

**Summary of Representations Received on the
Affordable Housing Supplementary Planning Document (SPD): Scoping
Consultation between 22nd November 2018 and 3rd January 2019**

Consultee	Key text from representation	Changes sought	Council Response
Overall comments			
Highways England	No comments to make		Noted
Natural England	<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>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances 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>		<p>Noted</p> <p>Noted</p>
Historic England	At this stage we have no comments to make on [the document's] content		Noted
Equality and Human Rights Commission	<p>The Commission does not have the resources to respond to all consultations, and it is not our practice to respond to consultations on local plans or infrastructure projects unless they raise a clear or significant equality or human rights concern.</p> <p>Local, Parish and Town Councils and other public authorities have obligations under the Public Sector Equality Duty (PSED) in the Equality Act 2010 to consider the effect of their policies and decisions on people sharing particular protected characteristics. We provide advice for public authorities on how to apply the PSED, which is the mechanism through which public authorities involved in the planning process should consider the potential for</p>		Noted

	planning proposals to have an impact on equality for different groups of people. To assist, you will find our technical guidance here.		
Environment Agency	We have no comments to make in relation to this SPD scoping report.		Noted
Canal and River Trust	No comment		Noted
CAPOW	<p>1 There is a need to site affordable housing when there is a ready demand supported by jobs, adequate public transport, facilities and schooling. The far largest part of this demand is in the urban centres and therefore this is where the majority should be built.</p> <p>2 Whilst you mention the higher than average cost of housing on the Fylde but no mention is made of the fact that developers, through the requirement for provision of affordable housing, also charge higher market housing prices and this has a knock-on effect on market prices too.</p> <p>3 With the changes in Government Policy, there is a need to consider whether some provision through FBC borrowing is relevant. This is not contained within the SPD.</p>		<p>Noted</p> <p>Developers can only charge what the market will bear. There is no evidence that the provision of affordable housing inflates house prices.</p> <p>The Council can consider this but such a decision lies outside the scope of the SPD.</p>
Strategic Land Group	It is one of the central challenges for the planning system that enough homes are delivered in order to help tackle the nationwide shortage and affordability crisis. That includes ensuring the delivery of a range of house types including affordable housing. We welcome the proactive steps that Fylde are taking to ensure that this housing is delivered and to provide further guidance on the policies contained within the Local Plan. The following comments are intended to be constructive and to		Noted

	support the council in preparing the Supplementary Planning Document ('SPD').		
Introduction			
Do you agree that the Council should produce a SPD to provide detailed guidance on affordable housing?			
Taylor Wimpey	<p>Taylor Wimpey generally supports the principle of preparing an Affordable Housing SPD which will enable the Council to provide additional supplementary detail to Policy H4 of the Local Plan. It will constitute an important mechanism with which to provide clarity and direction in relation to affordable housing for applicants seeking to deliver residential development within Fylde.</p> <p>As set out in the introduction of the AHSC, the context of Fylde means that the provision of affordable housing is critical in the delivery of sustainable, mixed communities within the Borough. This scoping consultation presents an opportunity to shape the outcome of the Affordable Housing SPD and ensure relevant considerations are addressed.</p> <p>Taylor Wimpey notes that reference to Policy H4 (Affordable Housing) of the Local Plan, and its role in forming the basis of the Affordable Housing SPD, is not clearly set out within the introduction of the AHSC. Policy H4 already provides a detailed starting point for the provision of affordable housing in the Borough and any SPD to be prepared can only provide additional guidance. SPDs are allowed to contain policy, but it must be justified and must not conflict with the adopted development plan. SPD policy cannot supersede development plan policy and is merely a material consideration.</p> <p>It is acknowledged that the document is a scoping exercise and does not represent an adopted SPD in its own right. However, the</p>		<p>Noted</p> <p>Noted. Additional paragraph added to the Introduction</p> <p>Agreed. Additional wording included</p>

	Council should ensure that the finalised Affordable Housing SPD should clearly state at the outset its direct relation to Policy H4 of the Local Plan, and the role the SPD adopts in support of this Policy.		
Progress Housing Group	1. Yes we agree that the Council should produce a SPD to provide detailed guidance on affordable housing.		Noted
Persimmon Homes Lancashire	Persimmon Homes is supportive of the production of an SPD to support the delivery of affordable housing in Fylde borough. The SPD should provide detailed guidance, while ensuring it also offers developers flexibility.		Noted
Great Places Housing Group	<p>Yes, an SPD assists developers and Registered Providers to deliver affordable homes that meet with Fylde Council's aspirations and local policy drivers alongside Local Plan Policies and the government's PPG. The SPD should ensure definitions are clear.</p> <p>It would be beneficial for learning from previous developments to be shared collectively to help inform future agreements i.e. were requirements set in respect of affordable housing delivery that were difficult for the developer or RP to execute and if so, why?</p>		<p>Noted</p> <p>This is a welcome suggestion although it is not considered that it should form part of the text of the SPD.</p>
Vision, Issues and Objectives			
Do you agree with that the SPD should consider the issues above?			
Taylor Wimpey	Whilst Taylor Wimpey acknowledges the statement in the vision that "the amount of affordable housing will be maximised", Adopted Policy H4 identifies that 30% affordable housing shall be provided on-site, and subject to viability is the starting point.		Noted. A reference to the 30% figure will be added to the text to provide context.

