

Affordable Housing  
Supplementary Planning Document  
**Consultation Statement**

## **1. Introduction**

- 1.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 require a local planning authority to consult the public and stakeholders before adopting a Supplementary Planning Document (SPD).
- 1.2 This statement sets out details of the consultation which has informed the preparation of the SPD.
- 1.3 The purpose of the Affordable Housing SPD is to aid the effective implementation of the Housing policies in the District Plan (Chapter 14) in particular HOU3 which relates to Affordable Housing. Once adopted the SPD will be a material consideration in planning decisions.

## **2. Town and Country Planning Regulations**

- 2.1 The SPD is produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant regulations relating to the consultation process are explained below.
  - Regulation 12: Regulation 12(a) requires the Council to produce a consultation statement before adoption of the SPD, this must set out who was consulted, a summary of the issues raised, and how these issues were incorporated in to the SPD.
  - Regulation 12(b) requires the Council to publish the documents for a minimum 4 week consultation, specify the date when responses should be received and identify the address to which responses should be sent.
  - Regulation 35: Regulation 12 states that when seeking representations on an SPD, documents must be available in accordance with Regulation 35. This requires the Council to make documents available by taking the following steps;

- Make the document available at the principal office and other places within the area that the Council considers appropriate;
- Publish the document on the Council's website.

### **3. Statement of Community Involvement (SCI)**

3.1 The Council's SCI was adopted in 2019 and explains how the council will involve the community in plan-making and in the consideration of planning applications. The SCI sets out that SPD's should be subject to a four-week public consultation.

### **4. Consultation undertaken**

4.1 The SPD was approved for public consultation at Executive on 8<sup>th</sup> October 2019. Formal public consultation was undertaken on the draft SPD for a period of four weeks from 30 January to 27 February 2020.

4.2 Consultation was undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Statement of Community Involvement. Consultees were consulted by email; or post where no email address was provided. A list of consultees is provided in Appendix A. The SPD consultation was also advertised via the Council's website and social media.

4.2 The SPD and Strategic Environmental Assessment (SEA) Screening Statement were made available on the Council's website:

<https://www.eastherts.gov.uk/affordablehousingspd>. This included Information about how to submit representations. Paper copies were available for public inspection during normal office hours at the East Herts Council Offices in Hertford and Bishop's Stortford, town council offices and in libraries across the district.

4.3 Representations could be made via the Council's consultation portal <http://consult.eastherts.gov.uk/portal>; emailed to [planningpolicy@eastherts.gov.uk](mailto:planningpolicy@eastherts.gov.uk) or sent to; Planning Policy, East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ.

## **5. Issues raised during the consultation**

5.1 During the consultation, over 60 representations were received, made by 29 respondents. Of the representations, the majority either objected to elements within the SPD or were seeking amendments. There were some comments of support of the document in general, and a number of supportive comments for specific elements within the document.

5.2 The main issues raised through the consultation include:

- Requests for further flexibility in guidance to assist developers
- Requests for additional information to be provided within certain sections.
- Stronger policies and commitments from the Council on Affordable Housing

5.3 A summary of the consultation responses is set out in the schedule below. This table outlines the comments by topic, the Council's response to these issues and any consequential changes to the SPD. If text is to be deleted from the draft SPD it is shown ~~struck through~~. If new text is to be inserted it is shown **in red**.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
<b>General Comments</b>					
1 – D. Royle	East Herts Affordable Housing SPD	-	Aware that some planning applications negotiate the policy requirement of affordable housing downwards. The SPD should detail the enforcement and monitoring of the level of affordable housing agreed upon and guaranteeing good quality.	Noted. This SPD provides guidance on how to implement affordable housing rather than the enforcement of it. Section 4 of this SPD deals with how affordable housing is secured through the S106 process.	No amendment in response to this issue.
4 – East Herts Green Party	East Herts Affordable Housing SPD	Object	<p>Essential that the Council holds developers to commitments and doesn't allow viability assessments to be used by developers to escape obligations.</p> <p>Hope that the use of commuted sums or alternative site provision will be minimal.</p> <p>The charge for affordable housing for key workers should be based on individual incomes not the needs of the housing market – BBC evidence shows that towns aren't affordable for key workers. Also important is the dwellings are energy efficient to avoid fuel poverty for those on low incomes.</p>	<p>Noted. Council's approach to viability is set out in section 5 of this SPD.</p> <p>Paragraphs 3.4.2 and 3.5.1 demonstrate that these alternatives are only available in exceptional circumstances.</p> <p>The NPPF defines affordable housing and in order to comply rents are based on local market rents.</p>	No amendment in response to this issue.

5 – D. Desmulie	East Herts Affordable Housing SPD	Object	This document means that there will be fewer houses at affordable rent in East Herts despite need being the greatest. The Council has chosen to opt out of house building and management despite money available to build at social rents. House prices and rents are not affordable in this District to a section of the population particularly those who can't work or are in low paid jobs. New developments are advertised as gated another symbol of a divided society.	The tenure mix has changed due to the updated National Planning Policy Framework, this is explained in section 2 of the SPD. Affordable rent still remains the Council's priority and this is set out in section 3.2.	No amendment in response to this issue.
16 – G. Gaunt	East Herts Affordable Housing SPD	Object	Essential we build more affordable housing and secondary schools but when builders run out of money and they ask to change their plans and are excused. Objects to the Gresley Park development in the District Plan due to traffic and green belt matters.	The aim of the SPD is to provide further information and guidance on the policies in the District Plan that relate to affordable housing in particular – it does not relate to specific sites.	No amendment in response to this issue.
17 – Natural England	East Herts Affordable Housing SPD	Support	No comment – SPD does not relate to the impact on the natural environment.	Noted	No amendment in response to this issue.
18 – C. Jones	East Herts Affordable Housing SPD	Support	Consultation very clear and easy to understand. No further comments to make.	Noted	No amendment in response to this issue.
19 – G. Edkins (Hightown Housing	East Herts Affordable Housing SPD	Support	Draft SPD is thorough, evidence-based and professional. Hightown supports the proposed predominance of rent in the planning obligation mix, choice of shared ownership as preferred form	Support noted and welcomed.	No amendment in response to this issue.

Association)			<p>of home ownership, and also firm stance on commuted sums and on stipulations that restrict abuse of Vacant Building Credit.</p> <p>We regret that EHDC does not require an element of Social Rent as part of the affordable mix like other authorities (Welwyn Hatfield, Watford, Three Rivers)</p>	Social rent forms part of the definition of affordable housing in the SPD and the Council would encourage it where possible.	
22 – G. Edkins (Hightown)	East Herts Affordable Housing SPD	-	<p>Most long-term funds for housing associations come from commercial lenders, who need the assurance that in the (almost unprecedented) event that we go broke, their last resort - having first offered the homes to the LA or other HA's – would be to sell the loan security, in this case the affordable homes. Could the wording at 4.0.2 be amended to give suitable assurance in the S106 exemption clause. Suggest adding the words; <i>“subject to appropriate safeguards for funders after continued use of affordable dwellings in perpetuity.”</i></p>	<p>Issue noted – this section does not set out the specific wording of clauses but only what clauses are likely to be included in the S106 agreement.</p> <p>Specific wording can be agreed through the S106 process.</p>	No amendment in response to this issue.
27 – Hertfordshire County Council Property Planning Team	East Herts Affordable Housing SPD	-	The Property Planning Team on behalf of Hertfordshire County Council as a landowner has no comments to make on this consultation.	Noted	No amendment in response to this issue.
28 – Historic	East Herts	-	No specific comments to make at this stage.	Noted	No amendment in response to this issue.

England	Affordable Housing SPD				
35 - Hertingfordbury Parish Council	East Herts Affordable Housing SPD	Object	<p>1. The imposition of a requirement for perpetual affordability will inevitably impact on development viability. Mention is made of viability assessment in some circumstances and there is also reference to commuted sums under certain conditions. The application of these principles might lead to a loss of diversity in the occupancy status of new developments/housing stock in Hertingfordbury parish.</p> <p>2. Experience in Hertingfordbury parish is that the management of rented affordable houses is at times unsatisfactory and there are ongoing cases of anti-social behaviour on the part of the occupants of rented affordable homes, which has caused great distress to residents and which the property managers have failed to deal with. The proposed policy should include adequate machinery to enable robust action to be taken in those circumstances, which can be enforced on an application to the property managers by the district council upon request from the parish council or by a representative group of residents.</p>	<p>Noted</p> <p>The aim of the Affordable Housing SPD is to aid the effective implementation of the policies within the East Herts District Plan 2018; it cannot set policies of its own.</p>	No amendment in response to this issue.
39 -	East Herts Affordable Housing	-	HCC (excluding property) have no comments to make on your Affordable Housing SPD.	Noted	No amendment in response to this issue.

Hertfordshire County Council	SPD				
44 – East Herts Housing Development and Strategy	East Herts Affordable Housing SPD	-	In addition Housing Development & Strategy would welcome inclusion of information on affordable housing on Rural Exception Sites.	Noted – addition of information on Rural Exception Sites has been included.	Addition of new section that relates to Rural and Entry Level Exception Sites at section 3.8 of the Affordable Housing SPD. Addition of paragraphs 3.8.1 – 3.8.5.
45 – Pigeon Investment Management Ltd	East Herts Affordable Housing SPD	Object	<p>The draft SPD makes no reference to the delivery of affordable housing on Rural Exception Sites or Entry Level Exception Sites. The Council should consider this as such provision reflects the ability to make significant contributions to meet housing need, and a clear steer on planning policy relating to these methods of delivery would be welcomed.</p> <p>The draft SPD makes no reference to the delivery of affordable housing through the ‘Build to Rent’ definition as outlined in the NPPF. The draft SPD should also acknowledge the need for it to be reviewed regularly in order to take account of for example new Government initiatives such as ‘First Homes’. You may wish to consider the benefits of a workshop with Registered Providers and Developers before the SPD is finalised.</p>	<p>Agreed. Section detailing rural and entry level exception sites has now been added to the document.</p> <p>The Council acknowledges all variations of affordable housing as defined by the NPPF but only provides additional information where necessary. Paragraph 1.1.3 notes that flexibility in relation to updates to policy might be needed.</p>	<p>Addition of new section that relates to Rural and Entry Level Exception Sites at section 3.8 of the Affordable Housing SPD. Addition of paragraphs 3.8.1 – 3.8.5.</p> <p>No amendment in response to this issue.</p>
58 – M.	East Herts	-	It is difficult to understand which part necessarily refers to the land in little	The aim of the SPD is to	No amendment in response to this

