



WEST OXFORDSHIRE
DISTRICT COUNCIL

WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	Cabinet: Wednesday 13 January 2021
Report Number	Agenda Item No. 7
Subject	Revised Draft Affordable Housing Supplementary Planning Document (SPD)
Wards affected	All
Accountable member	Councillor Jeff Haine, Cabinet Member for Strategic Planning Email: jeff.haine@westoxon.gov.uk
Accountable officer	Chris Hargraves, Planning Policy Manager Tel: 01993 861686 Email: Chris.Hargraves@publicagroup.uk
Summary/Purpose	To agree that a revised draft Affordable Housing Supplementary Planning Document (SPD) is published for the purposes of a six-week public consultation.
Annexes	Annex A – Schedule of consultation responses received to initial draft SPD consultation including proposed WODC response Annex B – Revised Draft Affordable Housing Supplementary Planning Document (SPD)
Recommendation/s	That the revised draft Affordable Housing Supplementary Planning Document (SPD) attached at Annex B is published for a six-week period of public consultation.
Corporate priorities	Securing the provision of high quality affordable homes is a key aspect of the Council Plan 2020 – 2024.
Key Decision	No
Exempt	No
Consultees/ Consultation	A previous period of public consultation on the initial draft affordable housing supplementary planning document (SPD) took place from 10 July – 21 August 2020. See schedule of responses attached at Annex A .

I. BACKGROUND

- 1.1. Securing the provision of new affordable homes is a key priority of the Council as set out in the West Oxfordshire Council Plan (2020 – 2024) and the West Oxfordshire Local Plan 2031.
- 1.2. Policy H3 of the Local Plan seeks to boost the supply of new affordable homes in a number of ways including on-site as a proportion of larger market housing schemes of 11 or more units, through financial contributions from smaller market housing schemes of 6-10 units and through the provision of rural exception sites (RES).
- 1.3. To provide further detail on the operation of Policy H3, the District Council is in the process of preparing an Affordable Housing Supplementary Planning Document (SPD) which, when adopted, will replace the previous version published in 2007.
- 1.4. An initial draft was published for a six-week period of public consultation from 10 July until 21 August 2020. Consultation responses were received from eight organisations as follows:
 - Tetlow King on behalf of the Aster Group
 - Tetlow King on behalf of Rentplus UK
 - Green Axis
 - AECOM on behalf of Grosvenor Developments Ltd
 - Irwin Mitchell on behalf of Inspired Villages
 - Defence Infrastructure Organisation
 - Turley on behalf of the North Witney Land Consortium
 - Oxfordshire County Council
- 1.5. A full schedule of comments received is attached at [Annex A](#) (starting at page 4) together with the proposed WODC response. Where applicable, changes have been made to the revised draft SPD as indicated in the schedule of responses at [Annex A](#) and as set out in the revised draft SPD at [Annex B](#) (starting at page 28).
- 1.6. Where no change has been made, the reason for this is stated.

2. REVISED DRAFT AFFORDABLE HOUSING SPD

- 2.1. It can be seen from the schedule of comments at [Annex A](#) that the responses received to the initial draft SPD consultation were generally supportive, with most comments addressing relatively minor issues including points of clarity and factual accuracy.
- 2.2. Some respondents expressed concerns about the SPD going ‘beyond’ the policies of the Local Plan 2031 including in relation to the issue of zero-carbon homes.
- 2.3. A number of minor amendments have therefore been made to the revised draft SPD to ensure better alignment with Local Plan policies whilst keeping the overall structure, aims and objectives of the document intact.
- 2.4. The revised draft SPD fully recognises the climate and ecological emergencies which the District Council has declared and the key role that the design and energy efficiency of new homes has to play.
- 2.5. The most significant amendments made to the revised draft SPD are as follows:
 - Inter-relationship with the Council Plan more clearly explained;
 - Clarification provided in respect of affordable housing remaining as such in perpetuity to more fully align with the NPPF 2019;
 - Greater clarity on the indicative nature of the affordable dwelling size requirements contained therein;

- Greater clarity on the Council's affordable housing tenure preferences including increased reference to low cost affordable home ownership options;
- Further explanation provided on the potential role of self and custom-build in meeting affordable housing needs;
- Additional clarity on the Council's requirements in respect of accessible and adaptable dwellings;
- Closer alignment with the Local Plan in respect of renewable and low-carbon energy and sustainable construction;
- Expanded explanation of the potential benefits of Modern Methods of Construction (MMC); and
- Additional text provided in relation to supported living including housing for older people, adults with learning/physical disabilities or sensory problems, mental health problems and adults and young people with a disability.

3. NEXT STEPS

- 3.1. Subject to the agreement of Members, the revised draft SPD will be published for a further period of public consultation (6-weeks) after which point, any further responses and potential changes will be considered before Members are asked to formally adopt the SPD.
- 3.2. At that point the SPD will become a material consideration in the determination of relevant planning applications.

4. FINANCIAL IMPLICATIONS

- 4.1. The report raises no direct financial implications.

5. LEGAL IMPLICATIONS

- 5.1. The report raises no specific legal implications.

6. RISK ASSESSMENT

- 6.1. The report raises no specific risks.

7. EQUALITIES IMPACT

- 7.1. The report has no specific implications for any particular equality strand.

8. CLIMATE CHANGE IMPLICATIONS

- 8.1. The revised draft SPD includes a section addressing the climate and ecological emergency.

9. ALTERNATIVE OPTIONS

- 9.1. None.

10. BACKGROUND PAPERS

- 10.1. None.

Annex A – Schedule of Responses

Tetlow King on behalf of the Aster Group	
Issues raised	WODC response
The production of an updated affordable housing SPD is long overdue as the previous version dates from 2007 and predates the original and revised National Planning Policy Framework (NPPF) its purpose was to supplement policy H11 of the West Oxfordshire Local Plan 2011 (adopted June 2006) which has now been superseded by a new local plan. It is appropriate that a new draft SPD has been prepared to supplement the West Oxfordshire local plan policy H3.	Comment noted.
We very much support the overall objectives of the SPD, in particular the objectives to improve the quality and range of affordable housing options in the District and to promote new and innovative approaches to the delivery of affordable housing. Aster is able to assist the Council in achieving these aims and we are pleased to see that Aster listed as a registered provider in Appendix 2.	Support noted.
As a general comment, we note that the SPD refers throughout to the NPPF (July 2018) this document was promptly superseded by NPPF (February 2019) and whilst the later version contains similar policies and wording of the NPPF July 2018, the earlier document was essentially revoked and it is no longer available on the MHCLG website. It is therefore more appropriate to refer to the NPPF (February 2019) as it is most up-to-date national planning policy advice.	Comment noted. The revised draft SPD has been amended to include reference to the NPPF 2019.
We note the comment in section 3.0 (page 7) that there is no singular definition of affordable housing which then follows with the West Oxfordshire definition. Whilst it is accepted that each local authority has a different approach to affordable housing in terms of priorities in addressing local housing need it is generally accepted that the NPPF definition takes primacy. However, we discourage local planning authorities from repeating the NPPF definition verbatim in an SPD as it makes the document less adaptable to future changes and updates to national policy.	<p>Comment noted. It is considered useful to include the NPPF definition in full for clarity and to save the reader having to cross-refer to the NPPF itself.</p> <p>A footnote has however been added to the revised draft SPD to make it clear that the District Council will have regard to any amendments to the definition of affordable housing in future iterations of the NPPF.</p>

Issues raised	WODC response
<p>The SPD is informed by the Oxfordshire SHMA (2014) which was the evidence base to the West Oxfordshire local plan 2031 and policy H3 affordable housing. It is an appropriate evidence base but in time it will need to be updated to ensure that provides an accurate reflect of the housing market and affordability indicators.</p>	<p>Comment noted. The SHMA (2014) remains the most up to date evidence available on housing need at this point in time.</p> <p>Additional text has however been added to the revised draft SPD to make it clear that the SHMA provides an indicative guide only in terms of, for example, the size of affordable homes needed.</p>
<p>We note the reference in section 5.2 about the local plan seeking an indicative size mix of affordable housing that includes 65% one and two bedroom homes. It is paragraph 5.64 of the local that refers to one and two bedroom homes but it stated that this required to meet the needs of younger single and couple households, older people and small family households and will be used as guide. We are pleased to note that the last paragraph of section 5.2 states that the Council will take account of local circumstance and any identified local needs with regards to this indicative requirement.</p> <p>Our main concern with this indicative requirement for 65% one and two bedroom homes is that it could generate more flatted development which are not always ideal from a management perspective. We therefore hope the indicative requirement is flexibly applied.</p>	<p>Comment noted.</p> <p>The text of the revised draft SPD has been amended to make it clearer that the indicative size mix is to be used as a general guide only and that a number of other relevant factors will be taken into account including the specific nature of the development and practical management considerations.</p>
<p>We note at page 16 that West Oxfordshire restricts affordable rents to the lower of either 80% of market rent or the Local Housing Allowance. This is acceptable as long as the guidance within the MHCLG policy statement on Rents for Social Housing is applied, which permits annual rent increases on both social rent and affordable rent properties of up to CPI+1 percentage point from 1 April 2020. However, there is no certainty as to whether LHA will increase annually or remain static as it did for four years prior to the recent raise in April 2020.</p> <p>Typically, when pursuing a new development, Registered Providers often cap affordable rents equal to Local Housing Allowance (LHA) on first let, assuming that rents will inflate in line with</p>	<p>Comment noted. Rent, and rent increases housing will follow MHCLG guidance. No change required.</p>

<p>Government policy on rent increases. By capping affordable rents in perpetuity, it prevents Housing Associations from increasing their affordable rents in line with Government policy. Preventing such inflation can have critical impacts on Registered Providers. For example, a Housing Associations long term assets may experience a static rent against a rise in all of their costs of management and maintenance in the face of inflation. In essence, this would give the effect of a rent cut for these businesses. The significant concern is that this scenario would be highly unsustainable and uncompetitive for Housing Associations and could potentially severely threaten the delivery of affordable housing across West Oxfordshire.</p>	
<p>The draft SPD describes how shared ownership properties will be managed in West Oxfordshire, proposing a restriction of 50% of shared ownership homes to be sold at shares of 35% or less.</p> <p>Although it is recognised that imposing such restrictions would be beneficial in helping to address affordability, many housing associations would find comfort with the 50% being expressed as an aspirational target rather than an expectation to enable greater flexibility of the delivery of shared ownership housing.</p>	<p>Comment noted. The text of the revised draft SPD has been amended to state that the Council will ‘seek to ensure’ rather than ‘expect’ that at least 50% of each type and size of shared ownership units on each scheme should initially be sold at shares of 35% or below in order to help ensure affordability.</p>
<p>At the bottom of page 9 we notice that the affordable housing SPD seeks to secure all affordable housing in perpetuity. The NPPF’s sole reference to retaining affordable housing in perpetuity is in Annex 2 where this is sought for affordable housing delivered on rural exception sites. This principle is appropriate and supported by Aster as this helps to secure land for delivery of affordable housing in rural areas where housing delivery would otherwise not be supported.</p> <p>Securing affordable housing in perpetuity more widely is not supported for a number of reasons, foremost of which is that it restricts lenders appetite to fund development, as mortgage provision becomes more difficult with greater restrictions on individual properties. We would therefore advise that the council removes any references to securing affordable housing in perpetuity unless referring to rural exception sites.</p>	<p>Comment noted. The text of the revised draft SPD has been amended to more accurately reflect the NPPF.</p>

Issues raised	WODC response
<p>The NPPF states that rural exception sites should provide affordable housing to meet ‘identified local needs’. There is a lack of clarification through the draft SPD on how to demonstrate local affordable housing need when considering a rural exception scheme. As the SPD itself mentions that small scale affordable housing schemes will need to meet ‘<i>specific local housing needs</i>’, the SPD should look to identify the parameters for demonstrating need, i.e. through parish needs surveys, but also for larger settlements where a parish needs survey may not be possible and other evidence may be needed to support a rural exception scheme.</p>	<p>Comment noted. Additional text has been added to the revised draft SPD to provide further clarification.</p>
<p>At page 21, the SPD states the following:</p> <p>“...the Council will require larger housing developments of 50 or more units to provide a percentage of new homes as accessible and adaptable housing designed to meet Building Regulations Requirements M4(2). This is broadly equivalent to Lifetime Homes Standards and affordable units should be built to provide suitable levels of internal space as set out in the nationally described space standards. As a minimum the council will seek the provision of at least 25% of market and affordable homes to this standard.”</p> <p>This paragraph is poorly worded as it is not clear if the applicant should be looking to provide 25% of market housing to the NDSS or to the M4(2) requirements. The Local Plan does not seek a proportion of homes to meet the NDSS and it would be inappropriate for an SPD to impose new policy. Local Plan policy H4 does however require that 25% of homes are designed to meet M4(2) which is an appropriate requirement.</p>	<p>Comment noted. The text of the revised draft SPD has been amended to provide greater clarity.</p>
Tetlow King on behalf of Rentplus UK	
Issues raised	WODC response
<p>The Rentplus model of affordable rent-to-buy aims to help those hard-working families and households unable to access ownership either through shared ownership, starter homes or homes on the open market, to overcome the mortgage ‘gap’. This is achieved through a defined period of affordable Intermediate Rent at no more than 80% of local market value (including service charge) during which all Rentplus residents are able to save towards a deposit to supplement the 10% gifted deposit received from Rentplus.</p>	<p>Comments noted.</p>

It is important to note that in 2018 the National Planning Policy Framework (the 'Framework') was revised to incorporate a wider definition of affordable housing, now providing four categories; rent-to-buy is included within category d) Other affordable routes to homeownership. The revised Framework also expanded the scope of 'Affordable housing for rent' to include not just 'traditional' affordable and social rented housing, but any scheme which meets criteria where the rent is at least 20% below local market rents, where the landlord is a registered provider, and where any public subsidy is recycled for future provision. Rentplus (working with its partner Registered Providers (RPs)) meets each of these criteria; it does not rely on public subsidy and therefore there is no requirement to recycle it. The then- Planning Minister confirmed in a letter in 2019 that Rentplus meets the Government's expectation of rent to buy.

In this context, the Rentplus model is a hybrid and falls within both categories of affordable housing, as either part of the 'affordable housing to rent' element, or as an 'affordable route to home ownership'. This has also been recognised by several councils across England with whom Rentplus has worked with to deliver homes in recent years. The Rentplus model offers the opportunity for the Council and RPs to diversify the local housing offer without further recourse to public subsidy. The affordable rented period provides families and households with security of tenure, with certainty of management and maintenance by a local partner RP, and critically the opportunity to save towards purchase. As affordable rent to buy meets needs for affordable rent (the only difference being marked by the expectation by all parties of purchase), it comes with a significant benefit of freeing up existing affordable rented homes for others in priority need, as demonstrated by Rentplus schemes across England.

In diversifying the overall housing mix, Rentplus can help to create mixed and balanced communities. Rentplus tenants are on a clear path to homeownership, meaning they are more likely to remain in their property for the long-term and therefore better settle into their community. This helps to create a stronger sense of place in new developments in the long run.

Paragraph 3.2 now sets out the broad categories of affordable housing and footnote 5 explains that they could be updated in future revisions of national policy. This is welcome as it allows the SPD to respond to changing circumstances should the Framework be amended in the future. Furthermore, Page 8 includes a useful table, providing further information regarding various forms

Comments noted. The text of the revised draft SPD has been amended accordingly.