	<p>Taylor Wimpey agrees that the SPD should consider the issues as stated in Section 2 of the AHSC.</p> <p>However, Taylor Wimpey would like to note that the following issue may be symptomatic of the level of flexibility afforded by Policy H4; “Developers have challenged the requirement on the grounds of viability or other circumstances.” Taylor Wimpey previously expressed concerns during the preparation of the Local Plan that Policy H4 is too onerous and does not ensure that sufficient headroom was factored in to ensure all development proposals are viable. However, Taylor Wimpey welcomes the Council’s stance as part of Policy H4, that if applicants wish to justify reduced provision of affordable housing on the grounds of viability, they can do so through the provision of supporting evidence.</p> <p>Furthermore, Taylor Wimpey considers that an SPD, which is designed to support an adopted policy, should not seek to impose new requirements on developers that could potentially add to the cost of development.</p>		<p>Policy H4 is now the adopted policy, and incorporates an appropriate level of flexibility where necessary, in accordance with national Planning Practice Guidance.</p> <p>The SPD will not impose additional requirements to the existing policy.</p>
Great Places Housing Group	<p>Yes. Clarity is required on the issues highlighted; setting out the vision of Fylde Council is helpful for developers, architects and land owners in designing schemes and compliance. It should however be understood that over time such issues and objectives are likely to evolve in line with emerging and changing government policies and RP’s in particular need to ensure they comply with current and future requirements of Homes England in terms of contracts for grant funding delivery. The SPD should be mindful of this need for flexibility.</p>		<p>Agreed. The Council is mindful of the likelihood of external policy change and will have regard to this in the text of the SPD.</p>
Do you agree with the objectives as stated? Are there any that should not be included or should be amended?			

<p>Taylor Wimpey</p>	<p>Taylor Wimpey broadly agrees with the objectives set out in Section 2 of the AHSC, though would like to offer the following comments on the following objectives.</p> <p>“Provide clarity as to the requirements for the tenure, size, type, design, and siting of affordable housing within development sites.”</p> <p>Taylor Wimpey considers that the above objective will help to ensure that the SPD provides important direction for applicants when devising development proposals. However, the Council must ensure that the SPD does not introduce any overly prescriptive requirements in relation to the tenure, size, type, design, and siting of affordable housing. Taylor Wimpey would like to propose that the use of a range is considered where seeking to provide clarity in relation to the outlined requirements. This will ensure that development proposals can be formulated to meet site characteristics and be amended to cater for local needs. This element of flexibility can be incorporated to ensure the viability of proposals are also not compromised.</p> <p>“Provide a framework and methodology for any viability assessment where a developer is putting forward grounds for a reduced contribution.”</p> <p>As stated previously, Taylor Wimpey supports the Council’s stance that if applicants wish to justify reduced provision of affordable housing on the grounds of viability, they can do so through the provision of supporting evidence. However, Taylor Wimpey considers that a designated framework and methodology for any viability assessment may not provide the flexibility required to ensure viability is not compromised. Rather</p>		<p>The SPD will not introduce detailed prescriptive requirements, but will specify how the requirements set out in Local Plan policy should be met.</p> <p>The requirements of the PPG are not flexible: they are very specific in what is required.</p>
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	<p>than a Fylde specific framework, the Council should accord with the Government's recommended approach.</p> <p>The Council must ensure that any framework for viability assessment proposed within the SPD should align with the requirements of national policy. The Planning Practice Guide [Practice Guide] sets out that any viability assessment should be supported by appropriate available evidence, and should follow the government's recommended approach to assessing viability as set out in the Practice Guide, ensuring it is proportionate, simple, transparent and publicly available¹.</p>		<p>The Council agrees that the PPG should provide the Framework for any viability assessment and this will be reflected in the SPD.</p>
Persimmon Homes Lancashire	<p>Persimmon Homes supports the objectives of the SPD, as these will provide greater clarity in the process surrounding the delivery of affordable housing. If the Council requires larger housing to be allocated as affordable, it must be willing to reduce the overall percentage of provision on site. We would not support the requirement of a 30% provision if the mix was dominated by larger units, as this would have a negative impact upon the viability and therefore delivery of a scheme.</p>		<p>The Local Plan has been viability tested on the basis of 30% affordable housing. This testing does not presume that the affordable housing will be smaller units. It is not proposed that the mix is "dominated" by larger units; rather it is noted that some larger affordable units should be included.</p>
Great Places Housing Group	<p>Yes, the objectives stated will help ensure a consistent approach from Fylde Council and so developers will know what they should be providing.</p> <p>The objective on providing a standard template for Section 106 Agreements needs to be closely consulted on with RP's to prevent clauses limiting the ability to raise finance against new homes.</p> <p>The objective on a wider range of affordable products will also need to be closely consulted on with RP's in particular the management of apartment blocks. The use of 'innovative products' will have to be carefully considered (in terms of</p>		<p>Noted</p> <p>Noted</p> <p>Innovative products is not intended to refer to the method of construction but rather to</p>

	construction techniques) as RP's will have the ongoing repair and maintenance liability for homes. The option to consider new funding streams that may enable innovative products for affordable housing is welcomed.		innovative tenures/ management arrangements/ funding methods.
Are there any issues missing from the list, or additional objectives that the SPD should have?			
Progress Housing Group	2. Yes, agree with section but could you introduce a set price per sqm for registered providers to purchase S106 from developer at- this is what happens in Craven and Harrogate eliminates RP's being played off each other.		The Council does not consider that the approach suggested would contribute to the delivery of affordable housing.
Great Places Housing Group	The Vision, issues and Objectives would appear consistent and cover the main points to be addressed in the SPD.		Noted
Policy and Guidance Review			
Do you agree that the SPD should have regard to all of the above documents? Are there other documents to which the SPD should refer or which should inform the content of the SPD?			
Progress Housing Group	3. Yes, agree		Noted
Persimmon Homes Lancashire	Persimmon Homes supports the proposed regard the SPD will have to the Fylde Local Plan, the NPPF and PPG. Regular review of the borough's housing needs will need to incorporate flexibility in terms of how much weight is afforded to these documents throughout the lifetime of the Affordable Housing SPD.		Documents will be updated when necessary such that they do not become out-of-date
Great Places Housing Group	Yes the linkages would appear to be correct with the SPD primarily needing to ensure alignment with the relevant policies of the adopted Fylde Local Plan to 2032 and national PPG. It should be noted however that for RP's the delivery of a scheme or affordable housing mix / product also needs to be consistent		Noted