Vavarides	Affordable Housing SPD		Berkhamstead. Our land is available for just this, the village has not had any upgrade or infrastructure or assessment of needs since 2011, this obviously needs to be addressed to actually show what the village needs are.	provide further information and guidance on the policies in the District Plan that relate to affordable housing in particular – it does not relate to geographical, or site-specific issues.	issue.
61 – K. Farley	East Herts Affordable Housing SPD	Object	It is impossible for many young people and young families in my area (Bishops Stortford, Hertfordshire) to afford local housing prices, even those that are considered suitable for “affordable housing”. They are sold at 80% market value. Working locally on minimum wage leaves people unable to afford to leave our parents houses because we can’t find housing locally that will permit us to move. It would be great if the value were brought down to affordable prices so that those who live and work locally can actually afford to become independent, with locals being given first choice on new housing opportunities rather than those who work/live outside of the area.	Concern is noted, affordability in general is notably problematic in East Herts and many other areas. The aim of this SPD is to assist developers in the delivery of Affordable Housing in East Herts whereas the actual cost is outside of the scope of this SPD.	No amendment in response to this issue.
<b>1. Introduction</b>					
6 – R. Pinkham	1. Introduction	Object	SPD will lead to a reduction in housing at affordable rents when provision of this type should be a priority. Issue with the term affordable; Hertford average house price exceeds £500,000 and rents exceed £1,200 a month. Affordability based on these market	The aim of this SPD is to provide further information and guidance on the policies in the District Plan that relate to affordable housing.  Request for Council to start building social housing is	No amendment in response to this issue.

			figures prices out swathes of the community including key workers and others. Council should start building houses at social rents again.	noted but outside of the scope of this SPD.	
7 – S. McClemont	1.1 What is affordable housing?	Object	Definition of affordable housing is misleading. Reference to government rent policy for social rent and affordable rent sound reasonable although an outline of that policy would be helpful. 20% below market rent is not the same as 'affordable' in reference to a location of an area such as Hertford. Those on lower incomes mean that even part-ownership of a home is just a dream.	Affordability issue is noted. Affordable Housing definition is set by national policy as is the conditions that the definitions need to meet. The Council seeks to cap rents below LHA rates rather than market caps where possible.	No amendment in response to this issue.
11 – S. McClemont	1 Introduction	Support	No comment	Noted	No amendment in response to this issue.
62 – Bishop's Stortford Liberal Democrats	1.1 What is affordable housing	Object	We would like to propose a different definition of Affordable Housing. We propose: - "Affordable Housing is that which is offered for Rent or Mortgage repayment rates which are no higher than 35% of the average gross earnings of the lowest quarter of wage earners in the local District."	The definition of affordable housing is set through national policy in the NPPF.	No amendment in response to this issue.
55 – Ptarmigan Land	Paragraph 1.0.5	Object	SPD does not currently acknowledge Governments First Homes consultation or programme.	First Homes consultation was released following the drafting of this document. Paragraph 1.1.3 is clear that any subsequent updates to policy or legislation will likely supersede what is in this document. As the First	No amendment in response to this issue.

				Homes initiative is only at the consultation stage, including reference to it in the SPD is difficult without any certainty.	
56 – Pioneer Property Services Ltd.	1 Introduction	Object	<p>District Plan policies do not specify housing tenure or size/type mix proportions or targets. Therefore paragraph 1.2.2 should be amended as follows:</p> <p><i>“The level of affordable housing required on development sites is set out in planning policies, namely within the East Herts District Plan 2018 and the NPPF (details on this are explained in Section 2). This also includes the type, size and tenure of affordable housing that is expected to be delivered as part of an open market development.”</i></p>	Potential confusion in paragraph 1.2.2 noted – amendments made to avoid combining policy reference and type, size and tenure etc.	<p>Following amendment made to paragraph 1.2.2:</p> <p><del>This</del> <i>The East Herts District Plan also includes further details on the type, size and tenure of affordable housing that is expected to be delivered as part of an open market development.</i></p>
56 – Pioneer Property Services Ltd.	1 Introduction	Object	<p>Para 1.2.3 should be amended to refer to provision via Entry Level Exception Sites in line with paragraph 71 of the NPPF:</p> <p><i>“In some exceptional circumstances there are other routes and mechanisms to enable the delivery of affordable housing, either including through off-site provision or through <u>and entry level and rural exception schemes.</u>”</i></p>	Agreed.	<p>Following amendment made to paragraph 1.2.3:</p> <p><i>In some exceptional circumstances there are other routes and mechanisms to enable the delivery of affordable housing, either through off-site provision or through <b>entry-level and rural</b> exception schemes.</i></p>

2. The Affordable Housing Requirement					
8 – S. McClemont	2 The Affordable Housing Requirement	Object	Proportion of affordable housing given does not actually require any to be built. It expects 'up to' either 35% or 40% which is a cap not a requirement. This 'expectation' is not robust enough to deliver our needs. No indication within this policy as to how continuing affordability for subsequent owners of discounted affordable homes or shared ownership housing will be secured. If this has the effect of preventing owners in either category from taking advantage of profit accruing from rising prices of homes, how will this enable them to progress up the property ladder?	These thresholds are set out in the District Plan. The SPD cannot introduce new policy.	No amendment in response to this issue.
40 – East Herts Housing Development and Strategy	2 The Affordable Housing Requirement	-	District Plan Policy HOU3 states that affordable housing be sought on sites proposing 10 or fewer gross additional dwellings, where the dwellings would have a combined gross floor space greater than 1,000 square metres. Housing Development & Strategy request that further clarity is provided on the affordable housing provision on sites proposing 10 dwellings where the floor area is greater than 1,000 square metres. The NPPF provides for a lower threshold to be set in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Housing Development & Strategy request further clarity in	Where 10 or fewer dwellings have a gross floorspace of greater than 1,000 square meters, the site would still have to be 0.5 hectares or greater to constitute a major development – and therefore seek an affordable housing contribution.  Paragraphs 2.0.2 and amended 2.0.3 should clarify this.	No amendment in response to this issue.

			regard of affordable housing provision in designated rural areas on sites proposing 10 or fewer dwellings where the floor area is greater than 1,000 square metres.		
46 – Pigeon Investment Management Ltd	2 The Affordable Housing Requirement	Object	<p>2.0.1 The requirement for up to 35% or 40% affordable housing is a policy requirement (Policy HOU3) in the adopted District Plan. However, the EHDC Plan Viability, Affordable Housing and CIL Study (PBA, September 2015) was prepared at a time when infrastructure costs were not fully known for sites that were tested. This needs to be acknowledged within the SPD with flexibility provided to ensure that affordable housing delivery is not hindered.</p> <p>2.0.3. The Council note it is ‘unlikely’ that they will seek affordable housing contributions on sites that are not classed as major developments. It would be helpful to remove this ambiguity and be clearer saying that in light of the NPPF (paragraph 64) they won’t be sought.</p>	<p>Section 5 of this SPD deals with the Council’s approach to viability.</p> <p>Sentence reworded to avoid any ambiguity.</p>	<p>No amendment in response to this issue.</p> <p>Following amendment made to paragraph 2.0.3: <i>Therefore <del>it is unlikely that</del> the Council will <b>not</b> seek affordable housing contributions on sites with less than 10 dwellings unless the site is 0.5 hectares or more, or national policy is changed following the publication of this SPD.</i></p>
46 – Pigeon Investment Management Ltd	2 The Affordable Housing Requirement	Object	2.0.6. The draft SPD notes that on sites delivering in excess of a policy compliant provision of affordable housing, the Council will ensure that the 35/40% affordable housing requirement is secured (we assume through a S106 agreement) in perpetuity. On a wholly affordable site	Viability is dealt with in Section 5 of this SPD and the Council recognises that some sites may have abnormal costs associated with the development.	No amendment in response to this issue.

			<p>this would have the effect of ensuring grant funding was not available on 40% of the homes, running a very serious risk of the entire scheme not being viable. We suggest this is contrary to the council's intent and would advise the Council reviews this approach and amends the SPD accordingly.</p>		
<p>46 – Pigeon Investment Management Ltd</p>	<p>2 The Affordable Housing Requirement</p>		<p>2.0.6 &amp; 2.0.8. Requirements for affordable housing to be available in perpetuity must be subject to an appropriately worded Mortgagee in Possession (MiP) clauses acceptable to the RP's main funders. We would suggest that model clauses are agreed with Registered Providers to avoid often lengthy delays while Deeds of Variation are agreed and implemented, as by default has been the practice elsewhere where this issue isn't addressed at the policy level. Notwithstanding this, the Council should not seek to inappropriately secure affordable housing in perpetuity. The monitoring and enforceability of subsidy recycling, to deliver alternative affordable housing provision within the district, has in practice proven very difficult to monitor and enforce in other districts.</p>	<p>Noted.</p>	<p>No amendment in response to this issue.</p>
<p>59 – Bengoe Neighbourhood Plan</p>	<p>2 The Affordable Housing Requirement</p>	<p>Object</p>	<p>We note that paragraph 2.0.3 of the SPD states that, following revisions to the National Planning Policy</p>	<p>Noted. Current policy wording is however superseded by the more</p>	<p>No amendment in response to this issue.</p>

Community Steering Group			<p>Framework in July 2018 and February 2019, it is unlikely that EHDC will seek affordable housing contributions on sites with less than 10 dwellings, unless the site is 0.5 hectares or more (or national policy is changed). We regard this national policy change as regrettable. In the Neighbourhood Plan Area, small sites may come forward for development in the period up to 2033. We would support retention of the current policy wording in HOU3: Affordable Housing. We support the principles outlined in paragraphs 2.0.6 and 2.0.8 in the SPD</p>	<p>recent policy in the National Planning Policy Framework.</p> <p>Support noted and welcomed.</p>	
56 – Pioneer Property Services Ltd.	2 The Affordable Housing Requirement	Object	<p>Paragraph 2.0.3 acknowledges para 63 of the NPPF but wording should be amended for clarity. NPPF allows for lower 5-unit threshold in DRA but SPD makes no reference to this and needs to be specified in Policy wording.</p> <p><i>“Therefore it is unlikely that the Council will <u>not</u> seek affordable housing contributions on sites with less than 10 dwellings unless the site is 0.5 hectares or more, or national policy is changed following the publication of this SPD.”</i></p> <p>Paragraph 2.0.6 suggests that subsidy recycling will not be imposed on affordable housing in excess of 35%/40%. 2.0.6 and 2.0.8 Should also be amended to reflect NPPF as below:</p>	<p>Wording amendments to paragraph 2.0.3 agreed.</p> <p>The Council seeks to be consistent in its approach by firstly securing the policy level of affordable housing and applying criteria normally negotiated by the Council.</p>	<p>Following amendment made to paragraph 2.0.3:</p> <p><i>Therefore <del>it is unlikely that</del> the Council will <b>not</b> seek affordable housing contributions on sites with less than 10 dwellings unless the site is 0.5 hectares or more, or national policy is changed following the publication of this SPD.</i></p> <p>No amendment in response to this issue.</p>