<p>of affordable housing such as Rent to Buy, this inclusion is welcomed. Similarly, the Council's identification of rent to buy as a rented product is welcome – as set out earlier in this representation, Rentplus meets the definition of 'affordable housing for rent' in Annex 2 of the Framework.</p> <p>However, we recommend updating the definition of Rent to Buy. There are various models of rent to buy and the Council's definition as drafted would only encompass a few of these. Revised wording is set out below:</p> <p><i>A government scheme to help first time buyers, or those returning to the market following relationship breakdown. Households are able to rent a home at 80% of the market value an affordable or intermediate rent, providing an opportunity to build up a deposit. If after the initial five years of letting the landlord wishes to sell the property, the existing tenant should have the right of first refusal to buy it. Similarly, if after the first five years the tenant submits a request to buy their home, it is expected that the landlord would agree. There are different models of rent to buy with different terms and conditions but generally households rent the property for a defined period with the expectation of purchase at the end of the period. Some rent to buy schemes include support towards purchase such as gifted deposits.</i></p>	
<p>Paragraph 4.1 outlines the Affordable Housing Need within West Oxfordshire. These figures are taken from the Oxfordshire Strategic Housing Market Assessment (SHMA). The SHMA was produced in 2014 and therefore does not reflect the latest NPPF definition for affordable housing and reflects housing needs as matters stood some six years ago. With this in mind, we urge the Council to commission an updated SHMA that addresses these. Rentplus has worked with Lichfields to produce a methodology for assessing needs for rent to buy, which we are happy to share with the Council.</p>	<p>Comment noted. The SHMA (2014) remains the most up to date evidence available on housing need at this point in time. However, additional text has been added to the revised draft SPD to ensure that the status and age of the SHMA is clearly understood.</p>
<p>Section 5.0 (Future Affordable Housing provision in West Oxfordshire) deals with instances where viability issues mean the affordable housing proportion is reduced. Page 14 explains what will happen where the full proportion cannot be achieved. The SPD 'misses out a step' in this respect since it does not cover the potential to change the mix of tenures first. Rentplus notes from recent experience that Councils have accepted adjustments to the overall mix of tenures, to</p>	<p>Comment noted. The text of the draft SPD is reflective of Policy H3 of the Local Plan. The suggested text is effectively seeking to re-draft Policy H3</p>

<p>ensure that the full proportion of affordable housing can be delivered. For example, some authorities have accepted Rentplus in place of affordable rented housing since the Rentplus model meets the Framework's definition of 'affordable housing to rent' (the only difference being the expectation of purchase by all parties) but generates higher rates of return than some other affordable products, therefore supporting development viability.</p> <p>The third paragraph on Page 14 should therefore be amended, and suggested wording is set out below:</p> <p><i>Policy H also recognises that in some instances, it may not be possible, even on larger market housing schemes, to deliver affordable housing on-site e.g. it is not physically possible or feasible, or there is evidence that a separate site may be more suitable to meet local need. Development proposals which seek to depart from these targets and tenure mix must be supported by evidence that explains why the affordable housing target is "not viable or otherwise appropriate" (Policy H3). If this is the case, the applicant should notify WODC as early as possible through pre-application discussions. In the first instance, the Council will consider adjustments to the tenure mix where this will maximise the overall proportion of affordable housing.</i></p>	<p>which would not be appropriate within the context of the revised draft SPD.</p> <p>Notwithstanding this, a minor amendment to the text of the revised draft SPD has been made to more closely align with Policy H3.</p>
<p>Section 5.3 (Preferred Tenure Mix) outlines that the West Oxfordshire Local Plan highlights a significantly greater need for rented accommodation than for the various forms of intermediate housing, with a ratio of 2:1 in favour of affordable rented homes. Despite this, it also states that each proposal will be a determined on a case by case basis. The draft SPD also provides further guidance with regards to each tenure mix which is welcomed.</p>	<p>Support noted.</p>
<p>The 'A West Oxfordshire Living Rent' section states that "WODC is currently undertaking a study to explore a Living Rent model for West Oxfordshire including the level of discount from market rent required to be realistic for local people having regard to typical household incomes." With this in mind, Rentplus would welcome the opportunity to discuss this matter further. The above sections demonstrate that the Rentplus have considerable experience in this field and their affordable rent to buy model would be an ideal fit for West Oxfordshire.</p>	<p>Comment noted. The text of the revised draft SPD has been amended to provide a clear explanation of the current position in respect of the potential introduction of a Living Rent in West Oxfordshire.</p>
<p>We welcome the production of the Affordable Housing SPD and recommend some minor changes to the policy wording, in order to reflect the requirements of national policy in securing affordable home ownership. Changes are also needed to better reflect the range of rent to buy schemes, which include the Rentplus model which offers greater degree of flexibility and the benefit of a gifted deposit.</p>	<p>Support noted – see various amendments outlined above.</p>

Green Axis	
Issues raised	WODC response
<p>It would be useful to add clarification that self <u>and</u> custom build are treated the same in terms of being a more affordable route to home ownership and hence classified as affordable under the SPD. We suggest including custom build in the 1000 homes site example on page 19 and perhaps include self and <u>custom</u> build in the tabulated definitions on pages 8 and 9.</p>	<p>Comment noted. The text of the revised draft SPD has been clarified in respect of self and custom build housing.</p>
<p>It is encouraging to see the commitment to zero-carbon homes as part of the SPD, together with the extract from the LETI design guide. Our experience is that cost effective low energy housing can be delivered when there is a clear direction and expectation from early stages of a scheme development.</p> <p>As buildings become more energy efficient in operation, by combination of good fabric design and the increasing supply of renewable energy, embodied carbon increases as a proportion of the whole carbon picture and takes on more prominence. We would like to see the SPD recommending the embodied carbon be reviewed as part of the zero carbon design process. This is noted in item 4 of the LETI extract on page 21 but should be made more explicit in the body text.</p> <p>It would be useful to provide a hyperlink to the LETI climate emergency design guide alongside the one provided for the Passivhaus Trust.</p> <p>We would be please to review and offer comment on the Sustainable Design and Construction Checklist when this has reached a draft stage.</p>	<p>Comments noted. The text of the revised draft SPD has been amended to address a number of other comments made on this section.</p>
<p>We fully support the inclusion of MMC as part of the solution to increasing speed of housing delivery.</p> <p>This section primarily discusses the potential for MMC systems to contribute to energy efficiency and compliance with the Future Homes standard. For those readers unaware of the potential benefits which offsite construction brings, we would suggest that the content of this section be expanded to encourage MMC uptake and articulate some or all of the following:</p>	<p>Comment noted. The text of the revised draft SPD has been expanded to provide further explanation of the benefits of MMC.</p>

- Reduced site waste and disposal.
- Faster completion reduces impact on local residents.
- Less reliance on site trades – improved quality from factory production.
- Improved quality and clear stages for inspection to address thermal bridging and airtightness – key contributors to the industry wide gap between designed and as-built performance.
- Typically lightweight – potential to build adjacent to or over existing buildings (per page 20).

It may be suitable to provide hyperlinks to appropriate trade/professional bodies for further information on MMC specification, design and certification.

AECOM on behalf of Grosvenor Developments Ltd

Issues raised

WODC response

We support the production of the SPD, which updates the previous Affordable Housing SPD completed in 2007, which provides an update on additional tenures, types of housing and evidence of need to help in the interpretation of Policy H3 and the refinement of affordable housing provision as a part of new development.

Support noted.

Whilst the SPD covers the entire District and will a material consideration for all planning applications within West Oxfordshire, the OPA for OGV will be determined based on the updated policies within the Area Action Plan (AAP) as this becomes part of the formal Development Plan. The AAP provides a separate affordable housing and overall housing policy (Policy 23, 24, 25 and 26). These policies are informed by a bespoke piece of evidence produced in the form of the Housing Strategy prepared by Icení (as referenced in the draft SPD). The Reg 19 AAP therefore provides an ‘indicative guide’ for both affordable and market homes to aid the determination of the OPA and subsequent Reserved Matters Applications.

Comments noted. The Garden Village AAP and associated Outline Planning Application (OPA) are being taken forward through separate processes to the Affordable Housing SPD.

Grosvenor has been liaising with the Affordable Housing Officers and as part of the planning application has produced an Affordable Housing Statement outlining the situation at the point of submission. Building on the pre- and post-submission working with WODC’s officer team, the Section 106 agreement will therefore outline the affordable housing contributions as part of the development. These discussions are referenced in the WODC affordable housing team’s initial

<p>response to the submitted outline planning application, which also outlines the need to include consideration of the wider viability work to help “agree the affordable housing percentage, tenure mix and dwelling mix”.</p>	
<p>Grosvenor is currently working with WODC and Oxfordshire County Council (OCC) to bring forward an optimal solution for the Garden Village and its supporting Infrastructure, including provision to meet the sub area needs beyond the development itself. Much of this has been identified as a key element of placemaking, as part of the site-specific evidence base and to meet the ambitions for the Garden Village. This wider infrastructure outlined through the AAP and the OPA supporting documents, notably the site-specific Infrastructure Delivery Plan, will be secured through the Section 106 agreement and Section 278 highway agreement mechanisms.</p> <p>The required infrastructure to support the Garden Village is likely to be extensive, such that the draft CIL charging schedule, currently also out for consultation, states that “it should be noted that the five strategic sites allocated in the West Oxfordshire Local Plan 2031 are ‘zero-rated’ for the purposes of CIL for reasons of viability”. This does not mean that the level of infrastructure provided is reduced based on this zero rating. The CIL work includes assumptions for typical section 106 agreements based on the Council’s evidence base provided and concludes that “the Strategic Site test results all indicate marginal negative viability due to the significant site opening up costs and the site specific S106 infrastructure contribution requirements”.</p>	<p>Comments noted. The Garden Village AAP and associated Outline Planning Application (OPA) are being taken forward through separate processes to the Affordable Housing SPD.</p>
<p>Grosvenor fully agrees that Design Standards for affordable housing should be no lower than that for market housing and that all developments should be tenure blind.</p>	<p>Support noted.</p>
<p>The draft SPD outlines how any planning applications must take full consideration of the policy requirements of the Local Plan. However, it is clear that the type of housing supported under the Zero Carbon homes section far exceed these standards and are therefore not covered by the Local Plan viability assessment or the assumptions within the CIL viability assessments.</p> <p>Whilst WODC outline a position where they ‘support and encourage’ the delivery of this type of housing, it is clear that the full costs of delivering this should be considered for all sites, particularly those with large on and off site infrastructure associated with their delivery as outlined above. The draft SPD continues to say that those applications which “achieve exemplary standards in line with the Sustainable Design and Construction Checklist will be favoured in the determining</p>	<p>Comments noted. The text of this section of the revised draft SPD has been amended accordingly.</p>

<p>of planning applications for affordable housing” although this is not clear how this relates to wider development or allocated sites.</p> <p>As a result it would be useful for the SPD to outline the different costs associated with a building regulations compliant form of affordable housing against one with exemplary standards of fabric-energy efficiency, net-zero carbon in operation and 100% of its annual energy demand provided for by roof mounted solar advocated in the SPD. If this is not available, the uplift in costs associated with these extra features to meet aims beyond the provision of affordable homes would also be very helpful, alongside any evidence that this can be delivered at scale. It would also be useful to outline these costs, both before and after the tenure type discount (Social rent/ shared ownership etc) is applied, and for WODC to be clear on if they are advocating accepting a lower level of affordable housing built to higher standards (ultimately the same cost to the developer of a site) or maintain the overall level of affordable housing but increase build costs. This is particularly important for those already identified to deliver 50% affordable housing.</p>	
<p>The future AAP, which again has different housing policies and Fabric Energy Efficiency Standards (FEES), should be supported by appropriate viability work which supports all of the policy requirements and is due to be imminently released for consultation. The supporting evidence base to support the policies of the AAP, in line with the standards advocated in the SPD, could be useful in informing in the SPD.</p>	<p>Comments noted. The Garden Village AAP is being taken forward through a separate process to the Affordable Housing SPD.</p>
<p>The summary tables provided in the draft SPD provides a useful outline of the different types of affordable housing, both for sale and rent, which could form part of affordable housing provision across West Oxfordshire. Whilst not covering all forms, the below section refers to a number of forms of affordable housing referenced in the draft SPD:</p> <p><u>First Homes</u></p> <p>Whilst it was anticipated in the draft, the Government proposals on the introduction of ‘First Homes’ began during the consultation period for this SPD.</p> <p>Given the current consultation on First Homes and the Government’s transitional proposals to include 25% of all affordable housing as First Homes, the indicative mix within the SPD may have to be amended to reflect this potential new tenure aimed at first time buyers (i.e. 1 & 2 bed</p>	<p>Comments noted. The text of the revised draft SPD has been amended to include clearer reference to the potential role of First Homes as part of the overall mix of affordable housing solutions in West Oxfordshire.</p> <p>With regard to the SHMA (2014) at the current time, it remains the most up to date evidence available on housing need in West Oxfordshire including affordable housing need. However, additional text has been</p>

<p>homes). The indicative size mix for affordable housing appears to reflect the SHMA which was dated 2014, and may not consider current demand due to changes in welfare reforms. Furthermore, the dwelling size mix is not reflective of the waiting list which provides more up to date evidence. The choice base lettings evidence clearly shows that 85% of affordable housing should be 1 & 2 bed, not 65% as per the proposed split. This is further confirmed in the last 3 years waiting lists which all show the same data (over 85% needing 1 & 2 bed homes).</p>	<p>added to the revised draft SPD to ensure it is clear that the SHMA provides an indicative size mix only and that the Council will have regard to more recent information including the latest housing register information.</p>
<p>Local Housing Allowance - If Affordable Rent is capped at Local Housing Allowance (LHA) levels, Social Rent is not required as the LHA ensures that households on full benefits can afford the rent charged. As a result, the inclusion of Social Rent would not increase access to housing (i.e no additional households would be able to access a Social Rented tenure, who would otherwise not be able to access a Local Housing Allowance capped tenure).</p>	<p>Comment noted. Affordable rent even if capped at Local Housing Allowance Levels is still potentially less affordable than social rent. They are two different 'products' and one does not supersede the need for the other. No change.</p>
<p>WODC living rent - Whilst the principle of Living Rent is supported, increasing the proportion of Shared Ownership in current policy may provide a simpler solution, with first refusal for existing tenants. Furthermore, if Living Rent is introduced, the increase in transfer value from Affordable Rent to Shared Ownership should be paid to the developer/landowner as this tenure offers a higher transfer value.</p> <p>Given the build out timescales associated with OGV, the uptake of Living Rent may alter the relationship between shared ownership and affordable rent at later stages of the project and could create uncertainty in delivering different tenures of affordable housing on site in the future.</p> <p>The SPD states that full details on the Living Rent will be available in Q3 2020. At mid-August, we are fairly advanced into Q3 and it would be useful to understand when this report will be available, what level of discount is envisaged and sufficient consideration given ahead of the next draft of the SPD.</p>	<p>Comment noted. The text of the revised draft SPD has been amended to provide a clear explanation of the current position in respect of the potential introduction of a Living Rent in West Oxfordshire.</p>
<p>Starter homes - In respect of Starter Homes it would be helpful to set out what level is sought on development sites. The 20% requirement is not consistent with WODC's proposed tenure ratio, as it would result in 30% rented and 20% starter homes (or 60/40 split), compared to WODC's proposed 2:1 ratio (66/33 split). Furthermore, this split does not include other affordable</p>	<p>Comment noted. The text of the revised draft SPD has been amended to clarify that the District Council will consider the potential for starter home</p>

<p>ownership tenures such as Shared Ownership, which WODC has stated as its preferred ownership tenure.</p>	<p>provision alongside consideration of other low cost affordable home ownership options.</p>
<p>Other Specialist Housing - The provision of key worker housing, particularly during the current climate, is supported and the clear identifier that WODC will “seek innovative methods to bring forward proposals to provide key worker accommodation and offer assistance in facilitating liaison with key contacts” is very helpful. Will these workers be given any priority in future lettings/sales and if so will the tenure mix be amended to reflect the need for affordable ownership tenures?</p> <p>It is also useful for the draft SPD to include specific reference to Community-led housing which is also an aspiration for OGV. It would be useful to provide additional detail on the forms of affordable (and market) community led housing forms WODC have listed in the SPD and the ways in which their delivery will be supported by WODC.</p> <p>Furthermore, there is little reference towards extra care/elderly housing in the draft SPD. Given the growing and pressing demand for this form of housing. It would be useful to see how this has influenced the proposed housing mix to form the basis of future proposals for this form of housing across the District.</p>	<p>Support noted.</p> <p>The text of the revised draft SPD has been amended to make it clear that where new affordable homes are provided on the basis of them being made available to essential local workers/key workers, the District Council will take this into account in discussions with the developer/applicant and Registered Providers in determining the most appropriate tenure mix.</p> <p>In addition, a weblink has been provided within the revised draft SPD to take the reader to the Council’s community led housing web pages to provide further detail.</p> <p>Additional text has been included in the revised draft SPD in respect of potential specialist housing provision including extra-care.</p>
<p>Section 4 also needs to include affordable homes provided from grant funding, such as Homes England’s Affordable Housing Programme, and the Oxfordshire Affordable Housing Programme, so that a full picture of affordable housing delivery is provided. This should also be broken down to sub areas and also include affordable ownership and other ownership tenures to provide the</p>	<p>Comments noted.</p> <p>It is not considered necessary to include specific information on</p>