	with the current regulatory environment and the relevant Homes England Capital Funding Guide requirements in respect of the funding contract for which grant funding is being applied or S106 units are being acquired from developers.		The SPD and the Local Plan include flexibility in the mix that allows regard to be had by the Council to this point
Tenures of Affordable Housing for Fylde			
<p>Do you agree that the SPD should set out the specific tenures of affordable housing required in Fylde? Do you agree with those tenures of affordable housing listed above? Should a wider or narrower range of tenures be acceptable?</p> <p>Should the affordable housing on individual sites include a basket of tenures? What are your views on the mix of tenures that should be required?</p>			
Shepherd Planning	5. Agree that tenures of affordable housing should be stipulated by the council, as long as they clearly relate to the identified needs within the councils affordable housing needs assessment.		Noted
Taylor Wimpey	<p>Taylor Wimpey agrees that the that the SPD should set out the specific tenures of affordable housing required in Fylde, provided that the viability of the requirement is appropriately considered. The returns associated with social rented and intermediate tenures can vary widely, and this can disproportionately affect the viability of a scheme. The Council must ensure that any requirements set out in the SPD appropriately considers the viability aspect of requiring specific tenures. If the Council chooses to define the tenure requirements in the SPD then it must be justified on robust evidence.</p> <p>Policy H4 of the Local Plan states that the requirements for tenure of affordable homes will be negotiated on a case-by-case basis having regard to the viability of individual sites and local need². Taylor Wimpey suggest that an appropriate approach would be to consult with Registered Providers to understand the needs for the area and ascertain an appropriate split. However, Taylor Wimpey consider that this should not impact on the</p>		<p>Noted. The Council has not made any specific tenure requirements in the SPD</p> <p>Noted. The Council has not been prescriptive in the SPD but has left this matter to the Affordable Housing Policy, which can be</p>

	<p>viability of proposals. Incorporating a range within the policy rather than being overly prescriptive will ensure the SPD does not become out of date quickly due to changes in local housing needs requirements and will ensure flexibility to maintain viability.</p> <p>Taylor Wimpey would also like to note that the requirement set out in para. 4.4 of the AHSC, to discuss tenure mix with the Council in advance of the submission of an application, could result in unnecessarily protracted negotiations. Although early engagement is seen as a positive and accords with national policy [§39], the Council must ensure that this requirement does not significantly delay sites coming forward for development.</p>		<p>updated when the Council considers necessary in response to issues of deliverability raised by RPs.</p>
Taylor Wimpey	<p>Firstly, Taylor Wimpey would like to seek clarification on what the Council is referring to as a 'basket' of tenures. It is not clear as to what this is relating to and more universally used wording should be included. If the Council is referring to the provision of a 'variety' of tenures, then Taylor Wimpey supports this requirement, provided the viability of a scheme is not compromised as a result.</p> <p>In terms of the mix of tenures that should be required, Taylor Wimpey hold the view that initial discussions with Registered Providers should first be undertaken in order to understand their requirements based on the local need at that time, and the specific mix of tenures they require. Ongoing discussions should be further pursued with Registered Providers to ensure that the requisite tenures are provided. This is important to ensure that viability is not adversely impacted upon, by ensuring demand exists once planning permission has been secured.</p>		<p>The Council does not agree: the term is perfectly clear</p> <p>Agreed. Pre-application discussion with RPs is specified as necessary in the SPD</p>
Strategic Land Group	<p>It is important that policy supports the provision of homes of a broad range of tenure types although the tenures identified should be based on a robust evidence base. This is in part to</p>		

	<p>ensure the needs of different groups in the community are met as required by paragraph 61 of the National Planning Policy Framework ('the Framework').</p> <p>We support the concept of a basket of tenures in principle in order to create a more diverse offering. However, it is important to ensure that it is a pragmatic policy that allows flexibility. This will assist in ensuring the SPD is able to respond to changes in the need for different tenures of affordable homes and avoiding the provision of tenures of affordable housing in locations where they are not required.</p> <p>In determining the preferred provision of differing tenures on any given site, consideration should be given to the impact on development viability. Differing affordable housing tenures can have dramatically different impacts on development viability. Viability should also be considered in the preparation of the SPD to ensure that the financial impact of the tenure mix is equivalent to that considered to be appropriate at the Plan-making stage.</p> <p>We support the proposal for a standard method of calculating the level of discount that will be applied to market housing to calculate the value of the 'Discount Market Sales Housing'. This will provide clarity and certainty both for the Council and the applicant. This is supported by paragraph 027 of the Planning Obligations PPG which encourages Local Planning Authorities to publish standard forms and templates.</p>		<p>Noted</p> <p>Agreed</p> <p>Viability of affordable housing provision was considered at the plan-making stage.</p> <p>Support noted</p>
Progress Housing Group	4. Yes, agree. Individual sites should have a mix of tenures on offer for affordable housing.		Noted
Persimmon Homes Lancashire	The SPD should not stipulate specific tenures for affordable housing required in Fylde. It would be too restrictive, may put		Agreed. The Council's preferred requirement is to be set in the Council's Affordable Housing Policy

