

- 1.1 The NPPF states that to ensure viability developments should provide competitive returns to a willing land owner and willing developer<sup>2</sup>.
- 1.2 A competitive return to a developer is one that provides a sufficient return for the developer to continue a successful and resilient business through the economic cycle; taking account of the risk profile of the business and its development programme, within the current policy environment.
- 1.3 A key policy priority of the Government is to build one million additional homes during the course of this Parliament. This is an ambitious target that will require further investment and expansion of output across all developers currently in the market, compared with the 180,000 gross additional homes that were delivered in 2014-15 (Figure 2). Expansion of output by Small and Medium-sized Enterprises (SMEs), including new entrants, is an essential part of the route to building one million homes. The steep decline in output from SMEs since the 2008-09 downturn is still holding back housebuilding, as shown in Figure 4.

Figure 2 – Housebuilding and planning permissions in England



Source: DCLG, Glenigan (Please note that the total planning permissions figure includes those applications submitted by non-housebuilders (i.e. land promoters, Local Authority).

<sup>2</sup> NPPF, Communities and Local Government. Para 173. March 2012

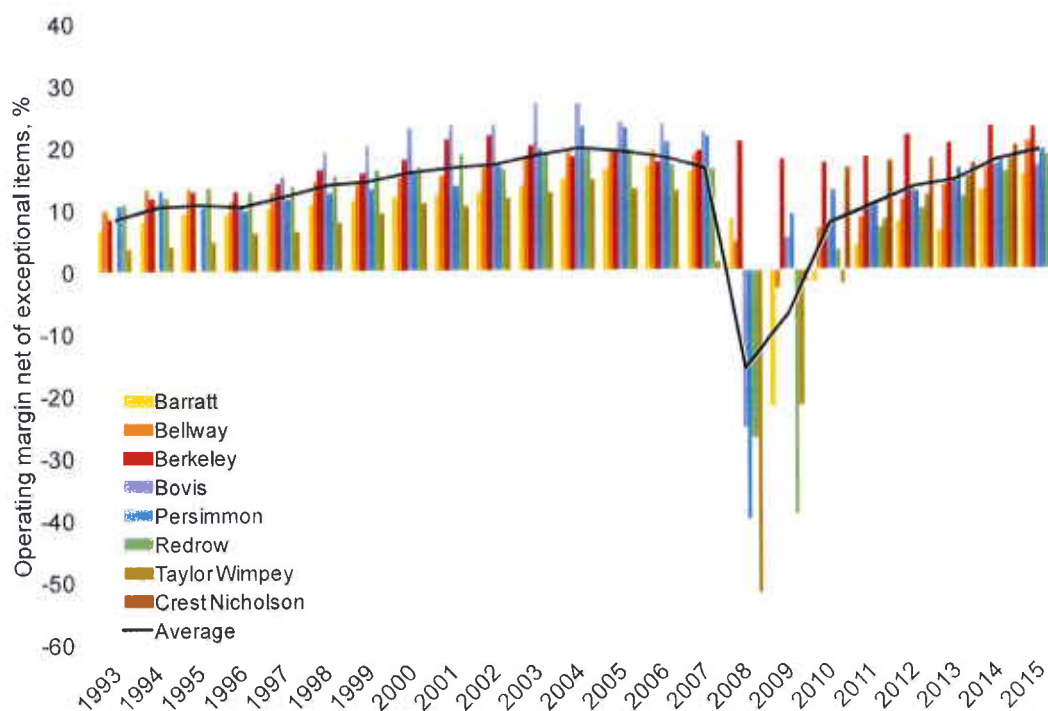
## Residential Development Margin

### Competitive Return to a Willing Developer



- 1.4 Expansion will require additional financial investment. A necessary condition of the financial investment required across both new entrants and existing developers is that developer margins and the return on capital employed are seen by those in the capital markets as being sufficiently robust and sustainable to justify that investment. In the case of quoted national housebuilders their finance is secured at a corporate level via capital markets. This enables them to secure competitive rates, as the majority of their business is undertaken by way of equity rather than debt. In contrast, SMEs secure finance on a project-by-project basis from third parties lenders at much higher rates (8-14%).
- 1.5 The most readily available market evidence of a competitive return is the return achieved for the shareholders of the quoted Plc housebuilders, noting that the Top 14 House Builders accounted for 59% of new home starts in Great Britain in 2015<sup>3</sup>. The Operating Margins (based on Earnings or Profit before Interest and Tax) of the Plc housebuilders are shown in Figure 3 below.