<p>full picture. The information provided highlights the disparity between the high need for 1 bed accommodation and the majority of existing affordable provision which is 2 & 3 bed across the District. It would also be useful to have sub area housing need identified so that specific sites can consider specific affordable housing needs.</p>	<p>affordable homes provided from grant funding within the SPD.</p> <p>Affordable housing needs have not been defined on a sub-area basis either through the Oxfordshire SHMA (2014) or the West Oxfordshire Local Plan 2031 so it is not possible to provide this information within the SPD either.</p>
<p>Section 8.3 of the draft SPD usefully outlines the nomination, choice based letting and allocation processes operating in West Oxfordshire. What is unclear however is the role of Oxford City, the agreement with West Oxfordshire to provide for some of their unmet need and their role in the allocation process. This would therefore likely influence both the OGV site and the West Eynsham Strategic Development Area which this SPD covers. This is something that the Reg 19 AAP indicates is 'ongoing'.</p>	<p>Comments noted. West Oxfordshire District Council and Oxford City Council is in the process of entering into a memorandum of understanding on this issue which will be made publicly available in due course.</p> <p>Additional text has been added to the revised draft SPD to explain this process.</p>

Issues raised	WODC response
<p>Under Shared Ownership, references made to Registered Providers (RPs) should be amended to 'the freeholder'. Whilst RPs are the normal owner, other organisations can now own Shared Ownership dwellings, and this should be reflected accordingly in the definition.</p>	<p>Comment noted. The explanation of shared ownership already refers to the freeholder, which is usually a registered provider. This is considered to adequately cover the point being made.</p>
<p>The reference that all affordable housing should be provided in perpetuity or for the sales/proceeds to be recycled is not in line with the National Planning Policy Framework, as this is only required in rural exception sites or grant funded sites. This would also make rent to buy tenures difficult to implement. It should be made clear in the SPD that where developer contributions enable affordable housing without grant funding, this restriction should be removed.</p>	<p>Comment noted. The text of the revised draft SPD has been amended to more accurately reflect the NPPF.</p>
<p>The different tenures proposed may impact viability and will need to be appropriately tested to conclude the levels of overall affordable housing. It will also be important for larger sites to be assessed on a site by site basis, considering both the existing affordable housing in the local area, along with demand from the waiting list based upon those who have stated a preference for the local area, and planned provision of affordable via grant funding and other nearby sites.</p>	<p>Comment noted. The text of the revised draft SPD has been amended to emphasise that the size and tenure mixes included are indicative only and that each proposal will be considered on an individual case-by-case basis.</p>
<p>Given the Government's recent proposals in 'Changes to the Current Planning System' and 'White Paper', the reference to s106 agreements and delivery of affordable homes may require an update to include the proposals and appropriate caveats accordingly.</p>	<p>Comment noted.</p>
<p>Irwin Mitchell on behalf of Inspired Villages</p>	
Issues raised	WODC response
<p>Inspired Villages operates and develops retirement communities and are majority owned and funded by Legal & General. At the time of writing, there are six operational Inspired villages throughout England; which provide some 800 residents with an independent lifestyle, whilst also providing the care and support that may be required throughout retirement as they age in place.</p> <p>Inspired Villages is committed to expanding their provision in the UK and aim to be running 50 operational villages within the next ten years. In fact, they are proposing a new retirement community within West Oxfordshire, which is intended to provide up to 160 units of C2 accommodation along with associated communal and care facilities.</p>	<p>Comments noted.</p>

<p>We are concerned that the Council’s draft SPD, as drafted, fails to take into account the different operating models that comprise housing for the elderly (and in particular the distinctions between retirement communities and sheltered housing).</p>	
<p>Retirement communities have higher levels of non-revenue generating floorspace than a typical sheltered housing scheme (or standard residential development), and higher operating costs due to staffing, maintenance, etc. By way of illustration the proposed retirement community for West Oxfordshire would have a gross internal area of approximately 17,000 sq.m of which approximately 4,200 sq.m would be communal facilities, communal areas, i.e. 25% of the floor space would be non-saleable. This does have an impact on the overall viability of such developments, which reduces their ability to provide affordable housing contributions at all.</p> <p>The Council has recognised this, in part, by reducing the level of affordable housing required from retirement communities, although we do remain concerned that the levels set in the Council’s local plan do over-estimate the amount of financial headroom available on extra-care development schemes. This is particularly true when the impact of the proposals in the draft SPD are considered in combination with the proposed CIL charge for extra care schemes (which is also currently out for consultation).</p> <p>We welcome the SPD’s recognition that not all developments will be able to provide a policy compliant level of on-site affordable housing because of their viability position. Unfortunately, despite the efforts the Council has already made to date, we are concerned that the policy level of provision for extra care developments has been set too high. As such, we suspect that most new extra-care developments that come forward within the district are likely to have concerns over viability that will need to be addressed through the planning application process.</p>	<p>Comments noted. The viability of Local Plan Policy H3 including the requirement for affordable housing as a proportion of market-led extra-care housing schemes has already been independently tested and it is not the role of the SPD to revisit that analysis or the conclusions reached.</p> <p>Additional text has however been added to explain the conclusion reached through the Local Plan process.</p>
<p>A key feature of an Inspired village is that, with the exception of the care services, the entire village is managed and looked after by a single operator. The single management structure is vital for ensuring an integrated service for our residents, so they can access the care and support that they require easily and efficiently. The facilities that form part of an Inspired village are funded through service charges, which are levied at a flat rate per unit – every household contributes the same amount regardless of the size or value of the unit. The service charge structure adopted by Inspired has been chosen to ensure that every incoming resident has a complete understanding of how the service charge is calculated, how it is spent and the value for money that it provides. For</p>	<p>Comments noted. Local Plan Policy H3 clearly sets out the circumstances in which a financial contribution towards off-site provision of affordable housing may be appropriate.</p> <p>This is considered to be adequately reflected in the SPD as is the fact that</p>

<p>this reason, the way that Inspired’s service charges are calculated is fixed centrally and broadly consistent across all Inspired villages.</p> <p>The importance of the single management structure to the operation of an Inspired Village, and the need to maintain certainty and transparency for all residents over service charges, means that it is very difficult to incorporate traditional rental tenures of affordable housing into a retirement community. The need to maintain the single management of the whole development does not sit easily with the requirements of a registered provider, who often like to retain control over the maintenance of their units and the services provided to them. Similarly, registered providers often seek a reduction in service charges for the units that they take. This is extremely difficult to facilitate on an Inspired development, as the changes to the service charge structure would need to be explained to all residents, which would not assist in the integration of any affordable housing units to the wider development. It would be inherently unfair if those residents of the private units were required to subsidise those in the affordable units, with the service charge paying towards the provision of all services and facilities on-site which all residents have equal access to.</p> <p>With this in mind, it is often preferable for any affordable housing contribution from retirement communities to be provided off-site; as it allows greater freedom of choice for the Council as to who is able to occupy the affordable housing units. On-site provision in a retirement community will necessarily be restricted to potential residents who are over 65 and either in need of care or likely to be in need of care in the foreseeable future.</p> <p>Where on-site provision is required, the tenures of affordable housing which are more likely to integrate successfully are those which allow for the single overall management of the development – i.e. those types of discount market sale, discount market rent and shared ownership models which do not require the involvement of a registered provider and can be managed, maintained and sold/rented out by the operator.</p>	<p>the precise nature of any on-site provision will be considered on a case by case basis.</p> <p>As such, no change is considered to be necessary.</p>
<p>Whilst the Council’s draft SPD does make reference to a wide range of potential forms and tenures of affordable housing being permitted, this is undercut by the Council’s decision not to adopt Discretionary Social Housing Relief as part of its CIL consultation. If this decision is not amended, then all non-traditional forms of provision (such as discount market sale), will be charged CIL at the same rate as those units for sale on the open market. This is likely to negatively impact on the viability of those schemes that are best suited to non-traditional tenures, such as</p>	<p>Comment noted. The Council’s CIL consultation is a separate process and the issue of discretionary social housing relief will be considered as part of that process.</p>

retirement communities, which will only serve to reduce the overall levels of affordable housing that these developments can provide.	
Issues raised	WODC response
<p>We would urge the Council to:</p> <p>1. Amend its affordable housing SPD to recognise retirement communities as a form of development which are:</p> <ul style="list-style-type: none"> a. more likely to have viability concerns over the headline level of affordable housing provision required by the Council; b. more likely to need to provide contributions to off-site affordable housing provision; and c. Where on site provision is feasible, likely to need to adopt a mix of less-traditional tenures, such as discount market rent, discount market sale or shared ownership. <p>2. Adopt discretionary social housing relief from CIL so as to avoid penalising developers who do opt for less traditional tenures as part of their developments.</p>	<p>Comments noted. Additional text has been added to the revised draft SPD in respect of specialist housing including extra-care.</p> <p>With the viability of Local Plan Policy H3 already having been tested as part of the Local Plan examination (and reduced rates applied to extra-care housing accordingly) it would not be appropriate for the SPD to revisit issues of viability.</p> <p>As set out above, Policy H3 and in turn the SPD as currently drafted already adequately recognise the potential circumstances in which an off-site financial contribution may be appropriate as well as the fact that the precise nature of any on-site provision will be considered on a case by case basis.</p> <p>The Council's CIL consultation is a separate process and the issue of discretionary social housing relief will be considered as part of that process.</p>

Defence Infrastructure Organisation	
Issues raised	WODC response
<p>We welcome the recognition in the document that military personnel are essential local workers so provision for their accommodation would count towards meeting affordable housing needs. We would also point to the proximity need for such provision and national guidance applicable which may mean that the mix being sought for other types of affordable housing may not be appropriate.</p>	<p>Comment noted.</p>
Turley on behalf of the North Witney Land Consortium	
Issues raised	WODC response
<p>It is essential that the preparation of this SPD should not fetter or obstruct in any way, the ability of the Local Plan to support sustainable development over the period to 2036. More fundamentally, we note that the SPD seeks to establish new policy requirements and expectations which are not contained within Development Plan Documents. We note that the PPG explains the role of SPDs and states that:</p> <p>“Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.”</p> <p>Consequently, this SPD should only provide more detailed advice or guidance on policies in the adopted Local Plan. The SPD should not, as appears to be the case in some circumstances, seek to amend or change the requirements of the Local Plan.</p>	<p>Comment noted.</p>
<p>The Affordable Housing SPD seeks to build on the guidance contained within the adopted Local Plan 2031 which sets the overarching requirements in respect of affordable housing under Policy H3. It is clear from the consultation document that there continues to be a significant need for affordable housing in the District and that the SHMA identified need for 274 affordable dwellings per annum has only been met in 2019/20, with significant shortfalls in the preceding years of the Plan period.</p>	<p>Comment noted.</p>

<p>It is important therefore that the SPD helps to maximise the level of affordable housing which can be delivered and does not reduce the rates achieved by introducing additional requirements with an increased cost burden which may reduce the viability of schemes, particularly given the proposed move towards introducing CIL in the District.</p>	
<p>We support the recognition that the indicative size mix for affordable housing as set out in the Local Plan is a guide only and that consideration of local circumstances and any identified local needs will need to be taken account of. The same recognition is equally applied to the preferred tenure mix, whilst noting the higher need for rented accommodation. It is noted that the Council are currently undertaking further work on a potential Living Rent model and we will wish to review and provide comments on this when available as part of future work on the SPD.</p>	<p>Support noted. The text of the revised draft SPD has been amended to provide a clear explanation of the current position in respect of the potential introduction of a Living Rent in West Oxfordshire.</p>
<p>Custom and self-build. We consider that this section of the SPD should be deleted entirely. Policy H5 of the Local Plan requires that all housing developments of 100 or more dwellings to include 5% of the residential plots to be serviced and made available for custom and self-build housing. The SPD states that on qualifying sites, 5% of the affordable homes should also be made available for custom and self-build housing. It is considered that further evidence is required to demonstrate the support of the registered providers to enable this form of delivery to ensure this will not delay and restrict the delivery of much needed affordable homes. Policy H5 of the Local Plan states that if any of the serviced plots/units offered for custom/self-build/self-finish remain unsold after 12 months marketing, they may be built out by the developer. It is unclear within the wording of the SPD how this work in respect of the affordable housing element and whether the plots would revert to the developer (and revert to market housing) or to the registered provider. Currently concern is raised that the proposed approach will result in further delays and uncertainty in the delivery of affordable housing and reduce the viability of schemes accordingly.</p>	<p>Comments noted however the definition of self-build and custom-build housing set out in the NPPF makes it clear that such housing can be either market or affordable housing.</p> <p>Notwithstanding this, the text of the revised draft SPD has been amended to clarify the Council's approach and to make it clear that the provision of affordable custom and self-build opportunities on qualifying sites will be a matter for discussion on a case by case basis factoring in all relevant considerations. Further information has also been added in relation to the reversion of such plots to a developer/registered provider in the event of insufficient interest from those on the Council's custom/self-build register.</p>

<p>Design criteria. Whilst the proposed design criteria are generally supported, it is considered that they should recognise the likelihood of affordable housing being provided in clusters for ease of management. The third bullet should therefore be amended as follows:</p> <ul style="list-style-type: none"> Affordable units should be distributed evenly <u>in clusters</u> throughout the development where practicable to promote social inclusion and mixed communities. The exception to this is in relation to the design and provision of housing for older people and developers will need to demonstrate why a deviation is required when seeking approval. 	<p>Comment noted. The text of the revised draft SPD has been amended to refer to ‘clusters’ of affordable housing units as suggested.</p>
<p>Issues raised</p>	<p>WODC response</p>
<p>Space standards - It is important to recognise that it will not be appropriate or achievable to meet the nationally prescribed space standards for housing in all instances. The design of developments will need to take account of individual site characteristics, viability and market demand. As such the proposed recognition of the SPD that these standards cannot be required on all developments is supported.</p> <p>Furthermore the NPPF and PPG make clear that the nationally prescribed space standard should only be required where the need for an internal space standard has been justified. No such justification has been provided in support of the SPD and as such reference to the standards should be deleted.</p>	<p>Comments noted. It is important to note that the SPD is not seeking to require the use of the Government’s nationally prescribed space standards for new housing, rather it explains that this will be encouraged which is very different. No change.</p>
<p>Zero-carbon homes. We are unclear why the Affordable Housing SPD is considered to be the appropriate mechanism for seeking to introduce additional measures to seek to tackle the climate and ecological emergency the Council has declared.</p> <p>It is understood that at this stage these measures are proposed to be required in relation to affordable homes only, an approach seemingly at odds with the design criteria requirement for tenure blindness. From the consultation document it is unclear what discussions the Council has had with registered providers with regards to the additional costs required to go above and beyond in terms of delivering exemplary standards of sustainability and whether any viability assessment has been undertaken. Indeed it is noted that the requirement has not been assessed in the viability assessment to inform the current CIL Charging Schedule consultation. The proposed requirement to go above and beyond is also open to significant differences in interpretation and provides no clarity as to what is actually required by the Council.</p>	<p>Comments noted. The text of this section of the revised draft SPD has been amended accordingly.</p>

<p>In light of the above comments it is considered that this element of the SPD should be removed. If the Council wish to introduce greater sustainability requirements this should be in the form of a separate SPD and consider all forms of development, including non-residential, and should include the Sustainable Design and Construction Checklist currently proposed to be developed. The requirements of any future SPD should also be considered in a review of the Council's CIL to ensure it does not render developments unviable.</p>	
<p>Viability. We note the Council has highlighted that the viability of the level of affordable housing provision required was tested at the Local Plan stage. It is important to note however that the SPD is seeking to introduce a series of additional requirements which will add to the cost of delivery of affordable housing. These additional costs will need to be weighed in the development of proposals for the site to maintain viability, particularly in light of the proposed introduction of CIL. Policy H3 remains the relevant and appropriate policy context and it is considered unnecessary for this SPD to add to those requirements.</p>	<p>Comments noted.</p>
<p>Oxfordshire County Council</p>	
<p>Issues raised</p>	<p>WODC response</p>
<p>Oxfordshire County Council are broadly supportive of the SPD, but recommend a small number of amendments including reference to OCCs Market Position Statement 2019 and a statement requiring developers to consider the need for supported living developments within housing developments.</p>	<p>Support noted.</p>
<p>Section 5.1 page 12 - Support range of 35%-50% affordable housing on qualifying sites. Request explanation as to why this drops for Extra Care Housing as larger schemes are more viable than smaller ones and the greatest need for ECH units is for those at social or affordable rent.</p>	<p>Comment noted. The reduced affordable housing requirement for extra-care housing was considered and agreed as part of the examination of the West Oxfordshire Local Plan based on development viability considerations. Additional text has been added to the revised draft SPD to explain this.</p>
<p>Section 5.2 page 15 - Request increase in proportion of one bed properties in line with CBL data = 52% need for 1 bed properties. The pressure on one beds is exacerbated by the need to accommodate single young people, care leavers and homeless adults who are moving on from supported housing. Also request that WODC consider requiring that a proportion of affordable</p>	<p>Comment noted. The text of the revised draft SPD has been amended to highlight the importance of 1-bed properties.</p>

rented housing be provided in the form of HMOs to ensure a supply of shared accommodation for single people under the age of 35, particularly in market towns (on the basis that under 35s only qualify for the single room rate in terms of the housing costs covered by Universal Credit).	
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Issues raised	WODC response
Section 5.3 page 16 - Would like developers to be required rather than to explore to provide new homes at social rent levels rather than 'affordable' levels which are still out of reach of many single people and lower income households.	Comment noted. However, Policy H3 of the West Oxfordshire Local Plan and the viability evidence which underpins it is predicated on the basis of a combination of affordable rent and intermediate forms of affordable housing rather than social rent. As such, it would not be appropriate for the SPD to effectively introduce a policy requirement for social rent.
Section 6.0 page 20 - Support high design standard for affordable housing. Request that bedroom sizes in 3 bed properties adhere to the Housing Act to accommodate full size bed and furniture and avoid overcrowding.	Support noted. Additional text has been added to the revised draft SPD to address the issue of bedroom sizes in 3-bed properties.
Section 6.2 page 20 - Support need for 5% of homes to be wheelchair accessible with sufficient internal space. Request that in these homes the ceilings are strong enough to support track hoists and to allow stairlifts to be fitted where there is a need.	Support noted. The 5% requirement relates to wheelchair adaptable dwellings rather than wheelchair accessible dwellings, however some additional text has been added to refer to the issues of ceiling strength and stairlift provision.
Section 6.3 page 27 - Welcome wide definition of keyworkers and prioritised classification on choice based lettings. Welcome development of keyworker housing by Blenheim Estate. Suggest that these could be made available to key workers employed outside of Blenheim.	Comment noted. Blenheim key workers are not just for those employed by Blenheim and as such, no change to the revised draft SPD is considered necessary.