		<p><i>“On a site with significantly more affordable housing than required by Policy HOU3, the Council will ensure that the policy compliant level of affordable housing of 35% or 40% will be secured as affordable <u>housing in accordance with the NPPF definition of affordable housing. This includes in terms of when homes will be required to be either retained for first and subsequent occupiers of those homes, or <del>and that there are</del> be subject to provisions for recycling subsidy recycling should the property no longer be an affordable unit. Affordable housing provided under the NPPF definition of ‘other affordable routes to home ownership’ will only be subject to such restrictions where public grant funding has been provided. Starter homes provided under the current NPPF and Statutory definition are not subject to perpetuity or recycling restrictions.”</u></i></p> <p><i>“Inclusion of affordable housing on a development as Affordable housing for Rent should <del>also</del> include provisions for:</i></p> <ol style="list-style-type: none"> <li><i>1. housing to either remain at an affordable price for future eligible households and/ or;</i></li> <li><i>2. any recycled grants to be spent on the provision of affordable housing within East Herts.</i></li> </ol> <p><i><u>Inclusion of affordable housing on a development as Discounted market sales</u></i></p>	<p>Affordable housing beyond the policy level will be flexibly applied and considered in line with the NPPF and site-specific circumstances.</p> <p>As noted throughout the SPD – the Council is cognisant of the requirements in the NPPF as well as site specific issues - and so it is important that the SPD has sufficient flexibility to address specific issues rather than prescriptive guidance that could become out-of-date in a short period of time.</p>	
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			<p><u>housing for should include provisions for:</u></p> <p><u>1. housing to remain at an affordable price for future eligible households"</u></p>		
57 – St William Homes LLP	Paragraph 2.0.4	Object	When the Council is assessing sites providing specialist care/extra-care (that falls in use class C3) they should be mindful of the viability of the scheme. Therefore, this and subsequent paragraphs should reflect this that if applicants wish to justify reduced provision they can do so through supporting evidence.	This paragraph represents the most up-to-date position and section 5 of the SPD covers viability.	No amendment in response to this issue.
<b>3. Planning Application Stage</b>					
2 – Sworders	3.2 Housing Mix, Type and Tenure	Object	Welcome site by site basis to tenure mix negotiation. SHMA pre-dates 2019 NPPF and recommends affordable rent and intermediate affordable housing tenures that were supported at the time but no reference to Starter Homes or Discounted Market Sales Housing. Housing requirement set out in table 14.2 and Council's preferred tenure of shared ownership not fully aligned with current and emerging housing policy. It is suggested that there should be greater flexibility in considering alternative home ownership tenures.	Regarding housing, mix and type paragraphs 3.2.1 and 3.2.2 of the SPD are clear that the type and size of affordable units sought will accord with the most up-to-date evidence on housing need. The Council considers that this sentence is consistent with national policy – the paragraph only highlights the Council's preference of Shared Ownership and that an applicant should submit evidence demonstrating why another product might be more appropriate.	No amendment in response to this issue.

			<p>Regard should also be had to emerging First Homes initiative. SPD does not appear sufficiently flexible to this.</p> <p>Draft SPD seeks to limit home ownership tenures to a maximum of 10% in line with SHMA and is not consistent with paragraph 64 of the NPPF which requires at least 10%.</p>	<p>This does not present a restrictive measure or add to the financial burden of development.</p> <p>First Homes initiative is only at the consultation stage and so whilst it would be desirable to address it, the Council would be unable to do so with any certainty.</p> <p>This section of the SPD is clear that mix, type and tenure should accord with the most up-to-date evidence on housing need, and paragraph 3.2.5 is clear that a further uplift from 10% is acceptable if evidenced.</p>	
47 – Pigeon Investment Management Ltd.	3.1 Pre-Application Advice	-	<p>Securing pre-application advice on affordable housing, a key component of any scheme, is wise. However, we would recommend caution about the necessity to engage with specific Registered Providers (RP's) at such an early stage, particularly for outline applications. RP's are more likely to engage when there is certainty surrounding a scheme. In addition, there also needs to be flexibility with the housing mix and location allowing for circumstances to evolve between</p>	<p>This section does not provide an exhaustive list of requirements for the pre-application stage but instead issues that would ideally be addressed. The need to be flexible is noted and sufficiently provided for in this section.</p>	<p>No amendment in response to this issue.</p>

			the pre-application stage and delivery, particularly problematic on larger strategic schemes and schemes that are submitted as outline applications.		
57 – St William Homes LLP	3.1 Pre-Application Advice	Object	Concern that paragraphs 3.1.3 to 3.1.4 ask for details which aren't feasible and are premature at the pre-app stage. The SPD should note that these details should be expected where possible/relevant at pre-app.	SPD already provides enough flexibility to recognise that these are details that would be provided where possible. Applicants are encouraged, not required, to provide this level of detail.	No amendment in response to this issue.
12 – Countryside Properties	3.2 Housing Mix, Type and Tenure	Object	Countryside object to detailed provision in paragraph 3.2.6 that the Council's preferred tenure is shared ownership and that it is for the applicant to justify an alternative. To be consistent with national policy the paragraph should be amended to:  <i>"The Council's current preferred intermediate tenure is shared ownership. However, recognising the other affordable home ownership tenures defined in the NPPF, the Council will accept a proportion of alternative intermediate housing products as part of the overall affordable housing offer on a site. This proportion will be discussed and agreed on a site-by-site basis."</i>	The Council considers that this sentence is consistent with national policy – the paragraph only highlights the Council's preference of Shared Ownership and that an applicant should submit evidence demonstrating why another product might be more appropriate.  This does not present a restrictive measure or add to the financial burden on development.	No amendment in response to this issue.
53 – Briggens Estate (Savills)	3.2 Housing Mix, Type and Tenure	-	Support paragraphs 3.2.1 – 3.2.2 referring to assessing proposals on a site by site basis using the most up-to-date information. Notes that evidence may supersede most recent SHMA	Support noted and welcomed.	No amendment in response to this issue.

			<p>and scheme deliverability should be a consideration.</p> <p>Restriction on the uplift of shared ownership at paragraph 3.2.5 should be removed. Proposed re-wording:</p> <p><i>"3.2.5 <del>The Council will therefore accept an uplift in affordable home ownership tenures to accommodate the change in the NPPF up to the level of 25% of the affordable proportion.</del> Regarding the overall mix, it is up to the applicant to provide sufficient evidence to demonstrate why any <del>further</del> deviation from the <b>most up to date</b> SHMA is appropriate for a specific site <b>reflective of identified affordable housing needs and demands within a local area (and the district) and scheme deliverability.</b>"</i></p> <p>Also recommends that where the NPPF and SHMA are referred to, the date is included for clarity.</p>	<p>This section of the SPD is clear that mix, type and tenure should accord with the most up-to-date evidence on housing need, and in particular paragraphs 3.2.4 and 3.2.5 are clear that a further uplift from 25% is acceptable if evidenced.</p> <p>The SHMA and NPPF could be updated and as such the SPD will relate to the latest versions of both rather than being out-of-date.</p>	
54 – Places for People	3.2 Housing Mix, Type and Tenure	-	<p>SPD should emphasise flexibility particularly for major housing sites such as the Gilston Area. Scale of projects necessitates an approach to consider specific local needs and keyworkers crucial to create a</p>	<p>Regarding housing, mix and type paragraphs 3.2.1 and 3.2.2 of the SPD are clear that the type and size of affordable units sought will accord with the most up-to-</p>	<p>Following amendment made to paragraph 3.2.11:</p> <p><i>In the main, rural areas in the East Herts district are largely within Designated Protected Areas. Where development is in a Designated</i></p>

			<p>sustainable housing market as households form, grow and age. SPD should acknowledge that the SHMA is narrow and standardised and should provide support for alternatives where they are justified.</p> <p>The relationship between Designated Protection Areas and major housing delivery sites should be clarified. With particular regards to Shared Ownership and restricted staircasing up to 80% which is less appropriate for a major new settlement.</p>	<p>date evidence on housing need.</p> <p>The relationship between DPA's and large strategic sites is recognised by national government. To clarify an additional sentence has been added to paragraph 3.2.11</p>	<p><i>Protected Area, staircasing on shared ownership properties is restricted to 80% to retain the affordable element of the properties in perpetuity. It is noted that in East Herts, allocated sites within Designated Protected Area's would also be subject to this staircasing restriction. Where the retention of stock may not be such an issue to some sites, the applicant should discuss the application of Designated Protected Area's with the Council at the earliest possible stage.</i></p>
48 – Pigeon Investment Management Ltd.	3.2 Housing Mix, Type and Tenure	Object	<p>3.2.3./3.2.5: The SPD proposes, in light of paragraph 64 of the NPPF, that 75% of affordable housing to be for affordable rent and only 25% for intermediate tenures. This is welcomed but there remains a need for the Council to be flexible and consider each scheme on its individual merits. The SPD should acknowledge this and be amended accordingly so as to aid in the delivery of affordable housing.</p>	<p>This section of the SPD is clear that mix, type and tenure should accord with the most up-to-date evidence on housing need, and in particular paragraphs 3.2.5 is clear that a further uplift from 25% is acceptable if evidenced.</p>	<p>No amendment in response to this issue.</p>
48 – Pigeon Investment Management Ltd.	3.2 Housing Mix, Type and Tenure	-	<p>3.2.6: We believe the full range of affordable housing tenures should be readily available, as defined in the NPPF, and see no justification for restricting this. The Council's approach to affordable housing tenures should be clear and robust. Furthermore, the</p>	<p>The Council is not restricting housing tenures but stating a preference in order to assist developers.</p>	<p>No amendment in response to this issue.</p>

