

Affordable Housing SPD Supplementary Planning Document: Consultation statement

Calderdale Metropolitan Borough Council

Introduction

This is the 'Consultation Statement' for the Affordable Housing SPD as required by the Town and Country Planning (Local Planning) (England) Regulations 2012. This statement sets out how the public and other stakeholders were consulted upon the SPD.

Consultation regulations

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 into the SPD. This statement is the 'Consultation Statement' for the adopted SPD as required by Regulation 12(a).

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. The consultation statement that accompanied the draft SPD set out that information.

Regulation 13: Regulation 13 stipulates that any person may make representations about the SPD and that the representations must be made by the end of the consultation date referred to in Regulation 12. The consultation statement that accompanied the draft SPD set out that requirement.

Regulation 35: Regulation 12 states that when seeking representations on an SPD, documents must be made 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.

These measures were undertaken as part of the draft SPD consultation.

Statement of Community Involvement (SCI)

The SCI was adopted in 2016 and reflects the 2012 Regulations, set out above. It also specifies additional measures that the Council will undertake in consulting upon draft SPDs and these have been reflected in the consultation process for the Affordable Housing SPD. As per the SCI, the Council has involved key stakeholders in the preparation of this draft SPD for consultation.

Affordable Housing SPD Consultation Information

Consultation on the SPD has been carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The draft SPD was made available for inspection by the public for a four-week period between 30th June and 28th July 2023. Copies of the draft SPD and consultation statement (setting out how comments should be made) were available at the following locations:

- Calderdale Council Customer First offices at Horton Street, Halifax
- Public libraries at Halifax Central, Akroyd, Beechwood Road, Brighouse, Elland, Hebden Bridge, King Cross, Mixenden, Northowram, Rastrick, Sowerby Bridge and Todmorden

Copies of the draft SPD were available to view on the Council's website at <https://calderdale.gov.uk/spds>. Further information was available by contacting the Spatial Planning team by email at spatial.planning@calderdale.gov.uk or by telephoning 01422 288001.

The following measures were undertaken to inform persons of the draft SPD consultation and document availability:

- Approximately 4000 notification emails sent to all individuals, organisations or bodies that the Council considers will be affected or interested in the SPD or may be involved in the delivery of the SPD (including ward Councillors, Parish Councils, statutory consultees, developers, business, local voluntary organisations, and all other individuals who have previously participated in the Local Plan examination or other document consultations).
- Press release issued.
- Council's social media pages updated at outset and throughout.
- The SPD and details of the consultation were posted on the Council's website.

Summary of Issues Raised and the Council's Response

122 representations were received from 15 representees. Table 1 below is a schedule of all the representations received together with the Council's response. A number of additional minor revisions have also been made to the SPD in order to improve its clarity and readability. In response to some representations the revisions are shown as tracked changes in order to make the revisions clear to the reader (~~deleted text is struck through and new text *italicised and underlined*~~).

A partial update of the Strategic Housing Market Assessment (SHMA) to update the evidence regarding the type of housing required in Calderdale was being undertaken at the time the adoption version of the SPD was finalised. Its findings will be instrumental in ensuring implementation of Policy HS6 achieves the level and type and size of affordable housing required to meet current and future housing need in Calderdale.

Table 1: Affordable Housing SPD – Schedule of Representations Received and Revisions to SPD

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
Whole document	11019 Tracy Hanson (West Yorkshire Police)	<p>1</p> <p>I wish to add some comments to the new affordable homes SPD in relation to design and security.</p> <p>BE5 of the local place refers to Safety and Security Considerations. Is it possible that this can be referred to in this SPD, pointing the developer towards building the homes to Secured by Design Specifications. There is a guide on the SBD website for building secure homes, I have attached a copy.</p>	<p>The issue of design and security is addressed in Policy BT5 of the Local Plan. The purpose of the SPD is to provide further explanation and guidance in relation to Policy HS6 on affordable housing. It is not appropriate therefore in this SPD to expand on Policy BT5. Should further explanation be required in relation to this policy then a SPD on design would be the appropriate place to do so.</p> <p>Revisions No revisions required to the SPD.</p>
Whole document	1242748 Natural England	<p>15</p> <p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.</p> <p>Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances</p>	<p>The Council notes the comments from Natural England. In relation to the comment on Strategic Environmental Assessment (SEA) the Council considered this matter during preparation of the SPD, having regard to the PPG (quoted below):</p> <p><i>“Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the relevant strategic policies”.</i></p> <p>Given the Local Plan policy HS6 was subject to the Local Plan Sustainability Appraisal that incorporated the relevant requirements of the SEA Directive and Habitats Regulations Assessment there is no further requirement to carry out SEA against this Affordable Housing SPD.</p> <p>Revisions No revisions required to the SPD.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p>	
Whole document	1103273 Simon Tucker (Canal & River Trust)	<p>16 The Trust owns and manages the Rochdale Canal, which runs through the Calderdale District. We are also Navigation Authority for the Calder & Hebble Navigation (with landowner interests over the canalised sections of this waterway). Having reviewed the content of the draft Affordable Housing and Custom Build Housing Supplementary Planning Documents, the Trust does not wish to make comments on either document.</p>	<p>The comments from the Canal & River Trust are noted.</p> <p>Revisions No revisions required to the SPD.</p>
Whole document	1138084 Melanie Lindsley (Coal Authority)	<p>102 Our records indicate that within the Calderdale area there are recorded coal mining features present at surface and shallow depth including; mine entries, coal workings and reported surface hazards. These features may pose a potential risk to surface stability and public safety. The Coal Authority's records also indicate that surface coal resource is present in the area,</p>	<p>The comments from the Coal Authority are noted.</p> <p>Revisions No revisions required to the SPD.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning process consideration should be given to such advice in respect of the indicated surface coal resource.</p> <p>It is noted that this current consultation relates to a draft Affordable Housing SPD. I can confirm that the Planning team at the Coal Authority have no specific comments to make on this document.</p>	
Whole document	1338739 Andy van Vliet (Yorkshire Housing)	<p>103 A well structured SPD. Could you provide hyperlinks from the index to the text please to enable quick navigation?</p>	<p>The comments from Yorkshire Housing are noted.</p> <p>Revisions This functionality is already included in the PDF version of the document but the final version will be checked to ensure the links work.</p>
Whole document	1246329 James Langler (Historic England)	<p>118 Thank you for consulting Historic England on the above document. We have no comments to make on the content of the SPD.</p>	<p>The comments of Historic England are noted.</p> <p>Revisions No revisions required to the SPD.</p>
Whole document	1338992 Izzi	<p>120 We are England's largest not-for-profit provider</p>	<p>The information is noted.</p>

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	Henderson (Anchor Homes)	of housing and care for people in later life. We serve more than 65,000 residents in 54,000 homes across almost 1,700 locations and operate in more than 85% of local authorities in England. We are acutely aware of the need for additional homes for older people in Calderdale and particularly homes which are affordable. We are actively looking for viable opportunities to deliver more homes within the Calderdale area to meet this need.	<p>Revisions No revisions required to the SPD.</p>
Introduction (Page 3)	223942 Roger Drayton	<p>119 For the purpose of this consultation the problem starts with the definition of “affordable”. Ever since buying a house came to be regarded as an investment, every discussion about increasing house prices was seen as a good thing, whereas when food energy or any other costs increase it is always bad news. The result of this distortion has now lead to the point where the younger generation on normal wages and without substantial family or other support are excluded and are unable to buy their own house. Unfortunately I find it very hard to give sound and practical comments on this subject that have any realistic chance of being implemented as the whole system has become profit and developer controlled. Every time proposals are brought forward that could lead to any combination of more houses being built, reduced environmental impact, quicker and more efficient construction methods etcetera, they are delayed and watered down either by</p>	<p>The representation is noted. The comments are relevant to the wider housing challenges facing the country, including Calderdale but are beyond the scope of the SPD and not ones the Council alone can control.</p> <p>Revisions No revisions required to the SPD.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>the central government or the reluctance/inability of local authorities to implement their own standards. There are constant cries that we need more housing followed by promises to increase house building targets but these are never fulfilled. Strangely though, when you look at the number of houses built over the last 30 years and the increase in the population there has been a slight improvement in the ratio of houses to people.</p> <p>The shortfall is in the supply of genuinely affordable housing to buy for the 50% of the population on average and below incomes and sufficient low cost rental properties for those that need them, neither of which the private sector house builders are interested in.</p> <p>The proposals in this document tinker around the edges but unless the current mortgage interest rate increases lead to a complete rethink of housing policy and we move away from the “investment” mentality it will not have much effect.</p>	
Para 1.1 (Page 3)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p>72</p> <p>We support the acknowledgement that this SPD is for guidance only and cannot introduce new planning policies into the development plan. However, we are concerned that some elements contained within the draft SPD are seeking to do this.</p>	<p>For clarity the wording in the SPD is amended.</p> <p><u>Revisions</u></p> <p>The wording of the SPD is amended to clarify that the Council is not adding a new policy requiring affordable homes to be to NDSS but Registered Providers may require different space standards to market housing.</p> <p>This revision also relates to representations 83 and 84.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
Para 1.2 (Page 3)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	73 It is noted that the SPD's primary intention is to guide applicants through the process of complying with national and local policies on providing affordable housing as part of housing development.	The representation is noted. Revisions No revisions required to the SPD.
Definition of Affordable Housing (Page 3)	1338739 Andy van Vliet (Yorkshire Housing)	104 It would be useful to include other definitions within an appendix as well as a standardised approach to including definitions within the body text.	More detailed definitions of affordable homes are contained within Appendix 2 to the SPD. It is not clear what else could be added. Revisions No revisions required to the SPD.
Para 1.3 (Page 3)	1338019 Bob Rayner	10 This is a somewhat misleading approach, which conceals the fact that high prices are caused by a widespread housing shortage. Allowing more housing generally would make housing more "affordable".	The representation is noted but the wider provision of housing delivery is beyond the scope of this SPD and is addressed in the Local Plan. Revisions No revisions required to the SPD.
Para 1.4 (Page 3)	1338019 Bob Rayner	14 Again this definition carefully (and perhaps intentionally) sidesteps the shortages which are the root cause of high house prices. If the council permitted more houses to be built generally, this would allow far more "affordable housing" in all locations to suit all households - surely this should be included in the list as a type of affordable housing.	The representation is noted but the wider provision of housing delivery is beyond the scope of this SPD and is addressed in the Local Plan. Revisions No revisions required to the SPD.

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
Para 2.5 (Page 4)	1338019 Bob Rayner	<p>13 High housing prices are caused by shortages. Calderdale will continue to have a housing shortage as long as Calderdale Council regards a grant of planning permission as an "exception" which it might bestow in very rare situations, subject to a list of extra rules which housebuilders must satisfy.</p>	<p>The representation is noted but the wider provision of housing delivery is beyond the scope of this SPD and is addressed in the Local Plan.</p> <p>Revisions No revisions required to the SPD.</p>
Policy HS6 (Page 5)	1339038 Amanda Tattersall	<p>128 Our Comment of 21 October 2022 submitted on the Main Modifications – “Policy HS6 Affordable and Rural Exception Sites” is included at Appendix 1 below (page 6). Our concerns and objections raised in this comment remain unaddressed and we ask that this comment is taken into consideration for this consultation on the Spatial Planning Document. Unfortunately, the Affordable Spatial Planning Document (SPD), although it provides some clarity, creates further confusion on the Council’s approach to “exception sites” within Policy HS6. We therefore also raise the following concerns and objections.</p> <p><u>Main points</u></p> <ol style="list-style-type: none"> 1. The Inspector alone pushed for the widening of the Rural Exception Site Policy. 2. The Inspector and Council have failed to properly consult on the other types of “exception sites”, such as “First Homes” exception sites and “Entry-level” exception 	<p>The Inspector’s conclusions at paragraphs 154 and 155 of her report on the examination of the Calderdale Local Plan, together with Main Modifications 99 and 100, are reflected in the adopted Local Plan (adopted March 2023). The Plan cannot be modified further in advance of the formal First Review of the Local Plan.</p> <p>Issues specific to the SPD are addressed against representations 130 to 135 set out below.</p> <p>Revisions Reference to Starter Homes removed from the SPD.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>sites, but have applied aspects of their method of approach for delivery.</p> <p>3. The policy wording relating to site location and size is incorrect for Green Belt Rural Exception Sites.</p> <p>4. The “Starter Homes” exception sites that the Council newly mention in the Spatial Planning Document is no longer pursued by the Government and was abandoned as far back as January 2020. This is also prior to the first Local Plan hearing on Rural Exception Sites on 27 May 2020.</p> <p>5. Additional criteria creating the need for Rural Exception development have been added to the SPD following the adoption of the Local Plan.</p> <p>These concerning issues have most likely been brought about because the Inspector first widened the policy, but then failed to consult on the other types of exception sites that may be allowed, at each stage of the Local Plan Examination in Public and Main Modifications consultation, prior to adoption of the Local Plan in 2023.</p> <p>I raised concern at the hearing on 17 June 2021 that people would not realise the implications of the subtle changes at that time to the policy wording.</p>	