<p>We would like to see reference made to Oxfordshire County Council's market position statement 2019 and a statement requiring developers to consider the need for supported living developments within housing developments. These are generally 4-8 unit blocks of accommodation for people with a learning disability and/or autism and need to be situated close to infrastructure and facilities. We have a significant shortage of this type of accommodation to meet current and future needs.</p>	<p>Comment noted. Additional text has been added to the revised draft SPD to address this issue.</p>
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Issues raised	WODC response
<p>This is a supplementary planning document and as such sets out the supporting information in light of the adopted policy Local Plan policy H3. It provides clarification of what is considered affordable housing and other definitions relating to the policy including when and how financial contributions may be more appropriate than on site provision.</p> <p>On review there are no specific amendments which would be required in terms of the remit of the Estates team and their land interest within the West Oxfordshire District.</p> <p>It is noted however that with the recent release of the planning white paper and opening of consultation on various policy tools, including First Homes, the proposed SPD may require an early review or amendments.</p>	<p>Comment noted.</p>
<p>Section 2.1 page 6 - The SPD refers to NPPF revised in July 2018, there has since been the February 2019 update.</p>	<p>Comment noted. The revised draft SPD has been amended to include reference to the NPPF 2019.</p>

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Preface

1.1 Background

The District Council's current Affordable Housing Supplementary Planning Document (SPD) was published in 2007. Following adoption of the West Oxfordshire Local Plan 2031 and the publication of the National Planning Policy Framework (NPPF – Feb 2019) there is now a need to revise and update the SPD.

The purpose of this revised draft Supplementary Planning Document (SPD) is to provide detailed guidance to support the local authority, developers, housing providers and local communities on how West Oxfordshire District Council will meet its objective of securing the delivery of affordable housing through the application of Local Plan Policy H3 – Affordable Housing and related core objectives (including Core Objective 6 (CO6)).

The SPD will supplement the Local Plan and whilst this does not in itself make it policy, it will be a material consideration in the determination of planning applications.

The overall objectives of the SPD are:

- To provide clear and transparent guidance on the application of Policy H3 and CO6 to assist those proposing developments to make successful planning applications and improve the delivery rates of affordable housing in West Oxfordshire.
- To deliver a better balance between the affordable housing need and the supply of affordable accommodation with particular reference to location, housing mix and tenure type proposed on developments.
- To improve the quality and range of affordable housing options available within the District.
- To ensure that new affordable housing addresses the climate change emergency.
- To secure improved housing affordability through the provision of a broad range of different forms of affordable housing.
- To promote new and innovative approaches to the delivery of affordable housing.
- To help sustain and improve the vitality, vibrancy and quality of life of local communities.

1.2 Scope

This draft SPD provides detailed guidance on how Policy H3 and Core Objective 6 of the WODC Local Plan will be implemented in order to support proposed development and help deliver sustainable communities. In particular, it contains guidance on the following:

- Developments where affordable housing will be sought – qualifying sites and thresholds
- Quantity of affordable homes needed
- Size and Mix of Affordable Homes
- Off-site provision / Financial contribution
- Viability
- Standards and Design
- Section 106 Agreements
- Nominations, Key Worker and Local connection provision
- Timing of Provision
- Occupancy
- Delivery Mechanisms
- Alternative Affordable Housing delivery routes

1.3 Status

This is the revised draft version of the Affordable Housing Supplementary Planning Document (SPD) which has been published following an initial period of public consultation on an earlier draft in June 2020.

A number of amendments have been made to the revised draft SPD to address the comments raised. The revised draft version of the SPD will be subject to a further 6-week period of public consultation and following on from that, the Council will seek to formally adopt it having regard to the need for any further amendments.

Once adopted, the SPD will be a material consideration in the determination of relevant planning applications, replacing the Council's current Affordable Housing SPD (2007).

Please see the Glossary at the end of the document for an explanation of the abbreviations and terms used in this document.

1.4 Consultation

The revised draft SPD will be the subject of public consultation for a period of six weeks. The consultation will run from **XX** to **XX**

There are a variety of ways to respond to the consultation:

- Electronic representation should be sent by email to planning.policy@westoxon.gov.uk
- By posting a response to:
Affordable Housing SPD Consultation, Planning Policy,
West Oxfordshire District Council,
Elmfield, New Yatt Road, Witney, Oxon OX28 1PB

All comments received will be carefully considered and taken into account in any decision to formally adopt the SPD (expected - spring 2021).

2.0 Legislative and Policy Context

2.1 The NPPF (2019)

The Government's National Planning Policy Framework – NPPF (most recently updated in February 2019) and associated Planning Practice Guidance (PPG) requires local authorities to deliver a sufficient number and range of homes to meet the needs of present and future generations.

The NPPF states:

'Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies – including but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.'

2.2 The West Oxfordshire Local Plan 2031

The West Oxfordshire Local Plan was formally adopted in September 2018. It seeks to provide at least 15,950 homes in the period 2011 – 2031 and identifies a significant need for new affordable housing.

Policy H3 relates to affordable housing and is set out in full at Annex 1. In short, the policy requires the provision of on-site affordable housing as part of larger market housing schemes of 11 or more units varying by location from 35% - 50%.

Smaller market housing schemes of 6-10 units within the Cotswolds Area of Outstanding Natural Beauty (AONB) are required to make a financial contribution towards the provision of affordable housing within the District. The policy also addresses the issue of housing mix

and the provision of affordable housing in rural areas including through Rural Exception Sites (RES).

Policy H3 is supported by Core Objective 6 (CO6) of the Local Plan which seeks to:

‘Plan for an appropriate mix of new residential accommodation which provides a variety of sizes, types and affordability with special emphasis on the provision of homes for local people in housing need who cannot afford to buy or rent at market prices including those wishing to self-build, as well as homes to meet the needs of older people, younger people, black and minority ethnic communities, people with disabilities, families and travelling communities’.

2.3 The West Oxfordshire Council Plan (2020 – 2024)

Part of the vision of the current West Oxfordshire Council Plan is to meet the housing needs of the District’s changing population, securing the provision of market and affordable housing of a high quality for the wide range of householders making their home in West Oxfordshire.

Key actions of particular relevance to the revised draft SPD include:

- Ensuring an adequate overall supply of housing to meet identified needs including those in need of affordable housing;
- Measures to increase the number of affordable housing units delivered annually, including the promotion of innovative housing solutions, so that we can reduce the housing waiting list;
- The promotion and delivery of self-build and custom-build plots and opportunities to meet the needs of those on the Council’s self-build register;
- Investigating a new West Oxfordshire living rent to ensure that affordable homes are truly affordable for local people and key workers;
- Using the planning system to ensure that new developments provide a range of housing products, including low-cost home ownership models and the right size and flexibility of properties and property types to meet the current and future needs of our residents; and
- Exploring and developing new partnerships (for example the Blenheim approach) to deliver on: modern methods of construction to reduce carbon footprints, more landowner provided housing and genuine community-led housing opportunities.

3.0 What is affordable housing?

There is no singular definition of affordable housing.

3.1 West Oxfordshire definition

The West Oxfordshire Local Plan 2031 defines affordable housing as ‘that which is affordable to those who cannot afford market priced housing locally to rent or purchase’. It is housing provided with either public or private subsidy for people who would otherwise be unable to resolve their housing requirements in the local housing market because of the relationship between housing cost and local incomes’.

3.2 NPPF definition

The NPPF (February 2019) provides the following, specific definition of affordable housing¹:

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

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

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

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

¹ It should be noted that the District Council will have regard to any amendments to the definition of affordable housing as set out in any subsequent iterations of the NPPF.

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

A more detailed explanation of how each affordable housing tenure type works in practice in West Oxfordshire is given in the following table:

Rental Housing	
a) Social rented housing:	Social rented housing is housing owned and managed by registered providers, for which target rents are determined through the Government’s rent policy for Social Rent. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with Homes England as a condition of grant. Typically social rented housing costs 50-60% of market rented housing.
b) Affordable Rent housing	<p>Let by private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent housing must meet all of the following conditions:</p> <ul style="list-style-type: none"> i. The rent must be no more than 80% of the local market rent (including service charges, where applicable) and not exceed the level of the Local Housing Allowance for the size of property, whichever is the lower; ii. the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and for Build to Rent schemes, Affordable Private Rent housing is expected to be the normal form of affordable housing provision.
c) Rent to Buy	A scheme to help first time buyers, or those returning to the market following relationship breakdown. Households are able to rent a home at an affordable or intermediate rent, providing an opportunity to build up a deposit. There are different models of rent to buy with different terms and conditions but generally households rent the property for a defined period with the expectation of purchase at the end of the period. Some rent to buy schemes include support towards purchase such as gifted deposits.

<p>d) Build to Rent</p>	<p>Build to rent refers to purpose built housing that is 100% rented and can form part of a wider multi-tenure development scheme comprising flats or houses. Schemes will usually offer longer tenancy agreements of 3+ years and will be part of a professionally managed stock in single ownership and management control. The NPPF states that “20% is generally a suitable benchmark for the level of Affordable Private Rent homes to be provided (and maintained in perpetuity) in any Build to Rent scheme”. The guidance also stipulates that Affordable Private Rent should be at least 20% cheaper than the rest of the scheme in line with the Affordable Rent product. In addition affordable units within Build to Rent developments are not expected to be managed by a registered provider, but should be under common management control by the private operator managing the whole site / block.</p> <p>Affordable units should be distributed throughout the development and physically indistinguishable from the market rent homes within the development in terms of quality and size. Build to Rent developments will be secured under a S106 agreement details of which can be found in Appendix 3.</p> <p>Build to Rent market rent assessments should be carried out by Build to Rent Developers using the definition of the International Valuation Standards Committee as adopted by the Royal Institute of Chartered Surveyors. WODC reserve the right to benchmark this rate against evidence from a relevant local housing needs assessment and if necessary use this evidence to justify an amendment to the rate required. Equally, there is also provision for developers, in exception, to make a case seeking to differ from the benchmark.</p>
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Intermediate Housing - Homes for sale and rent provided at a cost above social rent but below market sale and rent levels. It includes a range of low cost home ownership products for households who are not able to access home ownership through the market:

a) Shared ownership:	The purchaser buys a proportion of the value of the home, e.g. 50%, and the remaining share is kept by the freeholder which is usually a registered provider. A subsidised rent is paid on the remainder of the equity. The proportion offered for sale by the registered provider should not be fixed in advance, but tailored to the individual circumstances of the individual household. The initial equity share must be between 25% and 75% and the Council will seek to ensure that a good proportion of each type and size of shared ownership units are initially sold at shares at the lower end of this range in order to help ensure affordability. When they can afford to, purchasers have the opportunity to 'staircase', i.e. to buy further equity shares until they own 100% of the property.
b) Shared equity	The purchaser acquires the whole of the property but effectively only pays a proportion of the value, e.g. 75%. The remaining 25% is secured by an equity loan without any rental obligation.
c) Discount market sale	Discount Market Sale is a low cost home ownership product where a new build property is purchased at a discounted price, usually around 20% of the market value, and aims to help low and middle earners get onto the property ladder.
d) First Homes ²	In February 2020, the Government consulted on a new 'First Homes' policy designed to help first time buyers by offering a discount of at least 30% from market values. In August 2020, the Government published a summary of the consultation responses and the Government's view on the way forward. The response demonstrates a clear commitment to taking the proposals forward with further detail to be taken forward through revisions to the NPPF and associated Planning Practice Guidance. The intention is that First Homes will be delivered as a proportion of Section 106 affordable housing contributions (at least 25%). Further consultation on the technical detail is to follow.

² <https://www.gov.uk/government/consultations/first-homes>

The NPPF 2019 definition of affordable housing outlined above makes it clear that most forms of affordable housing should remain affordable in perpetuity (i.e. for future occupants). Affordable housing for rent (affordable rent and social rent) for example must include provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. Similarly, in respect of discount market sales housing, provisions should be in place to ensure that housing remains at a discount for future eligible households.

Other affordable routes to home ownership such as shared-ownership, where public grant funding is provided, should also include provisions for the homes to remain at an affordable price for future eligible households, or any receipts to be recycled for alternative affordable housing provision.

In accordance with the NPPF, the Council will seek to ensure that where relevant and appropriate, affordable housing is secured as such for the benefit of future eligible households (for example by remaining at an affordable price or with subsidy/sale proceeds being recycled into alternative affordable housing provision).

Prospective developers are recommended to contact the Council's planning and housing services at an early stage for more detailed advice on the provision of affordable housing in connection with particular development proposals, prior to submission of a planning application. Early discussion with planning officers helps ensure better quality applications are submitted.

Full details on pre-application advice include the application form and details of costs can be found on the Council website.³

The provision of affordable housing also requires consultation with the council's affordable housing development team. The team works closely with planning officers and registered providers to ensure new communities are sustainable and will input into the delivery, tenure mix, location and transfer arrangements with the chosen provider. Contact details for the team can be found in Appendix 2.