Figure 3 – Operating Margins of major housebuilders 1993 – 2015



Source: Thomson Reuters

- 1.6 It should be noted that the analysis above refers to blended margins across the business, including:

- All types, size and risk profile of site;

<sup>3</sup> NHBC registrations as published in Housing Market Report, January 2016

# Residential Development Margin

## Competitive Return to a Willing Developer

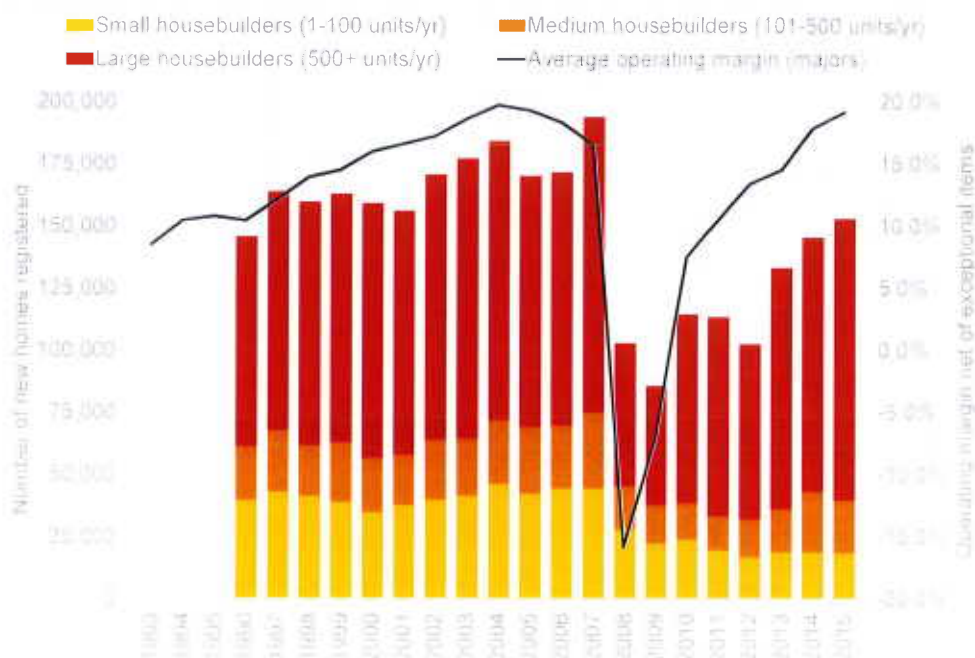


- All tenures of housing, including market sale, market rent and affordable;
- The costs of securing and promoting unsuccessful sites; and
- Overheads.

1.7 A number of viability consultants argue that a different developer margin should be applied to private and affordable housing. However, it is increasingly common for developers to purchase land prior to securing an offer from Registered Providers who are subject to more market risk from the current affordable housing regime than in previous systems of funding. It should also be highlighted that even when a Registered Provider has been secured on a site, the developer is open to risk from planning, ground conditions, delays and abnormals. Developers will therefore review a site as a whole, adopting a blended development margin to reflect the risk of the project in its totality.

1.8 Since the economic downturn, the average level of Operating Margin achieved has been building back to 15% to 20% which was achieved during the 2000 to 2007 period, when sector output was approaching and then exceeding 200,000 additional homes per annum (Figure 4 and Figure 2). Only if margins are maintained at these percentages will the required levels of investment in housebuilding be made, enabling significant investment in new entrants and reinvestment amongst existing developers. The margin needs to be sufficiently high to protect, or at least cushion, investors from such downturn risks as evidenced during the 2008-2009 downturn.

**Figure 4 – Registrations by size of housebuilder compared to margin levels**



Source: Thomson Reuters and NHBC (NB: These reported figures are after the cost of Overheads has been deducted)

# Residential Development Margin

## Competitive Return to a Willing Developer



1.9 With the number of new entrants and SMEs in serious decline (as highlighted in Figure 4), this analysis highlights that existing and historic margins have been insufficient to stimulate a broader range of operators into the market. In order for the Government's targets to increase housing supply and SME operators to be realised, the level of competitive returns secured needs to be reflective of the risk and lending requirements of this key part of the sector.

### Providers of Finance & Capital

1.10 Shareholders in the quoted housebuilders are principally institutional investors - pension funds, insurance companies and private equity funds. They have a wide range of companies and sectors to choose from, including retail, house building, mining, transport, energy and telecommunications, all with different risk and return profiles. If shareholders' hurdle rates are not achieved then they will invest in other sectors, reducing the development capacity of the house building sector.

1.11 In the case of SMEs the profile of their finance providers is different. Given the varying covenant strength of these companies (compared to national housebuilders) the requirements of lenders for development funding are much stricter. SMEs will therefore be required to demonstrate sufficient site level margins to cover the additional risk implied by their respective covenant strength. Acknowledgment of the additional overheads and finance costs incurred by SMEs needs, therefore, to be recognised.

### Market Trends

1.12 The key measures are Site Level Net Margin and ROCE associated with a cashflow that is deliverable from a funder's perspective. For a development to be viable, all of these measures need to meet acceptable target levels.