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		<p>It appears that the only remedy to the omission of a proper consultation on the different types of exception sites for Policy HS6 and the resulting incorrect entanglement of exception site and rural economy approaches would be a Local Plan Review, something we mentioned in our Main Modification comment of 21 October 2022 - "Because of the implications of widening this policy, the decision for any change to the policy from the 2018 Local Plan may be better decided by Councillors at a Local Plan Review."</p> <p>NOTE: An appendix (Appendix 1) attached to the representations made in relation to the SPD is a copy of the representations made on the Local Plan Main Modifications (Policy HS6.)</p>	
Policy HS6 (Page 5)	1339038 Amanda Tattersall	<p>130 <u>Clarification</u></p> <p><u>1. Rural Exception Site policy widened</u> It was the Inspector alone who persistently pushed at the hearings for the widening of the Rural Exception Site policy to include all of the tier 5 settlements, as opposed to just those in the western part of the district, along with the further inclusion of all of the larger tier 4 settlements. No consultees (including developers) requested that the policy be widened, either by written submission or at the hearings. The planners also repeatedly tried to resist the widening of the policy at the</p>	<p>As set down in the representation, at the Local Plan Examination Council Offices argued in favour of the approach set out in the Submission Version of the Local Plan regarding the spatial applicability of the Rural Exceptions elements of Policy HS6.</p> <p>The Inspector, however, having considered all relevant Government Guidance and Policy concluded that the approach set down in paragraph 154 of her report was the approach most compliant with national planning policy and guidance as updated.</p> <p><u>Revisions</u> No revisions required to the SPD.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>hearings, until an agreement between the Chief Planning Officer and the Inspector came about later on in the hearing on 17 June 2021.</p> <p>We therefore believe that the Inspector alone pushed to widen Policy HS6 and then failed to properly consult on all the types of exception sites, but then allowed aspects of the method of approach for delivery of these exception sites, at the hearings (which ran from 27 May 2020) and subsequently, including at the Main Modifications stage before the Local Plan was approved in 2023.</p>	
Policy HS6 (Page 5)	1339038 Amanda Tattersall	<p>131 <u>Clarification</u></p> <p><u>2. Failure to consult on the other types of “exception sites”</u></p> <p>Consultation on the additional policy of First Homes and Entry-level exception sites has not properly taken place, but wording from this policy has been applied as a blanket approach in Policy HS6. Importantly, our previous comment on the Main Modifications raised concerns that the Council were in fact incorrectly merging approaches to different types of exception sites and policies and were not distinguishing between them. The outcome was that the different approaches were effectively being used incorrectly which would potentially undermine and allocate further Green Belt land than should be allocated,</p>	<p>As per the response to representation 128 above the Local Plan was adopted March 2023 and is the statutory development plan for Calderdale. Decisions on planning applications will be made in accordance with relevant policies in the Local Plan together with any more recent updates to the National Planning Policy Framework and its associated Planning Practice Guidance. This SPD does not provide new policy but guidance on how to interpret and implement Policy HS6 of the Local Plan.</p> <p><u>Revisions</u> No revisions required to the SPD.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>under the Rural Exception Sites policy.</p> <p>Concerningly, policy aims have been mixed without correct explanation in the Local Plan's Policy HS6 and the Spatial Planning Document. Clarity is provided below:</p> <p>There are different types of affordable "exception sites":</p> <p>1 "Rural Exception Sites". These are also allowed on certain Green Belt land and the Area Around Todmorden.</p> <p>2 "First Homes Exception Sites" and "Entry-level Exception Sites". These are not allowed on Green Belt land.</p> <p>NPPF is clear that Entry-level exception sites should not be permitted on Green Belt land (Para 72 footnote): <i>"Entry-level exception sites should not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt."</i></p> <p>Additionally, Planning Practice Guidance is clear that First Homes exception sites may also be allowed on Rural Exception Sites, <u>but cannot come forward in areas designated as Green Belt</u> (Planning Practice Guidance Paragraph: 025 Reference ID: 70-025-20210524, 011 Reference ID: 67-011-20210524 and 012 Reference ID: 67-012-20210524).</p>	

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>Unlike the National Planning Policy Framework, which provides clarity on the approaches for the different types of exception sites, both Policy HS6 in the Local Plan, with its supporting text, and the Affordable SPD do not differentiate between them. Instead, a blanket approach is applied to the different types of “exception sites”. Also, the different approach taken for the location of rural economy sites has also been applied. We are surprised and concerned that the Inspector has allowed Policy HS6 to be approved without consultation first on First Homes and Entry Level Exception Sites, but allows their method of approach for delivery (along with the location approach for rural economy sites) to be applied within the text with potential negative implications for any proposed Green Belt Rural Exception Sites. In our written submission to the Inspector on the Main Modifications, we raised concerns and objections on the site size and location of Rural Exception Sites. This is expanded on below.</p>	
Policy HS6 (Page 5)	1339038 Amanda Tattersall	<p>132 <u>Clarification</u></p> <p><u>3a Site size and location- term “small sites” not applied for Rural Exception Sites</u></p> <ul style="list-style-type: none"> At the hearing on 17 June 2021, I asked for the wording “small sites” to be added to Policy HS6, to reflect the National Planning 	<p>As per the responses to representations 128 to 132 above the Local Plan was adopted March 2023 and is the statutory development plan for Calderdale. Decisions on planning applications will be made in accordance with relevant policies in the Local Plan together with any more recent updates to the National Planning Policy Framework and its associated Planning Practice Guidance. This SPD does not provide new policy but guidance on how to interpret and implement Policy HS 6 of the Local Plan.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>Policy's requirement for Rural Exception Sites (which may also be allowed on certain Green Belt land). Following the hearing, we also raised a detailed written submission on the Main Modifications expressing our concerns (see Appendix 1), which again asked for the policy wording in HS6 to be amended to require that Rural Exception Sites are to be "small sites". This has not been acted upon.</p> <ul style="list-style-type: none"> • We object to this omission and ask, for the third time, that Policy HS6 stipulates that Rural Exception Sites are that Rural Exception Sites are to be "small sites" (NPPF excerpt in Appendix 2 below). Additional points are raised within this comment, along with our written submission on the Main Modifications. • Green Belt is now mentioned for the first time in the Spatial Planning Document. Surprisingly, this is the first time, after the full Local Plan process and its subsequent approval, that Green Belt is mentioned in connection to Policy HS6, even though Rural Exception Sites may be allowed on certain Green Belt land. Concerningly, there is no clarification in the Local Plan or the proposed SPD, as to which type of approach relates to which type of exception site, i.e. they do not distinguish between Rural Exception Entry-Level/First Homes sites and Rural Exception Green Belt sites. 	<p>Planning applications for products such as First Homes and Entry Level Homes, together with any others that may be introduced by Government, will therefore be determined in accordance with the adopted the Local Plan together with any more recent updates to the National Planning Policy Framework and its associated Planning Practice Guidance.</p> <p>Revisions No revisions required to the SPD.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>This is of particular importance, especially given that Entry-Level and First Homes sites are not allowed on Green Belt land and also that their size definition is currently used by the Council as a blanket approach to Rural Exception Sites in the policy.</p> <p>To clarify, Policy HS6 point 7 has a blanket approach to “exception sites” and specifies that “...<i>the scale of proposed schemes relates to that of the settlement concerned</i>” and the new SPD (Para 3.26) states that: “...<i>the scale of rural exception sites should relate to that of the settlement concerned</i>”.</p> <p>However, this wording is for Entry-level Exception Sites in the NPPF (para 71) which says: “...<i>should be adjacent to existing settlements, proportionate in size to them</i>” and First Homes exception sites in Planning Practice Guidance: “First Homes exception site is proportionate in size to the existing settlement” Paragraph: 026 Reference ID: 70-026-20210524. <u>Both NPPF and PPG make clear that both Entry Level and First Homes Exception Sites should not to be allowed on Green Belt land.</u> Therefore, this wording relating to size does not apply to Green Belt Rural Exception Sites, which should be “small sites”, as specified in the NPPF (PDF71).</p> <p>It is important to take into account that Entry-level exception sites, which are not allowed on</p>	

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		<p>more sensitive and protected Green Belt land, themselves have a size limitation in the NPPF (PDF19) which says: <i>“Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.”</i></p>	
<p>Policy HS6 (Page 5)</p>	<p>1339038 Amanda Tattersall</p>	<p>133 <u>Clarification</u></p> <p><u>3b. Site location and size - location of proposed “Exception” sites to settlements</u></p> <p>The Council’s wording for “exception sites” was changed at the hearing on 17 June 2021 from <i>“The site is either <u>within or immediately adjacent</u> to a settlement”</i> to <i>“The site is either <u>within, or well related to, a settlement”</u></i>. The term “well-related to a settlement” is not used for either Rural Exception Sites or Entry-level exception sites in the NPPF. Instead, this term is the approach in the NPPF (para 85) for the rural economy, for businesses in rural areas. The Council are therefore wrong to apply this wording of “well-related to”, in particular, to any Green Belt Rural Exception Sites. One of the negative impacts would be that areas of Green Belt land around settlements would effectively be leap-frogged over and later lost due to loss of openness, purposes etc.</p> <p>Additionally, NPPF (para 72b) is already clear that Entry-level Exception Sites, which themselves are not allowed on the more sensit</p>	<p>As per the responses to representations 128 to 132 above the Local Plan was adopted March 2023 and is the statutory development plan for Calderdale. This cannot now be revised other than at the First Plan Review. Decisions on planning applications will be made in accordance with relevant policies in the Local Plan together with any more recent updates to the National Planning Policy Framework and its associated Planning Practice Guidance. This SPD does not provide new policy but guidance on how to interpret and implement Policy HS6 of the Local Plan.</p> <p><u>Revisions</u> No revisions required to the SPD.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>ive Green Belt land, are to be "... <u>adjacent to existing settlements</u>" (own underlining). It is therefore even more essential that the more important, sensitive Green Belt sites are immediately adjacent to existing settlements. Again, we commented in our written submission on the Main Modifications and asked "...that the policy wording remains <i>"within or immediately adjacent to" a settlement. settlement and is not changed to "within or well-related to" a settlement.</i>"</p> <p>We object to the approach of "well-related to" a settlement and again ask that the policy wording is "within or immediately adjacent" to a settlement for Rural Exception sites.</p>	
Policy HS6 (Page 5)	1339038 Amanda Tattersall	<p>134 <u>Clarification</u></p> <p><u>4. "Starter Homes" Exception Sites now mentioned in the SPD were abandoned in January 2020</u></p> <p>The Government announced it would no longer pursue the policy of "Starter Homes" in January 2020. Starter Homes Exception Sites were only allowed on a certain type of land and enabled "...<i>applications for development for Starter Homes on under-used or unviable industrial and commercial land...</i>"</p> <p>We therefore question why the Council now, for the first time, mentions and includes a</p>	<p>As per the responses to representations 128 to 133 above the Local Plan was adopted March 2023 and is the statutory development plan for Calderdale. This cannot now be revised other than at the First Plan Review. Decisions on planning applications will be made in accordance with relevant policies in the Local Plan together with any more recent updates to the National Planning Policy Framework and its associated Planning Practice Guidance. This SPD does not provide new policy but guidance on how to interpret and implement Policy HS 6 of the Local Plan.</p> <p>Products such as First Homes and Starter Homes are not exclusive to rural areas and can be brought forward in urban areas and as such are distinct from rural affordable housing per se.</p> <p>Given the Government is no longer pursuing Starter Homes all such references need to be removed from the SPD.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>policy on providing Starter Homes in the 2023 Affordable SPD, primarily at “Principle 6” of the document.</p> <p>Starter Homes Exception Sites were introduced in 2015 but were no longer to be pursued in January 2020. Additionally, Planning Practice Guidance for Starter Homes stated for transitional plans (such as Calderdale’s) that: “Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework, the policies in the previous version of the framework published in 2012 will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018.”</p> <p>Following the announcement that Starter Homes were no longer to be pursued, a new initiative, First Homes exception sites, was announced shortly after in February 2020. This is around 3 years before the Calderdale Local Plan was adopted and over a year prior to the last hearing on Affordable “Exception Sites” (17 June 2021).</p> <p>Neither “Starter Homes” nor “First Homes”/ “Entry-level” exception sites were specifically mentioned in the 2018 Local Plan, 2022 Main Modifications or the Adopted Local Plan (approved by Councillors in 2023). We therefore do not see how the Council can now</p>	<p>Revisions Reference to Starter Homes removed from the SPD.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>suddenly include Starter Homes Exception Sites in the SPD. The Council themselves acknowledge in the Spatial Planning Document that: “As there is no reference to First Homes in the Local Plan then any policy in the SPD by definition cannot be supplementary to a Local Plan policy. (Paragraph 018 and 019 of the guidance)”. Concerningly, given that the Council has not consulted on First Homes, the Council then goes on to say that it will apply the First Homes policy set out in the Planning Practice Guidance, even though it has not consulted on this or the Starter Homes policy. As stated above, we believe there should have been a proper consultation on the different types of exception sites for Policy HS6, particularly as aspects of the method of approach for site delivery has been applied from these policies and from the rural economy policy. It is therefore imperative that our requests as to the size and location of exception sites are applied to Policy HS6.</p>	
Policy HS6 (Page 5)	1339038 Amanda Tattersall	<p>135 <u>Clarification</u></p> <p><u>5. An additional criterion creating the need for “Rural Exception” development is added following adoption of the Local Plan</u></p> <p>Now, after the Local Plan hearings, Main Modifications consultation and adoption by Councillors of the Local Plan, the Council are</p>	<p>Occupation criteria simplified to remove reference to “Those who have previously lived in the settlement or parish for at least ten years and wish to return”.</p> <p><u>Revisions</u></p> <p>Redraft paragraph 3.29 of the draft SPD:</p> <p><i>The S106 agreement will require homes to be let at affordable rents</i></p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>attempting in the SPD to alter Policy HS6 once again, by adding the further criterion of “Those who have previously lived in the settlement or parish for at least ten years and wish to return”, for calculating additional development on Rural Exception Sites. This is beyond that stipulated in the NPPF and would allow additional development on Rural Exception Sites (including Green Belt Rural Exception Sites).</p> <p>We object to this approach for the following reasons:</p> <ul style="list-style-type: none"> • The NPPF allows three types of criteria for the allocation of “Rural Exception Sites” NPPF (PDF71): <i>“Rural exception sites seek to address the needs of the local community by accommodating households who are either <u>current residents</u> or <u>have an existing family or employment connection.</u>” (own emboldening)</i> • The Spatial Planning Document adds a further criterion: Para 3.29b <i>“Those who have previously lived in the settlement or parish for at least ten years and wish to return”</i> • This criterion would be beyond the local need as stipulated in the NPPF (above) and the Council’s own Policy HS6 where point 7b states that: <i>“There is a <u>proven local need for affordable housing in the particular settlement</u>”</i> (own underlining). 	<p><i><u>or discounted sales prices and that they remain the sole or main dwelling of the occupant. It is also likely to require that occupants should have a need for affordable homes and be unable to buy or rent homes in the parish on the open market. It should also include a local lettings requirement to ensure that they are offered to local people or those with a strong local connection in the first instance. Those with “Local connections” are current residents and those with existing and proven family or employment in the immediate area.</u></i></p> <p>(Paragraph 3.31 of Adoption Version)</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<ul style="list-style-type: none"> • Supplying housing for previous residents would be double-counting the need for development, as these people will already have been accounted for in the area they are currently in, when that area's Local Plan was drawn up. • Planning Practice Guidance already warns against the risk of double-counting: <p>Paragraph: 006 Reference ID: 67-006-20190722</p> <p><i>“Affordable Housing: Care should be taken to avoid double-counting, which may be brought about with the same households being identified on more than one transfer list”</i></p> <ul style="list-style-type: none"> • We have already commented on the risk of not meeting the NPPF's requirement that Rural Exception Sites should be “small sites” because of the additional inclusion of larger settlements close to the main towns, when Policy HS6 was widened following the publication of the 2018 Local Plan. Adding an additional criterion to increase Rural Exception development will further increase the size of Rural Exception Sites. This would also have potential negative impacts on infrastructure, air pollution, Co2 emissions, historic importance, wildlife and the environment etc. • We believe the new addition of a further criterion in the SPD is a change to the policy and a main modification to the Local 	