Where the affordable housing is to be transferred to a Registered Social Landlord (RSL) or Registered Provider (RP) detailed discussions should be held with them on the layouts and specifications e.g. Space standards. Any RSL / RP must be able to meet the Council's eligibility criteria, full details of which are available from the Council's Housing Services.⁴

³ <https://www.westoxon.gov.uk/planning-and-building/planning-permission/get-advice-on-your-application/>

⁴ <https://www.westoxon.gov.uk/housing/>

4.0 Existing Affordable Housing Need and Provision in West Oxfordshire

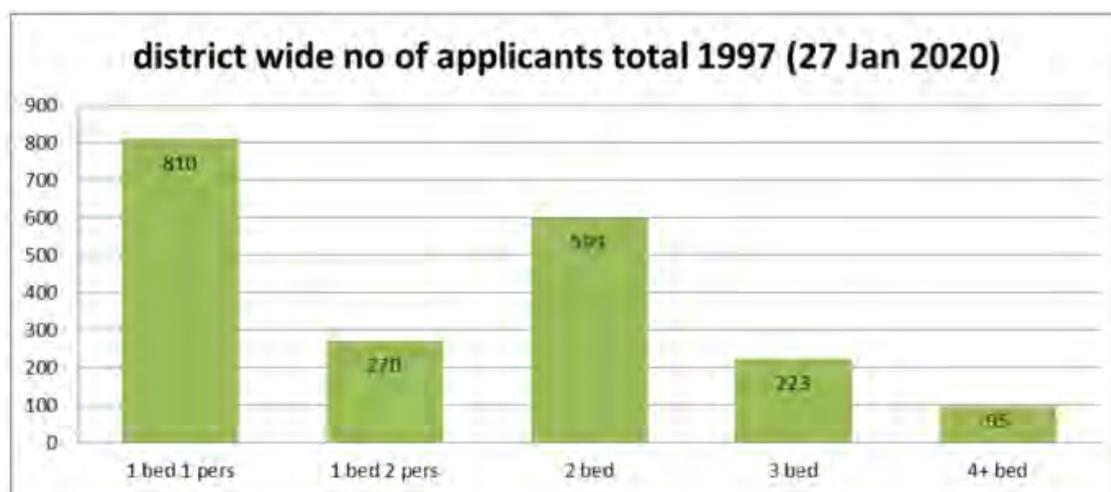
4.1 Affordable housing need

The provision of new housing in West Oxfordshire is a critically important issue and a recurring theme in the Local Plan. The Oxfordshire Strategic Housing Market Assessment (SHMA) whilst published in 2014, at the current time remains the most recently published countywide assessment of housing need for Oxfordshire. For West Oxfordshire, the SHMA identified the need for 660 homes per year over the plan period to 2031, of which 274 should be affordable. Increasing delivery of the number, type and distribution of affordable housing for both rent and subsidised sale is therefore a key priority for West Oxfordshire.

Policy H3 of the West Oxfordshire Local Plan 2031 seeks to secure an increase in the supply of affordable homes by increasing the number of developments which support affordable housing and increasing the number of affordable homes on those developments.

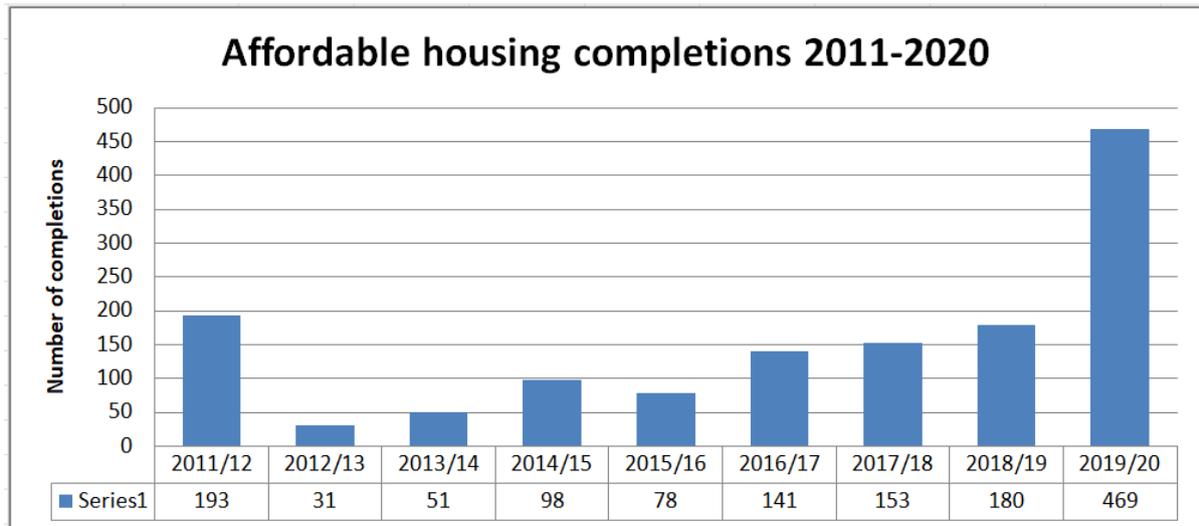
The Council also aims to widen the choice of dwelling size and tenures available to redress the imbalance in the housing market. Local Plan Policy H4 – Type and Mix of New Homes is a particularly relevant consideration in this respect seeking to ensure that a good, balanced mix of new homes are provided within all new residential developments.

In addition to the level of affordable housing need identified in the SHMA, the Council's housing register provides a more up to date indication of affordable housing need in the District. The graph below shows the total number of applicants as of 27 Jan 2020 broken down by preference for particular property sizes. It is relevant to note that the main need is for 1 and 2-bed properties. The issue of affordable housing size requirements is further considered in Section 5.2 below.



4.2 Current affordable housing provision – supply and type by location

Delivery of both affordable and market housing in West Oxfordshire has fluctuated since the start of the Local Plan period 2011. The lower rates of affordable housing delivery in the early years can be attributed to a number of factors including wider economic conditions, development viability and national policy changes. WODC has continued to work closely with developers to accelerate delivery of housing in the district and there has been a steady increase in the number of affordable housing completions since 2012/13 as shown below. This is expected to continue.

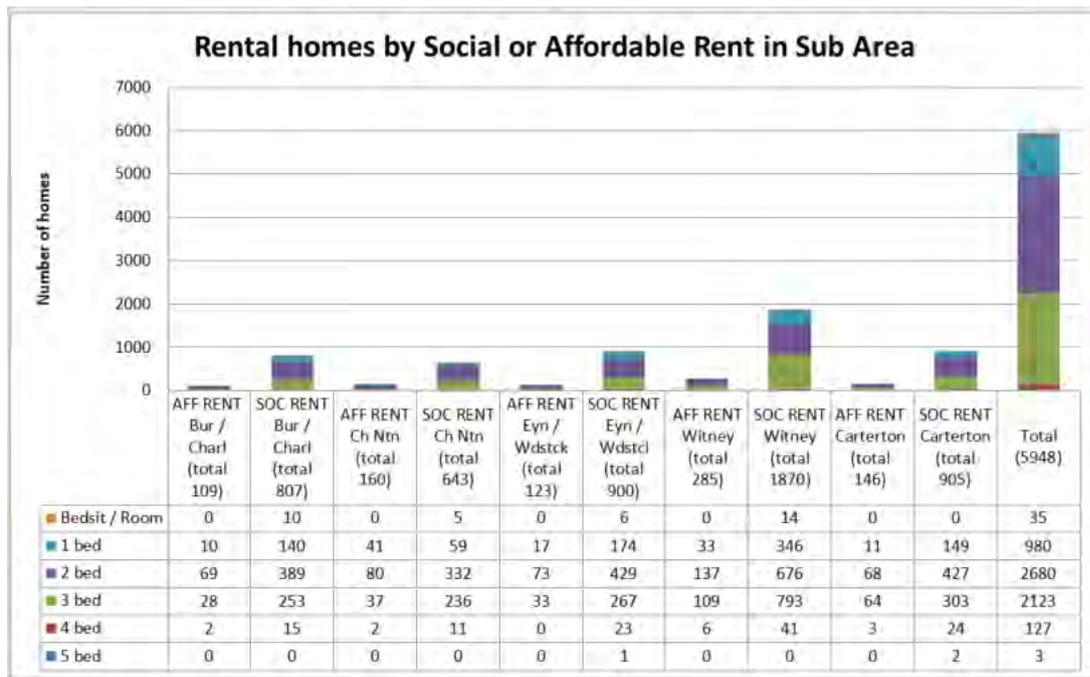


This increase in housing delivery demonstrates the positive approach to affordable housing by WODC and we will continue to seek innovative ways of working with developers to increase both the number and speed of affordable homes delivered across the District.

The table below shows the current levels of Social and Affordable Rental properties available in West Oxfordshire based on the five Local Plan sub-areas:

- Witney sub-area
- Carterton sub-area
- Chipping Norton sub-area
- Eynsham – Woodstock sub-area
- Burford – Charlbury sub-area

It can be seen that in terms of the current affordable housing stock, there is a predominance of social rented properties across all areas, in particular within the Witney sub-area.



5.0 Future Affordable Housing provision in West Oxfordshire

5.1 'Qualifying' sites – when will affordable housing or a contribution towards affordable housing be required?

On-site provision of affordable housing

In accordance with the Local Plan, the Council will seek between 35% and 50% affordable housing on all qualifying sites except within the Cotswolds Area of Outstanding Natural Beauty (AONB), where a financial contribution in lieu of on-site provision applies.

Policy H3 states that housing schemes of 11 or more dwellings, or which have a maximum combined gross floor space of more than 1,000m² will be required to provide affordable housing on-site as a proportion of the market homes as follows:

- High value zone – 50%
- Medium value zone – 40%
- Low value zone – 35%

The above requirement also applies to sheltered housing but a reduced level of provision will be sought in respect of extra-care housing as follows:

- High value zone – 45%
- Medium value zone – 35%
- Low value zone – 10%

The lower requirement for extra-care housing was determined as part of the Local Plan examination and is based on the typical development viability of such schemes which tend to have large areas of communal space (i.e. non-saleable).

Off-site Provision / Financial Contributions

There are a number of circumstances in which the Council will or may accept a financial contribution towards affordable housing in lieu of on-site provision.

Under Policy H3, within the Cotswolds AONB, market housing schemes of 6-10 units and which have a maximum combined floor space of no more than 1,000m² will be required to make a financial contribution for off-site affordable housing provision within the District. This amount is £100 per m² based on the Gross Internal Area (GIA) of the proposed market units.

Policy H3 also recognises that in some instances, it may not be possible, even on larger market housing schemes, to deliver affordable housing on-site e.g. it is not physically possible or feasible, or there is evidence that a separate site may be more suitable to meet local need and contribute to the creation of mixed communities.

In such circumstances, a financial contribution in lieu of on-site provision (or a combination of on-site provision and a financial contribution) may be appropriate. This will be determined on an individual site basis. In accordance with Local Plan Policy H3, affordable housing mix and tenure will be responsive to identified local needs and site-specific opportunities.

Financial contributions received from developers will be held in a specific affordable housing fund to support the provision of new affordable homes which will be administered by the Strategic Affordable Housing Team.

The financial contributions will be ring fenced to enable the Local Authority to provide stimulus to the affordable housing market by:

- local authority development including estate renewal; WODC is currently developing a parcel of land at Langford for affordable housing and funding can be used to increase the % of affordable units delivered on the site.
- support of a registered providers development; WODC is working with registered providers to promote small sites in rural locations to meet local need. In general these rural exception sites will be to meet local need and would not normally be considered for development. Commuted sums can be used to increase the % of affordable units delivered and will reviewed on a case by case basis.
- housing purchased on the private market to be transferred to a registered provider; additionality is being sought from developers with funding through either the Growth Board or commuted sums.
- vacant properties bought back to use; WODC is interested in securing vacant properties to provide additional affordable housing particularly in the main service centres of Witney, Carterton and Chipping Norton.
- other housing schemes that qualify under planning policy.

5.2 The size of affordable homes needed

The existing housing stock in West Oxfordshire is dominated by larger properties and the Council's aim is to redress this imbalance by providing smaller family homes for younger households and those wishing to downsize.

The Oxfordshire SHMA (2014) remains at the current time, the most recent assessment of housing need in West Oxfordshire and provides an indication of the size of affordable homes needed (by bedroom size) in the period 2011 – 2031. The indicative mix of dwelling sizes is as follows:

- 1-bedroom 28.4%
- 2-bedroom 34.7%
- 3-bedroom 30.4%
- 4+ bedroom 2.6%

This is reflected in the West Oxfordshire Local Plan which includes the following indicative size mix for affordable housing:

- 65% one and two-bedroomed homes
- 35% three and four-bedroomed homes

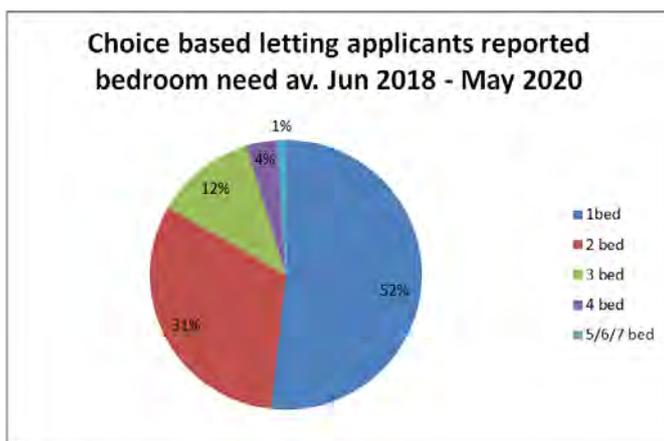
More recent evidence prepared by ICENI⁵ in support of planned growth at Eynsham, identifies a similar indicative affordable housing size mix as set out in the table below.

	1-bed	2-bed	3-bed	4-bed
Social/affordable rent	30-35%	30-40%	30-35%	5%
Affordable home ownership	20-25%	40%	25-30%	5-10%

Further intelligence on the size of affordable homes needed in West Oxfordshire is provided by the Council's Choice Based Lettings database⁶ which shows that of those registered in need of affordable rented accommodation, the greatest requirement is for 1-bed properties (52%) and 2-bed properties (31%) as shown in the chart below.

⁵ <https://www.westoxon.gov.uk/media/mbwnzsw2/housing-strategy-advice-west-oxfordshire.pdf>

⁶ Homeseeker Plus data May 2020



1 bed	52%
2 bed	33%
3 bed	12%
4 bed	4%

In determining the most appropriate mix of affordable property sizes in any qualifying development, the District Council will have general regard to the indicative guidelines provided by the SHMA (2014) and in the case of growth in the Eynsham area, the more recent housing evidence prepared by ICENI.

Alongside this, the Council will consider registered property size requirements from the Council's Choice Based Lettings database as well as any other specific evidence of local need, the nature of the development and any relevant practical management considerations.

5.3 Preferred Tenure Mix

WODC welcomes a mix of tenure for affordable housing to ensure a balanced community is delivered on each development. Developers are encouraged to commence discussions with Registered Providers at the earliest opportunity to understand the affordable housing type and tenure required for their proposed development to achieve this aim.

As an indicative starting point, the West Oxfordshire Local Plan 2031 highlights a significantly greater need for rented accommodation than for the various forms of intermediate housing, with a ratio of 2:1 in favour of affordable rented homes. This is however a general guide only and the precise mix will be determined on a case by case basis. Further guidance is provided below.

Rented Affordable Products

Due to the high property values in West Oxfordshire, access to affordable housing is a key challenge with the highest level of need being for rented accommodation. There are several forms of rented affordable products as outlined earlier, including affordable rent, social rent and affordable private rent (in the context of Build to Rent schemes).

The West Oxfordshire Local Plan 2031 and evidence which supports it, is predicated on the basis of new affordable housing schemes in the District comprising two-thirds affordable rent to one-third intermediate housing (shared ownership etc.).

The District Council will therefore continue to seek the provision of a high proportion of affordable rent as part of all affordable housing proposals although the precise proportion will be a matter for negotiation on a case by case basis, having regard to all relevant circumstances including identified needs, the specific characteristics and location of the site and where applicable, any issues of development viability.

Where affordable rent is provided, Affordable rent levels should be set with reference to Local Housing Allowance levels and at no more than 80% of market rental taking into account the local context for the rent levels. Full details can be found on the MHCLG Policy statement on rents for Social Housing⁷.

The West Oxfordshire Local Plan 2031 makes no specific reference to the provision of social rent in West Oxfordshire, however as it represents the most 'affordable' type of rented affordable housing, the District Council is keen to facilitate the provision of social rent wherever possible within the District to provide a balanced mix of options and to increase affordability. The pre-submission draft Area Action Plan for Salt Cross Garden Village for example, seeks to ensure that social rented homes are provided as part of the overall mix of affordable homes.

Elsewhere, developers will be encouraged to include a proportion of social rent as part of the overall mix of affordable homes in other schemes, particularly larger schemes which provide the opportunity for a greater mix of different tenure types.

As a matter of principle, the Council will support the provision of purpose built, build to rent properties in sustainable, accessible locations. In accordance with national policy, affordable housing for rent (referred to as affordable private rent) will be the expected form of affordable housing provision.

A West Oxfordshire 'Living Rent'

In August 2020, the District Council commissioned Oxford Brookes University to undertake a study on the merits of introducing a 'Living Rent' scheme in West Oxfordshire.

A Living Rent is one which is linked to a tenant's income, meaning that more disposable income is left after paying housing costs for household essentials or, for example, saving for a deposit for a mortgage. The term is not new, it has been around since about 2015, but it has gained currency in recent years as house and rental costs have spiralled, particularly in the private sector, and new forms of 'affordable' rent for social housing have been

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781746/Policy_Statement.pdf

introduced. Different rent thresholds are used but it is generally accepted that spending between 28% and 33% of median income on housing costs is seen as a 'living' rent.

