

Annex A

West Oxfordshire District Council
Affordable Housing Supplementary Planning Document (SPD)
Consultation Summary Report

October 2021

1. Introduction

- 1.1 The District Council is in the process of preparing a new Affordable Housing Supplementary Planning Document (SPD) which, when adopted, will replace the Council's previous Affordable Housing SPD published in 2007.
- 1.2 To inform the new SPD, the District Council has undertaken two public consultations, firstly on an initial draft SPD in July 2020 and secondly, on a revised draft SPD in March 2021. The purpose of this consultation summary report is to provide an overview of who was consulted at both stages, the main issues raised by respondents and how those issues have been addressed in the final proposed adoption version of the SPD.

Consultation on initial draft Affordable Housing SPD (July – August 2020)

- 1.3 An initial consultation draft of the affordable housing SPD was published for a six-week period of public consultation from 10 July until 21 August 2020. In accordance with the District Council's adopted Statement of Community Involvement (SCI) a broad range of stakeholders were notified and invited to comment on the initial draft SPD, including elected Members, Town and Parish Councils, statutory and non-statutory consultees and individuals who have expressed a wish to be involved in such matters.
- 1.4 In response, 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 Attached at Appendix 1 is a schedule of the comments received and how they were taken into account by the Council in preparing a revised draft version of the SPD which was then subject to further public consultation in March 2021.

Consultation on revised draft Affordable Housing SPD (March – April 2021)

1.6 Consultation on the revised draft version of the Affordable Housing SPD took place over a 6-week period from 5 March – 16 April 2021. As with the initial consultation in 2020, in accordance with the District Council’s adopted Statement of Community Involvement (SCI) a broad range of stakeholders were notified and invited to comment on the initial draft SPD, including elected Members, Town and Parish Councils, statutory and non-statutory consultees and individuals who have expressed a wish to be involved in such matters.

1.7 In response, consultation responses were received from 9 organisations and individuals as follows:

- Bloombridge
- Cottsway
- Crawley Parish Council
- Gladman
- Green Axis
- Margaret Thompson
- Oxfordshire County Council
- Tetlow King on behalf of Aster and Platform Housing Group
- Turleys

1.8 The revised draft SPD was also considered at a meeting of the District Council’s Economic and Social Overview and Scrutiny Committee on 8 April 2021.

1.9 Attached at Appendix 2 is a schedule of the comments received and how they have been taken into account by the Council in preparing the final proposed adoption version of the Affordable Housing SPD.

Appendix 1 – consultation responses received in response to the initial draft Affordable Housing SPD – July 2020

Tetlow King on behalf of the Aster Group	
Issues raised	WODC response
<p>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.</p>	<p>Comment noted.</p>
<p>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.</p>	<p>Support noted.</p>
<p>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.</p>	<p>Comment noted. The revised draft SPD has been amended to include reference to the NPPF 2019.</p>
<p>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>	<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 Government policy</p>	<p>Comment noted. Rent, and rent increases housing will follow MHCLG guidance. No change required.</p>

<p>on rent increases. By capping affordable rents in perpetuity, it prevents Housing Associations from increasing their affordable rents in line with Government policy.</p> <p>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>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</p>	<p>Comments noted.</p>

<p>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.</p> <p>In this context, the Rentplus model is a hybrid and falls within both categories of affordable housing, as either part of the 'affordable housing for 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.</p> <p>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.</p>	
<p>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 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>Comments noted. The text of the revised draft SPD has been amended accordingly.</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 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</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 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>below:</p> <p><i>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. 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>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 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> <ul style="list-style-type: none"> • 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. 	<p>Comment noted. The text of the revised draft SPD has been expanded to provide further explanation of the benefits of MMC.</p>

<ul style="list-style-type: none"> • Typically lightweight – potential to build adjacent to or over existing buildings (per page 20). <p>It may be suitable to provide hyperlinks to appropriate trade/professional bodies for further information on MMC specification, design and certification.</p>	
AECOM on behalf of Grosvenor Developments Ltd	
Issues raised	WODC response
<p>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.</p>	<p>Support noted.</p>
<p>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.</p> <p>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 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>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 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-</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>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>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 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</p>	<p>Comments noted. The text of this section of the revised draft SPD has been amended accordingly.</p>

<p>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 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>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 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 ownership tenures such as Shared Ownership, which WODC has stated as its preferred ownership tenure.</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 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>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>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>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 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>Comments noted.</p> <p>It is not considered necessary to include specific information on 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>
<p>Issues raised</p>	<p>WODC response</p>
<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>

Irwin Mitchell on behalf of Inspired Villages	
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>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>Comments noted.</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</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>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>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 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>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 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>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>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 retirement communities, which will only serve to reduce the overall levels of affordable housing that these developments can provide.</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>
<p>Issues raised</p>	<p>WODC response</p>
<p>We would urge the Council to:</p> <ol style="list-style-type: none"> 1. Amend its affordable housing SPD to recognise retirement communities as a form of development which are: <ol 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. 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>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-</p>

	<p>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>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>Comment noted.</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</p>

	of insufficient interest from those on the Council's custom/self-build register.
<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. 	Comment noted. The text of the revised draft SPD has been amended to refer to 'clusters' of affordable housing units as suggested.
Issues raised	WODC response
<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>	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>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>	Comments noted. The text of this section of the revised draft SPD has been amended accordingly.