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		Plan and it has therefore not been correctly previously consulted on.	
Policy HS6 (Page 5)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	74 Policy HS6 is an adopted policy in the local plan. Part VI states that “the affordable housing provision should be indistinguishable from market housing in terms of achieving the same high quality design”. This is important to remember when we comment later on pages 16 and 17 of the SPD, where it covers the size and type of affordable homes.	Policy HS6 of the adopted Local Plan cannot be changed as the Local Plan was adopted in March 2023. It is the purpose of the SPD to explain how the policy is to be implemented through the provision of additional planning guidance. The issue raised regarding size and type of affordable homes (pages 16 and 17 of the draft SPD) is addressed in the response to the comments from Barratt/David Wilson Homes at this representation point. Revisions No revisions required to the SPD in respect of this representation (74).
Policy HS6 (Page 5)	1338711 Julie Bullen	34 iv - should be made clearer in policy that contributions will only accepted in exceptional circumstances Viid - 'where appropriate' should be removed. In perpetuity and local connection should be a pre-requisite. There should be no get out clause otherwise this will undermine the potential to maintain stock and provide for local people ie .or in very exceptional circumstances to re-use or improve existing stock	Policy HS6 of the adopted Local Plan cannot be changed as the Local Plan was adopted in March 2023. It is the purpose of the SPD to explain how the policy is to be implemented through the provision of additional planning guidance. Revisions No revisions required to the SPD.
Paragraph 2.2	1338711 Julie Bullen	60 This representation is blank.	Representation blank but referenced in order to ensure all representations are considered. Revisions

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			No revisions required to the SPD.
Policy HS6 (Page 5)	1338019 Bob Rayner	<p>11 The policy does not specify how the council imposing extra costs on housebuilders - including CIL - is compatible with the council's acknowledged duty to make housing affordable.</p>	<p>Policy HS6 of the adopted Local Plan cannot be changed as the Local Plan was adopted in March 2023. It is the purpose of the SPD to explain how the policy is to be implemented through the provision of additional planning guidance.</p> <p>Revisions No revisions required to the SPD.</p>
Section 2 Policy HS6	CMBC Revision	<p>Experience to date in implementing Policy HS6 has revealed some confusion around paragraph 1 of the Policy and the reference to '.....10 units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area).</p> <p>The SPD provides an opportunity to provide the appropriate clarification.</p>	<p>Revisions 2.4 of draft SPD, add following after last sentence: <i><u>However, it does require development of ten or fewer very large homes to make a contribution.</u></i></p> <p>Add new paragraphs after 3.1 of the draft SPD: <i><u>Policy HS6 of the Local Plan paragraph 1 states that: "The Council will not require an inclusion of an element of affordable homes in housing developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)." The inclusion of a threshold for floor area is intended to ensure that developments of large homes which would fall below the development size threshold nevertheless contribute to affordable housing provision.</u></i></p> <p>Subsection title "Allocated and Windfall Sites" replaced by "<i>Affordable Homes Requirement</i>"</p> <p>Add new Principle 3 'Thresholds for Affordable Housing' <i><u>Thresholds for providing affordable housing are mostly based on the proposed number of units but also the gross internal floor area:</u></i></p> <ul style="list-style-type: none"> <i><u>Developments of 10 units or fewer in zones A and B and with a combined gross internal floor area of no more than 1,000 square metres are not required by the Policy to provide</u></i>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			<p><u>affordable housing.</u></p> <ul style="list-style-type: none"> - <u>• Developments of 10 units or fewer in zones A and B but with a combined gross internal floor area greater than 1,000 square metres are required by the Policy to include affordable housing.</u> - <u>• Developments of more than 10 units in zones A and B regardless of gross internal floor area will be required to provide affordable housing.</u> • <u>Developments of less than 15 units in zones C and D and with a combined gross internal floor area of no more than 1,000 square metres are not required by the Policy to provide affordable housing.</u> • <u>Developments of less than 15 units or in zones C and D but with a combined gross internal floor area greater than 1,000 square metres are required by the Policy to include affordable housing.</u> • <u>Developments of 15 or more dwellings in zones C and D will be required irrespective of the overall gross internal floor area.</u> <p><u>In order to take account of the gross internal floor area planning applications must be accompanied by a schedule setting out the gross internal floor area (in square metres) of each dwelling. For outline planning applications where the house types and sizes are not known this information will need to be submitted at the full or reserved matters stage.</u></p> <p><u>New paragraph after Principle 3:</u> <u>As sites capable of accommodating 15 or more dwellings will need to</u></p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			<p><u>meet the requirements of Policy HS3 'Housing Mix' and Policy HS2 'Residential Density', it is unlikely that most proposals for a development of large houses below the affordable housing threshold with a total floorspace over 1000m² will meet the policy requirements of the Local Plan. The overriding need to meet the borough's housing requirement figure in the Local Plan precludes proposals that do not maximise the development potential of sites.</u></p>
<p>Thresholds by Area (Page 7)</p>	<p>1139625 Mark Jones (Barratt Homes / David Wilson Homes)</p>	<p>75 Whilst it is appreciated that the affordable housing thresholds have been set as part of the adopted local plan. It is noted that some places that fall within Zone B are likely to achieve lower market values than some places in Zone C. Thus, this needs to be looked at when the zones are reviewed in the future. This point may also need to be taken in to account when agreeing the mix of affordable housing in such areas resulting in a degree of flexibility on any suggested approaches contained within the SPD.</p>	<p>The representation is noted and the evidence will be refreshed at the time of the Local Plan Review. Flexibility is provided as set out in paragraph 3 of Policy HS6.</p> <p>Revisions No revisions required to the SPD.</p>
<p>Para 3.3 (Page 7)</p>	<p>1139625 Mark Jones (Barratt Homes / David Wilson Homes)</p>	<p>76 Principle 1 This principle should be explicit in terms of saying that it is "subject to viability"? 77 Principle 2 As per principle 1, this principle should be explicit in terms of saying that it is "subject to viability." 78 We support the calculation for working out the required number of affordable homes on any</p>	<p>Principles 1 and 2 do not need to restate the position in relation to viability as this is covered in paragraph 3 of Policy HS6.</p> <p>The support for Principle 3 is noted.</p> <p>Revisions No revisions required to the SPD.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		site, where the number should be rounded up or down accordingly to the nearest number.	
Table 2: Evidence Required to Support Vacant Building Credit (Page 8)	1338711 Julie Bullen	36 Table 2 - Developers should be given clearer guidance on evidence the building has been marketed for previous use etc. This should be qualified by a minimum time frame to prevent it just being put on the market. Current woolly.	Reference to a defined period for marketing since a building has become vacant would add more direction to this requirement. Revisions Table 2 Row 3: Evidence that the building has been marketed <i>for at least 12 months</i> for its previous use or other non-residential use since becoming vacant.
Para 3.9 (Page 9)	1338711 Julie Bullen	37 What controls are there over unregulated private rented developers coming into the authority. Is this being monitored. This can be a significant issue/problem in terms of poor quality rental housing for an authority. Much bad press around this issue. It will be interesting to see how the new Victoria School, Healey Wood Road development fairs given previous performance.	The representation is noted but is a matter beyond the scope of the SPD. Revisions No revisions required to the SPD.
Question 1 (Page 10)	1092750 Martyn Broadest (Connect Housing)	17 No comments on this issue	The representation is noted. Revisions No revisions required to the SPD.
Question 1 (Page 10)	1338711 Julie Bullen	38 This seems enough unless the SHMA dictates otherwise. As previously there needs to be	The representation is noted.

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		adequate controls in place to ensure the provision is of good quality and this is not storing up problems for the future.	Revisions No revisions required to the SPD.
Question 1 (Page 10)	1338019 Bob Rayner	2 No. High prices are caused by a general shortage of housing. The best way to ensure affordable housing is for the council to step back and allow more houses to be built, not by putting extra constraints on the few developers lucky enough to obtain land which has special permission from the council.	The representation is noted. The Local Plan makes provision to address the overall housing requirement. Revisions No revisions required to the SPD.
Para 3.11 (Page 10)	1338739 Andy van Vliet (Yorkshire Housing)	105 We would like to see the SPD pro-actively support developments that provide more than the policy requirement for AH. As you may be aware. AH required through S106 is not eligible for Homes England HE grant and we would welcome a statement saying additional (above policy min) AH would be secured (as affordable housing tenure type) through conditions. We would also welcome a statement enabling clarity on the availability of CIL relief on all AH. The heading term 'Wholly' should be changed and clarified. Should it say 'Affordable Housing-led Development' and clarify a minimum percentage of AH to then gain the listed benefits?	The representation is noted but no revision is required as Policy HS6 does not prevent the provision of more affordable homes than the proportion set out in Table 19.6. Agree the heading term 'Wholly' should be changed and clarified. Revisions The heading term 'Wholly' has been revised <i>to "Largely" Affordable Housing Development</i> . Clarification added that some market housing may be provided (see paragraph 3.12 in adoption version of SPD).
Self and Custom Build Housing	1139625 Mark Jones (Barratt	79 Whilst we appreciate that para 3.12 echoes aspirations within the local plan, there are	Whilst the points made in the representation are acknowledged by the Council it is beyond the scope of this SPD to cover matters such

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
(Page 11)	Homes / David Wilson Homes)	several reasons why self and custom build housing as a small proportion of a larger housing site don't work. It can also create a few health and safety concerns and issues during construction. This needs to be acknowledged within this SPD.	as health and safety issues during construction. There are separate regulations/working practices which address such issues. Revisions No revisions required to the SPD.
Para 3.12 (Page 11)	1338711 Julie Bullen	39 Noted the 5% serviced plots on larger sites. Agree that this should be included to address need and the lack of suitable sites available.	The representation is noted. Revisions No revisions required to the SPD.
Specialist Accommodation	1092750 Martyn Broadest (Connect Housing)	18 There are lots of practical difficulties with delivering this in practice, usually around the level of service charges and other amenities which are provided in some market schemes. Such additional costs could effectively preclude customers in the social sector, even if the core rents are low. I would suggest a commuted sum would be a more useful output in these particular circumstances.	Further clarity would be beneficial for users of the SPD. Revisions New paragraph added to Principle 9: <i><u>"It is accepted that transferring ownership of some accommodation to a registered provider in this type of development may not be practical and in these circumstances a commuted sum may be negotiated"</u></i>
Specialist Accommodation	1338739 Mr Andy Van Vliet Yorkshire Housing)	106 Requiring AH on age-restricted, and particularly extra care, housing may lead to less provision across the district due to viability concerns. It is within the Council's gift to exempt this housing type so as to promote more specialist accommodation in line with adopted policy HS4.	Where affordable housing contributions could impact on viability of any development, provision is made in the SPD for a viability assessment to be made. Revisions No revisions required.
Specialist Accommodation	1339007 Natasha	121 Thank you for the opportunity to comment on	Further clarity would be beneficial for users of the SPD.

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	<p>Styles (The Planning Bureau on behalf of McCarthy Stone)</p>	<p>the draft Calderdale Affordable Housing Supplementary Planning Document, June 2023. McCarthy Stone is the leading provider of specialist housing for older people in the UK.</p> <p>Paragraph: 008 Reference ID: 61-008-20190315 of PPG on Plan Making states 'Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan.....They should not add unnecessarily to the financial burdens on development'.</p> <p>Whilst paragraph: 004 Reference ID: 23b-004-20190901 of PPG on Planning Obligations states 'Policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land.'</p> <p>The Draft Affordable Housing SPD under the title 'Specialist Accommodation', that includes older person's housing, at Principle 9 point III states 'Affordable provision within the development will be provided in accordance with Local Plan Policy HS6. It will be expected that the level of care and access to facilities for occupants of affordable housing will be the same as residents in the market housing within</p>	<p>Revisions New paragraph added to Principle 9: <u><i>"It is accepted that transferring ownership of some accommodation to a registered provider in this type of development may not be practical and in these circumstances a commuted sum may be negotiated"</i></u></p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>the scheme’.</p> <p>However, para 3.16 contradicts Principle 9, point III; ‘Developers should provide details of the type of accommodation to be provided as part of an affordable housing statement so that officers can judge whether a contribution is required. It is accepted that transferring ownership of some accommodation to a Registered Provider may not be practical in this type of development and in these circumstances a commuted sum may be negotiated’. Principle 9 point III therefore needs to be reworded to be consistent with para 3.16 and enable consistency with national policy and the adopted Local Plan.</p> <p>The Council should note that delivering affordable housing on-site is extremely problematic for developers of older persons’ housing as the delivery of on-site affordable housing is rarely achievable due to the nature of the development itself and viability.</p> <p>There are inherent difficulties in providing on-site affordable housing apartments within older person’s housing because of the communal facilities within retirement housing and the on-going service and maintenance arrangements which results in a weekly service charge. Housing associations are unable or unwilling to meet these charges and thus it is not practical to have mixed tenure affordable housing within an open market retirement housing</p>	

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		<p>development.</p> <p>Mixed tenure specialist developments of older person's accommodation cannot sustain, either economically or physically, independent facilities such as two residents' lounges, two regimes of development staff etc. unless the site is large enough and of suitable configuration to accommodate two separate developments each of substantial size. This is rarely the case on suitable edge-of-centre sites in constrained urban location typically developed for these forms of housing.</p> <p>If there is shared/dual management there will undoubtedly be conflict between the requirements of the Housing Association and those of the private management company. For example, would the communal facilities be shared and, if so, who manages, maintains, replaces and pays for what? There can only be one management regime and we have proof that Registered Social Landlords do not want to manage like this.</p> <p>The Local Plan does not set a policy expectation for specialist accommodation as detailed in Principle 9 point III. With this requirement the paragraph sets an unnecessary and additional financial burden contrary to Paragraph: 008 Reference ID: 61-008-20190315 of PPG that would be secured through a planning obligation that has not been examined in public and is therefore also</p>	