The aim of the research was to provide recommendations on whether a Living Rent initiative is required with particular reference to those residents in the rent/buy gap and, if so, the structure and implementation methodology of such a model(s).

The main conclusions reached are as follows:

1. In WODC affordable rents are generally within a Living Rent range (28-33% of median wage) but not low enough to allow families in the private rental sector to save for a deposit in a reasonable timeframe.
2. There are significant geographical differences within the District in terms of both rent levels and house prices.
3. Introduction of a Living Rent would make accessing home ownership easier however this would be a long term process due to the high cost of houses in the district making saving for a suitable deposit still out of reach for many.
4. Unaffordability across the District may be driven more by high house prices than rent levels.
5. Availability of accurate data for WODC is a significant issue when calculating a suitable Living Rent level and further localised earning data is required.

The key recommendations from the report are:

1. In the review of the Local Plan in 2021 WODC should look to re-evaluate the current value zones applied to seeking affordable housing across the district.
2. WODC may also want to consider the amount of affordable housing sought on new developments based on the house prices and incomes differences highlighted in the report
3. WODC need to consider whether a Living Rent should be targeted at low-cost home ownership or more broadly across the rented sector
4. WODC to consider a pilot partnership with a developer / landowner /RP to test a Living Rent model.
5. WODC might look to secure a better rental product e.g. Build to Rent and look at affordable rent level differences across the district

On this basis, the Council proposes to take forward a pilot study as a next step forward in investigating the applicability of a living rent policy in West Oxfordshire.

Affordable Home Ownership

In addition to rented affordable products, there are various existing and emerging forms of affordable home ownership options including starter homes, discount market housing, shared ownership, relevant equity loans, rent to buy and other low cost homes for sale. As outlined earlier, in February 2020, the Government consulted on a new 'First Homes' policy designed to help first time buyers by offering a discount of at least 30% from market values and in a response to the consultation published in August 2020, the Government confirmed that this proposal will be taken forward through revisions to the NPPF and associated Planning Practice Guidance.

Of these affordable home ownership options, WODC favours the provision of Shared Ownership as it provides a clear route to home ownership with occupants having the opportunity to increase their equity share over time. Typically, a person acquires a 25% share initially (with rent paid on the remaining 75%) and can eventually 'staircase' up to 100% ownership.

Other Shared Ownership models at 40% initial purchase levels have been supported on some developments in West Oxfordshire and developers are encouraged to consider shared ownership in their viability modelling as WODC consider it is the most accessible route to home ownership.

Whilst the Council's preference is for shared-ownership properties, WODC recognises the need to offer a balanced mix of tenures on all developments and welcomes early discussions between developers and RP's to ensure a suitable blend of tenures is provided to attract the widest mix of residents.

This will include consideration of all relevant options including shared equity, discount market sale properties, rent to buy and when formally introduced, First Homes in line with national policy and associated planning practice guidance.

At the current time, the future of Starter Homes is rather unclear given the proposed introduction of First Homes and the Council will therefore keep under review whether or not Starter Homes (as defined in the Housing and Planning Act 2016) should comprise part of the agreed mix of affordable developments in West Oxfordshire moving forwards.

5.4 Rural Exception sites and Entry Level Exception Sites

Rural Exception Sites

The NPPF describes rural exception sites as follows:

'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this'.

The WODC Local Plan defines rural exception sites as land whereby affordable housing is provided in locations that would not normally be allowed for new housing and recognises that such sites may come forward as speculative 'windfall' development.

The Council will continue to identify suitable sites for affordable housing through rural exception sites (RES). This is reflected in Policy H3 – Affordable Housing which states that West Oxfordshire District Council and its partners will work with parish councils, registered providers of affordable housing and local housing, community land and self-build trusts to identify additional suitable rural sites for small scale affordable housing schemes to meet specific local housing needs which cannot be met in any other way.

Evidence of the scale and quantum of need for individual Rural Exception Sites will be drawn from a variety of relevant sources including where available, local/parish housing needs surveys, parish and town neighbourhood plans, and the WODC choice based letting systems which can provide details on those on the housing waiting list with a local connection or who are key workers with accommodation requirements.

In accordance with national policy, all new homes on these sites will remain affordable in perpetuity to people in housing need who have a local connection with the parish or appropriate adjoining parishes. Sites will be well-related to the existing built-up areas of towns and villages. Where family homes are proposed priority will be given to locations within a reasonable walking distance of a primary school.

In accordance with the NPPF, Policy H3 recognises that an element of market housing may be appropriate as part of the overall mix within a rural exception site. In such cases, it will be for the developer or landowner to demonstrate not only why the site is suitable for housing, but also why a traditional rural exception site approach (i.e. 100% affordable housing) is not appropriate or achievable. Any market housing will be expected to be a subsidiary element of a predominantly affordable housing scheme.

Any such proposal will be considered against the relevant policies of the Local Plan including in particular Policy OS2: Locating development in the Right Places and Policy H2: Delivery of new homes.

Neighbourhood Plans provides a further opportunity to identify small-scale affordable housing sites again potentially with an element of market housing. The District Council will work proactively with local communities to identify any such opportunities.

Entry-Level Exception Sites

The NPPF states that

‘Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area.

These sites should be on land which is not already allocated for housing and should: a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and

b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.

Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement. In addition they should not be permitted in Areas of Outstanding National Beauty or land designated as Green Belt’.

To date, the Council has had no such proposals put forward, but in accordance with the NPPF, the Council will support the development of entry-level exception sites subject to relevant policy considerations within the NPPF and West Oxfordshire Local Plan 2031.

5.5 Self-build and custom-build housing

The NPPF defines self-build and custom-build housing as ‘housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual’.

The NPPF also states that such housing can be either market or affordable housing.

The Government is supportive of custom build housing which it sees as a more affordable route to home ownership and an opportunity to create bespoke, well-designed and sustainably constructed new homes. It also offers the opportunity for small local builders and contractors creating local jobs and contributing to the local economy.

West Oxfordshire District Council maintains a self-build register where those wishing to express an interest in self and custom build can register. The register allows the District to gauge the level of demand locally and the type of route they are interested in e.g. serviced plot, self-finish, custom build etc. and examine how many meet the locally applied criteria. These criteria include local connection, future occupation as sole residence, financial capability etc.

There is a clear level of interest in self-build and the Council is keen to promote greater diversity in the local housing stock, innovative design and more affordable and sustainable construction.

In addition to maintaining an accurate picture of need/demand for self and custom build within West Oxfordshire, the Local Plan 2031 outlines a number of other measures which the Council will pursue in order to encourage such provision. These include:

- Offering support and advice to those wishing to undertake a custom/self-build project in the District;
- Working with individuals and self-build groups to help identify suitable and deliverable sites including through the development of Neighbourhood Plans;
- Endeavouring to offer a suitable plot to those individuals/organisations within a reasonable period of time;
- Utilising affordable housing commuted sums secured under Policy H3 to acquire land in order to promote affordable custom/self-build projects; and
- Encouraging the re-use of existing buildings through custom/self-build projects.

The principal mechanism introduced by the Council through the Local Plan is Policy H5 - Custom and Self-Build Housing, which requires all housing developments of 100 or more dwellings to include 5% of the residential plots to be serviced and made available for this purpose. This can include the partial completion of units to be made available for self-finish.

The NPPF makes it clear that self-build and custom-build housing can be either market or affordable. A service plot made available for the purpose of self-build might for example be made available at a discount from market value. Similarly, a self-finish property could be provided by a housing association and sold at below market value to local people in housing need, or available on a shared ownership basis.

As such, on larger schemes of 100 or more homes, where the 5% self/custom build requirement applies, the District Council will enter into discussions with the relevant developer to agree how some or all of the 5% self/custom build requirement could contribute towards the relevant on-site affordable housing requirement for that site (which under Policy H3 of the Local Plan ranges from 35% to 50% depending on location).

As an illustrative example, on a scheme of 1,000 homes, where the requirement is for 40% affordable housing, the total number of affordable homes would be 400. The self/custom build requirement would be 5% or 50 homes.

Assuming it was agreed that 40% of the self/custom build requirement would be made available as 'affordable' this would equate to 20 homes. Total affordable provision on the site would therefore be as follows:

- 380 'standard' affordable homes (i.e. affordable rent, shared ownership etc.)
- 20 affordable self/custom build plots/shells

The precise level of affordable self/custom build provision will be a matter for discussion on a case-by-case basis taking into account all relevant factors including the overall mix of dwellings proposed, the proportion and type of affordable housing proposed, the specific characteristics of the site and proposed development and where relevant, development viability considerations.

Where involvement of an RP is required to enable this form of delivery early consultation will be required. The Developer and RP will be required to undertake the marketing of the plots at any expenses incurred to promote self-build. Design elements will be controlled through creation of a 'plot passport' to ensure units are in keeping with the surrounding development. If after a period of 3 months advertising there is insufficient interest from the self-build register the affordable plots can be completed by the developer and form part of the RP's affordable housing provision.

The Council will also encourage the re-use of existing buildings through custom/self-build projects and welcome submissions from groups and individuals for the conversion / re-purposing of existing buildings.

6.0 Affordable Housing Standards and Design Requirements

Design Standards for affordable housing should be no lower than that for market housing and should be tenure blind i.e. not distinguishable by its external appearance. Housing supplied for a Registered Provider should be constructed to the standards approved by the RP and it is critical that the design process recognises at an early stage the need to accommodate a mix of affordable tenures.

This mix must meet the needs of, and be attractive to, RP's and applicants are encouraged to undertake early discussions with RP's, considering alternative designs where necessary in order to accommodate on site the affordable housing requirement. When designing new homes, developers should adhere to the Housing Act, ensuring that designs can accommodate suitable furniture in order to avoid overcrowding.

6.1 Design criteria

In order to achieve mixed and balanced communities, each development should look to meet the following design criteria:

- there should be no distinction between affordable units and market units, i.e. the development should be 'tenure blind';
- the same level of parking provision should be made for the affordable housing units as for market units, and;
- affordable units should be distributed evenly in clusters throughout the development where practicable to promote social inclusion and mixed communities. The exception to this is in relation to the design and provision of housing for older

people and developers will need to demonstrate why a deviation is required when seeing approval.

6.2 Accessibility and adaptability

The WODC Local Plan has identified the requirement for housing to meet the needs of different groups in the community including specialist housing provision such as housing for older people including sheltered and extra-care as well as housing for people with other specific needs including those with a disability and others who may have particular needs and requirements.

The Oxfordshire SHMA (2014) suggests that across Oxfordshire demographic trends are expected to lead to a growth in the number of households with disabilities and will seek to ensure that new homes are able to meet the changing needs of occupants as their needs change to enable them to remain in their homes as they age.

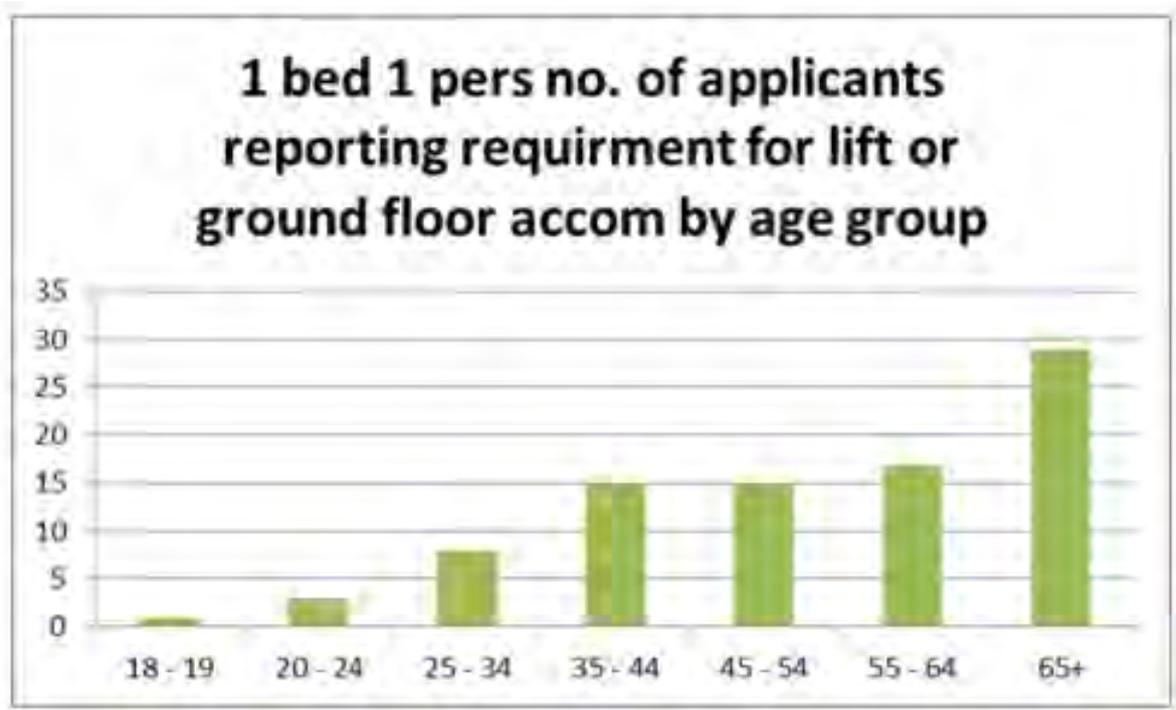
In recognition of this, under the Local Plan, the Council will require larger housing developments of 50 or more units to provide at least 25% of market and affordable homes to meet Building Regulations Requirements M4(2)⁸ in relation to accessible and adaptable housing.

In addition, a minimum of 5% of market and affordable homes should be designed to meet Building Regulation Requirement M4(3) relating to wheelchair adaptability. Where wheelchair adaptable homes are provided they will be counted as contributing towards the 25% accessible and adaptable homes requirement.

Developers will be encouraged to ensure that ceilings are strong enough to support track hoists and to allow stairlifts to be fitted where there is a need.

Furthermore, data from the WODC Homeseeker+ register shows an increasing demand for either lift access or ground floor properties increasing with age and developers are encouraged to consider this need when designing new developments.

⁸ <https://www.gov.uk/government/publications/access-to-and-use-of-buildings-approved-document-m>



6.3 Space standards

In March 2015 the Government set out the nationally prescribed space standards for new housing⁹. The guidelines set out the gross internal floor area for new dwellings at a defined level of occupancy as well as dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. Whilst it is not a policy requirement of the Local Plan, WODC supports the use of this guidance and encourages developers to apply these as a minimum when designing new homes.

6.4 Tackling the Climate and Ecological Emergency

WODC has declared a climate and ecological emergency. In the wake of that emergency, as part of a suite of overall measures, the Council now expects developers and applicants to take an ambitious approach towards energy and sustainable design to ensure new homes being delivered in West Oxfordshire are fit for the future.

Core objective 18 (CO18) of the Local Plan aims to *'improve the sustainable design and construction of new development, including improving energy, water efficiency and water management'*.

⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf

This is reflected in a number of Local Plan policies including Policy OS3 – Prudent Use of Natural Resources which requires all development proposals (including affordable housing) to show consideration of the efficient and prudent use and management of natural resources through various means including:

- Making the most efficient use of land and buildings;
- Minimising the need to travel;
- Minimising the use of non-renewable resources;
- Minimising impact on the soil resource;
- Minimising energy demands and energy loss;
- Minimising summer solar gain, maximising passive winter solar heating, lighting, natural ventilation, energy and water efficiency and reuse of materials;
- Maximising resource efficiency, including water with all new residential development will be expected to achieve the optional building regulations requirement for water efficiency of 110 litres/person/day;
- Minimising risk of flooding;
- Making use of appropriate sustainable drainage systems;
- Using recycled and energy efficient materials; and
- Minimising waste and making adequate provision for the re-use and recycling of waste and causing no deterioration and, where possible, achieving improvements in water or air quality.

Policy EH6 - Decentralised and renewable or low carbon energy development (excepting wind turbines) states that for all residential development for 100 dwellings or more and all residential developments in off-gas areas for 50 dwellings or more, that an energy feasibility assessment or strategy which assesses viability and practicability for decentralised energy systems, including consideration of the use of local wood fuel biomass and other renewable energy initiatives will be required.