<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 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).</p>	<p>Comment noted. The text of the revised draft SPD has been amended to highlight the importance of 1-bed properties.</p>

Issues raised	WODC response
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>Support noted. Additional text has been added to the revised draft SPD to address the issue of bedroom sizes in 3-bed properties.</p>
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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>
<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>

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>

Appendix 2 – consultation responses received in response to the revised draft Affordable Housing SPD – April 2021

Bloombridge	
Issues raised	WODC response
<p>Thank you very much for inviting Bloombridge LLP to comment on your draft SPD. I have read the document in detail and would say that it is a thorough and commendable piece of work. Whilst I have a few minor comments I feel at this late stage in the preparation of the SPD it is only major points that will be of interest to you. I have just one major point. This relates to the guidance in the draft SPD set out at paragraph 5.3.6:</p> <p><i>5.3.6 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 Housing.</i></p> <p>This is consistent with the definition of “Affordable Rent”, including Annex 2 of the NPPF19. However, the standard Section 106 clauses contained in Appendix 3 set a more stringent approach to Affordable Rent:</p> <p><i>1.3 “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></p> <p>The issue is that “with reference to” LHA levels (5.3.6) is wholly different to “not higher than the relevant local housing allowance maximum” (Appendix 3, 1.3). In fact, restricting Affordable Rent to LHA rates is not consistent with national government policy and this, therefore, causes a problem for the SPD (which must be corrected). We would suggest that the reference to LHA rates in 1.3 above is deleted; noting that this deletion does not preclude LHA rates being required as an output from negotiations (as LHA rates still fit, being less than 80% of the local market rent); but, crucially, the Section 106 should not mandate LHA rates as a standard in all cases.</p> <p>It may sound counter intuitive to not support the lowest possible Affordable Rent, but the rationale is set out in government policy. The idea is that Registered Providers, in certain circumstances, are enabled to charge rents at 80% MR so that the extra income/rent above LHA rates or Social Rent provides a surplus to</p>	<p>It is acknowledged that there is a degree of inconsistency between the main body of the SPD at paragraph 5.3.6 and the model Section 106 agreement attached at Appendix 3.</p> <p>The wording of the model agreement in the final proposed adoption version of the SPD has therefore been revised accordingly.</p> <p>The text of the SPD has also been revised at paragraph 3.2.22 to ensure greater consistency and clarity.</p>

be spent on, for example, improving the RP’s existing housing stock (especially with regard to energy efficiency matters) and increasing the overall supply/number of affordable units, including by innovative funding measures. The important point here is that there is a trade-off between increasing the supply of affordable housing and delivering fewer affordable units but at a lower rental. We feel that this trade-off is best settled on a case by case basis – and this balancing exercise should not be ruled out by standard Section 106 drafting (Clause 1.3 above).

To illustrate the point further, the current property investment market includes a number of innovative funding mechanisms, for example the ‘Income Strip’ Model, where the differential between LHA rates and 80% MR can be combined with a strong covenant to deliver schemes of 100% affordable housing (say 250 units) at 80% MR. This could make a strong contribution to affordable housing supply, especially in the 1 and 2 bed market. In contrast, if Clause 1.3 is imposed, many smaller schemes may be non-viable and, for the larger schemes, only the standard percentage of affordable (and intermediate) will be delivered (being substantially less than 100%).

In short, we feel Clause 1.3 should be amended by the deletion of the reference to LHA rates. This reference does not appear in the definition of Affordable Rent in the NPPF19 and its deletion is therefore merited on consistency grounds.

Cottsway

Issues raised

We have now had a chance to review the affordable housing SPD and have the following comments:

- We note that here is an emphasis for one bed shared ownership units in the district. In our experience we have struggled to sell one bed units and we have found there is little demand for them.
- Appendix 3 point 1.20.1 still shows 40-70% initial share for SO which contradicts the main body of the SPD document which now shows 25-75% with the Council supporting smaller shares.
- Appendix 3, point 2.7 We would hope that this reflects the National Housing Federation standard Mortgagee Exclusion Clause as this is a requirement for our lenders.
- Will there be any clarity on EV parking provision and whether this will be applied equally between affordable housing and private sale units?

WODC response

The SPD provides broad information on the size of affordable homes likely to be needed in West Oxfordshire.

This is drawn from a range of information sources including the Oxfordshire Strategic Housing Market Assessment (2014) Housing Strategy Advice prepared by ICENI in support of planned growth at Eynsham (2020) and information drawn from the Council’s Choice Based Lettings database.