	<p>some providers off certain sites, and therefore could lead to difficulty for developers complying with their S106 requirements.</p> <p>We feel flexibility is key and vital to ensure all the required affordable housing in the borough is provided. To ensure schemes remain attractive to as many operators as possible, the SPD/ Council cannot impose restrictions on the type of tenure, market discount or mix of units to be provided. The SPD must avoid being too restrictive as often the level of provision and tenure mix etc, will be guided by the viability of the site. Imposing restrictions and guidelines at an early stage may well render some sites undeliverable. Based on experience with working with Registered Providers, their preference is often to have the affordable units clustered, as this makes maintaining them easier and more efficient.</p>		
Great Places Housing Group	<p>Yes it would be helpful if tenures are defined to prevent ambiguity, and individual products split out i.e. Shared Ownership and Equity Loan schemes as their processing routes for RP's in respect of grant are different.</p> <p>Once again it should be noted the recognised tenures that RP's currently develop, or may develop in the future, will vary with Homes England and national policy direction in respect of the tenures of affordable housing being sought to be delivered by the government and how these link to individual RP corporate plans.</p> <p>A mix of tenures is desirable and is currently favoured by Homes England on larger sites with respect to delivery of shared ownership and affordable rent. However we welcome the requirement for flexibility and to discuss on a site by site basis during the pre-application stages as there are some instances / sites where one tenure is clearly preferable for an RP for instance proximity to existing rental stock.</p>		<p>Noted. The Council recognises the need for flexibility in relation to changing external policy and the SPD has regard to this.</p> <p>Noted. However, any proposed scheme should be compliant with the Council's policy.</p>

	<p>Once again tenure delivery is also driven (for non S106 products) by the levels and availability of grant for each tenure and achieving viability for the site. There also needs to be flexibility in respect to enabling RP's to respond to market conditions particularly in respect of delivering sale products such as shared ownership.</p> <p>The preference is for all large sites to be "tenure blind" so it is not immediately apparent where the affordable units are located on a site despite the tenure being developed.</p>		
Do you have any views as to how the level of discount applicable to Discounted Market Sales Housing should be calculated? Do you agree that the SPD should set out a standard method of calculation?			
Taylor Wimpey	<p>Taylor Wimpey agrees that the SPD should set out a standard method of calculation [for discounted market sales housing], as this will provide an important level of clarity for applicants. However, the Council must ensure that the method is robustly justified, does not impact on the viability of proposals, and accords with the definition of discounted market sales housing set out within the Framework3.</p>		Agreed
Progress Housing Group	<p>The calculation for discount for discount market sale should be calculated using information on areas from SHMA and census info as well as new community plans.</p>		Comment noted. In fact more up-to-date data can be used
Great Places Housing Group	<p>It could be useful for Fylde Council to benchmark against discounts calculated for other local authorities offering the DMV sale tenure. Would the wording of 'at least 20%' mean that effectively developers would set the discount at 20% i.e. the minimum amount allowed under the definition?</p>		The SPD proposes discounts that are appropriate for the various parts of Fylde, rather than benchmarked against other boroughs.
The Amount of Affordable Housing Required			

Do you agree that the SPD should set out the requirements for applicants to justify the number of affordable homes included within the Affordable Housing Statement?			
Shepherd Planning	<p>1. Paragraph 3.2 of the draft SPD notes; “all market housing schemes of 10 or more houses to provide 30% affordable housing”, in line with Policy H4 of the local plan. Paragraph 3.8 notes that paragraph 64 of the NPPF (2018) notes that “10% of major developments should be available for affordable home ownership”. FBC’s requirement is clearly for 3 times the NPPF figure.</p> <p>2. The result of this local figure (3 times the government starting point) is that all that will happen is that developers will increase the price of their market units to offset the requirement (and cost) of providing a 30% affordable contribution. This will then mean that market housing becomes even less affordable to more of the public – with a resultant increase in demand for affordable housing. It is a vicious circle that I cannot see how this SPD will resolve.</p>		The requirement for 30% affordable housing is a key element of Policy H4 of the adopted Local Plan,
Taylor Wimpey	Taylor Wimpey considers that the SPD should only set out requirements for applicants to justify the number of affordable homes included within the Affordable Housing Statement, where Policy H4 is not being adhered to. It is unnecessary for applicants to justify proposals included within an Affordable Housing Statement if they are fully compliant with the overall requirements set out in adopted policy.		The Council disagrees. Where the proposal is fully compliant, the justification is likely to only require a brief statement
Progress Housing Group	5. Yes to both		
Great Places Housing Group	Yes this should be included and be based however on discussions with the Council prior to application so both parties are clear on objectives and constraints. How would this aim link with the		

	preparation of viability appraisals by developers as costs are being determined for a site?		
Do you agree that there should be a template Viability Appraisal set out within the SPD, for those applicants proposing a reduced amount of affordable housing?			
	Responses to this question have been moved to the section relating directly to Viability Appraisal.		
Pre-application Engagement and the Affordable Housing Statement			
Do you agree that the SPD should specify matters that applicants must discuss with the Council at pre-application stage?			
Shepherd Planning	<p>6. If there is a requirement for applicants to enter in to pre-application discussion with the council planners, then there must be a fixed period within which the planners agree to provide a written response to the applicant/agent. Applicants should not be left “hanging on” until a planner is available to respond. Payment for a pre-application meeting will have been made (being a major application) and a good standard of service (including prompt response in writing) should be expected to paying customers.</p> <p>7. Contact details of someone within all the Housing Associations/Registered Providers mentioned in the draft SPD should be given in the SPD. A name, phone number and email of someone within all the eight HA/RP’s should appear in the SPD to enable better/easier involvement with an applicant before application stage (or even before Pre-application stage). Contact detail of an appropriate housing officer within the council should also be included.</p> <p>8. Better liaison between HA’s/RP’s and council planners (and housing officer(s)) is required so that they are all “singing from</p>		<p>Comment noted. The Council welcomes pre-application discussion and will make staff available promptly</p> <p>Agreed. An Appendix will be added to the SPD to provide this information</p> <p>The RPs are external agents and therefore will provide their own</p>