Where feasibility assessments demonstrate that decentralised energy systems are practicable and viable, such systems will be required as part of the development, unless an alternative solution would deliver the same or increased energy benefits.

The Local Plan includes a range of other policies relating to the climate and ecological emergency including policies on biodiversity, green infrastructure, transport, flood risk, environmental protection and so on.

WODC will expect all applicants to take full consideration of these policy requirements and demonstrate, within their planning application, how the design of new affordable homes is consistent with the aims, objectives and where applicable, specific requirements of each policy.

As part of its consultation on the Future Homes Standard¹⁰ the Government is seeking an uplift to Part L of the Building Regulations and changes to part F (ventilation). The aim is to increase the energy efficiency requirements for new homes and require all new build homes to be future-proofed with low energy heating and world leading levels of energy efficiency. The new standards will be introduced in 2025. WODC are in support of the new standards as a mean to address the climate emergency and reduce energy bills for our residents, especially those in affordable housing.

WODC is committed to working in partnership with developers/landowners to support and encourage the wide-scale delivery of affordable housing designed to exemplary standards. This will include discussions around the scope to deliver high standards of fabric efficiency, the use of renewable energy and ways in which embodied carbon can be reduced including through the use of modern methods of construction (see Section 6.5 below).

Nationally, there are a number of award winning affordable housing schemes, the most notable being the Goldsmith Street for Norwich City Council, a 100% affordable housing scheme which has been built to Passivhaus standards.

Sustainable Design and Construction Checklist

To aid developers and landowners, WODC is in the process of producing a 'Sustainable Design and Construction Checklist' for applicants. This will be presented within the context of Government's proposed and enhanced standards being implemented through Building Regulations and Future Homes Standard.

Further advice and guidance can be obtained from WODC's Climate Change Manager and applicants are encouraged to discuss their proposals at the earliest stage.

6.5 Modern Methods of Construction (MMC)

Modern methods of construction (MMC) are homes built using a high proportion of components produced using modern and technologically driven methods of manufacture off site and then assembled on site.

Such homes can be built up to 30% quicker than by traditional methods of construction, and with potentially a 25% reduction in costs. Studies have also suggested that MMC can reduce embodied carbon by around 30% compared with traditional methods of construction.

Other potential benefits include:

- Reduced site waste and disposal;
- Improved quality from factory production;

¹⁰ <https://www.gov.uk/government/consultations/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings>

- Clear stages for inspection to address issues such as thermal bridging and airtightness; and
- Typically lightweight – potential to build adjacent to or over existing buildings to make the most efficient use of land.

WODC therefore very much welcomes the use of modern methods of construction including off site construction as a delivery mechanism to increase the speed of delivery and quality of new homes in the district and would welcome discussions with potential developers, applicants and registered providers on this basis.

7.0 Viability

7.1 Approach to viability considerations in West Oxfordshire

The provision of affordable housing will affect the value of land for residential development but will not generally render it uneconomic for residential development. The costs of delivering a workable, high quality development should be anticipated and reflected in the price paid for land and not reduce the ability of a site to provide what is required under the planning obligation.

This is reflected in the Government’s practice guidance on viability which states that the total cost of all relevant policy requirements including contributions towards affordable housing should be taken into account when defining benchmark land values¹¹.

Policy H3 of the Local Plan has been subject to viability assessment through the preparation of the Local Plan 2031 and is a known requirement of residential development in West Oxfordshire. As such, there will be a presumption that developments will include full and appropriate provision for affordable housing unless it can be robustly demonstrated otherwise.

This is consistent with the Government’s practice guidance on viability which states that ‘where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable’¹².

On this basis, it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force.

¹¹ Viability Planning Practice Guidance - Paragraph: 012 Reference ID: 10-012-20180724

¹² Viability Planning Practice Guidance - Paragraph: 007 Reference ID: 10-007-20190509

In such instances, the onus is on the developer to demonstrate viability providing a full economic appraisal of the cost of development including returns from sale of housing, contribution to local infrastructure and services and required profit margin. The appraisal should be presented on a residual land value basis and include a valuation of the site in its current use, not the purchase price or hope value, and should accompany the planning application or form part of the pre-application discussions.

In accordance with the Government's viability practice guidance, where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the Local Plan; and the applicant should provide evidence of what has changed since then.

Any viability assessment should reflect the government's recommended approach to [defining key inputs](#) as set out in National Planning Guidance.

Where the Council requires independent advice to validate a viability appraisal, the cost will be borne by the applicant.

Where the Council is satisfied that viability would be jeopardised by full provision of affordable housing it will consider supporting external subsidy to enable full provision. Consideration will also be given to altering the mix including size and tenure in accordance with Policy H3.

As a last resort the number of affordable dwellings sought will be reduced to make the development viable.

8.0 Delivery Mechanisms

8.1 S106 agreements

The Council will generally expect affordable housing to be secured by a S106 agreement. The Heads of Terms of any agreement will need to be established before determination of a planning application the cost of which will be borne by the applicant. An example of a standard S106 agreement can be found in Appendix 3. This is for guidance only as individual heads of terms will need to be agreed for each development.

8.2 Timing of provision

Affordable housing should be provided at the same time as open market housing on a site to ensure that there is no imbalance in the supply of affordable housing in the creation of new communities. Developments that seek to delay provision of affordable housing to the end of the development will not be considered favourably by WODC.

Where infrastructure may be substantial the Council may permit the sale of an agreed percentage of market homes before the sale or transfer of affordable homes with the remainder to be provided in tranches alongside the market housing.

However no development should commence until the affordable housing scheme has been approved and a contract entered into with a Registered Provider and a copy of the contract provided to the Council.

8.3 Occupancy:

Nomination and allocation

All applicants seeking social housing will complete the same process and will be assessed against the same clear set of criteria. Depending on their circumstances, applicants will be placed into one of four bands Emergency, Gold, Silver or Bronze. Local connection will be applied to the majority of vacancies to help each local authority meet their housing demand or where it is a legal requirement.

Once a successful application has been made, applicants are advised of their banding and application date, together with details of how to access the Choice Based Lettings (CBL) system. This enables them to bid for affordable housing vacancies being advertised in West Oxfordshire.

Homeseeker Plus

West Oxfordshire District Council is one of seven local authorities that operate Homeseeker Plus, a CBL scheme run in partnership with the Social Housing Landlords operating within West Oxfordshire. Affordable homes made available for rental tenures in the district are allocated using this scheme.

Homeseeker Plus enables Social Housing landlords to advertise their homes and applicants are asked to bid for them. The majority of social rented housing vacancies are advertised as per local nomination agreements, however social housing landlords may choose to apply their own published allocation policies.

Once a bid is placed the computer system will place applicants in order of band, and whether they meet the criteria of the advert. Priority for properties goes to those who have a local connection with the local authority in which the property is located, then to those who have a local connection with any of the other Homeseeker Plus districts and finally to anyone else. Responsibility for letting each available property lies with the Social housing landlord. An application for sheltered and extra care housing for certain schemes may need an assessment of the support needs, prior to an offer being made.

8.4 Essential Local Workers (otherwise referred to as Key Workers)

The NPPF defines 'essential local workers' as including 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers'.

The NPPF definition of affordable housing includes housing that provides a subsidised route to home ownership and/or is for essential local workers.

WODC recognises that housing affordability is critical to attracting and retaining essential local workers/key workers in the district and participates in ongoing collaboration with Oxfordshire County Council in identifying and promoting opportunities for key worker accommodation. Oxfordshire County Council has published a document 'Finding A Home In Oxfordshire – A Guide For Key Workers'¹³

Furthermore, WODC recognises that in addition to the health, education, emergency, police and military services traditionally associated with key workers, the definition should be expanded and not limited. Key workers can be employed in commercial, industrial, public bodies, care, farming/agricultural and transport industries as examples. Enabling people to live close to their place of work may also be considered a reason to award Key / Essential Worker status.

The Council seeks to attract investment and as a place for new businesses to grow. As part of the Oxford-Cambridge Innovation Arc future concentration of investment and growth is anticipated. Key workers are vital to the economic success of the district.

WODC are supportive of, and will seek, innovative methods to bring forward proposals to provide key worker accommodation and offer assistance in facilitating liaison with key contacts.

Legal agreements and supplementary documents such as Local Lettings Plans are suggested as platforms for promoting key worker accommodation on agreed schemes. Applicants to the Council's Choice Based Lettings system may be awarded a prioritised classification if they can demonstrate their Key / Essential Worker status. It is expected that those applying for key worker will be expected to meet other qualifying criteria for affordable housing.

Where new affordable homes are provided on the basis of them being made available to essential local workers/key workers, the District Council will take this into account in discussions with the developer/applicant and Registered Providers in determining the most appropriate tenure mix.

¹³ <https://www.oxfordshire.gov.uk/sites/default/files/file/adult-social-and-health-care/FindAHomeInOxfordshire.pdf>

8.5 Housing Options for Members of the Armed Services

West Oxfordshire District Council supports the Oxfordshire Armed Forces Community covenant¹⁴. We administer the waiting list for all housing association properties that are situated in West Oxfordshire and applications are prioritised according to housing need. Serving members of the Armed Forces are eligible to register on the list, they do not need to have a local connection to West Oxfordshire but if they do, their application will have more priority.

Former members of the Armed Forces are also eligible to register on the housing waiting list if they have a local connection to West Oxfordshire. However, even if there is no local connection, former Armed Forces members can register within five years from their date of discharge from the Forces.

Bereaved spouses or civil partners of those serving in the regular forces are also eligible to register where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.

Existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service are also eligible.

8.6 Community-led housing

WODC is supportive of Community Led Housing Initiatives and has a long standing tradition of supporting this type of housing delivery. Stonesfield Community Land Trust in West Oxfordshire is one of the first CLT's in the country and has been supported by WODC to deliver a number of affordable housing schemes within the village since 1983. WODC is currently working with other local groups interested in delivering community led schemes in the district.

These schemes are set up and run by a local, independent, not-for-profit organisation which has often been specifically created for the purpose of building affordable homes for the community.

This can be a collection of individuals, a parish or town council, a developer or a registered provider looking to work in partnership with the community initially by providing a site and offering further support as the development progresses.

The organisation will ensure homes for rent, sale or shared ownership remain affordable for local people. The housing is usually developed by, with and for the community and the community group have the opportunity to develop skills and expertise along the way.

¹⁴ <https://www.westoxon.gov.uk/housing/housing-advice/armed-forces-housing-options/>

Community-led housing is highly flexible depending on the type of scheme required such as co-housing; self-help housing; Community Land Trusts and co-operative and resident-controlled housing.

What Issues can Community-led Housing Tackle?

Community-led housing can involve market sale, discount market sale, shared ownership, market rent, affordable rent, rent to buy or a combination of these. This way it can empower local communities, making them more resilient and able to address issues and groups such as affordability; downsizing; an ageing population; first time buyers and fuel poverty.

What are the guidelines for Community-led Housing?

Community-led housing proposals should ensure that:

- Meaningful community engagement and consent occurs throughout the development process. The community does not necessarily have to initiate and manage the process, or build the homes themselves
- The local community group or organisation owns, manages or stewards the homes in a manner of their choosing. This may be done through a mutually supported arrangement with a registered provider that owns the freehold or leasehold for the property
- The benefits to the local area and/or specified community must be clearly defined and legally protected in perpetuity

Models of Community-Led Housing

Community Land Trusts (CLTs) - a form of community-led Housing, set up and run by people to develop and manage homes as well as other assets. They act as long-term stewards of land and housing. In this model they may delegate the development work and/or management of the asset to a project partner such as a housing association or the CLT may become a registered provider itself. For more information visit the National CLT Network¹⁵.

Co-housing - groups of self-contained dwellings with the benefit of shared additional facilities all managed by a group. The facility may be a large kitchen where group meals are shared or a hall where meetings and classes may be hosted. It can be a communal garden facility. For more information visit UK Cohousing¹⁶.

¹⁵ <http://www.communitylandtrusts.org.uk/>

¹⁶ <https://cohousing.org.uk/>

Co-operatives - a form of community-led housing where it is built (or renovated) and managed by members of a group with democratic collective control to influence the scheme and its management. The tenure would be shared ownership or affordable rent. For more information visit The Confederation of Co-operative Housing¹⁷.

Community Custom and Self-Build - where an individual or an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. For more information visit the National Custom and Self build Association¹⁸.

For more information about Community Led Housing in WODC please see the council web pages¹⁹

8.7 Supported Living

‘Supported living’ provides support to help people live as independently as possible. It includes various accommodation options and can be suitable for a variety of different people including older people, adults with learning/physical disabilities or sensory problems, mental health problems and adults and young people with a disability who have spent time in residential care and are moving towards independent living or [transitioning to adulthood](#).

Policy H4 of the Local Plan (Type and Mix of New Homes) provides in principle support for the provision of specialist housing including for older people as well as those with a disability.

Oxfordshire County Council has produced a Market Position Statement²⁰ for care services in Oxfordshire aimed at existing and potential providers of care homes, home support, mental health services, Extra Care Housing, Supported Living, employment and daytime opportunities, and any other care services.

It highlights a number of specific priorities and future requirements in respect of extra-care housing, care homes and supported living including a significant shortage of accommodation for those with a learning disability and/or autism.

The District Council will therefore work closely with Oxfordshire County Council and developers/applicants and RPs to consider the provision of such specialist accommodation as part of the overall mix of market and affordable homes on residential schemes within West Oxfordshire.

¹⁷ <https://www.cch.coop/>

¹⁸ <https://nacsba.org.uk/>

¹⁹ <https://www.westoxon.gov.uk/housing/community-led-housing/>

²⁰ <https://www.oxfordshire.gov.uk/sites/default/files/file/adult-social-and-health-care/OxfordshireMPS2019-22.pdf>

9.0 New routes to delivery

West Oxfordshire District Council is interested in working in partnership with our neighbouring Oxfordshire Local Authorities and local landowners to accelerate the delivery of affordable housing in the District. Through potential partnership arrangements we will seek to establish a pipeline of suitable sites for development and look to increase the speed with which new homes can be constructed for the residents of West Oxfordshire.

9.1 Blenheim approach

WODC has a longstanding partnership with Blenheim Estate and has been working closely with Blenheim on an innovative model for delivering an increased level of affordable housing at between 60 – 80% of market rental costs. This model has been successfully implemented in Long Hanborough and will also be offered on their other sites for development at Woodstock East. It is the intention of Blenheim to retain ownership of the rental properties so they can be held in perpetuity for local people, especially those within the key worker categories. Shared ownership properties are also available under the model and residents can staircase up to 100% ownership with Blenheim having first refusal on purchase if the properties subsequently come to the market.

All allocations for affordable housing properties are handled through WODC's Homeseeker Plus team for affordable rent and Help to Buy South²¹ for shared ownership.

9.2 Partnerships with legacy landowners

WODC is also interested in partnering with other legacy landowners to accelerate delivery of affordable housing in the district and would welcome discussions with those landowners who are considering development as part of their long term legacy planning. Rural exception sites that would help meet the affordable housing needs of our smaller rural settlements are particularly of interest. Please contact the Strategic Affordable Housing Team for further discussion.

10.0 Oxfordshire Housing and Growth Deal

In 2017 Oxfordshire's six local authorities together with the Oxfordshire Local Enterprise Partnership began collaboration with the Government (Oxfordshire Housing and Growth Deal).

As part of this collaboration, Oxfordshire received £215 million of new funding to support provision of 100,000 new homes in Oxfordshire by 2031.

Of this total, £150 million focuses on infrastructure to help accelerate delivery of these new homes.

²¹ <https://www.helptobuyagent3.org.uk/>

It also includes £60 million for a bespoke programme to deliver at least 1320 additional affordable homes by March 2021 (named the Oxfordshire Affordable Housing Programme) although this has now been extended to March 2022 – see below. This fund is additional to the existing Homes England Affordable Homes Programme which is ongoing and will continue alongside it.

Whilst use of the Growth Deal funding will not be a material consideration in planning applications, it is intended that it will help facilitate additional affordable housing to that secured through legal agreements.

By releasing its funds early in the development process, it is intended that Growth Deal becomes attractive to developers in the financing of their schemes.

Future West Oxfordshire Affordable Housing Programme

The Oxfordshire Housing and Growth Deal will work to secure further public and private funding to support the ambition of providing 100,000 new homes by 2031.