### Gross vs. Net Margins

1.13 As illustrated in Figure 1, it is important to distinguish between site level margins and the Operating Margin reported in house builder accounts. This is discussed in the Harman Report, which suggests that:

*"Overheads for house-building typically lie in the range of 5% - 10% of gross development value, with only the very largest developers operating near the lower end of the scale"<sup>4</sup> (emphasis added)*

1.14 JP Morgan's analysis<sup>5</sup> of Plc housebuilder performance for the financial years 2012 and 2013 indicates that the average overheads of the quoted housebuilders (the difference between Gross Margin and Earnings Before Interest and Tax) were 6.4% and 6.0% of revenue respectively, averaging 6.2%. However, it should be highlighted that SMEs are subject to higher overheads, within the range of 5-12% of GDV. This suggests that an average of 8% for overheads is more appropriate, which when applied to a

<sup>4</sup> *Viability Testing Local Plans, Chaired by Sir John Harman, June 2012*

<sup>5</sup> *UK Housebuilding, Europe Equity Research. J.P. Morgan, September 2013*



# Residential Development Margin

## Competitive Return to a Willing Developer



target Operating Margin range of 15% to 20% of revenue derives, at a corporate level, a Gross Margin of 23% to 28% of GDV.

- 1.15 In viability testing, if delivery is not to be constrained, operating margins should be set at a level which facilitates developers of all shapes and sizes; as opposed to a level which relies upon the efficiencies of scale achieved solely by the larger developers.
- 1.16 Both Operating Margin and Gross Margin are quoted before deduction of the cost of paying interest on debt, which at a corporate level has averaged 3-5% of GDV in recent years. Therefore the hurdle rate for Site Level Net Margin for larger housebuilders is 20-25% of GDV. For SMEs the hurdle rate will be higher (in the region of 25-30%) to reflect their higher project finance costs.
- 1.17 This is the basis of the developer margin hurdle rate that is applicable to site level development appraisals calculating the Residual Land Value (RLV), in which the cost of debt is included separately<sup>6</sup>.
- 1.18 Around this average, there will be a range of site specific development risks and therefore a range of site level hurdle rates for developer margin. For example:
  - Smaller, lower density, less constrained sites are inherently less capital intensive and represent a lower delivery risk than costlier larger sites and higher density sites. It therefore follows that smaller, lower density site's hurdle rate will be below the corporate average. Although it should be noted that sales risk and delivery risk are inherently different. For example, a small site with low delivery risk can still represent a higher risk to the developer if in a high value location above the Help to Buy thresholds. In this case the site will require a higher hurdle rate to reflect the increased sales risk.
  - In contrast, larger complex sites requiring up-front infrastructure delivery and protracted timescales will be above the corporate level average. This is particularly relevant for brownfield sites where the extent of abnormal costs (ground conditions and remediation) is largely unknown at the outset. Furthermore, on large sites there is significantly more sales risk, as there is greater uncertainty about the strength of market conditions over the life of the development, which is likely to include a market downturn. Such uncertainty both in terms of cost and timings increases the risk profile and therefore the hurdle rate required.
  - The variance in sales rate also needs to be considered, with the relative strength of the market reflected in the risk profile of a site. It therefore follows that larger sites in weaker or over-supplied markets reflect a greater risk and subsequently require a higher hurdle rate than similar sites in stronger markets. Similarly, larger projects pose a greater sales risk as they are likely to be developed across a property cycle introducing more uncertainty.

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<sup>6</sup> Refer to footnote 1



# Residential Development Margin

## Competitive Return to a Willing Developer



1.19 The above is particularly relevant for large-scale development and regeneration areas, where large up-front costs hamper the developer's ability to achieve the required ROCE, such that a higher margin is necessary to reflect the additional risk. In these instances, ROCE becomes the primary hurdle rate as highlighted by the Harman Report:

*"Developments of large flatted blocks on previously used land in urban areas with high cash requirements will demand significantly higher levels of profit to achieve an acceptable ROCE than developments of a more standard, less cash intensive nature on virgin ground. Likewise, projects with significant up-front infrastructure may also require higher levels of profit to generate an acceptable ROCE."*<sup>7</sup>

1.20 The requirements for those investing in the sector will subsequently be a minimum hurdle rate of 25%. Although it is worth highlighting that our analysis is based on typical hurdle rates on sites across the Country. It does not therefore reflect the additional cost and risk associated with delivering sites in London. In this instance, different investment requirements may be sought, reflecting significantly higher minimum hurdle rates.