			NPPF (published in February 2019) is more up to date than the SHMA and should therefore take precedence in respect of the full range of affordable housing products.		
48 – Pigeon Investment Management Ltd.	3.2 Housing Mix, Type and Tenure	Object	3.2.8/3.2.9: The Council is seeking to add to the definition of Affordable Rents by including reference to Local Housing Allowance rates (or their equivalent). We do not support this, as RP's could find future rent levels inappropriately controlled, (through future welfare reform etc which may not be designed to control affordable housing in itself). This places undue risk on associations which can only be mitigated by them offering lower prices than the market would dictate, again harming scheme viability. Broad Rental Market Areas cover large geographical areas and are often too imprecise and can lead to large anomalies in comparison to the definition of Affordable Rents relating to the Market Rent.	Amendment has been made to the text to note that this is a position the Council will seek to negotiate but not require.	Following amendment to paragraph 3.2.8:  <i>Where affordable rented housing is proposed the Council will <del>require</del> seek to negotiate that rents, including service charges, are below or capped at the Local Housing Allowance rate (LHA) (or its equivalent).</i>
48 – Pigeon Investment Management Ltd.	3.2 Housing Mix, Type and Tenure	-	3.2.11: This paragraph deals with restrictions on staircasing of up to 100% for Shared Ownership homes on sites within a 'Designated Protected Area'. It refers to guidance which is intended to avoid affordable homes in rural areas staircasing to 100% and being lost to the affordable housing stock. However, where a site is located	The relationship between DPA's and large strategic sites is recognised by national government. To clarify an additional sentence has been added to paragraph 3.2.11	Following amendment made to paragraph 3.2.11:  <i>In the main, rural areas in the East Herts district are largely within Designated Protected Areas. Where development is in a Designated Protected Area, staircasing on shared ownership properties is restricted to 80% to retain the affordable element of</i>

			on the edge of an urban area but 'caught' by this policy, by virtue of falling within a rural parish, the application of such a policy would be both unfair on purchasers and RP's. Such restrictions severely limit the number of mortgage providers and rates on offer and therefore demand from buyers. Such restrictions therefore restrict the level of RP interest and in turn inhibit the delivery of affordable housing. Therefore, in particular, East of Stevenage (Policy EOS1) should be excluded from the 100% staircasing restrictions for this reason.		<i>the properties in perpetuity. It is noted that in East Herts, allocated sites within Designated Protected Area's would also be subject to this staircasing restriction. Where the retention of stock may not be such an issue to some sites, the applicant should discuss the application of Designated Protected Area's with the Council at the earliest possible stage.</i>
57 – St William Homes LLP	3.2 Housing Mix, Type and Tenure	Object	<p>Paragraphs 3.2.4 and 3.2.5 should recognise that affordable housing provision is subject to viability and should be assessed on a case-by-case basis.</p> <p>Inclusion of maximum requirement (25%) for affordable home ownership introduces a new control which an SPD cannot do. 3.2.5 should remove reference to this.</p>	<p>Unnecessary to constantly refer to viability throughout the document. Viability is covered in Section 5.</p> <p>Paragraph 3.2.5 of the SPD does not seek to impose a maximum requirement but is clear that a further uplift from 25% is acceptable if evidenced.</p>	No amendment in response to this issue.
57 – St William Homes LLP	3.2 Housing Mix, Type and Tenure	Object	Paragraphs 3.2.8 and 3.2.9 suggest that affordable rented housing will be required to be below or capped at Local Housing Allowance rate (including service charge and rents) and for it to be a flat rate allowance	Amendment has been made to the text to note that this is a position the Council will seek to negotiate but not require.	<p>Following amendment to paragraph 3.2.8:</p> <p>Where affordable rented housing is proposed the Council will <del>require</del> <b>seek to negotiate</b> that rents, including service charges, are below or capped</p>

			based on household size in the 3 areas. There is no basis for this in the Local Plan. Paragraph should be amended to note that LHA should be a starting position but service charge is negotiated on a case-by-case basis.		at the Local Housing Allowance rate (LHA) (or its equivalent).
57 – St William Homes LLP	3.2 Housing Mix, Type and Tenure	Object	St William consider initial share of 25% and 75% for shared ownership is overly prescriptive. Less-prescriptive wording should be considered using 'subject to site specific circumstances'.	25%-75% reflects current government advice.	No amendment in response to this issue.
14 – Countryside Properties	3.3 Design and Layout	Object	<p>Current wording of 3.3.3 lacks flexibility and doesn't consider schemes for 100% affordable housing. As such paragraph should be amended to:</p> <p><i>“To achieve mixed, inclusive and sustainable communities and to supplement the supporting text in paragraphs 14.4.16 and 14.4.17 of the District Plan, affordable housing (with the exception of 100% affordable housing schemes and rural exception sites) should: -</i></p> <ul style="list-style-type: none"> <li>• <i>on all sites be distributed across the site rather than provided in one single parcel; and</i></li> <li>• <i>on sites incorporating 30 or more residential units, seek to be provided in groups of no more than 15% of the total number of units or 25 affordable units, whichever is the lesser, unless site-specific constraints or management</i></li> </ul>	<p>Paragraph 3.3.3 reflects policy HOU3 part V. which requires affordable housing units to be integrated into the development by being tenure blind and pepper-potted across the site in clusters appropriate to the size of the site. The aim of an SPD is to aid the implementation of Local Plan policies and in this case it details the Council's expectations regarding clustering to assist developers. There is sufficient flexibility within the policy to allow for alternatives should the size or scale of the site require a different approach.</p> <p>Amendments made to make reference to 100% affordable housing schemes.</p>	<p>Following amendment to paragraph 3.3.3:</p> <p>To achieve mixed, inclusive and sustainable communities and to supplement the supporting text in paragraphs 14.4.16 and 14.4.17 of the District Plan, affordable housing (with the exception of 100% affordable housing schemes such as rural exception sites) should;</p>

			<i>considerations make this undesirable."</i>		
57 – St William Homes LLP	3.3 Design and Layout	Object	<p>3.3.1 is overly prescriptive and should be amended as follows:</p> <p>"As with all forms of residential accommodation, the Council expects affordable housing to be built to a high standard of design and amenity, using appropriate design methods which are suitable to the size and scale of the development. All dwellings should be tenure blind".</p> <p>Like-for-like provision of car parking should be deleted as it will be informed by registered providers requirements.</p>	Paragraph 3.3.1 reflects policy HOU3 part V. which requires affordable housing units to be integrated into the development by being tenure blind and pepper-potted across the site in clusters appropriate to the size of the site. The aim of an SPD is to aid the implementation of Local Plan policies and in this case it details the Council's expectations regarding clustering to assist developers. There is sufficient flexibility within the policy to allow for alternatives should the size or scale of the site require a different approach.	No amendment in response to this issue.
57 – St William Homes LLP	3.3 Design and Layout	Object	Paragraph 3.3.5 should be deleted as covered more clearly in the Local Plan.	Paragraph necessary for understanding of previous and subsequent paragraphs.	No amendment in response to this issue.
57 – St William Homes LLP	3.3 Design and Layout	Object	<p>Paragraph 3.3.6 should be amended to reflect the PPG and note that wheelchair accessible homes (M4(3)) are considered on a case by case basis, subject to viability. Suggested amendment:</p> <p><i>"The most recent assessment of need for wheelchair user dwellings will inform negotiations. The SHMA identifies a need for 15% of affordable housing to meet</i></p>	Paragraph 3.3.6 notes that the most recent assessment of need will inform negotiations relating to M4(3) homes and as such is considered to provide sufficient flexibility. Section 5 deals with site viability as a consideration.	No amendment in response to this issue.

			<i>wheelchair user requirements alongside the 10% of market housing. <u>The provision of M4(3) housing will be considered on a site-by-site basis and will be provided where a specific need has been identified.</u></i>		
57 – St William Homes LLP	3.3 Design and Layout	Object	<p>Local Plan does not specify in policy that dwellings should be designed to meet the requirements in the Nationally Described Space Standards and as such any reference to this should be removed. SPD should make reference to Building Regulations M4(2) and M4(3). Suggested amendment:</p> <p><i>“The Council will negotiate size, layout and design on a site by site basis but it should be noted that DES4 in the District Plan requires all new residential development to deliver internal rooms that are of an appropriate size and dimensions and comply with <del>As the Council does not have any local space standards, developers could look to the Nationally Described Space Standards for guidance as to what might be considered a satisfactory size and dimension.</del> <u>Building Regulations M4 (2). Where the Council has secured a wheelchair adaptable and accessible dwelling within a S106 agreement the dwelling must also comply with Building Regulations M4(3)</u>”</i></p>	<p>National Described Space Standards are referred to for guidance and advice, not as a requirement. This is clearly set out in paragraph 3.3.8.</p> <p>The Council considers that it has satisfactorily covered building regulation M4(2) and M4(3) in the preceding paragraphs.</p>	No amendment in response to this issue.

15 – Countryside Properties	3.3 Design and Layout	Support	Countryside supports the revised approach in paragraph 3.3.8 which suggests developers look to the Nationally Described Space Standards for guidance and provides greater flexibility and no longer conflicts with the PPG and Town and Country Planning Regulations 2012.	Support noted and welcomed.	No amendment in response to this issue.
20 – G. Edkins	3.1 Pre-Application Advice	-	3.1.3. asks, if possible, for proposals on wheelchair housing at pre-app stage – two to three years prior to handover – and 3.3.6 indicates a SHMA-derived target of 15% at full wheelchair standard. This is more a comment, but experience tells us that this is too much, and too soon. So that money is not wasted on speculative adaptations, proper design of wheelchair affordable units should be later and bespoke – i.e reflecting specific disabilities of actual applicants on the register. Wording that promoted more bespoke approach would be welcome.	Comment noted. Paragraph 3.3.5 notes that the Council will negotiate the proportion of wheelchair adaptable/accessible dwellings on a site-by-site basis.	No amendment in response to this issue.
21 – G. Edkins (Hightown)	3.3 Design and Layout	Support	Hightown support the tenure blind approach to design of buildings and parking. Frustrating approach to affordable houses with small garden sizes and over-prominent parking i.e. estate layout issues. We suggest that ‘estate layout principles’ are inserted into the second sentence at 3.3.1.	Support noted and welcomed. Estate layout principles are difficult to incorporate as not defined in policy or guidance currently.	No amendment in response to this issue.

55 – Ptarmigan Land	3.2.1	-	<p>Ptarmigan is supportive of the objective of paragraph 3.2.1 but questions the high proportion of affordable housing for rent. The SPD seeks to allow an uplift of affordable home ownership up to a maximum of 25%. This means the SPD limits affordable home ownership to a maximum of 10% of the overall homes delivered within an allocation and is therefore not consistent with Government policy.</p> <p>Relying on the SHMA to evidence the tenure of affordable housing is flawed as it does not anticipate changes to the NPPF and PPG or take into consideration update legislation, nor does it allow for flexibility should changes occur. Approach is too prescriptive and not reflective of the approach taken nationally or locally.</p>	Paragraph 3.2.5 of the SPD does not seek to impose a maximum requirement but is clear that a further uplift from 25% is acceptable if evidenced.	No amendment in response to this issue.
55 – Ptarmigan Land	3.3 Design and Layout	Object	There needs to be a flexibility in the design approach so as not to overly proscribe the design process – paragraph 3.3.3 is very prescriptive by setting limits on the number of affordable units that can be grouped together. If all new homes are indistinguishable then there is no rationale for this, and it creates management problems logistically.	Paragraph 3.3.3 reflects policy HOU3 part V. which requires affordable housing units to be integrated into the development by being tenure blind and pepper-potted across the site in clusters appropriate to the size of the site. The aim of an SPD is to aid the implementation of Local Plan policies and in this case it details the Council's expectations regarding	No amendment in response to this issue.