Post COVID-19 pandemic, an extension to the Growth Deal program to include a 4th year has now been agreed. Additionally, through collaboration and use of grant funding, West Oxfordshire District Council seeks to establish a lasting programme that will, via a pipeline of schemes, strategic partnerships and innovative delivery vehicles, provide a material uplift in the level of new affordable housing in Oxfordshire and seek to increase the pace of its delivery.

11.0 Monitoring and Review

The delivery of affordable housing will be monitored in the Council's Annual Monitoring Report and reported on through the Council's annual Infrastructure Funding Statement (IFS).

Glossary

Annual Monitoring Report

Information on the implementation of planning policies in West Oxfordshire published and submitted to Central Government at the end of each calendar year.

Discount Market Housing

Affordable Housing which is wholly owned by the occupier but is always sold at a discount on full market price.

Homeseecker+

West Oxfordshire District Council's register of residents seeking affordable housing. Residents are required to register with Homeseecker+ to be eligible to apply for affordable housing units that become available within the district.

Intermediate Housing

Affordable Housing which is wholly or partly owned by the occupier but acquired at below full market price. Shared Ownership and Discount Market Sale are types of intermediate housing.

Nominations Agreement

An agreement between the Council and a Registered Provider of affordable housing which allows the council to specify key criteria for the occupiers of the housing.

Registered Provider

The term 'Registered Providers' includes both private registered providers of social housing (mainly housing associations) and local authorities that are registered with the Regulator²² of Social Housing. Registered Providers **Shared Ownership**

Affordable housing which is part owned by the occupier who also pays rent on the remainder of the property, usually an RP.

Supplementary Planning Document (SPD)

A document that supplements and elaborates policies and proposals in the Local Plan document.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/801982/Becoming_a_registered_provider.pdf

Appendix I - Policy H3 Affordable housing

In order to address identified affordable housing needs, the Council will require 'qualifying' market housing schemes to make an appropriate contribution towards the provision of affordable housing within the District.

Within the Cotswolds AONB, housing schemes of 6-10 units and which have a maximum combined gross floorspace of no more than 1,000m² will be required to make a financial contribution towards the provision of affordable housing off-site within the District. This commuted sum will be deferred until completion of the development to assist with viability.

Across the District as a whole, housing schemes of 11 or more units or which have a maximum combined gross floorspace of more than 1,000m² will be required to provide affordable housing on-site as a proportion of the market homes proposed as follows:

- High value zone (50%)
- Medium value zone (40%)
- Low value zone (35%)

The following levels of affordable housing provision will be applied in relation to sheltered housing and extra-care housing:

Sheltered housing

- High value zone (50%)
- Medium value zone (40%)
- Low value zone (35%)

Extra-care housing

- High value zone (45%)

- Medium value zone (35%)
- Low value zone (10%)

In circumstances where it can be demonstrated that the level of affordable housing being sought would make a scheme unviable, a revised mix and type of housing will be considered before a lower level of affordable housing provision is accepted.

Where external funding is available it may be applied to schemes to ensure affordability of rental levels or to increase the number or to change tenure or type of homes to meet priority needs.

Affordable housing mix and tenure will be responsive to identified local needs and site specific opportunities. A financial contribution for the provision of affordable housing on other sites in West Oxfordshire in lieu of on-site provision may be appropriate if it can be demonstrated that:

- It is not physically possible or feasible to provide affordable housing on the application site; or

- There is evidence that a separate site would more satisfactorily meet local housing need and contribute to the creation of mixed communities.

In some instances, a combination of on-site provision and a financial contribution may be appropriate.

West Oxfordshire District Council and its partners will work with parish councils, registered providers of affordable housing and local housing, community land and self-build trusts to identify additional suitable rural sites for small scale

affordable housing schemes to meet specific local housing needs which cannot be met in any other way. All new homes on these sites will remain affordable in perpetuity to people in housing need who have a local connection with the parish or appropriate adjoining parishes. Sites will be well-related to the existing built-up areas of towns and villages. Where family homes are proposed priority will be given to locations within a reasonable walking distance of a primary school.

The Council will consider the inclusion of an element of market housing in rural exception sites (RES) provided it is demonstrated to be necessary to delivery (eg. by subsidising the affordable element). In such cases, any market housing would be expected to be a subsidiary element of a predominantly affordable housing scheme.

Appendix 2 - Useful Contacts

West Oxfordshire District Council, Elmfield, New Yatt Road, Witney, Oxon OX28 1PB

<https://www.westoxon.gov.uk>

Strategic Housing Manager – for information on housing need and types of affordable housing

Planning Policy Manager – for general planning advice

Area Planning Manager – for site specific and pre-application advice.

Planning: 01993 861420

Email: planning@westoxon.gov.uk

Registered Providers

Cottsway Housing Association, Cottsway House, Heynes Place, Avenue Two, Witney, Oxfordshire, OX28 4YG	Tel: 01993 890000 Web: www.cottsway.co.uk
Sovereign, Woodlands, 90 Bartholomew Street, Newbury, RG14 5EE	Tel: 0300 5000 926 Web: www.sovereign.org.uk
Clarion Housing, Level 6, 6 More London Place, Tooley Street, London, SE1 2DA	Tel: 0300 500 8000 Web: www.clarionhg.com
Aster Group, Sarsen Court, Horton Avenue, Cannings Hill, Devizes, Wiltshire, SN10 2AZ	Tel: 0333 400 8222 Web: www.aster.co.uk
Sanctuary Housing Association, Chamber Court, Castle St, Worcester, WR1 3ZQ	Tel: 0800 131 3348 Web: www.sanctuary-housing.co.uk
GreenSquare, Methuen Park, Chippenham, Wiltshire, SN14 0GU	Tel: 01249 465465 Web: www.greensquaregroup.com
SOHA, Royal Scot House, 99 Station Rd, Didcot, OX11 7NN	Tel: 01235 515900 Web: www.soha.co.uk
Sage Housing, Orion House, 5 Upper St Martin's Ln, West End, London, WC2H 9EA	Tel: 020 3369 0431 Web: www.sagehousing.co.uk
Platform Housing Group, Progress House, Midland Rd, Worcester, WR5 1DU	Tel: 0333 200 7304 Web: www.platformhg.com
Stonewater Housing Association, Montpelier House, Southbank Rd, Kenilworth, CV8 1LA	Tel: 01926 859857 Web: www.stonewater.org
Hanover, The Heal's Building, Suites A&B, 3rd Floor, 22-24 Torrington Place, London, WC1E 7HJ	Tel: 0800 731 2020 Web: www.anchorhanover.org.uk
Housing 21, Tricorn House, 51–53 Hagley Road, Birmingham, B16 8TP	Tel: 0370 192 4000 Web: www.housing21.org.uk

Appendix 3- Example S106 Agreement Affordable Housing Schedule

I. Definitions

In this Schedule

- I.1 "Affordable Housing" means dwellings that will be available to households who are otherwise unable to secure private sector housing for purchase or rent locally in prevailing economic circumstances such housing being provided for in conformity with the advice contained in the National Planning Policy Framework published by the Department for Communities and Local Government and who have in the opinion of the District Council a need for such housing and which housing is to be constructed on the Site
- I.2 "Affordable Housing Dwellings" means at least % of the Dwellings to be built as part of the Development as Affordable Housing and constructed and provided in accordance with the Affordable Housing Scheme
- I.3 "Affordable Rent" means a rent up to 80% of the local market rent for an equivalent property for the size and location, based on a valuation in accordance with a method recognised by the Royal Institution of Chartered Surveyors and not higher than the relevant local housing allowance maximum amount set for eligibility for housing benefit
- I.4 "Affordable Rented Units" means (unless otherwise agreed in writing by the District Council) 70% of the Affordable Housing Dwellings let by a Registered Provider and offered at an Affordable Rent (and subsequently varied in line with those rents from time to time) and on terms complying with the HCA's good practice guidance for such rents and associated service charges
- I.5 "Affordable Housing Scheme" means a scheme including a plan setting out the location size type specification and Tenure of the Affordable Housing Dwellings which shall be approved by the Council pursuant to the terms of this Deed and with such amendments as the Council may approve from time to time
- I.6 "Applicant" means a person who is on the District Council's Waiting List and is in need of Affordable Housing
- I.7 "Build Standards" means unless otherwise agreed by the District Council Dwellings that achieve at least the minimum requirements of Building for Life 12 (which is a

- government endorsed industry standard for well-designed homes)
- I.8 “Contract” means a contract to transfer the Affordable Housing Dwellings (together with all necessary rights of way and easements) to the Registered Provider
- I.9 “District Council’s Waiting List” means the list for allocating Affordable Housing as set out in the Housing Nominations Scheme or any equivalent or similar replacement from time to time in existence
- I.10 “HCA” means the Homes and Communities Agency created pursuant to the Housing and Regeneration Act 2008 exercising the functions in relation to the funding of affordable housing and includes any successor body exercising similar functions
- I.11 “HCA Model Lease” means a lease in a form which has been approved and or prescribed by the HCA for shared ownership which allows a lessee to acquire up to and including 100% of the equity of the Shared Ownership Unit and the freehold
- I.12 “Head of Planning and Strategic Housing” means the officer of the District Council who is responsible for the affordable housing in the District Council’s area or such other officer as may be appointed from time to time
- I.13 “Housing Nominations Scheme” means the prevailing District Council Housing Nominations Scheme which sets out eligibility for Applicants on the District Council’s Waiting List and the procedure for nominations from the waiting list to Affordable Housing Dwellings within the District Council’s administrative area at the time when allocations are made
- I.14 “Mortgagee” means any mortgagee or chargee of: -
- I.14.1 any Affordable Housing Dwelling and/or;
- I.14.2 a Registered Provider or the successors in title to such mortgagee or chargee or any receiver (including an administrative receiver) or manager appointed pursuant to the Law of Property Act 1925
- I.15 “Nomination” means the nomination by the District Council to the Registered Provider of the Qualifying Person for an Affordable Housing Dwelling
- I.16 “Practical Completion” means actual completion of the construction of the Affordable Housing Dwellings in accordance with the Contract which save for minor defects permits beneficial use and occupation of the same
- I.17 “Qualifying Person” means an individual who is on the District Council’s Housing Register

I.18 “Registered Provider” means an affordable housing provider as provided for in the Housing and Regeneration Act 2008 and which

- is registered with the HCA (or its replacement body) and which has been approved by the District Council
- can demonstrate that it has sufficient stock within the West Oxfordshire District and/or can provide evidence of effective community engagement to ensure that high quality management and service standards will be employed, and
- can demonstrate that it will work jointly with the District Council in meeting the Housing Allocations Policy and agrees to enter into a formal nominations agreement with the District Council upon entering into the Contract

PROVIDED ALWAYS that if Registered Providers shall have ceased to exist or have been superseded then the expression shall be taken to mean such nearest equivalent body whose objectives include the provision of low cost housing for renting or shared ownership by local people as the District Council may reasonably approve for the purposes of this Agreement

I.19 Tenure means Affordable Housing Dwellings which comprise one or more of the following tenures types

I.19.1 Affordable Rented Unit; and/or

I.19.2 Shared Ownership Unit

I.20 “Shared Ownership Unit” means (unless otherwise agreed in writing by the District Council) 30% of the Affordable Housing Dwellings provided by a Registered Provider where a proportion of the equity is sold on a long lease to the purchaser and the remainder of the equity is initially retained by the Registered Provider subject to rent being charged on the retained equity on terms that are set out in the HCA Model Lease or such other form of lease reasonably requested by the Registered Provider and which shall be first approved by the Council and in accordance with the following:

- I.20.1 the initial percentage of equity sold is between 40% (or such other lower percentage as may be agreed by the District Council) and 70% which shall be calculated to ensure the Shared Ownership Units are affordable to those in housing need with regard to local incomes and local house prices;

- 1.20.2 rent on unsold equity is initially set at no more than 2.75% or such other percentage as may be agreed by the District Council (acting reasonably); and
 - 1.20.3 charges for services are levied in accordance with the good practice guidance issued by the HCA but provided always that this shall provision shall not prevent each such unit being responsible for contributing of a fair and reasonable proportion of any service charge levied for the Development and/or that part of the Development within which such each unit shall be situate
- 1.21 "Size Standard" means compliance with the Government's Nationally Described Space Standard for each and every unit type of Affordable Housing Unit
2. The Owner covenants with the District Council as follows:-
- 2.1 Not to cause or permit the Implementation of Development until a Contract has been entered into with a Registered Provider and the Affordable Housing Scheme has been approved in writing by the District Council
 - 2.2 To provide the Affordable Housing Dwellings on the Site in accordance with the Affordable Housing Scheme as approved by the District Council
 - 2.3 Unless otherwise agreed in writing by the District Council % of the Affordable Housing Dwellings shall be 1 or 2 bedroom Dwellings to accommodate singles, couples, smaller families and older people and % of the Affordable Housing Dwellings shall be large enough to accommodate households of four or more people and this can include two bedroom houses
 - 2.4 To provide (unless otherwise agreed by the District Council) the Affordable Housing Dwellings so that they meet the Build Standards and the Size Standard
 - 2.5 To ensure that all the Affordable Housing Dwellings shall be built "tenure blind" in respect of external design and features so that they are materially indistinguishable from the General Market Housing save to the extent any variation is required to meet the specification requirements of a Registered Provider
 - 2.6 Not to Occupy or cause or permit the Occupation of more than

- 2.6.1 30% of the Dwellings which are General Market Housing (or such other number as may be agreed in writing by the District Council) until fifty Affordable Housing Dwellings have been built to Practical Completion and transferred pursuant to the Contract with the Registered Provider
- 2.6.2 60% of the Dwellings which are General Market Housing (or such other number as may be agreed in writing by the District Council) until all the Affordable Housing Dwellings have been built to Practical Completion and transferred pursuant to the Contract with the Registered Provider
- 2.7 Save for the disposal of the Affordable Housing Dwellings pursuant to the Contract from the date of Practical Completion the Affordable Housing Units shall (subject to the remaining provisions of this paragraph 2.7) not be used other than for Affordable Housing to be provided to Qualifying Persons in accordance with the District Council's Housing Nominations Scheme and shall be retained in perpetuity as Affordable Housing to meet the needs of people locally who are financially unable to rent or purchase a private dwelling on the open market save that:-
- 2.7.1 where an Affordable Housing Dwelling is occupied in accordance with this clause nothing in this Agreement shall prevent the occupation of that Affordable Housing Dwelling by the spouse partner survivor or dependants of that person or such other category of person entitled to occupy or continue to occupy under prevailing housing legislation
- 2.7.2 any tenant or its successors in title who has exercised the right to buy/acquire pursuant to the Housing Act 1996 or any other statutory provision or contractual right to buy for the time being in place in respect of a particular Affordable Housing Dwelling will not be bound by this Agreement
- 2.7.3 any tenant or its successors in title of a Shared Ownership Unit who has acquired 100% of the equity to the Shared Ownership Unit will not be bound by this Agreement
- 2.7.4 any Mortgagee shall not be bound by this Agreement provided that the Mortgagee has first complied with paragraph 2.7.5 of this Schedule

- 2.7.5 a Mortgagee (whether or not the mortgagee is in possession) shall not dispose of one or more of the Affordable Housing Dwellings or commence proceedings for possession of the Affordable Housing Dwelling unless it shall
- a) in the case of proceedings for possession have first given to the District Council no less than seven days prior notice of the commencement of such proceedings and at the time it commences such proceedings shall send copies of any notices or documents served in relation to such proceedings to the District Council's Head of Planning and Strategic Housing
 - b) in the event that the Mortgagee chooses to exercise its power of sale or leasing it shall serve written notice to that effect on the District Council and shall use its reasonable endeavours over a period of three months from the date on which it served notice on the District Council to dispose of the Affordable Housing Dwelling(s) (as the case may be) to a Registered Provider on terms which will retain the Affordable Housing Dwellings as Affordable Housing provided that the Mortgagee shall not be required to dispose of the Affordable Housing Dwelling(s) at less than market value taking into account the terms of this Agreement for a consideration less than the monies owed to the Mortgagee such consideration to include all accrued principal monies interest and costs and expenses
 - c) In the event that the Mortgagee is unable to dispose of the Affordable Housing Dwellings within the said period of three months the Mortgagee shall be entitled to dispose of the Affordable Housing Dwelling(s) at its discretion free from all the obligations or restrictions in this Deed and following such disposal the disponent and its successors in title will not be bound by this Agreement

2.8 Nominations to all Affordable Rented Units on first and subsequent occupation shall be made by the District Council in accordance with the District Council's Housing Nominations Scheme and a nomination agreement to be entered into between the District Council and the Registered Provider.