	<p>Importantly, the information is indicative only and the SPD makes it clear that the Council will take into account other relevant considerations including specific evidence of local need, the nature of the development and any relevant practical management considerations.</p> <p>The comments made in relation to the model Section 106 template included at Appendix 3 are noted and the text has been amended to reflect the national policy position on initial equity share for shared ownership properties and also to reflect the National Housing Federation standard Mortgagee Exclusion Clause.</p> <p>In terms of electric vehicle (EV) parking, Section 6.1 of the SPD specifies that the same level of parking provision should be made for the affordable housing units as for market units.</p> <p>In addition, a footnote has been added to cross-refer to the Council's Sustainability Standards Checklist which requires consideration of EV charging in line with the requirements of the Oxfordshire Electric Vehicle Infrastructure Strategy (OEVIS).</p>
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Crawley Parish Council	
Issues raised	WODC response
<p>If the council wish to support home ownership (which is cheaper per month than private renting) It could consider the following.</p> <p>In brief At £1400 a sq mtr a 95sq mtr 3 bed can be built for £133k. Land at £400k 10 homes per acre = £40k per plot. Add 10k for infrastructure total house = £183k which would be affordable in this market to anyone with a family income of £43k.</p> <p>WODC planners and building control cooperating with an HA could manage and oversee a self-build scheme on behalf of buyers offering real help to provide homes.</p> <p>These homes could be conditioned to be for personal use not buy to rent providing real homes for real people.</p> <p>WODC or a local bank could provide up front finance of land / planning fees etc and charge a fee to cover costs.</p>	<p>Paragraphs 5.1.6 – 5.1.11 of the SPD explain how the District Council will secure and subsequently use financial contributions which are provided in lieu of on-site provision of affordable housing.</p> <p>Section 5.5 on self-build and custom-build housing explains that the District Council will seek to use such commuted sums to acquire land in order to promote affordable custom/self-build projects.</p> <p>No further amendment is considered to be necessary.</p>
Gladman	
Issues raised	WODC response
<p>Gladman take this opportunity to remind the Council that SPDs cannot be used as a fast-track mechanism to set policies and should not be prepared with the aim of avoiding the need for examination or reinventing existing planning policy. As acknowledged in the consultation documents, an SPD is not subject to the same degree of consultation and examination as policies contained in Local Plans and therefore should only be prepared to provide additional guidance to those bringing forward development proposals across the district.</p> <p>The National Planning Policy Framework (NPPF 2019) confirms this where it defines SPDs as: “documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan.”</p>	<p>The comments are noted and the role and status of the SPD is fully understood.</p>

<p>Gladman welcome the preparation of the SPD as it provides additional clarity beyond the policy wording contained within the Local Plan in relation to affordable housing provision. Nonetheless, Gladman have some concerns relating to affordable housing provision on self/custom-build plots.</p> <p>Firstly, Gladman consider that section 5.5 of the SPD seeks to deliver proposals that go above and beyond the policies contained within the Local Plan, specifically Policy H3 and Policy H5, leading to the creation of new policy requirements. While Gladman accept that Self/Custom-build housing can be either market or affordable, the wording of Section 5.5 appears to introduce a requirement for the Self/Custom-build element of a proposal to also deliver a policy compliant level of affordable housing provision.</p> <p>Indeed, paragraph 5.124 of the West Oxfordshire Local Plan notes that the Council will utilise affordable housing commuted sums secured under Policy H3 to acquire land in order to promote affordable custom/self-build projects. There is no specific requirement included in Policy H5 for custom and self-build housing to deliver affordable housing or for 'self-build affordable housing plots' to be provided.</p> <p>In this regard, the wording and content of Section 5.5 of the SPD should be reviewed to ensure closer alignment with the adopted policies of the West Oxfordshire Local Plan (2018).</p> <p>The delivery of a proportion of self-build plots as affordable housing is unlikely to be an efficient or practical way to deliver affordable housing due to the need for Registered Providers to bring forward such dwellings.</p> <p>More appropriate mechanisms may include, Registered Providers delivering stand-alone and entire sites as small-scale self/custom build housing which Policy H3 provides reference to.</p>	<p>The comments are noted and the wording of the SPD has been amended to more closely reflect the Local Plan including Policies H3 – Affordable Housing and H5 – Custom and Self-Build Housing and the supporting text contained therein.</p> <p>In particular, the final proposed adoption version of the SPD makes it clear that there is no specific policy requirement for on-site self and custom-build housing to include a proportion of affordable housing.</p> <p>Rather, it states that the District Council will explore with developers whether there is scope for some or all of the self/custom build element of the scheme to contribute towards the relevant on-site affordable housing requirement for that site.</p> <p>This is considered to be consistent with the NPPF which recognises that custom and self-build housing can include both market and affordable homes.</p>
<p>Green Axis</p>	
<p>Issues raised</p>	<p>WODC response</p>
<p>We are pleased to provide our comments and suggestion with respect to the revised affordable housing supplementary planning document.</p> <p>5.5 Self-build and custom-build housing</p>	<p>The comments are noted and the text regarding the provision of affordable custom and self-build opportunities has been revised to more closely reflect the Local Plan including Policies H3 – Affordable Housing and H5 – Custom and</p>