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		<p>contrary to Paragraph: 004 Reference ID: 23b-004-20190901of PPG. The requirement is also contrary to para 3.16 that acknowledges that on site delivery may not be practical for specialist accommodation and Principle 9 point III should be amended.</p> <p>We would also like to remind the Council that the viability of specialist housing for older people is more finely balanced than 'general needs' housing. We would direct the Council towards the Retirement Housing Consortium paper entitled 'A briefing note on viability prepared for Retirement Housing Group by Three Dragons, May 2013 (updated February 2013 ('RHG Briefing Note') available from COMMUNITY INFRASTRUCTURE LEVY (retirementhousinggroup.com). The RHG Briefing Note establishes how sheltered housing and extra care development differs from mainstream housing and looks at the key variables and assumptions that can affect the viability of specialist housing for older people. These key variables include unit size, unit numbers and GIA, non-saleable communal space, empty property costs, external build cost, sales values, build costs, marketing costs and sales periods. As such, due to the differences and variables that older persons housing schemes hold viability tends to be more marginal.</p> <p>In light of the above in order to ensure the delivery of much needed housing to meet the</p>	

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>needs of older people and ensure the SPD is consistent with national policy we recommend the following amendment.: Principle 9 point III should therefore be amended to read: 'Affordable provision within the development will be provided in accordance with Local Plan Policy HS6. However, it is accepted that transferring ownership of some accommodation to a Registered Provider may not be cost effective or practical in this type of development and in these circumstances a commuted sum may be negotiated'.</p>	
<p>Para 3.22 (Page 13)</p>	<p>1338739 Andy van Vliet (Yorkshire Housing)</p>	<p>107 Appears reasonable.</p>	<p>The representation is noted.</p> <p>Revisions No revisions required to the SPD.</p>
<p>Para 3.26 (Page 13)</p>	<p>1338711 Julie Bullen</p>	<p>35 Principle 11 iii states - remove 'may' . There a local lettings policy SHOULD be required to ensure provision supports local people.</p>	<p>The supporting paragraphs provide a local lettings requirement but re-wording would also strengthen the approach in the SPD.</p> <p>Revisions Principle 11 re-worded to read: “Local occupancy conditions will be used to ensure homes go to local people in need”.</p>
<p>Para 3.29 (Page 14)</p>	<p>1338711 Julie Bullen</p>	<p>40 Be clearer on expectation - Local lettings policy 'SHOULD' be provided - not 'may'.</p>	<p>The Council agrees with the representation.</p> <p>Revisions 3.29 The S106 agreement will require homes to be let at affordable rents or discounted sales prices and that they remain the sole or</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			main dwelling of the occupant. It is also likely to require that occupants should have a need for affordable homes and be unable to buy or rent homes in the parish on the open market. It may <u>should</u> also include a local lettings requirement to ensure that they are offered to local people or those with a strong local connection in the first instance. "Local connections" could include:
Question 2 (Page 14)	1338739 Andy van Vliet (Yorkshire Housing)	109 Yes.	The representation is noted. Revisions No revisions required to the SPD.
Question 2 (Page 14)	1092750 Martyn Broadest (Connect Housing)	32 Yes.	The representation is noted. Revisions No revisions required to the SPD.
Question 2 (Page 14)	1338711 Julie Bullen	41 Yes as long as clearer on provision of a local lettings policy.	The representation is noted. Revisions No revisions required to the SPD above those in response to paragraph 3.29 above (Rep No. 40).
Question 2 (Page 14)	1338019 Bob Rayner	3 No. The general shortage of permission to build homes is what causes the shortage, and hence the high prices. Adding further layers of permissions and exceptions, and the pantomime of a council "working with local communities" to identify sites where the NIMBYs might tolerate the council making an	The overall provision of housing is addressed in the Local Plan. This specific element of the SPD seeks to provide guidance on implementing paragraph 7 of Local Plan Policy HS6 and in accordance with the PPG on this matter. Revisions No revisions required to the SPD.

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		exception to its default prohibition on housebuilding - is part of the problem, not the solution.	
Question 3 (Page 14)	1338739 Andy van Vliet (Yorkshire Housing)	110 We object to the inclusion of local connection criteria being incorporated and this was not included in policy HS6 and only mentioned in the background in relation to rural exception sites. This requirement makes letting/ selling AH much harder and impacts on the availability of HE grant.	Local connection criteria are necessary to meet Local Plan Policy HS6 VII e. However, the point is noted and the criteria have been made less stringent to allow some discretion. Revisions Local connection criteria made less stringent to allow some discretion.
Question 3 (Page 14)	1092750 Martyn Broadest (Connect Housing)	33 Yes.	The response is noted. Revisions No revisions required to the SPD.
Question 3 (Page 14)	1338711 Julie Bullen	42 Absolutely - exception sites are there to meet local need/demand.	The response is noted. Revisions No revisions required to the SPD.
Question 3 (Page 14)	1338019 Bob Rayner	4 No. This is pure protectionism. The housing shortage affects every part of the UK; people everywhere deserve homes, not just the people currently living in Calderdale. Even to those stakeholders who think that local people are inherently superior - once a person moves into a local home, they *become* local.	The overall provision of housing is addressed in the Local Plan. This specific element of the SPD seeks to provide guidance on implementing paragraph 7 of Local Plan Policy HS6 and in accordance with the PPG on this matter. As stated at paragraph 19.49 of the Local Plan: National planning policy has for some time enabled Local Planning Authorities to have policies that support the release of small sites for

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			<p>affordable housing in exceptional circumstances, which development plans would not otherwise allocate for housing within or adjoining villages, and on which housing would not normally be permitted. The current NPPF maintains this approach.</p> <p>Revisions No revisions required to the SPD.</p>
Para 4.1 (Page 15)	1338711 Julie Bullen	<p>43 Needs to be clearer that commuted sums will only be in very exceptional circumstances. Delivery of units via this route is always more difficult/ delayed. Using commuted sums also runs the risk of not meeting the local identified need if contributions are pooled. This should therefore only be used as a last resort</p>	<p>Part 4 makes it clear that the preferred means of provision is on-site affordable homes. However, Principle 12 is altered to replace preferences with priorities. Unfortunately, a commuted sum is sometimes a necessary alternative to no affordable housing provision at all.</p> <p>It is also necessary to ensure that any off-site provision agreed is suitable for the development of affordable housing.</p> <p>Revisions Principle 12 Replace <i>preferences</i> with <i>priorities</i> in the first sentence.</p> <p>Add second paragraph to Principle 12: Off-site provision must be suitable for development and management by Registered Providers.</p>
Para 4.2 (Page 15)	1338711 Julie Bullen	<p>61 Need to consider whether apartment schemes, where service charges can be prohibitively expensive, should be exempt. No use providing affordable units if people cannot afford to live there.</p>	<p>As per the response to representation 121 it is acknowledged that on-site affordable homes may not be practical in Specialist Housing Developments with shared facilities. A blanket exemption might exclude development where a registered provider could take over apartments. Additional criteria have therefore been added to paragraph 4.2 of the draft SPD.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			<p>Revisions Add to list in paragraph 4.2 of draft SPD: d. <u>Where it is not practical to transfer homes within a development to a Registered Provider, for example specialist accommodation with shared facilities.</u> e. <u>Necessary service charges would make rented accommodation unaffordable for tenants of Registered Providers.</u></p>
Para 4.3 (Page 15)	1338739 Andy van Vliet (Yorkshire Housing)	<p>117 We would welcome a general indication of the tenure split across the district/ HMA and guidance on how decisions are made regards the final requirement on a site. Relatively quick decisions need to be made whilst purchasing land, and a commitment to a quick response from the LPA would help embed the right mix at the start of a scheme.</p>	<p>This is partially given in paragraph 4.3 and Principle 13. However, the SHMA partial update will provide further evidence for tenure split of affordable homes and this information will be utilised when providing advice on tenure split on planning applications.</p> <p>The Council will also advise on the tenure split for individual sites in response to any such enquiries.</p> <p>Revisions No revisions required to the SPD.</p>
Para 4.3 (Page 15)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p>80 <u>Principle 13 – Priorities for Affordable Homes</u> First, we note that there are two principles (13 and 14) titled the same, which could become confusing. Thus, we suggest that one of them is amended.</p> <p>Regarding ‘intermediate tenure’ it would make sense to reference ‘other affordable routes to home ownership’ as defined in Annex 2 of the National Planning Policy Framework (NPPF). This will give greater flexibility on tenure options.</p>	<p>The drafting error and need for clarification is noted and rectified.</p> <p>Revisions Principles 13 and 14 combined and retitled: PRINCIPLE 13 PRIORITIES FOR AFFORDABLE HOMES The Councils priorities are (in order of need): I. Homes for social or affordable rent. II Intermediate tenure; Shared Ownership, relevant Equity Loans and Rent to Buy (which includes a period of intermediate rent). <i>Homes that provide an affordable route to home ownership including shared ownership, relevant equity loans and rent to buy</i></p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			<p>(which includes a period of intermediate rent). III Discounted Market Housing.</p> <p>In all cases measures should be taken to <u>ensure that there are arrangements in place to ensure the homes are affordable for future occupants.</u></p>
<p>Para 4.4 (Page 15)</p>	<p>1139625 Mark Jones (Barratt Homes / David Wilson Homes)</p>	<p>81 We object to Principle 14 which seeks to introduce a limit to the percentage of affordable home ownership, which to our knowledge does not exist either in national or local planning policy. Furthermore, Calderdale does not have a blanket affordable housing target and therefore 10% of the overall number of dwellings (both market and affordable) will always vary. Plus, there may be instances where a site struggles to meet the affordable housing target and where justified, a more flexible mix may enable a developer to meet the target. Setting a target which applies to the overall number of dwellings is unreasonable and greater flexibility is required.</p>	<p>Further clarifications to paragraph 4.4 and Principle 14 of the draft SPD would be useful to users.</p> <p>Revisions Paragraph 4.4 of the draft SPD: National policy requires a minimum of ten percent of the total number of homes on major sites to be available for affordable home ownership <u>and this will form part of the affordable housing requirement as long as discount is at least 20% below market value. Exceptions to this policy are for:</u></p> <ul style="list-style-type: none"> I. <u>Developments solely for Build to Rent</u> II. <u>Accommodation for people with specific needs</u> III. <u>Custom or Self build development</u> IV. <u>Development exclusively for affordable housing including rural exception sites¹</u> <p>Added to Principle 13 <u>The Council will negotiate the affordable housing tenure mix on a site-by-site basis. However, it will seek to maximise the proportion of affordable homes for social or affordable rent while complying with national policy on discount market sales housing.</u></p>

¹ National Planning Policy Framework Paragraph 66

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
Question 4 (Page 16)	1338019 Bob Rayner	5 No. High prices are caused by a housing shortage which is caused by council restrictions on housebuilding. The solution is to ease the restrictions, not to add more of them which dance around an arbitrary redefinition of "affordable".	The representation is noted.
Question 4 (Page 16)	1338711 Julie Bullen	44 Agree with balance. Need to maintain the stock of social/affordable rent as there will always be a need and loss occurs due to a number of reasons which continues to diminish stock.	The representation is noted. <u>Revisions</u> No revisions required to the SPD.
Question 4 (Page 16)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	82 As per our comments above, some situations will need flexibility where more affordable homes for sale and intermediate tenure may be required.	Scope for flexibility is provided by setting priorities for affordable housing tenure in Principles 13 & 14 rather than specifying an absolute mix
Question 4 (Page 16)	1092750 Martyn Broadest (Connect Housing)	19 There may be justification on a site by site basis for a different mix (ie. higher OR lower proportions of home ownership). For example, I would not advocate shared ownership in certain types of apartment blocks where service charges and ground rents can be a barrier to re-sale. Equally, on smaller schemes particularly in remote areas, having only one property to manage as a rental may not be helpful for a landlord - it may be better to offer all for shared ownership.	Scope for flexibility is provided by setting priorities for affordable housing tenure in Principles 13 & 14 rather than specifying an absolute mix

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
Question 4 (Page 16)	1338739 Andy van Vliet (Yorkshire Housing)	<p>111</p> <p>The NPPF requires a minimum of 10% discount for sale homes, which has been incorporated within the SPD. A further tenure split isn't set out and so it's not clear what options there are being offered here. We would like to see a greater % of shared ownership homes promoted and would not want First Homes to replace any SO.</p>	Scope for flexibility is provided by setting priorities for affordable housing tenure in Principles 13 & 14 rather than specifying an absolute mix
Question 4 (Page 16)	1338925 Lydia Sharp (Persimmon Homes)	<p>122</p> <p>Principle 14 seeks to limit the percentage of affordable homes that can be offered as affordable home ownership to 10%. Although it is noted that the Local Plan was submitted for examination during the transition period for the introduction of First Homes, paragraph A2.3 of the draft SPD states that the First Homes policy set out in the Planning Practice Guidance ('PPG') will be applied. PPG outlines that First Homes are the Government's preferred discounted market tenure and should account for 25% of all affordable housing units delivered by developers (Paragraph: 001 Reference ID:70-001-20210524).</p> <p>Paragraph 65 of the National Planning Policy Framework ('NPPF') states that in major housing developments, at least 10% of the total number of homes should be available for affordable home ownership. Principle 14 seeks to cap this provision at the minimum level expected by the NPPF and conflicts with the</p>	Scope for flexibility is provided by setting priorities for affordable housing tenure in Principles 13 & 14 rather than specifying an absolute mix.