### Appeal Precedent

1.21 For the reasons outlined above, development margin is a key point in viability discussions and will vary depending on a number of factors. This point has been acknowledged by a number of Inspectors at appeals, including the following:

#### Land at The Manor, Shinfield, Reading<sup>8</sup>

*"The appellants supported their calculations by providing letters and emails from six national housebuilders who set out their net profit margin targets for residential developments. The figures ranged from a minimum of 17% to 28%, with the usual target being in the range 20-25%. Those that differentiated between market and affordable housing in their correspondence did not set different profit margins. Due to the level and nature of the supporting evidence, I give it great weight. I conclude that the national housebuilders' figures are to be preferred and that a figure of 20% of GDV, which is at the lower end of the range, is reasonable."*<sup>9</sup>

#### Land at Lowfield Road, Rotherham<sup>10</sup>

*"The Council's approach, set out in the DVs report, is that a profit of around 17.5% is reasonable for a scheme of this nature, which equates (on a 'blended basis') to 16.47% on revenue. The DV has provided evidence to support this view, based on a range of sites – identified only in general terms.*

*The return to a developer is inevitably going to vary considerably between one development and another, and will properly reflect the risk of a specific project. Reference has been made to a number of appeal*

<sup>7</sup> Ibid. p46

<sup>8</sup> Ref: APP/X0360/A/12/2179141 – dated 8<sup>th</sup> January 2013

<sup>9</sup> Paragraph 44

<sup>10</sup> Ref: APP/R4408/Q/14/2216976 – dated 9<sup>th</sup> September 2014

## Residential Development Margin

### Competitive Return to a Willing Developer



*decisions where varying levels of developer profit have been accepted. However these other decisions are of limited value, as much will depend on the individual circumstances of the particular site and development.*

*There are various 'rules of thumb' which are quoted when discussing developer profit, and these generally vary between 15% and 25%. However, in general, it is reasonable to assume that on more marginal sites, profit expectations would be higher. In this case, the developer has been very clear about the slow sales and the reasons why the site has not been mothballed, as it otherwise might have been. This background tends to support a figure in the upper part of the 'normal' range.*

*In this case, recognising the approach of this appellant to the use of in-house professional expertise, the appellant's proposed level of developer profit shown in the viability appraisal (22% - i.e. 15% profit and 7% overheads) is reasonable."<sup>11</sup>*

#### Land between Lydney Bypass and Highfield Road<sup>12</sup>

*"The Council considered that due to the improving market a profit level of 17.5% would be reasonable. The Appellant on the other hand considered that 20% would be the minimum on which finance could be obtained. The amount required by a developer to undertake the development is a reflection of the anticipated risk. In this case the evidence indicates that the market is not an easy one within this part of the country. Although the Council considered that work had started on the site with the installation of the pumping station, I am not convinced that this would greatly reduce the risk element of the project. Whilst the greenfield site has an attractive position with enviable views it is not within a prime location on the edge of one of the major towns such as Gloucester or Cheltenham. Furthermore the scheme would be carried out over a relatively long time period and this would add to uncertainty in terms of future economic conditions.*

*Taking all of the above circumstances into account I consider that it is reasonable to adopt the Appellant's figure of 20% of gross development value as the input for Developer's profit in this case."<sup>13</sup>*

<sup>11</sup> Paragraphs 31 - 34

<sup>12</sup> Ref: APP/P1615/Q/14/2215840 – dated 18<sup>th</sup> June 2014

<sup>13</sup> Paragraphs 24 - 25

# Residential Development Margin

## Competitive Return to a Willing Developer



## Summary

The evidence in this paper indicates that the minimum margin used within viability testing for development sites should be a Site Level Net Margin<sup>14</sup> of 20-25% on GDV, blended across all tenures, subject to achieving a minimum site ROCE of 25%, subject to consideration of the risk profile of the scheme. Those sites with a higher risk profile (i.e. longer term projects with significant upfront infrastructure costs and abnormals) will be at the upper end of this range, shorter term projects with less capital intensive infrastructure are likely to fall at the lower end.

The reference to ROCE is particularly important on large, capital intensive schemes. This needs to be achieved in addition to the Site Level Net Margin of 20-25% on GDV. Typically, the assessment of viability is undertaken using ARGUS Developer or a bespoke residual land value model. These include a developer margin and normally report on IRR not ROCE. In these cases the relevant hurdle rate for site specific appraisals is an Internal Rate of Return of at least 25%.

A number of viability consultants argue that a different developer margin should be applied to private and affordable housing. If this is the case, then the blended margin across all tenures should equate to the hurdle rate referred to above.

It is increasingly common for developers to purchase land prior to securing an offer from Registered Providers who themselves are subject to more market risk from the current affordable housing regime than in previous systems of funding. There is, therefore, a heightened risk associated with the affordable housing in addition to increased holding and finance costs. We would also highlight that the potential for the introduction of Starter Homes results in an additional level of risk for developers (these units being retained by the housebuilder as opposed to being sold to a Registered Provider). Receipts from Starter Homes are received later on in a project's cashflow and, to reflect this increased risk, developers will subsequently require a higher return on these units compared to 'traditional' affordable housing.

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<sup>14</sup> Please note that this excludes finance, which will be included separately in viability appraisals.



# Craven Local Plan 2012-2032 (outside the Yorkshire Dales National Park)

## Publication Stage Representation Form

Publication draft Craven Local Plan public representations period runs from Tuesday 2<sup>nd</sup> January 2018 – Tuesday 13<sup>th</sup> February 2018.