<p>5.5.13: The text points to a 3 month period of advertising to establish demand, after which the developer can complete the plots if insufficient interest exists. This seems too short a period in the lifecycle of a housing development project and has the potential to limit the provision of self and custom build housing to satisfy registered demand.</p> <p>This appears to present a contradiction with WODC Policy H5, which includes a 12 month marketing period, after which plots may be built out. We suggest that the 3 months period is removed and the text amended to recommend consultation with the Council on a project specific basis, or adoption of the H5 requirement.</p>	<p>Self-Build Housing and the supporting text contained therein.</p>
<p>6.4 Tackling Climate and Ecological Emergency</p> <p>We are disappointed to note the omission of the LETI graphical guidance, which was included in the first draft of the document. This gave clear signposting to assist with a holistic approach to design and construction of low carbon affordable homes. Can the headings and objectives of the 10 point approach be transposed as text in to the Affordable Housing SPD, with further detail provided in the forthcoming <i>Sustainable Design and Construction Checklist</i>?</p> <p>6.4.11: We hope that WODC is encouraged by the responses to the recent Future Homes Standard consultation where 78% of respondents were in favour of retaining local authority flexibility to set appropriate energy standards beyond the minimum requirements of Building Regulations. Can we urge and support that the content of the <i>Sustainable Design and Construction Checklist</i> takes the opportunity to go further in scope than the current proposals for the Future Buildings Standard, and sets out clear zero carbon objectives across operational and embodied energy.</p>	<p>The comments are noted. Section 6.4 of the proposed final adoption version of the SPD has been updated to include specific cross-references to the District Council's Sustainability Standards Checklist and Net Zero Carbon Toolkit.</p>
<p>Margaret Thompson</p>	
<p>Issues raised</p>	<p>WODC response</p>
<p>I write to comment on the 'Affordable Housing' consultation.</p> <p>From everything I can see any affordable housing appears to come last on the list of everything and the developers appear to be able to make excuses not to build the % they are supposed to.</p>	<p>The comments are noted. The SPD provides further guidance on Local Plan Policy H3 – Affordable Housing.</p> <p>Policy H3 stipulates the proportion of on-site affordable housing to be provided on larger market led developments ranging</p>

<p>Once an amount has been set this SHOULD be in concrete and cannot be changed, any attempts to reduce the numbers would actually mean the developers could have to provide more and not less affordable housing.</p> <p>As the parent of 2 sons in their early twenties who would like to be able to purchase a house in this area I cannot ever see them managing to do this and we are making it so hard for people with limited incomes who we NEED in the area to actually live here.</p> <p>I am talking care workers, nurses, teachers transport drivers and just the general population on whom we all rely to provide the services we need daily they cannot afford to live here so everyone's quality of life suffers.</p> <p>We need to be providing the types of housing the poplus NEEDS not all these huge 4-5 bedroom estates they keep appearing, many people do not need these size properties, we need more diverse housing to fit the needs of our whole population and not the pockets of the developers!</p> <p>We are going to create a 'fantasy world' where most of us cannot actually live in reality so let us wake up and smell the roses before it is too late and we have created a concrete world where we cannot exist.</p> <p>We NEED REAL homes for real people to live in not estate agents brochures.</p> <p>Don't fail our young people any more.</p>	<p>from 35% in the lower value area up to 50% in the higher value area.</p> <p>Policy H3 includes reference to those requirements being subject to viability and the SPD provides further advice on this issue at Section 7.0.</p> <p>In terms of dwelling sizes, as set out at Section 5.2 of the SPD, the Council's main focus will be 1, 2 and 3-bed properties.</p>
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Oxfordshire County Council	
Issues raised	WODC response
<p>Oxfordshire County Council welcomes the opportunity to comment on the revised draft Affordable Housing Supplementary Planning Document (SPD). The Affordable Housing SPD aims to set out how West Oxfordshire will seek to increase the supply of new affordable homes in West Oxfordshire through the application of Local Plan Policy H3 and Core Objective 6 and provides guidance on a number of related matters.</p> <p>Oxfordshire County Council previously provided comments (dated 20th August 2020) on the earlier draft document and welcome the changes made to the revised February 2021 SPD in light of our comments. OCC</p>	<p>The comments are noted. However, it is important to emphasise that the purpose of a supplementary planning document (SPD) is to provide additional guidance to relevant policies of the Local Plan – in this instance, Policy H3 Affordable Housing.</p>

<p>remains broadly supportive of the SPD, but recommend a small number of further amendments including a firmer commitment to higher proportion of one beds for social rent, and to propose placing requirements on Developers, rather than encouraging them (which is unlikely to be effective). Detailed comments can be seen in Appendix 1.</p>	<p>Therefore, unless specified in the Local Plan, it is not possible for the SPD to impose specific policy requirements.</p>
<p>Para 5.2 size of affordable homes needed.</p> <p>Evidence from three sources is cited regarding the need for one beds for social rent.</p> <ol style="list-style-type: none"> 1. ICENI need = 30-35% 2. CBL need = 52% 3. SHMA need = 28.4% <p>Would like to see a firmer commitment to higher proportion of one beds.</p>	<p>The SPD presents information from a number of sources and clearly indicates that there is a strong level of need for smaller affordable homes including 1-bed units.</p> <p>As with the Local Plan, the SPD provides an indicative mix only allowing for a degree of flexibility to take account of other relevant considerations including specific evidence of local need, the nature of the development and any relevant practical management considerations.</p> <p>It would be inappropriate for the SPD to seek to be more prescriptive in terms of the proportion of one bed units to be sought.</p>
<p>Para 5.3.8</p> <p>We would like to see developers “required” rather than “encouraged” to include a proportion of social rent.</p>	<p>The comment is noted however Local Plan Policy H3 – Affordable Housing and the supporting text make no reference to the specific provision of social rent and as such, it is not possible for the SPD to introduce this as a specific requirement.</p>
<p>Para 6.2.5</p>	<p>Comment noted. Given the obvious potential safety issues this raises, the text</p>