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		PPG policy on First Homes. Principle 14 should therefore either be deleted or amended accordingly.	
Size and Type of Affordable Homes (Page 16)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p>83</p> <p>The adopted Calderdale Local Plan when talking about space standards, specifically says in paragraph 20.16 on page 148 that “a <i>specific policy is not included in this Local Plan.</i>” Whilst it does go on to say that the Council will encourage the National Described Space Standards (NDSS), it cannot insist or force this. We therefore object to the wording in para 4.5 on page 16 of the draft Affordable Housing SPD, which says “<i>it may be necessary</i> (our emphasis) <i>to ensure affordable homes to be built to at least</i> (our emphasis) <i>Nationally Described Space Standards where this is compatible with the need for affordable homes to be indistinguishable from homes for sale on the open market within the same development</i>”.</p> <p>First, this is seeking to introduce a new minimum requirement standard, which is not in national or local planning policy, thus going beyond the legal remit of what an SPD is allowed to do. Secondly, the size of a dwelling is not one of the measures to assess whether an affordable home is indistinguishable from a private home on the same site. Any relatively large housing site will always have a range of size of properties. Whether an affordable home blends in with the rest of its development</p>	<p>The SPD would benefit from greater clarity in relation to the NDSS.</p> <p>Revisions Replace paragraph 4.5 to 4.7 in the draft SPD as follows:</p> <p>NEW 4.6: <u>Generally, the Council will determine the type and size of affordable homes provided on a site-by-site basis. It will usually seek a mix of types and sizes to be provided as the affordable housing contribution. Developers are encouraged to discuss the size and type of affordable homes with the Council and the purchasing Registered Provider as early as possible in the process.</u></p> <p>NEW 4.8: The Local Plan does not specify minimum space standards. <u>However individual Registered Providers will have their own standards and the space standards should be agreed with the purchasing Registered Provider early in the process.</u></p> <p>NEW 4.9: <u>The Council may issue advice on the size and type of affordable housing need in particular areas as part of site-specific masterplans or SPDs. This will be based on:</u></p> <ul style="list-style-type: none"> • <u>Overall Housing needs across the Borough.</u> • <u>The needs of registered applicants on the Keychoice choice-based lettings system</u> • <u>Need for properties of a particular size or facilities to meet identified special needs.</u> • <u>The requirements of Registered Provider partners.</u> <p>NEW 4.10: Size in this case refers to the number of bedrooms or rooms not specific space standards (Section 4.9 of the final version)</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		comes down to a few design factors, such as the external appearance and use of materials. Thus, we suggest that this paragraph is either deleted or amended accordingly.	
Para 4.5 (Page 16)	1092750 Martyn Broadest (Connect Housing)	20 The Council should require all homes delivered through S106 to meet NDSS as a minimum. Other LPAs do so in West Yorkshire.	As per the response to representation 83.
Question 5 (Page 16)	1338019 Bob Rayner	6 No. Let housebuilders and buyers and tenants choose for themselves. The market transmits information on supply & demand of different sizes and amenities; and everybody involved in the market (other than perhaps the Council) responds to those price signals. Adding extra constraints is unlikely to make things better.	The fundamental objective of the SPD is the provision of high quality affordable housing. This is not generally achieved when the market operates freely. This is clarified by the NPPF and associate PPG which require the provision of affordable housing via the planning system.
Question 5 (Page 16)	1338711 Julie Bullen	45 Should use nationally described space standards as minimum. In terms of affordable units ideally they should be built to the same quality and design as equivalent open market dwellings. However accepting that this might not be achievable with grant from Homes England achieving good design is as important as property size. As a minimum affordable properties do need to be of practical proportions to ensure everyone has access to a property that meets their needs.	As per the response to representation 83.
Question 5 (Page 16)	1139625 Mark Jones (Barratt	84 The purpose of the SPD is to provide guidance on policy already in place in both national and	As per the response to representation 83.

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
	Homes / David Wilson Homes)	<p>local planning policy. Anything specific should not seek new additional requirements, only provide further clarity on measures already in place. Therefore, the SPD cannot impose a requirement upon future affordable housing to be of a particular size. Furthermore, each housing scheme is different depending on location, housing market area, proposed housing mix, local housing needs, site constraints and other factors.</p> <p>Therefore, it would be most appropriate for the details of the size and type of affordable homes to be on a site-by-site basis.</p>	
Question 5 (Page 16)	1092750 Martyn Broadest (Connect Housing)	<p>21 My general view is that Local Plans underestimate the proportion/number of smaller affordable homes that are needed, and I suspect this is because households requiring smaller homes (ie. single people and couples) do not generally get the housing need priority which other groups (eg families with children) do. Demographic trends also suggest that the demand for smaller homes is increasing. We also need to do much better in terms of improving the quality and adaptability of homes along lifetime homes principles. S106 requirements should include a proportion of accessible properties on every scheme.</p>	<p>The representation is noted and future evidence in the form of the partial update to the SHMA will assist in delivering the type and size of affordable housing required. The SHMA mix of Affordable Housing is based on the overall results from the Keychoice choice-based lettings system and does not distinguish between priorities. Latest results show a high demand for 1 and 2 bed properties. Nevertheless, there remains a shortage of affordable homes for larger households and the Council will continue to try and secure this through affordable housing contributions.</p> <p>Policy HS4' Independent Living' of the Local Plan covers the matter of lifetime homes. The Council also notes the proposed changes to Part M of the Building Regulations.</p>
Question 5 (Page 16)	1338739 Andy van Vliet	<p>112 Ideally we would like to see site by site advice being provided in a timely manner, particularly</p>	As per the response to representation 83.

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
	(Yorkshire Housing)	if a site is being offered to the market.	
Question 5 (Page 16)	1338925 Lydia Sharp (Persimmon Homes)	<p>123 A site-by-site approach for determining the size and type of affordable homes is advocated. A prescribed housing mix would not be able to reflect a varied range of housing market areas and would need to be frequently reviewed alongside the evidence base to ensure that the data is robust and credible.</p> <p>Regarding the size of affordable dwellings, the draft SPD recognises that the Local Plan does not specify minimum space standards, however this is followed with wording that implies that affordable dwellings would need to meet Nationally Described Space Standards (“NDSS”) to comply with Policy HS6 part VI of the Local Plan. We request that the wording of the draft SPD be altered to make it clear that there is not a requirement for affordable homes to be NDSS compliant.</p>	As per the response to representation 83
Questions 5 & 6 (Pages 16-17)	1339038 Amanda Tattersall	<p>129 We support the provision of affordable 1 bedroom properties and meeting the needs of Calderdale's ageing population.</p> <p>It is important to note that half of the 2,265 affordable housing backlog need is for one-bedroom properties (source: 2015 SHMA para 7.25). There appears to be a connection here between the housing need for the large ageing</p>	As per the response to representation 21 above.

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>population in Calderdale and also the 73% of Calderdale homes which are underoccupied (underoccupied source: 2021 Calderdale Housing Strategy). Meeting this need would also help to reduce the number of dwellings required, as more underoccupied properties would then become available.</p> <p>The 2018 Local Plan (para 16.18) says: “Supporting independent living can help to reduce costs to health and social services and providing more options for older people to move can free up houses that are under occupied.”</p>	
Question 6 (Page 17)	1338711 Julie Bullen	<p>46</p> <p>There is a need to set out the supported housing needs for the authority in terms of numbers and location. Not sure the affordable housing document is the correct place for this. A market position statement would do this. In terms of design this might be too bespoke and should be considered on a scheme by scheme basis.</p>	<p>The representation is noted.</p> <p>Policy HS4’ Independent Living’ of the Local Plan covers the matter of lifetime homes. The Council also notes the proposed changes to Part M of the Building Regulations.</p> <p>Additionally, the partial update to the SHMA will provide the evidence to support whatever approach the Council pursues.</p>
Question 6 (Page 17)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p>85</p> <p>It would be helpful if the SPD adds in an option to deliver specialist affordable accommodation, as part of a developer’s affordable proposal. This can be a more efficient use of land for affordable housing.</p>	<p>The Council would support such an approach.</p> <p>Revisions</p> <p>Under ‘Size and Type of Affordable Homes’ add new paragraph, principle and worked example:</p> <p><i>Affordable Homes to Meet Particular Needs</i></p> <p><i>“There is a need for affordable specialist housing types to meet</i></p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			<p><i>particular needs. For example, there is a strong demand for affordable bungalows. However, these may take more land than conventional houses and developers are reluctant to include them within the overall housing mix. The Council has encouraged this provision by accepting fewer affordable homes in return for the developer providing affordable bungalows on a two for one basis and wishes to see this approach continue (possibly including other forms of specialist housing). However, the Council needs to meet its affordable housing targets so this practice will normally be limited to larger sites where specialist housing forms only part of the overall affordable housing mix.”</i></p> <p><u>Principle 14 Homes to Meet Particular Needs</u> <i>In principle the Council will support the inclusion of specialist housing types as part of the affordable housing. Where these require larger than normal plots such as bungalows the Council will consider reducing the overall number of affordable homes to accommodate these on the basis of “two for one” or similar. The specialist affordable provision should form part of the overall affordable housing mix”.</i></p> <p><u>“Worked Example Specialist Housing Mix</u> <i>Application for 120 homes in Zone B (30% affordable) Total Affordable Housing Required: 30%*120=40 Council agrees to include 10 bungalows for over 50s in the mix on the basis of two for one Total mix of types: 10 affordable bungalows (equivalent to 20 affordable houses) 20 affordable houses</i></p>
Question 6 (Page 17)	1092750 Martyn Broadest	22 Yes to accessible housing. Supported housing covers a range of products, and I suspect in	As per representation 21.

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
	(Connect Housing)	reality the delivery of specialist supported schemes directly through S106 is unlikely. Land could be made available through S106 for a housing association to deliver a scheme, utilising other funding.	<p>Revisions</p> <p>Principle 9: Specialist Accommodation</p> <ol style="list-style-type: none"> I. Development meeting specialist needs including those of the elderly or disabled will normally be required to contribute to affordable housing where it provides self-contained units of accommodation, even where support and communal facilities are offered. II. Affordable provision within the development will be provided in accordance with Local Plan Policy HS6. It will be expected that the level of care and access to facilities for occupants of affordable housing will be the same as residents in the market housing within the scheme. III. It is accepted that transferring ownership of some accommodation to a registered provider in this type of development may not be practical and in these circumstances a commuted sum <u>or off site provision</u> may be negotiated.
Question 6 (Page 17)	1338739 Andy van Vliet (Yorkshire Housing)	113 We would like to see site by site or at least HMA-wide guidance on the needs of specialist housing, particularly housing for older people.	As per responses to representations 21 and 46.
Affordable Housing Design (Page 17)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	86 This overlaps with some of the content in section 4.5 regarding the need for affordable housing to be indistinguishable from homes for sale on the open market on the same site. Albeit this section on affordable housing design, simply appears to be directing applicants to Local Plan Policy HS4 which is fine. However, it does reiterate the point, that the comment about being indistinguishable is better placed on page 17 instead of page 16.	<p>Clarification would assist users of the SPD.</p> <p>Revisions</p> <p>Re-draft paragraph 4.8 to 4.10 of the draft SPD:</p> <p>Para. 4.12 of Adoption Version: As set out in Local Plan Policy HS6, the affordable housing provision should be indistinguishable from market housing. Therefore, the Council expects <u>that as a guiding principle the external appearance of affordable homes should</u> achieve the same high standard of design as the remainder of the development and be in keeping with homes on the rest of the site.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			<p>This is to assist social cohesion in a development and make management of the site easier.</p> <p>Para. 4.13 of Adoption Version: Affordable Housing will be expected to comply with Local Plan Policy HS4 and be designed to be adaptable to meet the needs of residents (in accordance with Building Regulations Standards M4(2) or equivalent). As far as possible the affordable homes should be indistinguishable from open market housing in terms of style, quality of specification, finish and materials and external layout (including landscaping). Affordable homes sold to Registered Providers will also have to meet the design and specification of individual Registered Providers and national standards set out by Homes England. It is accepted that to meet these standards, there may be a requirement for some differences from the rest of the development, but these should be kept to a minimum.</p>
Para 4.8 (page 17)	1092750 Martyn Broadest (Connect Housing)	23 I question the suggestion that the AH should be at the same standard as the rest of the scheme. The AH should meet specified minimum standards set out for Affordable Housing, which may be better in some aspects than the developer's standard specification.	Wording guided by that of national policy. SPD sets minimum standards. Significance of difference from the balance of the homes on the site may be difficult to achieve and may create social division. As per the response to representation 86 above.
Para 4.9 (Page 17)	1092750 Martyn Broadest (Connect Housing)	24 Agree that they should be designed to be adaptable. Generally, I agree they should be broadly indistinguishable, but that should not be at the cost of sacrificing good design applicable to affordable housing.	Wording guided by that of national policy. SPD sets minimum standards. Significance of difference from the balance of the homes on the site may be difficult to achieve and may create social division As per the response to representation 86 above.
Para 4.10 (Page 17)	1092750 Martyn	25 Disagree with the last phrase if it results in	Wording guided by that of national policy. SPD sets minimum

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
	Broadest (Connect Housing)	compromises being made on the affordable housing specification. Why should the differences be kept to a minimum if they are enhancing the overall quality of those homes? The key thing here is that the LPA should adopt a minimum specification for affordable housing that is consistent with that delivered through grant funded programmes.	standards. Significance of difference from the balance of the homes on the site may be difficult to achieve and may create social division As per the response to representation 86 above.
Location of Plots Within a Development (Page 17)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	87 We support the acknowledgement within paragraph 4.11 and Principle 15, that having clusters of affordable homes on a housing site is more practical for Registered Provider's when it comes to daily/weekly management. This is certainly our experience and in addition to this, it minimises the occasional conflict that can sometimes occur between social and private neighbours.	The representation is noted.
Para 4.11 (Page 17)	1338711 Julie Bullen	47 Agree - affordable units need to effectively integrated, tenure blind and pepperpotted across larger developments	The representation is noted and the Council agrees in principle but practical considerations require a more flexible approach.
Para 4.11 (Page 17)	1092750 Martyn Broadest (Connect Housing)	26 Agree	The representation is noted.
Phasing (Page 17)	1139625 Mark Jones (Barratt Homes / David	88 We appreciate what Principle 16 is trying to achieve, in ensuring that there is an even spread for the delivery of new affordable homes across the build period of a new	Some flexibility would assist developers whilst the original principle remains. Revisions

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
	Wilson Homes)	housing development. However, this is not always practical, as it depends on the approved layout and build programme. Other factors can come in to play, which dictate the layout and timing of build out. Thus, whilst the aim should be to deliver an even spread of affordable homes across a development, this may not always be possible. Also, a phasing plan is determined by a number of operational factors, which means a phasing plan can change during or post planning consent. This will and can happen without changing the layout and location of certain types of dwellings. So, it is important that Principle 16 acknowledges that it may not be possible to accommodate affordable homes in ALL phases.	Redraft paragraph 4.13 of the draft SPD (now 4.16): Para. 4.16 of Adoption Version: <u>The Council would prefer that affordable homes are spread throughout a phased development rather than concentrated in a single phase. However, it is recognised that there may be practical considerations that prevent this. The Council will seek early discussion with developers to determine the location of affordable homes in each phase. These will be secured by trigger points in the Section 106 Agreement or by conditions attached to an outline permission.</u>
Para 4.13 (Page 17)	1338711 Julie Bullen	48 Requires more detail to guide developers on what is expected to ensure affordable housing is delivered before the market housing is completed and this is not an afterthought. For example - Triggers should be included in legal agreement. Will vary from site to site but could be for example - not allow /permit occupation of 25% of market dwellings until contract entered into with RP to deliver affordables in accordance with a scheme approved by council. Not allow or permit occupation of more than 50% of market dwellings until affordable completed and transferred to RP and is ready for occupation (all access roads, paths and safe to use).	The Council agrees with the representation but also notes the need for some flexibility. Revisions As per the response to representation 88.