Regulation 19-Town and Country Planning (Local Planning) (England) Regulations 2012

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**Representations must be received no later than 5pm on Tuesday 13<sup>th</sup> February 2018**

Please return completed forms to:

Planning Policy, Craven District Council, 1 Belle Vue Mills, Broughton Road, Skipton, North Yorkshire, BD23 1FJ

Or by email to: [localplan@cravenc.gov.uk](mailto:localplan@cravenc.gov.uk)

For further information please contact the Council's Planning Policy Team via email at the address set out above or telephone 01756 706472

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This form has 2 parts: Part A for personal details and Part B for your representation(s). **Please fill in a separate form for each representation you wish to make.**

Please note each representation must be signed and dated

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## Part A

### Section 1: Personal Details

Title :	
First Name:	
Last Name:	
Job Title (where relevant):	
Organisation (where relevant):	Skipton Properties Ltd
Address 1:	
Address 2:	
Address 3:	

<b>Address 4:</b>	
<b>Postcode:</b>	
<b>Telephone:</b>	
<b>Email:</b>	

## Section 2: Agent Details

Please supply the name, address, telephone number and e-mail of any planning agent you have working on your behalf.

<b>Agent name:</b>	██████████
<b>Address:</b>	Walton & Co (Planning Lawyers) Ltd 2 Queen Street Leeds LS1 2TW
<b>Telephone number:</b>	██████████
<b>Email:</b>	██

## Part B

Please fill in a separate form for each representation

The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the legal and procedural requirements, and whether it is sound.

## Section 3

<b>Name or Organisation:</b>	
<b>To which part of the Local Plan does this representation relate?</b>	
Section and Paragraph	HOUSING MIX AND DENSITY
Policy	Draft Policy SP3
Policies Map	n/a

#### Section 4: Legal Compliance & Duty to Cooperate

Do you consider the Local Plan is: (tick as appropriate)		
	Yes	No
1. Legally Compliant		
2. Sound		X
3. In Compliance with the Duty to Cooperate		

Please refer to the Council's representation guidance notes at <http://www.cravenc.gov.uk/newlocalplan>

#### Section 5: Details of Representation

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.**

**If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the Duty to Cooperate, please also use this box to set out your comments.**

Please see attached composite representation.

(Continue on a separate sheet if necessary. Please remember to include on any separate sheets the name/organisation and details of which section, paragraph, policy or element of the policies map your representation relates)

## **Section 6: Proposed Modifications to the local plan**

**Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified above where this relates to soundness. (NB Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination) You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

Please see Section 4.2 of the attached composite representation:

- Deleting criterion (a) and all references to the specific guide range of percentages; and
- Amending Criterion (c) so that it is more generic and flexible along the lines of “The local planning authority will seek to ensure that the housing mix proposed on development sites reflects up to date evidence of local housing need, taking into account scheme viability or other site-specific circumstances.”

(Continue on a separate sheet if necessary. Please remember to include on any separate sheets the name/organisation and details of which section, paragraph, policy or element of the policies map your representation relates)



**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations based on the original representation at publication stage.

After the representations period of the Publication Craven Local Plan has closed, further submissions will only be at the request of the Inspector, based on the matters and issues debated at the examination.

**Section 7: Participation at the Examination**

<b>If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? (please select one answer with a tick)</b>	
Yes, I wish to participate at the oral examination	<b>X</b>
No, I do not wish to participate at the oral examination	
<b>If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</b>	


**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

**Section 8: Being Kept Informed**

<b>Would you like to be kept informed of the progress of the Craven Local Plan through to adoption? (please select one answer with a tick)</b>	
Yes, I want to be informed	<b>X</b>
No, I don't want to be informed	

**Please note** that if you do not wish to be kept informed of the progress of the Craven Local Plan through to adoption, you will not receive any subsequent updates relating to the Local Plan examination etc.

**Section 9: Signature & Date of Representation**

<b>Please sign and date below:</b>	
Signature	
Date	13/02/18.

After the end of the representation period the Council will submit all individual representations received to the Secretary of State, together with a summary of the main issues raised during the representations period.

Information that you provide in your representation, including personal information, may be published or disclosed in accordance with the Environmental Information Regulations 2004 (EIR), or the Freedom of Information Act (FoIA). If you want the information that you provide to be treated as confidential, please tell us, but be aware that under the EIR and FoIA, we cannot guarantee confidentiality.

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<b>If you wish your personal details to be treated in confidence and not published please tick the box below:</b>	
I wish to request that the personal details submitted with this representation are treated in confidence and not published.	<input type="checkbox"/>
<b>Please explain below, why you have made this request:</b>	

Planning Policy Team | 01756 706472 | [localplan@cravendc.gov.uk](mailto:localplan@cravendc.gov.uk)



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telephone 01756 700600.**



# Craven Local Plan 2012-2032 (outside the Yorkshire Dales National Park)

## Publication Stage Representation Form

Publication draft Craven Local Plan public representations period runs from Tuesday 2<sup>nd</sup> January 2018 – Tuesday 13<sup>th</sup> February 2018.