<p>Would like to see developers “required” rather than “encouraged” to ensure ceilings are strong enough to support track hoists.</p>	<p>has been amended to require this issue to be addressed rather than encouraged.</p>
<p>We would like to see reference to the involvement of OCC in the nomination process for extra care housing.</p>	<p>Comment noted. The text at paragraph 8.7.5 of the final proposed adoption version of the SPD has been amended to refer to the District Council working with OCC in relation to the nomination process.</p>
<p>Tetlow King on behalf of Aster and Platform Housing Group</p>	
<p>Issues raised</p>	<p>WODC response</p>
<p>Tetlow King Planning represent Aster Group and Platform Housing Group, both leading Housing Associations in England. Our clients’ principal concern is to optimise the provision of affordable housing through the preparation of consistent policies that help deliver the wider economic and social outcomes needed across the South East region and beyond.</p> <p>Aster and Platform are key partners in the delivery of new affordable homes in West Oxfordshire and are both listed as a registered providers in Appendix 2 of the SPD in recognition of their important role. Notable recent developments for Aster include Kingfisher Meadows, Witney and Centenary Way, Witney which have all helped address local housing needs. Platform has also made invaluable contributions to the District’s affordable housing stock including the Springfield Oval development in Witney. In addition, Platform currently has a planning application pending with the local planning authority for a site in Carterton which includes much needed affordable homes.</p> <p>We are pleased to note that the SPD acknowledges that affordable housing delivery has significantly improved in recent years through developments involving Aster and Platform and other registered providers.</p> <p>As significant developers and investors in local people, Aster and Platform are well placed to contribute to local plan objectives and act as long-term partners in the community. We therefore welcome the production of the draft affordable housing SPD and the opportunity to provide comments.</p>	<p>Comments noted – see further responses below.</p>

<p>TKP submitted representations to the 2020 consultation of the draft Affordable Housing SPD and we are pleased that the Council has taken on board our comments and incorporated many of our suggested changes into the revised Affordable Housing SPD.</p> <p>The consultation summary report published in February 2021 summarises each of the issues raised in the previous consultation and is very helpful in demonstrating which changes have been made to the revised SPD and for what reasons. We would like to take this opportunity to expand on some of our comments and provide a response to the WODC comments in the consultation summary report and revised Affordable Housing SPD.</p> <p>We have also taken a more thorough review of the example S106 Agreement Affordable Housing Schedule provided at Appendix 3 and make recommendations for several revisions which will provide greater certainty and clarity on the delivery of affordable homes.</p>	
<p>Capping of affordable rents</p> <p>Our comments on capping affordable rents are included in the consultation summary report. Capping affordable rents prevents Housing Associations from increasing their affordable rents in line with Government policy. This can become highly unsustainable and uncompetitive for Housing Associations and can severely threaten the delivery of affordable housing.</p> <p>In response to our comments, the council has specified that “Rent and rent increases will follow MHCLG guidance.” We are pleased to see that the council have understood our concerns and therefore welcome the fact that the MHCLG policy statement on Rents for Social Housing has been incorporated into the revisions is now featured as a footnote at paragraph 5.3.6 of the SPD.</p> <p>The footnote in the SPD implies that rents and rent increases for affordable housing in West Oxfordshire will follow MHCLG guidance with the adoption of the SPD, although for clarity, and in addition to the footnote, we would be reassured if the council would consider rewording paragraph 5.3.6 in line with the comments made by the council in the consultation summary report as follows:</p> <p><i>“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</i></p>	<p>The comments are noted and paragraph 5.3.6 has been re-worded as per the suggested text.</p> <p>The model Section 106 agreement attached at Appendix 3 has also been updated – see further comments below.</p>