			<p>Question the practicality of minimum household sizes per unit as set out in paragraph 3.3.10. Larger than average dwellings in comparison to the open market result in a higher affordable land take and therefore greater levy.</p>	<p>clustering to assist developers. There is sufficient flexibility within the policy to allow for alternatives should the size or scale of the site require a different approach</p> <p>Again, flexibility has been applied as paragraph 3.3.10 notes that 'where possible' this criteria should be followed.</p>	
55 – Ptarmigan Land	3.2.6	-	<p>Paragraph 3.2.6 states that the preferred intermediate tenure is shared ownership but the paragraph suggests that shared ownership is default and that evidence is needed to justify any alternative intermediate tenure. Therefore it is considered that this paragraph is likely to become quickly out-of-date.</p>	<p>The paragraph only highlights the Council's preference of Shared Ownership and that an applicant should submit evidence demonstrating why another product might be more appropriate.</p> <p>This does not present a restrictive measure or add to the financial burden of development.</p>	No amendment in response to this issue.
36 – Clyde Millard	3.3 Design and Layout	Support	<p>3.3.1 We support the council's expectation that affordable housing is to be integrated and of as high a standard of design and amenity as the market housing on any development.</p>	<p>Support noted and welcomed</p>	No amendment in response to this issue.
49 – Pigeon Development Ltd.	3.3 Design and Layout	Object	<p>3.3.3. We consider that the requirement for clusters of affordable homes to be limited to the lesser of 15% of the total number of homes or 25 affordable homes on larger sites is</p>	<p>Paragraph 3.3.3 reflects policy HOU3 part V. which requires affordable housing units to be integrated into the</p>	No amendment in response to this issue.

			<p>overly prescriptive on sites at the bottom end of the range. These proposals will add to expense in both ongoing management and maintenance and construction. The application of such fixed parameters may also unduly impact on the design of a scheme. However, there still must be flexibility in how this policy is applied. An affordable housing requirement of 40% is a relatively high proportion of any scheme and therefore the policy should allow for clusters to be located adjacent to one another where separate access arrangements are provided, in order to be practical. It should also be acknowledged that if the design approach for a scheme includes apartments then it is not necessarily practical to artificially split an apartment building to achieve cluster sizes of no more than 25.</p>	<p>development by being tenure blind and pepper-potted across the site in clusters appropriate to the size of the site. The aim of an SPD is to aid the implementation of Local Plan policies and in this case it details the Council's expectations regarding clustering to assist developers. There is sufficient flexibility within the policy to allow for alternatives should the size or scale of the site require a different approach</p>	
49 – Pigeon Development Ltd.	3.3 Design and Layout	-	<p>3.3.6.The draft SPD notes that up to 15% of affordable homes should be constructed to wheelchair adaptable/accessible standards. Such homes come at an additional construction cost of between £5/10,000 despite no increased revenue being generated by the purchase price from RP's. The SPD should therefore require the Council to identify particular needs of wheelchair users, rather than apply a blanket approach.</p>	<p>Paragraph 3.3.6 notes that the most recent assessment of need will inform negotiations relating to M4(3) homes and as such is considered to provide sufficient flexibility. Section 5 deals with site viability as a consideration.</p>	<p>No amendment in response to this issue.</p>

49 – Pigeon Development Ltd.	3.3 Design and Layout	Support	3.3.8. We welcome the more flexible and pragmatic approach to ensuring appropriately sized rooms than in earlier drafts of the SPD.	Support noted and welcomed.	No amendment in response to this issue.
30 – Harlow District Council	3.2 Housing Mix, Type and Tenure	-	Para 3.2.1 – The villages of Eastwick, Gilston and Hunsdon identified in the “Designated Protected Area” are either within the Harlow and Gilston Garden Town boundary or on its periphery. Their inclusion compromises the equity of opportunity and delivery of shared ownership which would be enjoyed in the Garden Town Area as a whole. Those villages should be named and excluded from the 80% staircase ceiling in paragraph 3.2.11.	The relationship between DPA’s and large strategic sites is recognised by national government. To clarify an additional sentence has been added to paragraph 3.2.11	Following amendment made to paragraph 3.2.11: <i>In the main, rural areas in the East Herts district are largely within Designated Protected Areas. Where development is in a Designated Protected Area, staircasing on shared ownership properties is restricted to 80% to retain the affordable element of the properties in perpetuity. It is noted that in East Herts, allocated sites within Designated Protected Area’s would also be subject to this staircasing restriction. Where the retention of stock may not be such an issue to some sites, the applicant should discuss the application of Designated Protected Area’s with the Council at the earliest possible stage.</i>
41 – East Herts Housing Development and Strategy	3.1 Pre-Application Advice	-	Particularly useful to the Housing Development & Strategy team in pre-application discussion is further information regarding the size of affordable housing. We welcome the inclusion of; Measurements in square metres; Number of bedrooms.	Noted – amendments made.	Amendments made to paragraph 3.1.3, bullet point 1: <ul style="list-style-type: none"><li>- <i>the intended quantum, type and tenure, size (in squared meters, and the number of bedrooms) and number of persons per unit; and</i></li></ul>
56 – Pioneer Property Services Ltd.	3.1 Pre-Application Advice	Object	No Plan policy to underpin a preference for number of persons per unit and should not be imposed	The SPD does not impose a requirement but notes here that if possible, at pre-application stage any details	No amendment in response to this issue.

		<p>through an SPD.</p> <p>Pioneer states that the SHMA 2015 does not provide the local evidence necessary to justify a locally specific policy on M4(3) needs as required in the PPG and NPPF. It is the responsibility of the Council not the applicant to demonstrate the specific proportion of such units on a site to meet specific needs. As such para 3.1.3 should be amended as;</p> <p><i>“An Affordable Housing Statement (i.e. the proposed approach to meeting the affordable housing requirement and the housing mix) should be submitted with any pre-application materials to enable pre-application consideration and discussion. If possible, it should <u>following negotiation</u> include the following:</i></p> <ul style="list-style-type: none"> <li>- <i>the intended quantum, type and tenure, <del>and size and number of persons per of units;</del> and</i></li> <li>- <i><del>the</del> a proportion of affordable housing to meet M4(3): Category 3 Wheelchair User Dwelling standards and the units specifically identified <u>where provision is appropriate (the Council having demonstrated specifically evidenced local housing needs) practically achievable and subject to viability.”</u></i></li> </ul>	<p>on the number of people per unit helps all parties move forward with greater clarity.</p> <p>East Herts has a demonstrated need as set out by policy HOU7 in the District Plan. Policy HOU7 part II. also notes that only where circumstances exist where it can be demonstrated by the applicant that it is not practically achievable or financially viable to delivery this policy, will new development be exempt from the requirement.</p> <p>It should also be noted that paragraph 3.3.5 of this SPD clearly states that the Council will negotiate the proportion of wheelchair adaptable/accessible dwellings on a site-by-site basis.</p>	
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			<p>Paragraph 3.1.4 does not acknowledge that certain affordable products will be provided without a registered provider – the wording should be amended to reflect this:</p> <p><i>“identify/involve the (potential) Registered Provider/s (where applicable) and consider the arrangements for the provision of affordable housing prior to the submission of a planning application; and”</i></p>	<p>Paragraph already contains the word ‘potential’ noting that this is pre-application stage and the registered provider may either not be identified, or a registered provider does not need to be involved.</p>	
56 – Pioneer Property Services Ltd.	3.2 Housing Mix, Type and Tenure	Object	<p>Pioneer recommend a number of changes to paragraphs in this section due to Council’s SHMA pre-dating the NPPF definition of affordable housing and therefore the SHMA evidence not considering this in terms of its affordable split. Amendments as suggested:</p> <p>Paragraph 3.2.3; <i>“The most recent SHMA identifies a requirement that 84% of new affordable housing provision should be for affordable rent with the remaining 16% being for intermediate affordable housing tenures as summarised by table 14.2 in the East Herts District Plan and below. <u>However, this does not reflect the full extent of the need for affordable housing for sale taking into account the current NPPF affordable housing definition which is clarified within national planning policy guidance to include households able to</u></i></p>	<p>This section of the SPD is clear that mix, type and tenure should accord with the most up-to-date evidence on housing need and will be negotiated on a site-by-site basis (see paragraphs 3.2.1 and 3.2.2 of the SPD).</p>	<p>No amendment in response to this issue.</p>

			<i>afford to rent privately but unable to afford to buy despite aspiring to do so. Reductions in owner occupation compared to past trends - seeing households who would otherwise have purchased moving into the private rented sector instead - suggest that a 60% Affordable Rent and 40% Affordable Housing for Sale is more likely to be appropriate under the current NPPF affordable housing definition."</i>		
56 – Pioneer Property Services Ltd.	3.2 Housing Mix, Type and Tenure	Object	Amendments as suggested: Paragraph 3.2.5: " <i>Having regard to paragraph 64 of the NPPF and the impact of the widened affordable housing definition the Council will therefore accept an uplift in affordable home ownership tenures above the SHMA proportion to accommodate the change in the NPPF up to the level of 2540% of the affordable proportion. Regarding the overall mix, it is up to the applicant to provide sufficient evidence to demonstrate why any further significant deviation from the SHMA this proportion is appropriate for a specific site.</i> "	Paragraph 3.2.5 in conjunction with 3.2.4 is clear that paragraph 64 of the NPPF has been the mechanism for this change. Paragraphs 3.2.5 is clear that a further uplift from 25% is acceptable if evidenced; the target of 40% referred to in this comment is not the subject of any detailed evidence based on the needs across the district.	No amendment in response to this issue.
56 – Pioneer Property Services Ltd.	3.2 Housing Mix, Type and Tenure	Object	Amendments as suggested: Paragraph 3.2.6: " <i>The Council's current preferred intermediate tenure is shared ownership. Where applicants wish to propose an alternative intermediate housing product they should submit</i>	This section of the SPD is clear that mix, type and tenure should accord with the most up-to-date evidence on housing need and will be negotiated on a site-by-site basis (see paragraphs 3.2.1	No amendment in response to this issue.