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		Phasing should also apply to off site payments. ie 1st phase to be delivered no later than completion of 3rd phase of overall scheme and remainder to be delivered no later than 90% of open market units unless site circumstances justify an alternative approach.	
5.2	CMBC Revision		<p>There has been a problem with developers adding affordable homes additional to those shown in their publicity and then being sued by owners of market housing. This is not relevant to registered providers.</p> <p>Revisions Revise paragraph 5.2 of the draft SDPD: Early agreement of the number and location of affordable dwellings will allow developers and registered providers to include this in their marketing material.</p>
Para 5.3 (Page 19)	1338711 Julie Bullen	49 Council have a good, clear process with RPs which seems to work – support.	The representation is noted.
Para 5.3 (Page 19)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p>89 We support section 5.3 which says that the Council wants to work with a range of Registered Providers. Yet Principle 17 (Allocation of Affordable Housing to Registered Providers) goes against this by restricting an RP to the criteria listed.</p> <p>We strongly object to the criteria which states “<i>The Provider must have had a consistent (our</i></p>	<p>Greater flexibility in the selection of Registered Providers will assist developers in delivering affordable housing.</p> <p>Revisions The section “Selection of Registered Providers” has been redrafted:</p> <p>5.3 In most circumstances affordable housing <i>for rent</i> will be delivered in partnership with a Registered Provider. The Council</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p><i>emphasis) presence at the Calderdale Registered Provider Executive Meetings and/or the Calderdale Housing Association Liaison Meetings (CHALMs)."</i></p> <p>We work with trusted local partners in Calderdale who we feel will do a good job working with us and ensuring that the future management of the affordable homes we build and hand over are in good hands. One of our biggest concerns in selecting to an RP is future management, to protect all of our customers.</p> <p>Compared to other Local Authorities in Yorkshire, Calderdale has not experienced the same housing growth, especially large scale sites over the last 5 to 10 years. Therefore, there may be an RP operator who are very well respected but to date may not have operated at all, or regularly in Calderdale. Just like some housebuilders have not operated in Calderdale for some time, they may in the near future, in light of the new local plan that was recently adopted.</p> <p>It also prevents the involvement of newly established RP's or RP's that are seeking to vary their areas of activity. If an RP has fulfilled the Homes England registration criteria and wishes to invest in Calderdale, they not be precluded from doing so, because they don't have current stock in the Council area.</p> <p>We do not have this issue elsewhere and</p>	<p>wants to work with a range of Registered Providers. At the same time there are considerable advantages if the Registered Provider already has a presence in the Borough or nearby as the provider has an <u>they will have an</u> existing infrastructure in place for management and maintenance <u>of the new stock</u></p> <p>Replace Principle 17 with new Principle 17:</p> <p><u>PRINCIPLE 17 ALLOCATION OF AFFORDABLE HOUSING TO REGISTERED PROVIDERS</u></p> <ol style="list-style-type: none"> 1. <u>The Council will create and maintain a Panel of registered providers who wish to buy homes secured by a Section 106 agreement.</u> 2. <u>Inclusion in the Panel will be open to registered providers that meet the criteria given in paragraph 5.5</u> 3. <u>The council will ask developers to provide details of the S106 properties for sale, including number, type, proposed tenure, and site location. Developers may also provide a list of registered providers from the Panel or with whom they have established relationships for consideration.</u> 4. <u>The Council will select the registered provider and will justify this selection.</u> 5. <u>Registered providers and developers will be responsible for reaching agreement on prices, specifications, and other requirements, although the Council may assist in this process.</u> <p>Replace paragraphs 5.4 to 5.13 of the draft SPD:</p> <p>5.4 of Adoption Version <u>The Council will create and maintain a Panel of Registered Providers who wish to buy homes secured by a Section 106 agreement. This will include details of the Registered Provider and any special requirements. The Panel will be included on the Councils website and updated regularly.</u></p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>therefore believe something must change to allow more flexibility in the RP of choice. Going back to the opening paragraph under the heading “Selection of Registered Providers”, the Council say they want to work with a range of RP’s but clearly this is not the case. We would be happy to meet with the Council to discuss this matter in more detail.</p>	<p>5.5 of Adoption Version <u>Registered providers that wish to be offered opportunities to buy property secured by S106 agreements should meet with the following criteria:</u></p> <ul style="list-style-type: none"> • <u>Registered with the Regulator of Social Housing and included on the statutory register.</u> • <u>Be willing to enter into a nomination agreement with the Council to take tenants from the choice-based letting system.</u> • <u>Agree to exchange information with the Council about development and registered provider stock in the Borough.</u> • <u>Provide details of the type of housing they are seeking to invest in, and any specific requirements (for example only in certain areas of the Borough).</u> • <u>Nominate a single point of contact to liaise with the Council.</u> • <u>Maintain a management base within reasonable distance of Calderdale and to be able to demonstrate effective stock management.</u> <p>5.6 of Adoption Version <u>In return the Council will offer registered providers in the scheme:</u></p> <ul style="list-style-type: none"> • <u>Support through a Key Account Management system with a single named officer acting as liaison with the Council.</u> • <u>Assistance with development of affordable housing.</u> • <u>The opportunity to buy new affordable homes secured through S106 agreements on planning applications.</u> • <u>Operational support.</u> <p><u>Funding opportunities and support with funding bids.</u></p> <p>5.7 of Adoption Version <u>The council will ask developers to provide details of the S106 properties for sale, including number, type, proposed tenure, and site location. Developers may also provide a list of registered providers from the Panel or with whom they have established relationships for consideration.</u></p> <p>5.8 of Adoption Version <u>The allocation of a registered provider to</u></p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			<p><u>the site will then be made using the following criteria:</u></p> <ul style="list-style-type: none"> • <u>Whether the development meets the specific requirements of the registered providers as described on The Panel.</u> • <u>Whether they are included on the developer's list of preferred registered providers (provided they meet the criteria for inclusion in the Scheme</u> <p>5.9 of Adoption Version <u>The final decision will rest with the Council who will document the reasons for selection and communicate this to the developer and RPs participating in the scheme.</u></p> <p>5.10 of Adoption Version <u>Registered Providers will not be penalised for turning down opportunities to buy S106 properties and will be offered further properties. Registered providers should provide feedback to the Council about why they have turned down homes or subsequent failure to purchase from the developer so that adjustment can be made.</u></p> <p>5.11 of Adoption Version <u>The Council will endeavour to make this process as speedy and smooth as possible. A time limit may be placed on offers of stock to registered providers. Developers are urged to contact the Council at an early stage in their development to allow time for the process.</u></p> <p>5.12 of Adoption Version <u>Registered providers and developers will be responsible for reaching agreement on prices, specifications, and other requirements, although the Council may assist in this process. If a registered provider is unable to reach agreement with a developer or withdraws, the Council will offer the opportunity to buy to other suitable registered providers in the scheme. If no registered providers in the scheme are interested in buying homes, the Council may negotiate an alternative contribution to affordable housing.</u></p> <p>5.13 of Adoption Version <u>Registered Providers, who are on the</u></p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			<p><u>Panel, can be represented at the following liaison meetings organised by the Council. These are forums for registered providers operating in the Borough or who wish to invest in the Borough. Neither have executive powers.</u></p> <ul style="list-style-type: none"> • <u>The quarterly Registered Provider Executive is a senior officer group that focusses on new development. Registered Providers operating or wishing to operate in the Borough should send a representative to this meeting.</u> • <u>Calderdale Housing Associations Liaison Meetings concentrate on operational issues and allow registered providers to discuss matters of mutual interest with the Council. Attendance is open to all RPs holding stock in the Borough or who wish to operate in the Borough, whether or not they wish to be offered affordable housing stock from market development.</u>
Para 5.3 (Page 19)	1338739 Andy van Vliet (Yorkshire Housing)	114 Whilst we welcome the LPA's desire to work with RSs, we object to the proposal that the LPA allocate RSLs to development opportunities; we would prefer to be able to compete more openly to acquire AH opportunities. As well as potentially restricting opportunities and adding a layer of bureaucracy, the proposals appear to penalise an RSL for not being part of CHALMs or refusing a development offer which appears unnecessarily restrictive.	As per the response to representation 89 above.
Para 5.5 (Page 19)	1092750 Martyn Broadest (Connect Housing)	28 I agree with the carousel approach. However, I think it needs to be done smartly, and not just on a who's-next-on-the-list approach which means it is entirely random what schemes get	As per the response to representation 89 above.

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>offered to which HAs. Instead, the Council should take into account other factors such as: the overall numbers of properties which HAs are getting through this process, whether they have a local presence already in the community where the scheme is being delivered, the general desirability of the scheme for their core market (eg. a group of family homes is no good to an HA that specialises in housing for older people).</p>	
5.5	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p>136</p> <p>We strongly object to section 5.5 where the Local Authority get to select the RP. A developer should be entitled to select their preferred RP who they trust to manage the affordable homes in the best way possible. At the end of the day, a developer has a reputation and public relation image to protect. Furthermore, in this modern world with social media, bad management can seriously damage the future reputation of a business, no matter how big or small it is. If the Council chose an RP, which then causes damage to the reputation of a business, can that business take action against the Council be seeking compensation? This is definitely something that the Council need to be mindful of.</p> <p>An RP should not be allocated by the Council. Each RP operates on a different basis, some are for profit organisations and they have varying internal processes and standards of internal governance. It should be for the</p>	As per the response to representation 89 above

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>developer to negotiate with, and ultimately select an RP. The Competition and Markets Authority gives guidance to Local Authorities to ensure fair competition. Decisions must consider the following:</p> <ul style="list-style-type: none"> • Will the measure directly or indirectly limit the number or range of suppliers? • Will the measure limit the ability of suppliers to compete? • Will the measure limit suppliers' incentives to compete vigorously? • Will the measure limit the choices and information available to consumers? <p>The specific choice of an RP by the Council goes against at least two of these key criteria.</p> <p>For the above reasons, we object to section 5.6 which says, <i>"where the developer's choice of Registered Provider is not a member of CHALMS (and does not wish to join) then the development will only be offered to them after it has been offered to and rejected by CHALMS members (and provided the Registered Provider accepts the terms of the S106 agreement"</i>.</p>	
5.6	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p>137</p> <p>For the above reasons, we object to section 5.6 which says, <i>"where the developer's choice of Registered Provider is not a member of CHALMS (and does not wish to join) then the development will only be offered to them after it has been offered to and rejected by</i></p>	As per the response to representation 89 above

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<i>CHALMS members (and provided the Registered Provider accepts the terms of the S106 agreement”.</i>	
Question 7 (Page 20)	1338019 Bob Rayner	7 On a tactical level, the current system appears to work, within the broader constraints of housing availability. However, enforcing it indefinitely in the SPD will make it harder to deal with future challenges in the housing market and future council constraints on housebuilding.	The response is noted
Question 7 (Page 20)	1338711 Julie Bullen	50 If this is working it should be continued.	The response is noted.
Question 7 (Page 20)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	90 For the reasons already mentioned above, the Council should not restrict the list of RPs to only those who have operated in the area in the past on a regular enough basis to be part of either one of the meeting groups listed. The selection of RPs should be left to the market and for developers to choose who they consider to be a trusted partner. We do strongly object to this and if the Council intend to maintain this position, then we would like the opportunity to have a meeting to discuss this in more detail, ahead of the SPD being progressed.	As per the response to representation 89 above
Question 7 (Page 20)	1092750 Martyn	30 No - in that it doesn't take account of the	As per the response to representation 89 above

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
	Broadest (Connect Housing)	factors that I outlined in my previous comment regarding the carousel system.	
Question 7 (Page 20)	1338925 Lydia Sharp (Persimmon Homes)	<p>124</p> <p>We deliver affordable housing on the vast majority of our sites and tender all our affordable plots out to several providers. Over the years we have established good working relationships with providers that we use regularly, which enables us to transfer houses more quickly and efficiently and improves the management of the plots upon completion. For these reasons it is considered that developers should have flexibility in who they work with on their developments.</p> <p>The draft SPD seeks to limit the range of Registered Providers ('RP's) which may be offered affordable dwellings to those which are CHALMS members. This approach is unjustified and could effectively result in a 'cartel' of selected RPs, stifling opportunities for new or expanding RPs.</p> <p>Notwithstanding the above, should the proposed approach be taken forward, we request clarification on the following prior to the adoption of the SPD:</p> <ul style="list-style-type: none"> • Will the list of CHALMS members be shared? • Will Developers be notified of changes to the list of CHALMS members? • Will developers be able to propose new 	As per the response to representation 89 above