<p><i>levels at the time of letting. Full details can be found on the <u>Rents and rent increases for affordable housing in West Oxfordshire will follow the guidance laid out in the MHCLG Policy statement on rents for Social Housing</u>⁷ which permits annual rent increases on both social rent and affordable rent properties of up to CPI+1 percentage point from 1 April 2020.</i></p> <p>These amendments need to be reflected in the sample S106 Affordable Housing clauses in Appendix 3 and we comment further on this below.</p>	
<p>Securing affordable housing in perpetuity</p> <p>We previously commented that the affordable housing SPD seeks to secure affordable housing in perpetuity where it is not appropriate. This continues to be the case as paragraph 2.3.2 of the revised SPD states that “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).” While it is true that the NPPF requires provisions for affordable rented properties to remain at an affordable price for future eligible households, it does not remove the right for housing associations to sell their affordable housing on non rural exception sites.</p> <p>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 only. The Council correctly states at paragraph 5.4.5 of the SPD and in Policy H3 (shown in Appendix 1 of the SPD) that “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” when referring to rural exceptions sites.</p> <p>We would therefore like to reiterate our point that the council should remove any references to securing affordable housing in perpetuity unless referring to rural exception sites.</p>	<p>Comments noted. Paragraph 3.2.23 of the final proposed adoption version of the SPD has been amended accordingly.</p>
<p>Nominations and Allocation of Properties</p> <p>Aster and Platform work closely with councils to ensure that they provide homes to people of greatest need. The majority of new tenants will come from the Council’s waiting list and let to people who are considered to be priority need. However, there needs to be some flexibility in the nomination process to allow Housing Associations to let properties to their own applicants to avoid properties being unoccupied</p>	<p>Comments noted. The model Section 106 agreement provided at Appendix 3 has been updated accordingly.</p>

<p>which is not financially viable. While we respect and recognise the Council’s need to nominate people to the rented units, it is difficult to agree to formally signing a nominations agreement without reviewing its detail to fully understand its implications. It is critical that any nominations agreement, and the nomination/ allocation requirements in the s106 agreement, remains balanced to reflect the commercial realities that Housing Associations have a financial stake in the units and in order to support its business plan, the units must be easier to let.</p> <p>Therefore, we have some concerns about some of the Affordable Housing S106 clauses included in Appendix 3 particularly the requirement for registered providers to enter into nomination agreements, which we have not reviewed, and therefore cannot be sure that they allow for sufficient flexibility.</p>	
<p>Mortgage in Possession</p> <p>It is imperative that Mortgage in Possession clauses are included in all affordable housing Section 106 agreements to ensure that Register Providers are not restricted in their ability to borrow against the asset. Without Mortgage in Possession clauses Registered Providers borrowing potential can be unduly constrained which affects future development programmes resulting in fewer affordable homes in the District. The National Housing Federation (NHF) endorses this approach and has prepared standard wording for Section 106 Agreements which we include in the following section of this letter.</p>	<p>Comments noted. The model Section 106 agreement provided at Appendix 3 has been updated accordingly.</p>
<p>Section 106 Agreements</p> <p>The issuing of planning permissions is often significant delayed due to the drafting of Section 106 agreements, even though the application has received officer or committee approval. Appendix 3 is useful in consolidating examples section 106 clauses including definitions. However, we do have concerns that some of the clauses are out of date and need amending.</p> <p>Clause 1.1 provides a definition of Affordable Housing. It is considered that the last part of the definition is superfluous to the definition and we suggest that it is deleted as need for affordable housing is covered by eligibility criteria.</p> <p>“Affordable Housing”</p>	<p>Comments noted. The model Section 106 agreement provided at Appendix 3 has been updated accordingly.</p> <p>The postal address listed at Appendix 2 has also been updated.</p>

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~~

Clause 1.6 provides a definition of Applicant which is also duplicated by the definition of Qualifying Person at clause 1.17. Both define the person/individual as being on District Council's waiting list. We recommend that one of these definitions be deleted and relating clauses be amended accordingly.

It is noted that several of the clauses refer to the Homes and Community Agency (HCA) which was replaced by Homes England in 2018. We would suggest that the following clauses are amended accordingly:

Replace existing clause 1.10 as follows:

"Homes England"

means Homes England of 110 Buckingham Palace Road, Victoria London SW1W 9SW or its statutory successors or agent.

Clause 1.11 should be updated as follows:

"HCA Homes England Model Lease"

means a lease in a form which has been approved and or prescribed by the HCA Homes England 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~~.

With reference to our above comments about the capping of affordable rents, clauses 1.3 and 1.4 need to be amended accordingly to refer to MHCLG Policy statement on rents for Social Housing which permits annual rent increases on both social rent and affordable rent properties (up to CPI+1 percentage point from 1 April 2020). We suggest clauses 1.3 and 1.4 are amended as follows:

"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

at time of letting and on terms complying with the MHCLG Policy statement on rents for Social Housing for future rent increases.

“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~~ MHCLG Policy statement on rents for Social Housing for such rents and associated service charges.

Clause 1.20 which defines a shared ownership unit needs updating to refer to Homes England model lease instead of HCA. In addition, sub clause 1.20.1 should be amended to reflect the current Homes England Policy which permits shared ownership from 25% to a maximum of 75%.

Clause 1.7 refers to Building for Life which in 2020 was replaced by a new designed toolkit called Building for a Healthy Life, which has the endorsement of Homes England. Clause 1.7 should be amended accordingly:

“Build Standards”

means unless otherwise agreed by the District Council Dwellings that achieve at least the minimum requirements of ~~Building for Life 12~~ Building for a Healthy Life (which is a government endorsed industry standard for well-designed homes)

Clause 1.14 provides a definition of Mortgagee, we recommend that this deleted and replaced by the “Chargee” definition provided below in relation to the NHF standard definitions.