			<i>evidence demonstrating why a particular product is more appropriate and we will consider this against the definitions set out in the NPPF and consider how the product proposed meets identified needs now and in the future."</i>	and 3.2.2 of the SPD).  The paragraph only highlights the Council's preference of Shared Ownership and that an applicant should submit evidence demonstrating why another product might be more appropriate.  This does not present a restrictive measure or add to the financial burden of development.	
56 – Pioneer Property Services Ltd.	3.2 Housing Mix, Type and Tenure	Object	Amendments as suggested: Paragraph 3.2.8: <i>"Where affordable rented housing is proposed the Council will <del>require that</del> seek to negotiate that rents, including service charges, are below or capped at the Local Housing Allowance rate (LHA) (or its equivalent). Currently, the District has 3 Local Housing Allowance rate areas in the District:  Harlow and Stortford;  South East Herts, and  Stevenage and North Herts"</i>	Amendments noted and accepted to reflect this is a position the Council will seek to negotiate.	Following amendment to paragraph 3.2.8:  <i>Where affordable rented housing is proposed the Council will <del>require</del> seek to negotiate that rents, including service charges, are below or capped at the Local Housing Allowance rate (LHA) (or its equivalent).</i>
56 – Pioneer Property Services Ltd.	3.2 Housing Mix, Type and Tenure	Object	Amendments as suggested: Paragraph 3.2.9: <i>"Local Housing Allowance is a flat rate allowance based on the size of the household and the area your property is located in. Providers <del>generally prefer to</del> will need to</i>	Amendment agreed.	Following amendment to paragraph 3.2.9:  <i>Local Housing Allowance is a flat rate allowance based on the size of the household and the area your property is located in. Providers <del>generally prefer</del></i>

			<i>ensure that affordable rents do not exceed the LHA for the area in which the property is situated."</i>		<del>will need</del> <i>to ensure that affordable rents do not exceed the LHA for the area in which the property is situated."</i>
56 – Pioneer Property Services Ltd.	3.2 Housing Mix, Type and Tenure	Object	Amendments as suggested: Paragraph 3.2.11: <i>"In the main, rural areas in the East Herts district are largely within Designated Protected Areas. Where development is in a Designated Protected Area, <u>the Provider must ensure that staircasing on shared ownership properties is either restricted to 80% to retain the affordable element of the properties in perpetuity or that once the leaseholder has acquired 100% share of the house, at resale that it is sold back to the landlord, or failing that to the provider's nominee or failing that the owner will be able to sell on the open market after 6 months.</u>"</i>	The relationship between DPA's and large strategic sites is recognised by national government. To clarify an additional sentence has been added to paragraph 3.2.11	Following amendment made to paragraph 3.2.11:  <i>In the main, rural areas in the East Herts district are largely within Designated Protected Areas. Where development is in a Designated Protected Area, staircasing on shared ownership properties is restricted to 80% to retain the affordable element of the properties in perpetuity. It is noted that in East Herts, allocated sites within Designated Protected Area's would also be subject to this staircasing restriction. Where the retention of stock may not be such an issue to some sites, the applicant should discuss the application of Designated Protected Area's with the Council at the earliest possible stage.</i>
42 – East Herts Housing Development and Strategy	3.2 Housing Mix, Type and Tenure	-	Many sites will deviate from the mix set out in the table, simply because they are entirely or predominantly flatted. Housing Development & Strategy would welcome a statement in the AHSPD on the property types offered as we do not encourage the delivery of flats for affordable housing on developments that are otherwise 100% houses. Property types offered for affordable housing should be broadly in proportion to those being	The issue is noted – it is difficult to deal with this specific issue within the scope of an SPD without being overly prescriptive. District Plan policies and guidance in the SPD on the design and layout, as well as up-to-date housing evidence should help to assist with any issues that arise.	No amendment in response to this issue.

			delivered for market housing.		
43 – East Herts Housing Development and Strategy	3.2 Housing Mix, Type and Tenure	-	Housing Development & Strategy would welcome the inclusion of the sentence from Paragraph 64 of the NPPF “Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.”	Wording included as proposed to reflect this and other comments received.	Following amendment to paragraph 3.2.4:  <i>“Paragraph 64 of the updated NPPF sets out that where major developments are providing housing at least 10% of the total dwellings are to be made available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. As this figure...”</i>
43 – East Herts Housing Development and Strategy	3.2 Housing Mix, Type and Tenure	-	Paragraph 3.2.5: Given that the identified housing need in East Herts is for 84% affordable rent, the Council’s ability to meet the OAN is already compromised by reducing the contribution to 75%. Therefore Housing Development & Strategy would encourage a statement on our position where sites do not deliver the full affordable housing contribution of 35/40% that we may seek a tenure split of up to 84% affordable rent.	This would be contrary to paragraph 64 of the NPPF which states that at least 10% of the homes are to be available for affordable home ownership.	No amendment in response to this issue.
60 – Bengoe Neighbourhood Plan Community Steering Group	3.3 Design and Layout	Support	We support the principle of mixed, inclusive and sustainable communities and endorse the commitment in para 3.3.3 to distribute affordable housing across development sites.	Support noted and welcomed	No amendment in response to this issue.

<p>56 – Pioneer Property Services Ltd.</p>	<p>3.3 Design and Layout</p>	<p>Object</p>	<p>Amendments requested to paragraph 3.3.1 on preferences regarding the number of parking spaces and that they should be well related to the homes for which they are provided.</p> <p>Amendments to paragraph 3.3.3 suggested:</p> <p><i>“To achieve mixed, inclusive and sustainable communities and to supplement the supporting text in paragraphs 14.4.16 and 14.4.17 of the District Plan, the Council will negotiate how the affordable housing is to be distributed. The Council's preferences are that it should;</i></p> <ul style="list-style-type: none"> <li>- <i>on all sites be distributed across the site rather than provided in one single parcel;</i></li> <li>- <i>on sites incorporating 30 or more residential units be provided in groups of no more than 15% of the total number of units being provided or 25 affordable units, whichever is the lesser.”</i></li> </ul> <p>Further amendments suggested to paragraph 3.3.5:</p> <p><i>“On sites proposing 11 or more gross additional dwellings, a proportion of affordable dwellings will be expected to meet the Building Regulations Requirement M4(3): Category 3 –</i></p>	<p>Paragraph 3.3.3 reflects policy HOU3 part V. which requires affordable housing units to be integrated into the development by being tenure blind and pepper-potted across the site in clusters appropriate to the size of the site.</p> <p>The aim of an SPD is to aid the implementation of Local Plan policies and in this case it details the Council's expectations regarding clustering to assist developers. There is sufficient flexibility within the policy to allow for alternatives should the size or scale of the site require a different approach.</p> <p>Both paragraph 3.3.5 and 3.3.6 clearly note that the Council will negotiate on a site-by-site basis with regards to wheelchair</p>	<p>No amendment in response to this issue.</p>
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			<p><i>Wheelchair User Dwellings. Such dwellings may be wheelchair adaptable or wheelchair accessible. The Council will therefore negotiate the proportion of wheelchair adaptable/accessible dwellings on a site-by-site basis <u>where provision is appropriate (the Council having demonstrated specifically evidenced local housing needs), practically achievable and subject to viability.</u></i></p> <p>Further amendments suggested to paragraph 3.3.6:</p> <p><i>"The most recent assessment of need for wheelchair user dwellings <u>by specific local households identified by the Council will inform negotiations. The SHMA identifies a need for 15% of affordable housing to meet wheelchair user requirements alongside the 10% of market housing.</u>"</i></p>	<p>adaptable/accessible dwellings. As well as this it is noted that the most recent assessment of need will inform these negotiations and that these requirements are subject to viability considerations.</p>	
56 – Pioneer Property Services Ltd.	3.4 Provision of Affordable Housing on an Alternative Site	Object	<p>Paragraph 3.4.4 sets out an approach that would result in a developer being required to provide a greater level of affordable housing off-site than it would on-site. The SPD should not seek to introduce additional burdens, the Council should take a flexible approach and amend the paragraph as follows:</p> <p><i>"Where off-site provision is agreed by the Council, the <u>Council's preference is,</u></i></p>	<p>This approach results only in the correct level of affordable housing being applied percentagewise (as per policy HOU3) in comparison to the level of market housing being provided on a site.</p>	<p>No amendment in response to this issue.</p>

			<p><i>subject to negotiation, for the amount of affordable housing to be delivered will to be calculated using the following formula:</i></p> <p><i>i. 40% affordable housing requirement: 40/60 x M</i></p> <p><i>ii. 35% affordable housing requirement: 35/65 x M</i></p> <p><i>Where M = the number of open market units"</i></p>		
56 – Pioneer Property Services Ltd.	3.5 Commuted Sums in Lieu of Affordable Housing	Object	<p>Current formula is inappropriate as it would result in a developer being required to provide a greater contribution off-site than it would on-site. The SPD should not seek to introduce additional burdens, the Council should take a flexible approach and amend the paragraph.</p>	<p>This approach results only in the correct level of affordable housing being applied percentagewise (as per policy HOU3) in comparison to the level of market housing being provided on a site.</p> <p>Flexibility has been provided with regards to the cost methodology set out in paragraph 3.5.3.</p>	No amendment in response to this issue.
57 – St William Homes LLP	3.5 Commuted Sums in Lieu of Affordable Housing	-	<p>There is an omission of any reference to viability considerations. As the provision of all affordable housing is subject to this, reference should be made in this section.</p>	<p>Viability is covered in section 5 of the SPD.</p>	No amendment in response to this issue.
31 – Harlow District Council	3.5 Commuted Sums in Lieu of Affordable Housing	-	<p>Para 3.5.5 – Unable to find the BCIS mean averages for Hertfordshire on BCIS web site. Consequently a footnote including where you can find this and the URL would be helpful.</p>	<p>BCIS averages are provided independently and as such require a subscription to access.</p>	No amendment in response to this issue.

50 – Pigeon Investment Management Ltd.	3.5 Commuted Sums in Lieu of Affordable Housing	Object	3.5.3 It is disappointing that within the draft SPD there is no more clarity given to how off-site contributions will be calculated, in order to give certainty to developers. We previously suggested a simple formula based on anticipated open market value (net of sales costs) of the homes that are now open market but would have been affordable on site, less the anticipated RP offer prices, equalling the level of contribution, may be appropriate. As drafted the SPD suggests contributions ‘broadly equivalent to the cost of providing the affordable housing on site’. This is not appropriate as it does not take into account the financial contribution Registered Providers make from their own resources.	The Council considers this approach to be clear and flexible enough to provide the right approach on a site-by-site basis.	No amendment in response to this issue.
37 – Clyde Millard	3.6 Provision of Land in Lieu of Affordable Housing	-	3.6.2 There is no commitment by the Council to ensure that affordable housing is provided on the land provided in Lieu, otherwise that land could be seen as a bribe to the Council for the developer to evade their affordable housing obligations. It is essential that affordable housing is provided on the said land.	The Council's preference is for affordable housing to be provided on the development site. In the unlikely scenario that land was provided in lieu, it would likely be for the Council or a developer to provide affordable housing.	No amendment in response to this issue.
51 – Pigeon Investment Management Ltd.	3.6 Provision of Land in Lieu of Affordable Housing	Object	3.6. The draft SPD allows for the Council to accept land, serviced to the boundaries, in lieu of affordable housing. The draft SPD notes the site size should be of ‘equivalent value to	It is anticipated that in the event that the Council agreed for the provision of land in lieu of affordable housing, that a number of factors	No amendment in response to this issue.