	the same hymn sheet” and advice from one does not conflict with advice from another as this will only confuse a developer/applicant.		opinions freely. The Council will require compliance with the SPD and Local Plan Policy. The possibility always exists that views of the Council and RPs may differ.
Taylor Wimpey	Taylor Wimpey agrees that the SPD should specify matters that applicants must discuss with the Council at pre-application stage. This will provide clarity for applicants and ensure that initial discussions are focused on relevant aspects. However, the Council should avoid including requirements which are overly prescriptive, disproportionate to the development proposed and unnecessary for inclusion at pre-application. Conversely, it is important that matters to be discussed are not restricted, as contextual case-by-case factors should be considered where necessary.		Comment noted. Pre-application discussion can extend to any or all aspects considered in an application, but the SPD concentrates on those which are considered necessary.
Strategic Land Group	It is expected that the Council will need to request certain information relating to affordable housing as part of many outline applications. However, we consider the proposed requirements for the Affordable Housing Statement to be excessive for most outline planning applications. A number of these aspects are unlikely to be established at the outline stage when the precise number and mix of market homes is unlikely to be known. This requirement is therefore contrary to paragraph 44 of the Framework that requires information requirements to be “kept to the minimum” and to be “relevant, necessary and material to the application in question.” It is also contrary to the objectives of Outline Planning Applications which are described in the Planning Practice Guidance (‘PPG’) as relating to the “general principles of how a site can be developed” (Reference ID: 14-005-20140306).		The requirements for outline and reserved matters stages is refined in the SPD. However, the minimum requirements must go further than postponement of consideration of the issue of affordable housing. When granting an outline planning permission, the Council will require certainty that the affordable housing necessary to ensure that the development will be policy-compliant in principle can and will be delivered.

	<p>It is better that this information is dealt with at Reserved Matters stage. The requirement for providing Affordable Housing can still be addressed at Outline Application stage through either:</p> <p>a. A condition along the lines of “A scheme for the provision of Affordable Housing in accordance with Policy H4 of the Fylde Local Plan to 2032 shall be submitted to and approved in writing by the Local Authority as part of any Reserved Matters application”; or,</p> <p>b. A Section 106 Legal Agreement providing the broad parameters for the Affordable Housing provision (including the overall percentage of the dwellings to be provided as affordable and the agreed tenure split of that provision).</p> <p>Both of these routes provide the council with control over the final nature of the affordable housing provision as well as sufficient clarity to allow a decision to be made on the general principles of development, in accordance with the objectives of an outline planning application.</p>		
Progress Housing Group	6. Yes to all		Noted
Great Places Housing Group	<p>Yes this would assist in terms of more productive pre application meetings but for this will require commitment on both sides to ensure that all these matters are considered fully. At a very early stage of scheme development all information may not be fully complete or known to discuss.</p> <p>In respect of sites where the RP is lead developer, or sites for 100% affordable housing, these aspects could all be discussed at the pre-application stage and included in the AHS to be submitted. It is expected the challenge may be where housing developers, at pre application stage, may not always have a RP appointed early or an offer in place to acquire S106 affordable</p>		Comments noted. The Council recognises the concerns raised, and for this reason has prescribed that applicant should engage with an RP at an early stage.

	homes on a site. If an RP is not involved at that stage then the RP's will be relying on these matters be carefully considered by the Council and the developer unless provision is made for the Affordable Housing Statement to be amended by agreement if, at a later stage, there are requirements that an RP need (i.e. revised tenure mix) in order to acquire the affordable units that were not apparent at pre-application stage discussions.		
Do you agree that the SPD should require the above aspects of affordable housing provision to be set out by applicants within an Affordable Housing Statement?			
Taylor Wimpey	<p>Taylor Wimpey would like to provide comments on the following proposed SPD requirements to be set out within an Affordable Housing Statement:</p> <ul style="list-style-type: none"> • Registered Provider appointed to take the housing stock and provisions for transfer to them <p>Taylor Wimpey considers that the requirement to include an appointed Registered Provider within the Affordable Housing Statement is not appropriate. It is unlikely that an agreement with a registered provider would have been reached at this stage in the application process. Taylor Wimpey would ordinarily reach an agreement with a Registered Provider after the grant of planning permission once the certainty of outcome has been secured.</p> <ul style="list-style-type: none"> • Allocation arrangements <p>Taylor Wimpey disagrees with a requirement to outline 'allocation arrangements' within an Affordable Housing Statement. It is considered too premature to expect this level of detail to be comprehensively addressed at this stage.</p>		The Council does not agree that this approach is acceptable or policy-compliant.