With reference to our above comments about the necessity for a Mortgage in Possession clause, we recommend that the following NHF standard definitions and clauses are included in all section 106 agreement relating to affordable housing:

“Chargee”

means a mortgagee, chargee or Receiver.

“Receiver”

means any receiver (including an administrative receiver) appointed by any mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator

“Protected Tenant”

means any tenant who:

- a) has exercised the right to acquire pursuant to the Housing Act 1996 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of a particular Affordable Housing Unit, including their mortgagees or chargees, successors in title and their mortgagees or chargees;
- b) has exercised any statutory right to buy, including the preserved right to buy (or any equivalent contractual right) in respect of a particular Affordable Housing Unit including their mortgagees or chargees, successors in title and their mortgagees or chargees;;
- c) has been granted a shared ownership lease by a Transferee (or similar arrangement where a share of the Affordable Housing Unit is owned by the tenant and a share is owned by the Transferee) in respect of a particular Affordable Housing Unit and the tenant has subsequently purchased from the Transferee all the remaining shares so that the tenant owns the entire Affordable Housing Unit including their mortgagees or chargees, successors in title and their mortgagees or chargees;

The provisions of this Agreement/Deed shall not be binding on or enforceable against:

- (a) a Charge or any persons or bodies deriving title through such Chargee PROVIDED THAT such Chargee shall first give written notice to the Council of its intention to dispose of the Affordable Housing Units and shall have used reasonable endeavours over a period of three (3) months from the date of receipt of the written notice to complete a Disposal of the Affordable Housing Units to another registered provider or the Council for a consideration of not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs

and expenses; and if such Disposal has not completed within the three (3) month period the Chargee shall be entitled to dispose of the Affordable Housing Units free from the Affordable Housing provisions in this Deed which provisions shall determine absolutely

- (b) any Protected Tenant

As we raised earlier in the letter we are concerned about the limited flexibility on the allocation of properties and that the Council's nomination scheme will be applied to rigidly. Draft clauses in Appendix 3 reinforces these concerns. Clause 1.18 expects registered providers to enter into formal nomination agreement. Whilst we accept the principle of accepting nominations from the Council, it is difficult to agree to it without seeing the detail of the nominations agreement to understand its implications. In relation to this point, clause 2.8 seeks to restrict all lets to the Council's nomination scheme, it usual for first lets to be 100% from Council nominations but for relets we would expect this to be 50%.

We have reviewed clause 2.7 which sets out the procedure for the disposal of Affordable Housing Dwellings and we our concerned that there is a requirement for all affordable housing units to be let/sold to Qualifying Persons, including shared ownership units. From our experience it very unlikely that qualifying person (i.e. people on the Council's waiting list) will be able to afford to buy shared ownership properties. As the obligation is ongoing, unless the property is staircased to 100%, then any resale is tied into the applicant having to be on the waiting list. This could cause an issue with the units being saleable as shared ownership units, as lender for shared owners need to ensure that the units can be sold by the shared owner, on the general shared ownership market (without undue restriction).

Please note that the address for Platform in Appendix 2 needs updating to 1700 Solihull Parkway, Birmingham Business Park, Solihull B37 7YD.

We very much welcome the production of the SPD and hope that you will consider these comments in the drafting of the final document. We would be happy to have a meeting to discuss these points in greater depth, particularly the issues relating to affordable housing legal clauses in Section 106 agreements.

Turleys	
Issues raised	WODC response
<p>I write regarding the revised Affordable Housing SPD, and note that there have been a number of changes made to the document in this latest revised draft.</p> <p>One specific remaining concern we have, which appears capable of resolving simply, relates to the approach to self-build plots and their role as affordable housing.</p> <p>We recognise that the NPPF and PPG guidance on self/custom build refer to the possibility of self/custom build forming part of the affordable ‘package’, but the emphasis and drafting in the Revised SPD is somewhat more assertive than in the stated national policy/guidance.</p> <p>In our experience, Register Providers (RP) are unlikely to take on self build plots to provide affordable housing, and similarly developers and the Council will want certainty of delivery. We understand that no RP’s have commented on this aspect of the document. The SPD as drafted suggests that this is a matter for the developer to deal with alongside an EP, but in reality this is likely to be problematic if enforced rigidly and could cause delays and confusion as to the Council’s requirements.</p> <p>It is unclear as to what would be required to be demonstrated at the application stage by a developer in order to satisfy paras 5.5.9 / 5.5.13 of the Revised draft document. It would appear appropriate for these paragraphs to state that some self build <i>COULD</i> be regarded as affordable housing, but the emphasis then changes in those two paragraphs to an expectation that self build <i>WILL</i> form party of the affordable. That is a different emphasis to that in the NPPF / policy H3 of the Local Plan.</p> <p>The Revised SPD should reflect national policy and we consider a slightly amended emphasis in paragraph 5.5.9 and 5.1.13 would allay our concerns, whilst still achieving the Council’s aims to proactively consider the ability of self build schemes to contribute towards meeting affordable housing needs.</p> <p>Our suggested amendments are as follows:</p> <p>5.5.9 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 <u>whether</u> some or all of the 5% self/custom build requirement could contribute towards the relevant on-site</p>	<p>The comments are noted and the wording of the SPD has been amended to more closely reflect the Local Plan including Policies H3 – Affordable Housing and H5 – Custom and Self-Build Housing and the supporting text contained therein.</p> <p>In particular, the final proposed adoption version of the SPD makes it clear that there is no specific policy requirement for on-site self and custom-build housing to include a proportion of affordable housing.</p> <p>Rather, it states that the District Council will explore with developers whether there is scope for some or all of the self/custom build element of the scheme to contribute towards the relevant on-site affordable housing requirement for that site.</p> <p>This is considered to be consistent with the NPPF which recognises that custom and self-build housing can include both market and affordable homes.</p>