Regulation19-Townand Country Planning (Local Planning) (England) Regulations 2012

---

**Representations must be received no later than 5pm on Tuesday 13<sup>th</sup> February 2018**

Please return completed forms to:

Planning Policy, Craven District Council, 1 Belle Vue Mills, Broughton Road, Skipton, North Yorkshire, BD23 1FJ

Or by email to: [localplan@cravencd.gov.uk](mailto:localplan@cravencd.gov.uk)

For further information please contact the Council's Planning Policy Team via email at the address set out above or telephone 01756 706472

---

This form has 2 parts: Part A for personal details and Part B for your representation(s). **Please fill in a separate form for each representation you wish to make.**

Please note each representation must be signed and dated

---

### Part A

#### Section 1: Personal Details

Title :	
First Name:	
Last Name:	
Job Title (where relevant):	
Organisation (where relevant):	Skipton Properties Ltd
Address 1:	
Address 2:	
Address 3:	

Address 4:	
Postcode:	
Telephone:	
Email:	

## Section 2: Agent Details

Please supply the name, address, telephone number and e-mail of any planning agent you have working on your behalf.

Agent name:	██████████
Address:	Walton & Co (Planning Lawyers) Ltd 2 Queen Street Leeds LS1 2TW
Telephone number:	██████████
Email:	██

## Part B

Please fill in a separate form for each representation

The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the legal and procedural requirements, and whether it is sound.

## Section 3

Name or Organisation:	
<b>To which part of the Local Plan does this representation relate?</b>	
Section and Paragraph	AFFORDABLE HOUSING
Policy	Draft Policy H2
Policies Map	n/a

#### Section 4: Legal Compliance & Duty to Cooperate

Do you consider the Local Plan is: (tick as appropriate)		
	Yes	No
1. Legally Compliant		
2. Sound		X
3. In Compliance with the Duty to Cooperate		

Please refer to the Council's representation guidance notes at

<http://www.cravendc.gov.uk/newlocalplan>

#### Section 5: Details of Representation

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

Please see attached composite representation.

(Continue on a separate sheet if necessary. Please remember to include on any separate sheets the name/organisation and details of which section, paragraph, policy or element of the policies map your representation relates)



## Section 6: Proposed Modifications to the local plan

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified above where this relates to soundness. (NB Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination) You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see Section 4.3 of the attached composite representation:

Page 170, paragraph 6.17 and 6.18 of the draft Local Plan should be amended by the deletion of the following text:

*“Abnormal costs associated with individual sites should be negotiated between the developer and the landowner.”*

Page 170, paragraph 6.18 of the draft Local Plan should be amended by the deletion of the following text:

*“Only in very exceptional circumstances will the local planning authority review individual sites in terms of scheme viability”*

and its replacement with something along the lines of:

*“The financial viability of developments should be assessed on a scheme by scheme basis having regard to individual circumstances.”*

Policy H2 should be amended by:

- (i) the deletion of the text *“a minimum of”* from criterion a) I; and
- (ii) the deletion of the text *“not be acceptable unless it can be clearly demonstrated that exceptional circumstances exist which justify”* from criterion a) I. and its replacement with something along the lines of:

*“will be supported by an appropriate viability appraisal which justifies”*

(Continue on a separate sheet if necessary. Please remember to include on any separate sheets the name/organisation and details of which section, paragraph, policy or element of the policies map your representation relates)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested

modification, as there will not be a subsequent opportunity to make further representations based on the original representation at publication stage.

After the representations period of the Publication Craven Local Plan has closed, further submissions will only be at the request of the Inspector, based on the matters and issues debated at the examination.

### Section 7: Participation at the Examination

<b>If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? (please select one answer with a tick)</b>	
Yes, I wish to participate at the oral examination	<b>X</b>
No, I do not wish to participate at the oral examination	
<b>If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</b>	

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

### Section 8: Being Kept Informed

<b>Would you like to be kept informed of the progress of the Craven Local Plan through to adoption? (please select one answer with a tick)</b>	
Yes, I want to be informed	<b>X</b>
No, I don't want to be informed	

**Please note** that if you do not wish to be kept informed of the progress of the Craven Local Plan through to adoption, you will not receive any subsequent updates relating to the Local Plan examination etc.

### Section 9: Signature & Date of Representation

<b>Please sign and date below</b>	
Signature	





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# Craven Local Plan 2012-2032 (outside the Yorkshire Dales National Park)

## Publication Stage Representation Form

Publication draft Craven Local Plan public representations period runs from Tuesday 2<sup>nd</sup> January 2018 – Tuesday 13<sup>th</sup> February 2018.