	<ul style="list-style-type: none"> • Provision for the recycling of subsidy in the event of the exercise of right-to-buy or the resale of discounted property <p>Taylor Wimpey considers that it is not appropriate for the applicant to consider this within the Affordable Housing Statement, and suggest that alternatively it may be a factor which is addressed within a Section 106 [S106] Agreement.</p> <p>A draft S106 legal agreement or a completed and signed Unilateral Undertaking should be submitted as an Addendum to the Affordable Housing Statement, reflecting the above and using the template that will be provided within the SPD</p> <p>Firstly, it is not clear whether this would require applicants to include a draft S106 and / or a signed Unilateral Undertaking for all aspects of the development, or whether this relates solely to affordable housing. This should be clarified by the Council. We note that the Framework (2018) (para.54) states that Local Planning Authorities should only use planning obligations where it is not possible to address unacceptable impacts through a planning condition. We are aware across the North West that a number of Planning Authorities are able to secure affordable housing schemes by appropriately worded conditions.</p> <p>Notwithstanding the above point, Taylor Wimpey considers that the provision of a draft S106 legal agreement or completed and signed Unilateral Undertaking is an unrealistic requirement at this stage of the process. It is suggested that the preparation of a S106 Heads of Terms would be more appropriate at this stage. It is uncertain at this stage of the planning application process how a scheme will evolve and change during ongoing discussions prior to any planning permission. Therefore, following discussions with the LPA prior to an application being determined, it could have fundamentally changed and the draft S106 will be out of date.</p>		<p>It is intended that the S106 will cross-refer with the contents of the Affordable Housing Statement. These commitments will be necessary in order to demonstrate policy compliance</p> <p>Agreed. This requirement has been removed from the SPD.</p>
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	Finally, preparation of legal agreements is costly and Council solicitors are unlikely to prioritise draft S106 agreements at the pre-application stage. They will know that there is likely to be substantial change due to the evolution of development proposals during determination.		
Progress Housing Group	6. Yes to all		Noted
Great Places Housing Group	Yes, although question the reference to having a 'completed and signed' legal agreement or Unilateral Undertaking prior to a planning application being made? As above if an RP partner has not been selected or is not involved at a pre application stage with a developer then the RP will not have any opportunity to input into the draft Section 106 Agreement at that point.		Agreed. This requirement has been withdrawn from the SPD
Do you agree that an Affordable Housing Statement should be required to accompany all applications for major housing development?			
Taylor Wimpey	Taylor Wimpey agrees that an Affordable Housing Statement should be required to accompany applications for major housing development. However, the level of detail required should be proportionate to the scale of the proposed development, and should also consider the case-by-case context in order to avoid the prescription of unnecessary detail.		Agreed. Different levels of detail are to be required at outline and full/reserved matters stage
Progress Housing Group	6. Yes to all		Noted
Persimmon Homes Lancashire	We strongly disagree that an Affordable Housing Statement should be provided upfront to allow a planning application to be validated. In many Provider is not approached to express an interest in taking the units until a planning application is pending consideration or when consent has been granted. Requiring an Affordable Housing Statement upfront at this stage would be		The respondent has identified that the need is for applicants to engage with a Registered Provider in order to provide the information. This is what the Council will require.

	firstly difficult to prepare as much of the information would be unknown by the applicant of planning permission, and would require updating with facts from the RP once they had been selected.		
Great Places Housing Group	We agree with the principal of what is being requested with the caveats above and the need to ensure a level of flexibility is retained however that can be best attain the objectives of all parties. In terms of distribution of the affordable housing it is important developers are challenged not to locate the affordable homes in the most 'difficult' parts of a site i.e. accessed by un-adopted roads which become difficult to manage and end up being an additional service charge on the properties. There needs to be encouragement to make the best use of space and design out unusable communal space and unadoptable areas and this should be picked up in the Good Design and Health Living SPD's.		Agreed. This has been taken up in the SPD
Size, Type, Design and Distribution of Affordable Housing			
Do you agree with the inclusion of requirements regarding size, type, design and distribution (within the development) of affordable housing to be set out within the SPD? Are there any additional elements of design that should be included? What specific requirements do you believe should be made for the size, type, design and distribution (within the development) of affordable housing?			
CAPOW	<p>Further work is required to be undertaken to establish the type of property required, particularly for those who cannot manage stairs for an ageing population, and the LOCAL community demand.</p> <p>4 Although, also dealt with under Good Design, it is clear that little effort is being made to implement best practice in relation to minimising CO2 omissions through any requirement to provide solar panels or for other energy saving criteria or automatic grey or surface water reuse.</p>		These elements go beyond the scope of the Affordable Housing SPD

Taylor Wimpey	Taylor Wimpey generally agrees with the inclusion of requirements regarding size, type, design and distribution of affordable housing. However, requirements should not be overly prescriptive, and must take account of site-specific contextual factors. Requirements should allow for an element of flexibility to ensure that the viability of a scheme is not compromised. It is noted that it is not always possible to fully pepper-pot affordable housing across a site and some providers like them to be in close proximity for management purposes.		Comment noted. A careful balance is struck in the SPD to promote good practice whilst allowing for creative design.
Progress Housing Group	7. We would like to see space standards set and create bigger units even if it means less (<i>sic.</i>) units available. How strong (<i>sic.</i>) would Fylde be able to implement the space standards?		Nationally described space standards cannot be used
Persimmon Homes Lancashire	We feel flexibility is key and vital to ensure all the required affordable housing in the borough is provided. To ensure schemes remain attractive to as many operators as possible, the SPD/ Council cannot impose restrictions on the type of tenure, market discount or mix of units to be provided. The SPD must avoid being too restrictive as often the level of provision and tenure mix etc, will be guided by the viability of the site. Imposing restrictions and guidelines at an early stage may well render some sites undeliverable. Based on experience with working with Registered Providers, their preference is often to have the affordable units clustered, as this makes maintaining them easier and more efficient.		Comment noted. The SPD proposes small clusters rather than fully dispersed single units.
Great Places Housing Group	Yes this needs to be considered; in respect of design and distribution of affordable housing it should be sufficient as noted that these refer to compliance with the Good Design SPD to ensure that a high quality design is achieved but ensuring		