<p>affordable housing requirement for that site (which under Policy H3 of the Local Plan ranges from 35% to 50% depending on location).</p> <p>5.5.13 Where involvement of an RP is required to enable this form of delivery early consultation will be required. <u>The Section 106 Agreement will set out the site specific requirements and mechanisms in each individual case, but the following principles are likely to be applied.</u> It is envisaged that 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.</p>	
<p>WODC Economic and Social Overview and Scrutiny Committee – 8 April 2021</p>	
<p>Issues raised</p>	<p>WODC response</p>
<p>The Committee considered the report of the Planning Policy Manager who gave a brief introduction to the supplementary planning document which was in need of updating with the previous version having been adopted in 2007. The draft document was currently the subject of consultation, which would close on 16 April 2021 after which point a final version would be prepared for adoption later in the year.</p> <p>Comments and queries from Members related to issues such as:</p> <p>The policy on working with travelling communities and whether this should be included in the document; making sure that local people with housing need were being provided with housing locally. Officers explained that the document would be of relevance to those members of the travelling community who are seeking affordable 'bricks and mortar' accommodation and that the issue of prioritising people for new affordable homes was determined through the Council's choice based lettings system. Officers also explained that the Local Plan includes a commitment to accommodate a proportion of unmet need from Oxford City.</p> <p>Concern was expressed over the size of houses being built, with larger houses such as four and five bedroomed houses dominating and not meeting the identified need for smaller 2 and 3-bed accommodation.</p>	<p>The SPD makes no specific reference to travelling communities but in seeking to facilitate the delivery of more affordable homes, will clearly help to meet the needs of the settled travelling community looking for affordable 'bricks and mortar' accommodation.</p> <p>It must be read in conjunction with Policy H7 of the Local Plan which seeks to meet identified needs through expansion of existing sites, an allocation at Cuckoowood Farm (now implemented) and a criteria-based approach for other proposals.</p> <p>The comments regarding house sizes are noted and as set out at Section 5.2 of the SPD, the Council's main focus will be 1, 2 and 3-bed properties.</p>

Officers explained that there is a predominance of larger properties within West Oxfordshire's existing housing stock and that in permitting new developments, there is a need to encourage smaller units to help counter-balance this, with a number of recent instances where developers were revising schemes and applying for smaller houses.

The question was also raised as to whether affordable unit size requirements could be broken down by the different bands that are used for the Council's choice based lettings system. Officers agreed to try and obtain this information outside of the meeting.

It was also suggested that the Council should be encouraging people to register for self-build or custom building housing and requested that Officers should provide greater publicity of the Council's self-build register.

The issue of 'pepper-potting' affordable homes amongst other market homes was also raised and whether this was addressed in the SPD. In response, Officers clarified that this issue is addressed with reference to 'clusters' of new affordable homes.

The issue of Oxfordshire County Council's market position statement on supported living was raised and the question asked as to whether information was being captured on independent providers who were providing housing and supported day time care, on a small scale for people who would otherwise be on the housing list. Officers agreed to further consider this in discussion with Oxfordshire County Council.

The approach to energy and sustainable housing was raised, with a concern expressed that the revised draft SPD was now less ambitious and rather more vague than the previous iteration in respect of energy efficiency and sustainable design. In response, Officers explained that the revised text reflects concerns raised by a number of previous respondents that the SPD cannot go beyond the adopted Local Plan in terms of stipulating requirements of new development (e.g. zero carbon).

Keyworkers were mentioned in the housing for essential local workers, one category, of which was teachers. The Chair requested that keyworkers should also include support staff who play a vital role alongside teaching staff.

The SPD text regarding self and custom-build housing has been updated.

The SPD text on the climate and ecological emergency has been updated to include reference to the Council's Sustainability Standards Checklist and Net Zero Carbon Toolkit.

The comment regarding key workers is noted. The SPD includes a direct quotation from the NPPF definition of essential local worker which includes teachers but does not refer to support staff.

The District Council does not have its own specific definition of key worker but paragraph 8.4.4 of the SPD recognises that any such definition should not be narrowly applied.

The SPD also cross refers to Oxfordshire County Council's separate guide on key worker accommodation which specifically refers to support workers.