Regulation 19 – Town and Country Planning (Local Planning) (England) Regulations 2012

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**Representations must be received no later than 5pm on Tuesday 13<sup>th</sup> February 2018**

Please return completed forms to:

Planning Policy, Craven District Council, 1 Belle Vue Mills, Broughton Road, Skipton, North Yorkshire, BD23 1FJ

Or by email to: [localplan@cravencd.gov.uk](mailto:localplan@cravencd.gov.uk)

For further information please contact the Council's Planning Policy Team via email at the address set out above or telephone 01756 706472

---

This form has 2 parts: Part A for personal details and Part B for your representation(s). **Please fill in a separate form for each representation you wish to make.**

Please note each representation must be signed and dated

---

### Part A

#### Section 1: Personal Details

Title :	
First Name:	
Last Name:	
Job Title (where relevant):	
Organisation (where relevant):	Skipton Properties Ltd
Address 1:	
Address 2:	
Address 3:	

Address 4:	
Postcode:	
Telephone:	
Email:	

## Section 2: Agent Details

Please supply the name, address, telephone number and e-mail of any planning agent you have working on your behalf.

Agent name:	[REDACTED]
Address:	Walton & Co (Planning Lawyers) Ltd 2 Queen Street Leeds LS1 2TW
Telephone number:	[REDACTED]
Email:	[REDACTED]

## Part B

Please fill in a separate form for each representation

The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the legal and procedural requirements, and whether it is sound.

## Section 3

Name or Organisation:	
<b>To which part of the Local Plan does this representation relate?</b>	
Section and Paragraph	FINANCIAL AND OFF-SITE CONTRIBUTIONS (Paragraph 6.20)
Policy	
Policies Map	n/a



#### Section 4: Legal Compliance & Duty to Cooperate

Do you consider the Local Plan is: (tick as appropriate)		
	Yes	No
1. Legally Compliant		
2. Sound		X
3. In Compliance with the Duty to Cooperate		

Please refer to the Council's representation guidance notes at

<http://www.cravenc.gov.uk/newlocalplan>

#### Section 5: Details of Representation

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.**

**If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the Duty to Cooperate, please also use this box to set out your comments.**

Please see attached composite representation.

(Continue on a separate sheet if necessary. Please remember to include on any separate sheets the name/organisation and details of which section, paragraph, policy or element of the policies map your representation relates)

**Section 6: Proposed Modifications to the local plan**

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified above where this relates to soundness. (NB Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination) You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see Section 4.3 of the attached composite representation

(Continue on a separate sheet if necessary. Please remember to include on any separate sheets the name/organisation and details of which section, paragraph, policy or element of the policies map your representation relates)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations based on the original representation at publication stage.

After the representations period of the Publication Craven Local Plan has closed, further submissions will only be at the request of the Inspector, based on the matters and issues debated at the examination.

**Section 7: Participation at the Examination**

**If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? (please select one answer with a tick)**

Yes, I wish to participate at the oral examination	<input checked="" type="checkbox"/>
No, I do not wish to participate at the oral examination	<input type="checkbox"/>

**If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

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**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

**Section 8: Being Kept Informed**

<b>Would you like to be kept informed of the progress of the Craven Local Plan through to adoption? (please select one answer with a tick)</b>	
Yes, I want to be informed	<b>X</b>
No, I don't want to be informed	

**Please note** that if you do not wish to be kept informed of the progress of the Craven Local Plan through to adoption, you will not receive any subsequent updates relating to the Local Plan examination etc.

**Section 9: Signature & Date of Representation**

<b>Please sign and date below:</b>	
Signature	
Date	13/02/18.

After the end of the representation period the Council will submit all individual representations received to the Secretary of State, together with a summary of the main issues raised during the representations period.

Information that you provide in your representation, including personal information, may be published or disclosed in accordance with the Environmental Information Regulations 2004 (EIR), or the Freedom of Information Act (FoIA). If you want the information that you provide to be treated as confidential, please tell us, but be aware that under the EIR and FoIA, we cannot guarantee confidentiality.

However, if you are submitting representations as an individual, the Council will process your personal data in accordance with the Data Protection Act 1998, and this means that if you request confidentiality, your personal information will not be disclosed to third parties.

<b>If you wish your personal details to be treated in confidence and not published please tick the box below:</b>	
I wish to request that the personal details submitted with this representation are treated in confidence and not published.	<input type="checkbox"/>
<b>Please explain below, why you have made this request:</b>	



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[www.cravenc.gov.uk](http://www.cravenc.gov.uk)

Planning Policy Team | 01756 706472 | [localplan@cravenc.gov.uk](mailto:localplan@cravenc.gov.uk)



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## Craven Local Plan 2012-2032 (outside the Yorkshire Dales National Park)

### Publication Stage Representation Form

Publication draft Craven Local Plan public representations period runs from Tuesday 2<sup>nd</sup> January 2018 – Tuesday 13<sup>th</sup> February 2018.

Regulation19-Townand Country Planning (Local Planning) (England) Regulations 2012

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Or by email to: [localplan@cravencd.gov.uk](mailto:localplan@cravencd.gov.uk)

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Please note each representation must be signed and dated

---

### Part A

#### Section 1: Personal Details

Title :	
First Name:	
Last Name:	
Job Title (where relevant):	
Organisation (where relevant):	Skipton Properties Ltd
Address 1:	
Address 2:	
Address 3:	

Address 4:	
Postcode:	
Telephone:	
Email:	

## Section 2: Agent Details

Please supply the name, address, telephone number and e-mail of any planning agent you have working on your behalf.