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		members?	
Statement of Affordable Housing (Page 20)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p>91</p> <p>It is not appropriate to have the Affordable Housing Statement form as part of the obligations statement. First, some applicants may choose to submit a full draft S106 agreement, so including an affordable housing statement would not be feasible. Applicants should be able to choose whether they wish to submit such a statement as a standalone document or incorporate it within another appropriate supporting document, such as the planning statement or Design and Access Statement. Furthermore, the place to state what is required with a planning application is the Council's validation checklist which should be updated every 2 years and each update should be consulted on and be in accordance with the guidance contained with the National Planning Policy Guidance (NPPG). It is therefore suggested that the last line of Section 5.7 is deleted.</p>	<p>The representation is noted and appropriate revisions made to paragraph 5.7 of the draft SPD, together with an additional paragraph explaining the requirements for outline planning applications and consequential revisions to Principle 18.</p> <p>Revisions</p> <p>Para. 5.14 of Adoption Version Policy HS6 requires details of the affordable housing mix to be provided in a Statement of Affordable Housing Contribution informed by the most recent SHMA, together with Council's published guidance on affordable housing provision. The Statement should specify what affordable housing is proposed, a justification for the amount and type proposed and the location within the site. The Statement will form part of the planning obligations statement required by the local list of informant to accompany a planning application.</p> <p>Para. 5.15 of Adoption Version <i><u>Outline planning permissions for development where an affordable housing contribution is required will usually include a planning condition requiring an Affordable Housing Statement to be submitted with the reserved matters application. Permissions for mixed use development which includes a housing element will have a condition requiring an Affordable Housing Statement for that element of the development.</u></i></p> <p><u>PRINCIPLE 18 AFFORDABLE HOUSING STATEMENTS</u> <i><u>An Affordable Housing Statement should be submitted with:</u></i></p> <ul style="list-style-type: none"> • Outline planning applications <p>Statements for outline applications may contain less detail than for a full application and will be updated at full or reserved matters application stage.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			Affordable Housing Statements should contain details of <i>how the development will meet the requirements of Local Plan Policy HS6 including:</i>
Para 5.8 (Page 20)	1338711 Julie Bullen	51 Seems to omit reference to the need to include proposed phasing of affordable units on larger sites to be consistent. Add in phasing wording.	The representation is noted. Principal 18 includes a requirement to include details of the phasing in an Affordable Housing Statement.
Para 5.9 (Page 20)	CMBC Revision		Paragraph 5.9 of the draft SPD re-worded for clarity. Revisions Para. 5.17 of Adoption Version Adequate provision of affordable housing is a material consideration in deciding a planning application. Normally, officers will recommend affordable housing numbers and mix based on Local Plan Policy and this SPD and will negotiate over. The detailed mix, specifications, and the price to be paid <u>should be agreed by the developer and the purchasing Registered Provider.</u> This will be easier and quicker if pre-application discussions have taken place and a Registered Provider appointed by the Council.
Para 5.11 (Page 20)	CMBC Revision		Advice of Development Management is that Affordable Housing in Outline Applications is dealt with by condition. Revisions Revise paragraph 5.11 of the draft SPD: Outline application which meet the threshold for affordable homes will usually also be subject to a section 106 agreement requiring affordable homes to be provided in accordance with Local Plan policy with numbers and details to be agreed at the reserved matters stage. An exception may be where the outline application details the

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			<p>affordable homes to be provided in which case details will be agreed at outline stage.</p> <p>Para. 5.15 of Adoption Version Outline planning permissions for development where an affordable housing contribution is required will usually include a planning condition requiring an Affordable Housing Statement to be submitted with the reserved matters application. Permissions for mixed use development which includes a housing element will have a condition requiring an Affordable Housing Statement for that element of the development.</p>
Para 5.11 (Page 21)	1338711 Julie Bullen	<p>52 AS PER COMMENTS AT PRINCIPLE 18 SHOULD ALSO REFER TO PHASING FOR LARGER SITES.</p>	The representation is noted. As per the response to representation 51.
Para 5.13 (Page 22)	1338711 Julie Bullen	<p>53 Commendable to require in perpetuity. In reality this can be difficult. There are a number of reasons why affordable housing dwellings may be lost, for example a tenant's statutory acquisition of a rented dwelling, shared ownership staircasing to 100%, discharge of the charge on a shared equity dwelling etc. Should there be guidance to explain the council's expectations in various scenarios? ie. the Council expects the dwelling to be replaced within the Borough, or at the very least any resources arising from the disposal of the dwelling to be recycled to provide further affordable housing in the Borough. The Section 106 agreement should contain requirements relating to: Continued use of affordable dwellings in perpetuity; The</p>	<p>The representation is noted and the approach to perpetuity is impractical. A new bp on nomination rights would be helpful to users. Also reference to modal agreements is removed for clarity.</p> <p>Revisions Para. 5.20 of Adoption Version The Council uses will use S106 agreements for securing affordable housing on development sites. This is These are usually drawn up by the Council for each application. A model template is being developed nationally for agreements covering First Homes. A standard S106 agreement may include clauses to:</p> <p>Bullet point i replaced by new bp: <u>Ensure there are arrangements in place to ensure the benefits of affordability are passed on to future occupants.</u></p> <p>New bullet point added:</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>retention of obligations relating to the affordable dwellings; Requirements to replace the affordable dwellings; Requirement to recycle any receipts or Grant arising from the disposal of all or part of an affordable dwelling.</p> <p>Important to maintain accommodation as affordable housing. Provisions should be included that either preserve the status of the affordable housing, replace it, or, if it is no longer used for affordable housing, that resources derived from it are recycled to replace the dwelling(s) that have been lost to protect the Council stock/investment Section 106 agreement should keep the units within the definition of affordable housing; require any purchaser (other than an occupier) to preserve the accommodation as affordable housing, or replace it within the Borough, like for like; and require any purchaser to take on the obligations in the Nomination Agreement or enter into a replacement Nomination Agreement.</p> <p>Nomination Agreements should also be referenced in the S106. ie Providers of affordable housing will be required to enter into a Nomination Agreement with the Council. The Council will normally require 100% of nomination rights on all initial lettings/shared ownership sales and 75% of nomination rights thereafter (or whatever this is).</p>	<p><u>Arrangements for nomination of tenants</u></p>
5.13	CMBC		

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
(Page 22)	Revisions		<p>The model S106 agreement is for First Homes only and so all references removed from the SPD. Setting of trigger points is more flexible and reference to phasing would assist users of the SPD.</p> <p>Revisions Revise paragraph 5.13 of the draft SPD: The Council <i>will use</i> S106 agreements for securing affordable housing on development sites. This is usually drawn up by the Council for each application. A model template is being developed nationally for agreements covering First Homes An individual agreement may include clauses to:</p> <p>Revise bp j and delete bp k in the draft SPD (Para. 2.20 of Adoption Version):</p> <p>j Prevent occupation of a specified proportion of the general housing market units until the affordable housing has been transferred to a registered social landlord. <u>Set trigger points for the sale of affordable housing to a registered provider.</u></p> <p>k Set rent levels for shared ownership homes</p> <p>Add new bullet point:</p> <ul style="list-style-type: none"> • The amount of affordable housing to be provided in each phase.
5.15 (Page 22)	1338992 Izzi Henderson (Anchor Homes)	120 It is important that the Affordable Housing SPD does not prejudice the ability of Registered Providers to claim grant for developments which provide affordable housing in excess of policy requirements. Homes England grant funding for affordable housing is essential to enable the supply of homes for those who can't	<p>Representations noted and revisions made to address concerns.</p> <p>Revisions Reference to homes remaining affordable in perpetuity removed (Paragraph 5.25 in Adoption Version)</p> <p>Requirement for receipts from sale of shared ownership units to be</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>otherwise afford to buy or rent a home at the market price where development would be otherwise unviable. There are various references within the draft SPD to affordable housing needing to remain affordable in perpetuity. This conflicts with the requirements of Homes England grant funding, under which all residents must have a Right to Shared Ownership, which includes a resident being able to staircase to full ownership. To ensure that the SPD is effective, an exception should be made for developments which include an element of Homes England grant funding.</p> <p>In respect of receipts from the sale element of shared ownership being recycled within Calderdale (paragraph 5.15), it is important that flexibility is provided for registered providers. Sales receipts may form part of the long-term cashflow of a development and funds may not be available to be recycled. A registered provider may also not have a current opportunity to recycle sales income, or grant, within the same local authority. We would encourage a more flexible approach to be taken where best endeavours are required for sales income to be recycled.</p> <p>The draft SPD also states that the Council will agree with Registered Providers the minimum and maximum share that can be purchased, service charges and maintenance responsibilities. For grant funded developments, it is important that shared</p>	<p>recycled in Calderdale deleted (Paragraph 5.25 in Adoption Version)</p> <p>Requirement for minimum and maximum purchase requirements removed from the SPD in order to comply with Homes England Capital Funding Guide (Paragraph 5.25 in Adoption Version).</p> <p>Revise paragraph 5.15 and heading as follows:</p> <p>Process for Intermediate Tenure <u>homes providing other routes to home ownership</u></p> <p>Properties to be made available for shared ownership and other intermediate tenures will normally be purchased from the developer by a Registered Provider using the process outlined above. The Council will agree with the Registered Provider the minimum and maximum share that can be purchased, service charges and maintenance responsibilities and this may be set out in the S106 agreement. The Council will expect receipts from the sale element of shared ownership to be recycled within Calderdale- (Paragraph 5.24 of Adoption version).</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		ownership homes comply with the 'shared ownership model' which is defined by Homes England in the Capital Funding Guide. Flexibility should be provided in the SPD to ensure that, for grant funded developments, there is no minimum or maximum share.	
Question 8 (Page 22)	1338019 Bob Rayner	8 Yes, it is acceptable.	The response is noted.
Question 8 (Page 22)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	92 Yes, we support the removal of set transfer values, as this should be determined on a site-by-site basis, subject to build quality and market area. Furthermore, they can quickly become out of date if they are not regularly updated more than once a year. This accords with the principles of fair competition as established by the CMA (outlined above). Our concern is how this relates to the nomination of an RP, as outlined in Question 7. The nomination of an RP to the developer should be excluded too, as this may create a conflict.	See response to Question 8 below
Question 8 (Page 22)	1092750 Martyn Broadest (Connect Housing)	31 I don't think this will be helpful for anyone. Having transfer prices provides a degree of certainty for developers early in the feasibility process, where they may be negotiating land deals. Removing it introduces a greater level of "hope" value, and more importantly will encourage developers to "shop around" with RPs rather than follow the Carousel approach	See response to Question 8 below

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		set out in the SPD. RPs paying more than they need to effectively takes money out of the affordable homes system, and means that fewer homes overall will be delivered. Transfer prices should absolutely be retained.	
Question 8 (Page 22)	1338739 Andy van Vliet (Yorkshire Housing)	116 Whilst we agree that Transfer Values should not be mandatory, they are useful benchmarks enabling RSL's to achieve value for money in developer negotiations.	See response to Question 8 below
Question 8 (Page 22)	1338925 Lydia Sharp (Persimmon Homes)	125 In principle we do not have any objections to the removal of set transfer values, however, due to developers being restricted to only being able to work with one Registered Provider, clarity is sought on how fair prices will be ensured. Developers undertake viability assessments with estimated affordable housing values prior to submitting planning applications to ensure that the submitted scheme is deliverable. Lower than expected values will harm the viability and deliverability of sites with affordable housing provision requirements. Furthermore, the draft SPD does not provide information on the process that would occur if a Registered Provider and Developer did not agree on a purchase. Details of the procedure that would be followed in such circumstances should be included within the draft SPD.	See response to Question 8 below

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
5.14 (Page 22)	CMBC Revision	<p>See responses to Question 8 on Transfer Values in the on-line consultation draft.</p> <p>Also to guard against the situation where off-site provision is agreed but which is actually not suitable for the development of affordable housing.</p>	<p>Mixed response to the value of transfer values (Representations 31,116 and 125 plus subsequent discussions with private developers and Registered Providers) but it was broadly accepted by all to be a useful guide in costing development and assessing viability. Therefore, an indicative value will be added to the website and is referenced in the SPD.</p> <p>Revisions Section on ‘Purchase by Registered Providers’ re-drafted: <i>Transfer values are the amount paid by Registered Providers to developers for affordable homes. They are usually determined by negotiation between individual registered providers and developers. Consequentially, transfer values will not be set in this SPD. However Registered providers and developers have stated that indicative transfer values set by the local authority can be a useful starting point in negotiations and as a guide to likely development values.</i> (Paragraph 5.21 of Adoption Version)</p> <p><i>The Council has commissioned research to set indicative values that will allow a development to proceed but which are not set too high to prevent Registered Providers taking on affordable homes from development. This has been done by determining a value based on the cost of delivering affordable housing (expressed as a percentage of open market values). This has been tested against a hypothetical “typical” Calderdale development with the value varied to arrive at a figure that retains viability of the whole development while allowing Registered Providers to buy affordable homes for rent. Before accepting offsite provision, the Council will need to be sure the site is suitable for development and management by Registered Providers. It will do this by consulting the partner Register Provider for the site (if identified) or other Registered Providers that are interested in this sort of development</i> (Paragraph 5.22 of Adoption Version)</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			<p><i>Additionally, as it is indicative and to allow for adjustment the transfer value will be published on the Council's website and regularly reviewed to ensure that it is realistic. (Paragraph 5.23 of Adoption Version)</i></p> <p><u>PRINCIPLE 19 TRANSFER VALUES</u></p> <p><i>I. The Council will publish an indicative transfer value on its website as the basis for valuation of development and negotiation between developer and Registered Provider</i></p> <p><i>II. The value will be regularly reviewed to ensure that development can remain viable and that affordable units can continue to be purchased by Registered Providers.</i></p>
Process for Immediate Tenure (Page 22)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	93 From experience, we understand RPs will normally oppose the recycling of shared ownership receipts within a specific local authority area. Most cannot commit to investing their receipts within a single location.	See response to representation 120 (Izzy Henderson Anchor Homes) above.
Question 9 (Page 23)	1338711 Julie Bullen	56 Yes for best use of council resources. This should be transferred to developer.	The response is noted.
Question 9 (Page 23)	1092750 Mr Martyn Broadest (Connect Housing)	62 No Comment	The response is noted.
Question 9	1139625	95	