	<p>architects and developers have the flexibility to design individual homes and layouts as required, and to meet local characters, without being overall prescriptive.</p> <p>In respect of size and type then it would be useful to consider guidelines within the context of viability. The issue of developers providing RP's with units of a size that is not appropriate is well known and houses must be suitable for our residents whilst ensuring that size requirements are not such that they affect viability of development and hence delivery of affordable homes.</p> <p>On our own GPHA developments we do not have a minimum size however as a benchmark the equivalent minimum size of homes that we would seek to develop would be 70m2 for a 2 bed 4 person, and 83m2 for a 3 bed 5 person however of course any requirements would be to a certain extent dependent on the individual site being considered for development</p>		<p>Comment noted. It is agreed that the units need to be of a size that function as described. Based on the evidence provided these benchmarks have been included within the document.</p>
Off-site Provision			
Do you agree that the SPD should restrict the circumstances when affordable housing should be provided off-site?			
CAPOW	<p>1 There is a need to site affordable housing when there is a ready demand supported by jobs, adequate public transport, facilities and schooling. The far largest part of this demand is in the urban centres and therefore this is where the majority should be built. Further work is required to be undertaken to establish the type of property required, particularly for those who cannot manage stairs for an ageing population, and the LOCAL community demand. It therefore follows that Parish Councils SHOULD be able to prioritise allocation and, following this it is clear the any excess is NOT required by the Local Community and future affordable housing should be dealt with via off-site</p>		<p>Allocation policy is strictly controlled by the Council and includes strong local connection criteria, which have been set out within the SPD.</p>

	provision instead of a dogmatic requirement for on-site provision.		
Taylor Wimpey	<p>Taylor Wimpey acknowledges that there will be a presumption that affordable housing will be delivered on site, as outlined in the Local Plan. Taylor Wimpey broadly agrees with this question, and consider that the SPD should restrict the circumstances when affordable housing should be provided off-site. Taylor Wimpey is a responsible house builder and considers that this will help to promote the creation of sustainable communities within new developments. However, it is important that the SPD is not overly restrictive, and allows for flexibility within proposals.</p> <p>The AHSC [§8.1] states that off-site provision will be acceptable only in circumstances where the Council considers it to be so, and that there will be the assumption that such circumstances will be exceptional. Taylor Wimpey considers that the statement ‘circumstances where the Council considers it so’ to be extremely onerous and unhelpful. Taylor Wimpey considers that it would be useful for the Council to provide additional detail within the SPD on what it considers to be ‘exceptional’ to ensure clarity for developers and applicants during the application process.</p>		<p>Noted</p> <p>The Council will not be providing a list of suggested ways to circumvent the policy.</p>
Great Places Housing Group	Yes on the basis that Fylde Council aims to prioritise on site delivery. There needs to be a definition of “exceptional” circumstances or in what circumstances the Council may consider this acceptable		See above
Do you agree that the SPD should provide a standard method for calculating off site contributions? Do you agree that this should reflect the sale price of the homes on the development site?			

Taylor Wimpey	<p>Taylor Wimpey agrees that the SPD should provide a standard method for calculating off site contributions, as this will provide a useful aid for applicants when considering and formulating proposals. However, any standard method must ensure that flexibility is built into the methodology to allow for the varying factors which may arise on a case-by-case basis.</p> <p>Generally, the off-site contribution is calculated as a 'cost to the developer' if the affordable units were to be provided on site. The cost is normally the equivalent to the difference between open market value (based on evidence) and the price that the RP would be prepared to pay (based on evidence).</p>		<p>Noted</p> <p>A variant on this approach is what is proposed in the SPD</p>
Progress Housing Group	8. Yes, should provide a standard method for calculating off site contribution- should be different bracket of open market values on offer and part of methodology for calculating.		Noted
Great Places Housing Group	A standard methodology and examples would be of assistance to developers in interpreting clearly the requirements as set out in Policy H4.		Noted
Allocation Policy			
Should how the affordable homes will be allocated be included within the SPD? Should the SPD require the allocation of homes to be included within the Section 106 agreement?			
CAPOW	1 There is a need to site affordable housing when there is a ready demand supported by jobs, adequate public transport, facilities and schooling. The far largest part of this demand is in the urban centres and therefore this is where the majority should be built. Further work is required to be undertaken to establish the type of property required, particularly for those who cannot manage stairs for an ageing population, and the LOCAL		Allocation policy is strictly controlled by the Council and includes strong local connection criteria, which have been set out within the SPD.

	community demand. It therefore follows that Parish Councils SHOULD be able to prioritise allocation and, following this it is clear the any excess is NOT required by the Local Community and future affordable housing should be dealt with via off-site provision instead of a dogmatic requirement for on-site provision.		
Progress Housing Group	9. HE funded Shared Ownership properties- are these subject to local occupancy restrictions?		Noted: no it is acknowledged that they cannot, within the SPD.
Great Places Housing Group	<p>Yes. It needs to be clear that no local connection criteria can be applied to shared ownership in line with current Home England policy in respect of both Section 106 and grant funded home ownership products. If any such criteria were to apply GPHA would be unable to deliver the tenure in Fylde as we would not be able to include the homes within our Homes England delivery programme (N.B. all references to HCA in the document need to be updated to Homes England (HE)). Discount market sale products are not part of our HE programme but there needs to be consideration that restrictions don't make the product undesirable compared to shared ownership.</p> <p>The allocation policy should always reflect that which has been agreed between Fylde Council and RP partnership including any such changes that may be agreed from time to time between the Council and their affordable housing providers.</p> <p>It should be noted that, particularly with respect to larger developments that may be on the periphery of the Fylde Council boundary, RP's may wish to approach the Council to discuss opening up local connection to neighbouring local authorities. This would likely be the exception however it should be borne in mind this is may be a key requirement or consideration for delivery of any such particular sites.</p>		<p>Noted: no it is acknowledged that they cannot, within the SPD.</p> <p>Agreed</p> <p>This would require justification as a site-specific exception. The Council does not agree that it should be routinely provided for by inclusion within the SPD.</p>