Agent name:	[REDACTED]
Address:	Walton & Co (Planning Lawyers) Ltd 2 Queen Street Leeds LS1 2TW
Telephone number:	[REDACTED]
Email:	[REDACTED]

## Part B

Please fill in a separate form for each representation

The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the legal and procedural requirements, and whether it is sound.

## Section 3

Name or Organisation:	
<b>To which part of the Local Plan does this representation relate?</b>	
Section and Paragraph	VACANT BUILDING CREDIT (Paragraph 6.21)
Policy	
Policies Map	n/a

#### Section 4: Legal Compliance & Duty to Cooperate

Do you consider the Local Plan is: (tick as appropriate)		
	Yes	No
1. Legally Compliant		
2. Sound		X
3. In Compliance with the Duty to Cooperate		

Please refer to the Council's representation guidance notes at

<http://www.cravenc.gov.uk/newlocalplan>

#### Section 5: Details of Representation

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

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Please see attached composite representation.

(Continue on a separate sheet if necessary. Please remember to include on any separate sheets the name/organisation and details of which section, paragraph, policy or element of the policies map your representation relates)



**Section 6: Proposed Modifications to the local plan**

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Yes, I wish to participate at the oral examination	<b>X</b>
No, I do not wish to participate at the oral examination	

**If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

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**Section 8: Being Kept Informed**

<b>Would you like to be kept informed of the progress of the Craven Local Plan through to adoption? (please select one answer with a tick)</b>	
Yes, I want to be informed	<b>X</b>
No, I don't want to be informed	

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**Section 9: Signature & Date of Representation**

<b>Please sign and date below:</b>	
Signature	
Date	13/02/18

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I wish to request that the personal details submitted with this representation are treated in confidence and not published.	<input type="checkbox"/>
<b>Please explain below, why you have made this request:</b>	

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[www.cravenc.gov.uk](http://www.cravenc.gov.uk)

Planning Policy Team | 01756 706472 | [localplan@cravenc.gov.uk](mailto:localplan@cravenc.gov.uk)



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## Craven Local Plan 2012-2032 (outside the Yorkshire Dales National Park)

### Publication Stage Representation Form

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Please note each representation must be signed and dated

---

### Part A

#### Section 1: Personal Details

Title :	
First Name:	
Last Name:	
Job Title (where relevant):	
Organisation (where relevant):	Skipton Properties Ltd
Address 1:	
Address 2:	
Address 3:	

Address 4:	
Postcode:	
Telephone:	
Email:	

### Section 2: Agent Details

Please supply the name, address, telephone number and e-mail of any planning agent you have working on your behalf.

Agent name:	[REDACTED]
Address:	Walton & Co (Planning Lawyers) Ltd 2 Queen Street Leeds LS1 2TW
Telephone number:	[REDACTED]
Email:	[REDACTED]

## Part B

Please fill in a separate form for each representation

The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the legal and procedural requirements, and whether it is sound.

### Section 3

Name or Organisation:	
<b>To which part of the Local Plan does this representation relate?</b>	
Section and Paragraph	Section 8 Infrastructure, Services and Facilities
Policy	Draft Policy INF1 and INF6
Policies Map	n/a

#### Section 4: Legal Compliance & Duty to Cooperate

Do you consider the Local Plan is: (tick as appropriate)		
	Yes	No
1. Legally Compliant		
2. Sound		X
3. In Compliance with the Duty to Cooperate		

Please refer to the Council's representation guidance notes at

<http://www.cravenc.gov.uk/newlocalplan>

#### Section 5: Details of Representation

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

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Please see attached composite representation.

(Continue on a separate sheet if necessary. Please remember to include on any separate sheets the name/organisation and details of which section, paragraph, policy or element of the policies map your representation relates)



### Section 6: Proposed Modifications to the local plan

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Please see Section 4.4 and 4.5 of the attached composite representation

(Continue on a separate sheet if necessary. Please remember to include on any separate sheets the name/organisation and details of which section, paragraph, policy or element of the policies map your representation relates)

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### Section 7: Participation at the Examination

**If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? (please select one answer with a tick)**

Yes, I wish to participate at the oral examination

No, I do not wish to participate at the oral examination

**If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

--

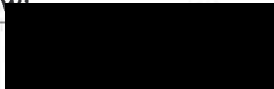
**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

**Section 8: Being Kept Informed**

<b>Would you like to be kept informed of the progress of the Craven Local Plan through to adoption? (please select one answer with a tick)</b>	
Yes, I want to be informed	<b>X</b>
No, I don't want to be informed	

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**Section 9: Signature & Date of Representation**

<b>Please sign and date below:</b>	
Signature	
Date	13/02/18.

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