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
(Page 23)	Mark Jones (Barratt Homes / David Wilson Homes)	Yes, it is acceptable as per our comments in the previous paragraph, however it needs to be proportionate to the administrative cost involved. Whilst the first sale of each DMS home can be covered by the developer, the developer can't then be expected to cover this cost for every single future sales transaction which does not involve them. Thus, the Council need to establish who covers the cost for the second transaction onwards for each DMS home. Our suggestion would be for the party looking to purchase the property to cover the fee, to provide more onus on them ensuring that they are eligible. This would also avoid the seller paying such a fee, only to find out that the purchaser does not meet the required criteria. Which would then result in the seller paying an admin fee unnecessarily.	See response to representation 94 below.
Question 9 (Page 23)	1338925 Lydia Sharp (Persimmon Homes)	<p>126</p> <p>It is accepted that it is reasonable for the developer to cover the cost of the administration process for the initial sale of discounted market homes, and wording to secure payment of such fees could be inserted into a Section 106 Agreement. However, it is not reasonable to expect developers to cover the same fees for all subsequent sales of the discounted market homes when the developer will no longer have a legal interest in the property. This aspect of the draft SPD is therefore not supported.</p> <p>Further evidence is also requested on the</p>	See response to representation 94 below

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>process of calculating the suggested admin charge.</p> <p>It is reiterated that an SPD should not unnecessarily add to the financial burdens of a development, as the draft Affordable Housing SPD itself states in paragraph 1.1.</p>	
<p>Process for Discount Market Homes (Page 22)</p>	<p>1139625 Mark Jones (Barratt Homes / David Wilson Homes)</p>	<p>94 We support the use of Discount Market Homes (DMS) which can be a very attractive proposition to local people who want to get on the property ladder, especially the likes of key workers.</p> <p>Regarding section 5.19, we agree that for the first initial sale, the developer should assist with an administration fee to cover the cost of the Local Authority carrying out the necessary checks to see if a customer qualifies for a DMS home. However, a developer can't be expected to cover this cost every time each DMS home is sold. Instead, the administrative cost, should be borne solely by the purchaser. Another option could be for this to be split equally between the purchaser and seller, however, if it established afterwards that the purchaser is not eligible, then the seller has borne an abortive cost, and this could be repeated. Therefore, the only option for all future sales beyond the first sale, is for the purchaser to cover the administration cost. Like when a purchaser pays a fee to lock into a mortgage product.</p>	<p>The support for discount market homes is noted. The sale of discounted market homes after an initial sale by the developer will impose a cost on the local authority for which specific resources are not available. Charging a fee to the buyer is seen as politically unacceptable. This gives the Council flexibility around setting fees whereas if it included an amount in the SPD the Council could not change it.</p> <p>Revisions Para 5.28 of Adoption Version Although developers normally handle the initial sale of discounted market homes, they impose a burden on the Council at this and subsequent sales because they require the Council to certify the eligibility of buyers as well as deal with queries from sellers, potential buyers, conveyancers, and estate agents. The cost is estimated to be £360 per sale with home changing hands on average every four years. Therefore, S106 agreements will add a charge to developers to cover the cost of this <u>based on an estimate of the staff time required to deal with queries and to prepare a certificate of conformity for two sales after the initial sale. The money from these fees will be ring-fenced. The fee will be published on the Council's website so that it can be updated. The basis for this charge and the charge itself will be published on the Council's website and will be regularly reviewed to take account of inflation and experience in implementing the policy.</u></p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
Compensation for Loss of Affordable Housing (Page 23)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	96 Is Principle 20 regarding fees for DMS homes in the right place? It appears under the above heading, yet should it be in the previous section?	Revisions Principle 20 moved to between paragraph 5.27 and 5.28 in the revised document.
Compensation for Loss of Affordable Housing (Page 23)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	97 We object to the requirement for the fee to be paid by the development PER HOME. As stated above, the developer should cover the fee for the first sale, but it is unreasonable for the developer to cover this cost in perpetuity for the reasons already mentioned.	See response to representation 94 above
Para 5.22 (Page 23)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	98 There does not appear to be a heading, principle, or question regarding Discounted Market Homes Compensation. The two worked examples are confusing, as both scenarios should only be subject to a 30% compensation of the Open Market Value (OMV) at the point of sale, of which that 30% should go to the Council. The examples given seem to complicate the matter and offer options which we don't feel are relevant.	Revisions bp1 Thirty percent of <i>The original discount applied to</i> the proceeds of sale; or (paragraph 5.31 of Adoption Version) Following added to end of sub-section on Compensation for Loss of Affordable Housing: <u>NB Separate Guidance will be published on First Homes based on the procedure and principles set out above.</u> Worked Examples removed to reduce unnecessary complexity in SPD.
Para 5.24 (Page 24)	1338711 Julie Bullen	57 Again should stress this route is a last resort, very exceptional. Where agreed if there is an identified need for affordable units in the area	The representation is noted.

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		<p>of the development in question it should be stipulated the locality where the commuted sum will be ringfenced to. This will ensure local needs are addressed identified need. Given contributions have to be paid back if not spent within specified time it is important council monitor this very closely.</p> <p>Aggregated financial contributions from different sites should only occur if that best achieves the Council's and the local community's priorities for affordable housing. The SHMA/ local housing needs should be used establish this.</p>	
Question 10 (Page 25)	1338711 Julie Bullen	<p>58 Agree partially - ensures not based on a 2 bed unit. Council's admin fees should be covered to protect scarce resources. However, suggest that 15% added to reflect site acquisition and servicing costs to give the per unit sum approximate value for the property type.</p>	The response is noted
Question 10 (Page 25)	1092750 Mr Martyn Broadest (Connect Housing)	<p>63 No Comment</p>	The response is noted
Question 10 (Page 25)	1139625 Mark Jones (Barratt Homes / David Wilson)	<p>99 Unfortunately, the worked examples given on page 25 are confusing and don't make sense.</p> <p>For worked example 1, the base commuted sum is meant to be 50% of £1,925,000 but at</p>	<p>The text has been clarified and a new worked example added to the SPD.</p> <p>Revisions Revise paragraphs 5.24 to 5.26 and Principle 22 of the draft SPD:</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
	Homes)	<p>£981,500, this is not the case. Then the administrative fee is meant to be 20% of the base commuted sum but is presented as £38,500 which is wrong. Also, the Base Commuted Sum for Worked Example 2 appears to be wrong. Also, to presume that the percentage of affordable housing automatically equates to the percentage to be applied to the GDV is incorrect.</p> <p>Notwithstanding the actual figures used in the examples, if you take the approach given in both examples, they are both flawed and furthermore, you will need different calculations per each affordable housing zone and per type of affordable housing product.</p> <p>We suggest that the Council re-looks at this section of the SPD.</p>	<p>Normally Council and Government policy is for affordable homes to be provided on-site as part of a development. However ,in exceptional circumstances, such as where on-site delivery to a registered provider is not possible or where it would deliver a more sustainable development, a commuted sum of broadly equivalent value in lieu of part or all of the affordable housing provision on a site may be accepted . This would have to have a sound planning or housing reason and would have <u>to be</u> robustly justified. <u>The Council will have to agree that on-site provision is not possible and agree with the developer the affordable housing mix that would have been provided on-site (in accordance with policy HS6 and this SPD).</u></p> <p>(Paragraph 5.33 of Adoption Version)</p> <p>The Gross Development Value shall be calculated by an independent surveyor appointed and paid for the developer. The Council will assess the Gross Development Value using an independent surveyor paid for the developer in accordance with the approach to assessing viability (see below).</p> <p>The agreed commuted sum and arrangements for payment (and terms for repayment if necessary) will be contained in the S106 Agreement. (Paragraph 5.34 of Adoption Version)</p> <p>Principle 22 Commuted Sums</p> <p>III. The commuted sum will be negotiated with the Council but will be based on half the Gross Development Value of the homes on the site that would otherwise have been sold to a registered provider and the price paid by Registered Providers on other sites. but will be set so that the developer will not be any better off by paying a commuted sum than they would have been by selling the affordable homes at the transfer value or a discount.</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			<p>V. <u>The Council's Annual Infrastructure Funding Statement will include details of contributions received in relation to affordable housing.</u></p> <p><u>The amount of the commuted sum will be based on the discount on the value of homes that would have been sold to registered providers for social or affordable rent plus the discount that would have been offered on discounted market homes. (Paragraph 5.35 of Adoption Version)</u></p> <p><u>In all cases 20% is added to the total to cover the additional administration costs incurred by the Council in collecting and distributing the commuted sum. (Paragraph 5.36 of Adoption Version)</u></p> <p><u>The open market value will be calculated by an independent surveyor appointed by and paid for by the developer. The Council may assess the valuation using an independent surveyor paid for by the developer in accordance with the approach to assessing viability (see below). (Paragraph 5.37 of Adoption Version)</u></p> <p>Worked Example Calculating a Commuted Sum (Replaces 2 Examples in draft SPD):</p> <p><i>A site includes ten potential affordable homes; six that would have been sold to a developer for affordable rent plus three to be sold at a 25% discount</i></p> <p><i>Homes for rent: Open Market Value is £200,00 Indicative Transfer</i></p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			<p><i>Value is 55% of open market value</i></p> <p>A. <i>Total Open Market Value 6 X £200,000= £1,200,000</i></p> <p>B. <i>Indicative Transfer Value 55% of £1,200,000 = £660,000</i></p> <p>C. <i>Commuted Sum: (A-B); £1,200,000 minus £660,000= £540,000</i></p> <p>D. <i>Admin. Fee: (CX20%) £540,000 X 20% = £108,000</i></p> <p><i>Homes for Discounted Market Sale : Open Market Value £200,000. Proposed Discount 25%</i></p> <p>E. <i>Total Open Market Value: 3 X £200,000= £600,000</i></p> <p>F. <i>Commuted Sum: 25% X £600,000= £150,000</i></p> <p>G. <i>Admin Fee (F X 20%) =£150,000 X 20%= £30,000</i></p> <p>H.</p> <p><i>Total Commuted Sum: C+D+E+F;</i></p> <p><i>£540,000+£108,000+£150,000+£30,000=£828,000</i></p>
Para 5.27 (Page 26)	1338711 Julie Bullen	54 This is in accordance with NPPF (paragraph 57).	The representation is noted.
Para 5.28 (page 26)	CMBC Revision		<p>Clarification</p> <p>Revisions Paragraph 5.28 of the draft SPD:</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
			<p>It is recognised that there may be circumstances where development including provision for <i>with</i> affordable homes in accordance with the Local Plan policies (on-site or off-site) may not be viable, because of for example a changing market or unexpected site circumstances. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage including the need to reduce or omit the affordable housing contribution (or locate it elsewhere). (Paragraph 5.39 of Adoption Version)</p>
<p>Para 5.30 (Page 26)</p>	<p>1338711 Julie Bullen</p>	<p>55 To support the Council's affordable housing delivery would suggest the following - Where a viability appraisal successfully shows non-viability of delivering the requirements of the affordable homes policy - should the Council require an overage clause to be incorporated into a Section 106 Agreement? This would allow the Council to claw back any "excess" value (GDV) generated by the development above the originally predicted surplus value. This could be split 50:50 or however it is deemed suitable between the council and developer to be reinvested for affordable housing delivery purposes This would be capped at the ceiling of the full affordable housing requirement.</p>	<p>The representation is noted but beyond the scope of the SPD.</p>
<p>Para 5.30 (Page 26)</p>	<p>1139625 Mark Jones (Barratt Homes / David Wilson</p>	<p>100 An EVA should not form the affordable housing statement and should be a separate standalone document. Thus, part 1 of Principle 23 which states that "This will be submitted with the planning application as part of the</p>	<p>Revisions made to Principle 23 in response to the representation.</p> <p><u>Revisions</u> <u>Principle 23 Approach to Viability and Other Assessments</u> I. The developer seeking an exception to policy for reasons of</p>

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
	Homes)	<p>Affordable Housing Statement” should be deleted.</p> <p>Part 3 of Principle 23 says “the assessment report will be shared with the developer who will have one opportunity to comment on the report.” We object to this as there may be a need to discuss EVA content more than once. Furthermore, there is no commentary or justification in the supporting text outlining why this is the case. Para 5.29 of the SPD says that the approach to viability assessments follows the recommended approach to assessment in the National Planning Practice Guidance. However, we are not aware of it saying that an applicant is only allowed one opportunity to comment on the report of an independent review of the submitted EVA. Nor are we aware of this approach being recommended within the RICS guidance on Assessing Viability. Also, we have never experienced other LPA’s allowing an applicant to only have comment on a report once. The outcome of only allowing what would effectively be one conversation on viability during the determination of a planning application, is a number of matters will remain outstanding resulting in the LPA having no choice but to refuse a planning application, leading to both parties incurring further delay, additional resource and cost at appeal.</p>	<p>viability will provide and fund a Statement to prove that the inclusion of affordable housing as required by Local Plan policies will make a development unviable.</p> <p>This will be submitted with the planning application as part of the Affordable Housing Statement. The assessment data should be transparent and verifiable. All inputs used in the viability assessment must be fully justified with evidence.</p> <p>II. The Council will assess the viability assessment using an independent surveyor selected by the Council but paid for by the developer. In addition to the evidence provided by the developer the Council-appointed surveyor may require clarification from the developer where details are obscure or missing. The developer will have the opportunity to provide this.</p> <p>III. The assessment report will be shared with the developer who will have one opportunity to comment on the report. Challenges should be fully evidenced. <u>Guidance on what should be included in a viability statement is given in Appendix 8.</u></p>
Question 11 (Page 26)	1338019 Bob Rayner	9 Like all council rules on housebuilding, this	The representation is noted.

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
		involves the council setting a list of criteria and then expecting the developer to pay the cost of following council-defined processes after which the council might sit on it for a year or two before making a new objection. All while the building or site remains empty. If the council genuinely cared about affordable housing, it would put some constraints on the costs and the delays, and perhaps offer some form of assurance to the people who actually build the houses.	
Question 11 (Page 26)	1338711 Julie Bullen	59 Previous comments should be considered - but then yes.	The representation is noted.
Question 11 (Page 26)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	101 We object to parts of section 1 and 3 of Principle 23 for the reasons already mentioned above. Thus, we would suggest that the Principle 23 is amended accordingly.	As per the response to representation 100 above.
Question 11 (Page 26)	1092750 Mr Martyn Broadest (Connect Housing)	64 No Comment	The representation is noted.
References	CMBC Revision	To match other SPDs	Title: Appendix 1: List of References
Is Affordable	CMBC		Appendix 4

Consultation point	Consultee	Comment	Council response and SPD amendment (where applicable)
Housing Required	Revision		Diagram altered to match references in text
Types of Affordable Housing Required	CMBC Revision		Appendix 5 Diagram altered to match references in text