			on-site provision'. The SPD needs to be clearer about the provision of serviced land in lieu of on-site provision. If the calculation was based on anticipated open market values (net of sales costs) of the homes that are now open market but would have been affordable provision on site, less the anticipated RP offer prices for those homes, equalling the level of contribution, it may be appropriate.	would need to be considered that could not be comprehensively covered by this SPD and is more appropriate to have that discussion on a site-by-site basis.	
32 – Harlow District Council	3.7 Vacant Building Credit	-	Suggest a reference to paragraph 63 of NPPF is flagged up in section 3.7 of the SPD. It may be helpful to set out the formulae i.e. - (Difference between proposed and existing floorspace/proposed floorspace) * policy requirement.	Reference has been updated to national policy and the PPG. Changes made to paragraphs 3.7.3 and 3.7.4.	The following amendments have been made to paragraphs 3.7.3 – 3.7.4:  3.7.3 <i>Vacant Building Credit will apply where the building is wholly vacant and to be redeveloped. <del>completely</del> If VBC applies, the existing floorspace or a vacant building should be credited against the floorspace of the new development and may result in a proportionate reduction in the Affordable Housing Contribution should be made. Vacant Building Credit does not apply where the building:</i>  <i>a) — has been abandoned in planning terms; or</i>  <i>b) — has been vacated for the sole purpose of redevelopment; or</i>  <i>c) — is covered by an extant or recently expired planning permission</i>

					<p><i>3.7.4 The application of VBC will be guided by the Planning Practice Guidance and national policy. VBC does not apply to buildings that have been abandoned, the PPG sets out a number of criteria that can be used to distinguish whether a use has been abandoned.</i></p>
52 – Pigeon Investment Management Ltd.	3.7 Vacant Building Credit	Support	3.7. The positive application of the Vacant Building Credit is welcomed.	Support noted and welcomed	No amendment in response to this issue.
57 – St William Homes LLP	3.7 Vacant Building Credit	Object	<p>Paragraphs 3.7.2 and 3.7.3 have oversimplified and differs from the PPG. Paragraph 3.7.3 should be amended as follows:</p> <p>“Vacant Building Credit will apply where the building is <del>wholly</del> vacant or redundant and to be reused or redeveloped <del>completely</del>. <u>If VBC applies, the existing floorspace of a vacant building should be credited against the floorspace of the new development</u> and <del>may result in a</del> proportionate reduction in the Affordable Housing Contribution <u>should be made</u>. Vacant Building Credit does not apply where the building:</p> <ul style="list-style-type: none"> <li>- has been abandoned in planning terms; <del>or</del></li> <li><del>— has been vacated for the sole purpose of redevelopment; or</del></li> </ul>	<p>Suggested amendments are agreed and further amendments made as well. Changes made to reflect, and for consistency with the Planning Practice Guidance.</p> <p>Addition of paragraph noting reference to the PPG.</p>	<p>The following amendments have been made to paragraphs 3.7.3 – 3.7.4:</p> <p><i>3.7.3 Vacant Building Credit will apply where the building is <del>wholly</del> vacant and to be redeveloped. <del>completely</del> If VBC applies, the existing floorspace or a vacant building should be credited against the floorspace of the new development and <del>may result in a</del> proportionate reduction in the Affordable Housing Contribution <b>should be made</b>. <del>Vacant Building Credit does not apply where the building:</del></i></p> <ul style="list-style-type: none"> <li><i>a) <del>—</del> has been abandoned in planning terms; or</i></li> <li><i>b) <del>—</del> has been vacated for the sole purpose of redevelopment; or</i></li> <li><i>c) <del>—</del> is covered by an extant or recently expired planning permission</i></li> </ul>

			- is covered by an extant or recently expired planning permission"		3.7.4 The application of VBC will be guided by the Planning Practice Guidance and national policy. VBC does not apply to buildings that have been abandoned, the PPG sets out a number of criteria that can be used to distinguish whether a use has been abandoned.
<b>4. Securing Affordable Housing</b>					
56 – Pioneer Property Services Ltd.	4 Securing Affordable Housing	Object	<p>Suggested amendment to paragraph 4.0.2:</p> <p><i>"Subject to negotiation tThe affordable housing clauses in the S106 agreement will <u>can</u> include obligations relating to:</i></p> <ul style="list-style-type: none"> <li>- the size, type, tenure, location, design and layout of the affordable housing;</li> <li>- the number of affordable dwellings to be delivered;</li> <li>- limitations on the occupation of the affordable housing;</li> <li>- nomination rights;</li> <li>- the phasing of [the delivery of] affordable housing in relation to market housing</li> <li>- triggers relating to any review mechanism or commencement schedule;</li> <li>- indexation</li> <li>- the retention of the housing as affordable;</li> <li>- obligations relating to the</li> </ul>	A legal agreement such as a S106 has to be agreed by both parties and so would be subject to negotiation. The addition of suggested wording is superfluous.	No amendment in response to this issue.

			<p><i>affordable dwellings for first and subsequent residents; requirements to replace the affordable dwellings and for subsidy recycling</i></p> <ul style="list-style-type: none"> <li>- <i>continued use of affordable dwellings in perpetuity</i></li> <li>- <i>review (<del>clawback</del>) provisions, where relevant."</i></li> </ul>		
23 – G. Edkins	4.4 Affordability	-	<p>Investment in affordable housing thrives on predictable long terms income, and affordability for tenants is also based on abated rents yielding no nasty surprises in future. For this reason it is prudent to cap rents at LHA at first letting, and for rents thereafter to follow rent inflation regimes that govern Registered Providers, and not be periodically rebased to a percentile of potentially volatile market levels. To clarify that this is the intended approach, we suggest 4.4.2 should read: Affordable rents, including service charges, should be set at first letting no higher than current Local Housing Allowance (LHA) rates in the District and shall be governed thereafter by national rent regimes, secured as part of a S106 agreement.</p>	<p>Section 4.4 deleted due to similarity with section 3.2.8. See changes to section 3.2.8 for any amendments.</p>	<p>Section 4.4 Affordability, deleted.</p>
13 - Countryside Properties	4.4 Affordability	Object	<p>The capping of affordable rents to Local Housing Allowance rate is</p> <ol style="list-style-type: none"> <li>1) inconsistent with the definition of affordable rent in Annex 2 of the</li> </ol>	<p>Section 4.4 deleted due to similarity with section 3.2.8. See changes to section 3.2.8 for any amendments.</p>	<p>Section 4.4 Affordability, deleted.</p>

			<p>NPPF;</p> <p>2) not strictly appropriate given that Local Housing Allowance historically relates to social rent (rather than affordable rent) dwellings</p> <p>3) not applicable for those individuals or families who take up affordable rent dwellings but do not receive housing benefit.</p> <p>As such paragraphs; 3.2.8, 3.2.9, 4.4.2 and 4.4.3 should be redrafted to reflect definition and cap for affordable rent set out in Annex 2 of the NPPF.</p>		
54 – Places for People	4. Securing Affordable Housing	Object	<p>Paragraph 4.0.2 of the SPD notes that provisions for review mechanisms will be included within the S106 agreement. The text should be amended to make clear that this will not be relevant for schemes which are delivering 40% affordable homes.</p>	The text already notes that this is ‘where relevant’.	No amendment in response to this issue.
57 – St William Homes LLP	4. Securing Affordable Housing	Object	<p>Overly prescriptive clauses in first bullet – ‘design’ and ‘layout’ should be removed.</p>	Given this relates to a S106 agreement the detail at the stage would have been clarified through the application process and as such isn’t overly prescriptive.	No amendment in response to this issue.
34 – Harlow District Council	4. Securing Affordable Housing	-	<p>Para 4.0.2 includes a S106 clause with regards “clawback”. Unable to identify a policy supporting this in the adopted plan, nor further details on how this</p>	It is clear in the text that the review mechanism will only be included ‘where relevant’.	No amendment in response to this issue.

			may be achieved in the SPD.		
25 – Much Hadham Parish Council	4. Securing Affordable Housing	Object	Previous draft of the SPD had a section on Community led housing, the current draft does not. MHPC calls for the SPD to explicitly support and encourage community-led housing and to publish its policies, detailing its approach and requirements so that this can be understood by all concerned.	The Council still supports Community-led Housing but feels it is best placed to assist its communities deliver these schemes outside of the scope of this Affordable Housing SPD.	No amendment in response to this issue.
26 – Much Hadham Parish Council	4.3 Nomination Rights	Object	In Para 4.3.1 - EHC seeks to reserve for itself 100% nomination rights for the initial lets of affordable housing and a minimum of 75% for relets. This, however, is inconsistent with the express purpose which community-led housing is intended to fulfil, viz. to provide affordable housing for people from the local community as a first priority. It is for that purpose that the community supported CLH in the context of a neighbourhood plan. In the circumstances EHC's reservation of nomination rights is neither justifiable nor acceptable.  MHPC requests that EHC give due regard to the principle of "localism" and the wishes of the community and relinquishes nomination rights to the community trust responsible for bringing forward development.	As the holder of the District's Housing Needs Register the Council rightly seeks to normally reserve 100% nomination rights for people on that register.  As noted in the SPD, this is normally the Council's approach, should the Neighbourhood Plan group have an alternative scheme in place they should start by contacting the Council.	No amendment in response to this issue.
24 – Much Hadham Parish	4.3 Nomination	-	Para 4.3.3 - In determining eligibility for shared ownership EHC seeks to	This paragraph has been amended to acknowledge	Amendments made to Paragraph

Council	Rights		<p>impose its shared ownership local priorities cascade.</p> <p>MHPC recommends that for shared ownership CLH properties, priority be given to people from the local community ahead of other eligible applicants. For both tenures (affordable rent and shared ownership), it would help achieve “joined up” governance if the definitions for preferential eligibility could be agreed with EHC as part of the planning agreement. We invite EHC to enter discussions with MHPC to achieve this.</p>	that the Council’s preference is people who meet the Local Authority Shared Ownership Cascade.	<p>4.3.3:</p> <p><del>To be eligible</del> <i>The Council's preference is that the person must meet the Local Authority Shared Ownership Cascade as well as being financially eligible through the Government's criteria and regulations.</i></p>
57 – St William Homes LLP	4.3 Nomination Rights	Object	<p>Requirement for shared ownership dwellings only to be made available to applicants which meet the requirements of the Local Authority Shared Ownership Cascade should be omitted from the SPD.</p> <p>Furthermore the “Local Authority Shared Ownership Cascade” referenced within the footnote is merely a list of requirements and does not function as a “cascade” due to the absence of any reference to timing triggers etc.</p>	This paragraph has been amended to acknowledge that the Council’s preference is people who meet the Local Authority Shared Ownership Cascade.	<p>Amendments made to Paragraph 4.3.3:</p> <p><del>To be eligible</del> <i>The Council's preference is that the person must meet the Local Authority Shared Ownership Cascade as well as being financially eligible through the Government's criteria and regulations.</i></p>
33 – Harlow District Council	4.3 Nomination Rights	-	Para 4.3.1 should incorporate a proviso that “The Council and other Local Authorities which have secured nomination rights by mutual agreement” will normally seek.....	Sufficient flexibility noted in the paragraph already for any alternative arrangements.	No amendment in response to this issue.