Viability appraisal			
Do you agree that a standardised format for viability assessments should be included within the SPD?			
Shepherd Planning	4. Viability Report Templates detailing what is required are a must.		This element has been omitted pending publication of the Government's own template
Taylor Wimpey	<p>Taylor Wimpey supports the use of a template Viability Appraisal set out within the SPD. However, as outlined previously, a template Viability Appraisal must be wholly consistent with national policy. In particular, it should align with the standardised inputs to viability assessments set out within the Practice Guide⁴. Furthermore, the Council should ensure that any template Viability Appraisal is usable, easily accessible and flexible to ensure development is not slowed down unnecessarily. It should seek to follow the Government's recommended approach to assessing viability, ensuring it is proportionate, simple, transparent and publicly available.</p> <p>Taylor Wimpey broadly agrees that a standardised format for viability assessments should be included within the SPD. As outlined previously, any viability assessment proposed within the SPD should align with the requirements of national policy and the standardised inputs to viability assessments set out within the Practice Guide. Any viability assessment should be supported by appropriate available evidence, and should follow the government's recommended approach, ensuring it is proportionate, simple, transparent and publicly available.</p> <p>Furthermore, the LPA's critique of any viability assessment provided by an applicant for a development must be robustly and</p>		This element has been omitted pending publication of the Government's own template

	appropriately justified by evidence if a different figure is pursued by the Council.		
Progress Housing Group	Yes		This element has been omitted pending publication of the Government's own template
Great Places Housing Group	This is useful for consistency however potentially consultation with developers required whether this would be too restrictive? Or if setting out the requirements a Viability Appraisal must meet would be the best solution for developers and/or their chosen consultants to prepare the appraisal as required for submission?		This element has been omitted pending publication of the Government's own template
Requirements for legal agreements and undertakings			
Do you agree that the requirement for affordable housing should be secured through planning obligations, or should it be through planning conditions or some other mechanism? Should the SPD specify a requirement for affordable housing to be secured by legal agreement?			
Shepherd Planning	Standard S.106 Templates are a must.		These will be provided via a link
Taylor Wimpey	Taylor Wimpey considers that the requirement for affordable housing should be secured through planning conditions where possible. This will allow for a greater level of flexibility as the development is constructed, particularly for major schemes. Discussion with Registered Providers about their preferred mechanism for taking Affordable Housing units would also be beneficial as some prefer conditions and others prefer legal agreements.		Noted. The SPD provides for flexibility whilst recognising that S106 agreements will be the norm
Strategic Land Group	With regards to whether affordable housing should be secured through planning obligations or conditions. Paragraph 54 of The Framework is clear that planning obligations should only be used		Noted. The SPD provides for flexibility whilst recognising that S106 agreements will be the norm

	where it is not possible to address unacceptable impacts through a planning condition. It also states that they should only be used to make otherwise unacceptable development acceptable. Furthermore, any pre-commencement conditions and their timing should be fundamental to making the development acceptable as required by paragraph 007 of the Use of Planning Conditions PPG.		
Should the SPD specify standard forms of agreement that must be used? What forms of legal agreement/ undertaking should be provided in standard form? What should the standard templates contain, and what should they not contain?			
Progress Housing Group	11. Should be standard template for UU and S106-Mortgagee possession clause already formed through group.		Noted. This will be incorporated where necessary
Decision-taking, implementation and monitoring			
Do you agree that relevant applications which fail to provide the necessary details of and commitments to affordable housing, in the form of an Affordable Housing Statement and Draft Legal Agreement, should not be validated?			
Taylor Wimpey	<p>Taylor Wimpey disagrees with the requirement to provide a Draft Legal Agreement which provides details of and commitments to affordable housing, to enable validation. This requirement is considered to be too onerous and it is unrealistic to expect this level of detail to be finalised at this stage of an application. Taylor Wimpey requests that this should not be included as a requirement within the SPD.</p> <p>Taylor Wimpey agree that relevant applications should provide an Affordable Housing Statement in order to be validated, though this must be clearly set out within the Council's validation requirements.</p>		<p>Noted. This requirement has been withdrawn</p> <p>Support welcomed</p>
Progress Housing Group	12. Yes, agree if not met they should not be validated.		Noted

Do you have views on how the outcomes of the Affordable Housing SPD should be monitored?			
Taylor Wimpey	<p>Do you have views on how the outcomes of the Affordable Housing SPD should be monitored?</p> <p>Taylor Wimpey consider that the outcomes of the Affordable Housing SPD should be regularly monitored to ensure it is up to date and not hindering development coming forward. The SPD should subsequently be reviewed and updated where necessary to ensure that the SPD is assisting in the delivery of the Council's desired outcomes, is not delaying development or hindering the delivery of homes within Fylde.</p>		Agreed
Progress Housing Group	Queries whether the Council monitors the outcomes of affordable housing already		Correct. But the monitoring of the effects of the SPD is different.
Glossary			
Do you agree that a glossary should be included in the SPD?			
Progress Housing Group	Yes		Noted