56 – Pioneer Property Services Ltd.	4.3 Nomination Rights	Object	Suggested amendment to paragraph 4.3.1: <i>“As a guide and subject to negotiation it is the Council's preference to <del>The Council will normally</del> seek 100% nomination rights for the initial lets of affordable rented housing and a minimum of 75% nomination rights for relets.”</i>	Sufficient flexibility noted in the paragraph already for any alternative arrangements.	No amendment in response to this issue.
56 – Pioneer Property Services Ltd.	4.4 Affordability	Object	Suggest the deletion of paragraph 4.4.2 as it repeats 3.2.8.	Paragraphs are set in different contexts and needed to provide advice and guidance to applicants.	No amendment in response to this issue.
<b>5. Viability</b>					
3 - Sworders	Viability General	Object	District Plan submitted and examined under 2012 NPPF therefore policies have not been assessed as per paragraph 57 in the 2019 NPPF. Adopted policies not sufficiently detailed regarding financial contributions and it cannot be assumed that all development proposals that comply with the District Plan are viable. Wording should be more flexible.	Paragraphs 5.0.5 – 5.0.7 follow national guidance and as such have sufficient flexibility.	No amendment in response to this issue.
9 – Simon McClelland	Viability	Support	If, on a particular site, the developer can show extra costs that make the site unviable in respect of affordable housing, is the developer required to provide S106 money to allow this housing to be delivered on another nearby site? Could this be made clear	Off-site provision of affordable housing and commuted sums in lieu of affordable provision are covered in sections 3.4 and 3.5. They are options only considered in exceptional	No amendment in response to this issue.

			in the final document?	circumstances. A viability assessment is only required where a developer is unable to provide the scale of affordable provision due to exceptional or abnormal site costs.	
38 – Clyde Millard	5 Viability	Object	5.0.3 & 5.0.6 There seems to be no absolute commitment by the Council in the Consultation Document to maintain the appropriate 35% or 40% requirement for affordable housing. Requiring ‘the developer to demonstrate why a site should not include provision in line with the Council’s targets’ (5.0.3) or making any viability assessment publicly available (5.0.6) is all well and good but is unlikely to deter a well resourced developer. The Council should have more robust provisions in place in the form of perhaps, a credible independent organisation, to examine the developer’s figures and be able to make a judgement.	In the event that a viability assessment is submitted to the Council, it is likely that it will be independently scrutinised and publicly available. The Council follows national guidance in relation to viability.	No amendment in response to this issue.
56 – Pioneer Property Services Ltd.	5 Viability	Object	Councils evidence base on viability unlikely to be sufficient where developer contributions have been increased by County Council to those assessed at Plan-making stage. Suggested amendment to paragraph 5.0.  <i>“The Council recognises that in some</i>	Noted. Council’s approach to viability is inline with that in the PPG and does not set additional criteria. As noted it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application	No amendment in response to this issue.

			<i>cases there may be abnormal development costs which need to be considered. Negotiations to reduce obligations based on site specific viability considerations should only be necessary where the site <u>specific</u> circumstances suggest <del>exceptional or abnormal</del> costs that will make policy compliance unviable."</i>	stage.	
57 – St William Homes LLP	5 Viability	-	Generally supportive to viability approach but requirement to provide a viability statement at pre-application stage is too onerous.	Paragraph 5.0.5 notes that this is not a requirement and only 'if possible and where necessary'.	No amendment in response to this issue.
<b>6. Appendices</b>					
10 – S. McClemont	Appendix A	Object	Objection to the words 'up to' in front of 35% and 40%. Provides a cap on housing rather than a requirement.	Reflects policy in the adopted East Herts District Plan 2018 and as such cannot be modified through an SPD.	No amendment in response to this issue.

## **APPENDIX A: CONSULTEES**

The following organisations were directly notified of the draft Affordable Housing SPD in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It should be noted that individuals on the planning policy consultation database were also consulted, but are not listed.

### **Specific Consultation Bodies and/or Duty to Cooperate Bodies**

- Affinity Water
- Anglian Water
- The Civil Aviation Authority
- Communication Operators
- EDF Energy Networks
- Environment Agency
- Essex County Council
- Great Anglia
- Hertfordshire Constabulary
- Hertfordshire County Council
- Highways England
- Hertfordshire Local Enterprise Partnership
- Historic England
- Homes and Communities Agency
- Lee Valley Regional Park Authority
- National Grid
- Natural England
- Network Rail
- NHS East and North Hertfordshire CCG
- NHS West Essex
- Neighbouring Authorities: Broxbourne Borough Council, Epping Forest District Council, Harlow District Council, North Hertfordshire District Council, Stevenage Borough Council, Uttlesford District Council
- Police and Crime Commissioner
- Stansted Airport
- Thames Water
- The Coal Authority
- The Princess Alexandra Hospital NHS Trust

- Veolia Water

<b>East Herts Town and Parish Councils</b>	
Bishop's Stortford Town Council	Hertford Heath Parish Council
Buntingford Town Council	Hertingfordbury Parish Council
Hertford Town Council	High Wych Parish Council
Sawbridgeworth Town Council	Hormead Parish Council
Ware Town Council	Hunsdon Parish Council
Albury Parish Council	Little Berkhamsted Parish Council
Anstey Parish Council	Little Hadham Parish Council
Ardeley Parish Council	Little Munden Parish Council
Aspenden Parish Council	Much Hadham Parish Council
Aston Parish Council	Sacombe Parish Meeting
Bayford Parish Council	Standon Parish Council
Bengeo Rural Parish Council	Stanstead Abbots Parish Council
Benington Parish Council	Stanstead St Margarets Parish Council
Bramfield Parish Council	Stapleford Parish Council
Braughing Parish Council	Stocking Pelham Parish Council
Brent Pelham and Meesden Parish Council	Tewin Parish Council
Brickendon Liberty Parish Council	Thorley Parish Council
Buckland and Chipping Parish Council	Thundridge Parish Council
Cottered Parish Council	Walkern Parish Council
Datchworth Parish Council	Wareside Parish Council
Eastwick and Gilston Parish Council	Watton-at-Stone Parish Council
Furneux Pelham Parish Council	Westmill Parish Council
Great Amwell Parish Council	Widford Parish Council
Great Munden Parish Council	Wyddial Parish Meeting
28 Other Parish Councils outside of East Herts	

<b>General Consultation Bodies and Other Organisations</b>	
Aldwyck Housing Group Ltd	Hertfordshire Community Health Services
Bat Conservation Trust	Hertfordshire Gardens Trust
Bellway homes	Hunsdon Eastwick and Gilston Neighbourhood Plan Group
Beds and Herts Local Medical Committee	Hutchinson 3G UK Limited
Bishops Stortford Methodist Church	Ian Baseley Associates
Bishop's Stortford District Footpath Association	Jarvis Homes Ltd
Bishop's Stortford Chamber Of Commerce	Labour Party
Bishop's Stortford Liberal Democrats	Layston Pre-School and Nursery
Bishop's Stortford Mencap	Leach Homes
Bishop's Stortford Town Centre Management Partnership	Leaside Church

British Horse Society	Leaside Under 5's Kindergarten
British Telecommunications plc	Lee Valley Regional Park Authority
British Waterways	Linden Homes
Building Research Establishment	Linden Homes Eastern
Buntingford Chamber of Commerce	McMullen & Sons Ltd
Buntingford Civic Society	Mobile Operators Association
Buntingford Town Partnership	Molewood Residents Association
CABE	National Express East Anglia
Canal & River Trust	National Farmers Union
Carers in Hertfordshire	National Federation of Gypsy Liaison Groups
CBI East of England	Network Homes
CDA for Herts	North East Herts Labour Party
Chaldean Estate	North Hertfordshire Homes
Christ Church C of E (VA) Primary & Nursery School	Openreach Newsites
Church Commissioners	Orange Personal Communications Services
Circle Anglia	Origin Housing Association
Coke Gearing Consulting	PACE
Community Safety & Crime Reduction Department, Herts Constabulary	Paradigm Housing Group
Countryside Management Service	Paradise Wildlife Park
CPRE Hertfordshire	Parsonage Residents Association
Croudace Homes	Parsonage Surgery
Department for Transport Rail Group	Pelham Structures Ltd
Diocese of St Albans	Persimmon Homes
DPDS Consulting Group	Pigeon Investment Management Ltd
East Herts Ramblers	Plainview Planning Ltd
East of England Ambulance Service NHS Trust	Planning Potential
East of England Development Agency	RSPB
East of England Local Government Association	Salvation Army Bishop's Stortford Corps
Essex County Cricket Board	Sanctuary Carr-Gomm
Fairview New Homes	Sanctuary Hereward
Fields In Trust	Savills
First Capital Connect	Shelter
Forebury Estates Ltd	South Anglia Housing Association
Forewind Ltd	Sport England
Framptons	St Joseph's RC Primary School
Freight Transport Association	St Michaels Church
Friends, Families and Travellers and Traveller Law Reform Project	Standon and Puckeridge Surgery
Garden History Society	STANDonA120 campaign
Gascoyne Cecil Estates	Stevenage Liberal Democrats

Gladman Developments	Stewart Ross Associates
Good Architecture/ Transition Hertford	STOP Harlow North
Grange Builders	Strategic Planning Research Unit, DLP Planning Ltd
Granta Housing Society Ltd	Strutt & Parker
Hanover Housing Association	Sustrans
Hastoe Housing Association Ltd (East)	Telefonica O2 UK Ltd
Hatfield Town Council	Tesni Properties Limited
Haymeads Residents' Association	Thakeham Homes
Hazel End Farm	The Bishop's Stortford High School
Hertford Disability Support Group	The Canal and River Trust
Hertford Heath Primary School	The Gallery at Parndon Mill
Hertfordshire Action on Disability	The Georgian Group
Hertfordshire Association of Parish and Town Councils	The Gypsy Council
Hertingfordbury Conservation Society	The Lawn Tennis Association
Herts & Middlesex Badger Group	The Princess Alexandra Hospital NHS Trust
Herts & Middlesex Wildlife Trust	The Theatres Trust
Hertfordshire Building Preservation Trust	The Traveller Law Reform Project
Hertfordshire Chamber of Commerce & Industry	The Ware Society
Hertfordshire Community Health Services	The Woodland Trust
Hertfordshire Gardens Trust	Theatres Trust
Hertfordshire Police Authority	Wallace House Surgery
Herts & North Middlesex Area of the Ramblers	Ware Town Partnership
Herts Sports Partnership	Wareside C of E Primary School
Hightown Praetorian and Churches Housing Association	Watermill Estate Residents' Association
Hill Residential	Wates Developments
Hockerill Residents Association	Wattsdown Development Limited
Home Builders Federation	Welwyn Garden City Society
Home Farm Trust Herts & Essex	Wodson Park Sports Centre
Housing 21	Woodhall Estate
Hertfordshire Building Preservation Trust	
Hertfordshire Chamber of Commerce & Industry	