



# CONSULTATION STATEMENT

Commuted Sums and Alternative Sites for the Provision of Affordable Housing - Addendum to the Adopted Affordable and Specialist Housing SPD





## **1. Background**

- 1.1. The Harlow Local Development Plan (HLDP) was adopted by the Council on 10th December 2020. The Local Plan sets out a long-term vision for Harlow, identifying land where development will be acceptable and where it will be unacceptable.
- 1.2. One of the main aims of the Local Plan is to ensure that there is a sufficient supply of sustainable, high-quality homes across a range of tenures and types in the district, to fully meet Harlow's housing need.
- 1.3. The Plan contains policies for provision of Affordable Housing; Accessible and Adaptable Housing; and Self-Build and Custom-build Housing (The SPD).

## **2. Introduction**

- 2.1. The Town and Country Planning (Local Planning) (England) Regulations 2012 require a local planning authority to consult the public and stakeholders before adopting a Supplementary Planning Document (SPD).
- 2.2. This statement sets out details of the consultation which has informed the preparation of the SPD.
- 2.3. The SPD provides guidance to developers, registered providers, and others as to the Council's requirements to establish commuted sums and/or alternative sites in lieu of providing affordable housing on a housing development site. It will provide officers with a means of calculating the commuted sum payments which will be used as the basis for negotiation with developers and others submitting planning applications for housing that should incorporate affordable dwellings. Once adopted the SPD will be a material consideration in planning decisions.

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

- 3.1. The SPD is produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant regulations relating to the consultation process are set out below.
  - Regulation 12:
    - (a) Requires the Council to produce a consultation statement before adoption of the SPD, this must set out who was consulted, a summary of the issues raised, and how these issues were incorporated in to the SPD. (This document).
    - (b) Requires the Council to publish the documents for a minimum 4 week consultation, specify the date when responses should be received and identify the address to which responses should be sent.
  - Regulation 35:

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.

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

- 4.1. The Council's current SCI was adopted in 2022 following public consultation and sets out how and when we will involve local residents, businesses and other members of the community when preparing, altering, and reviewing our planning policies, plans and

decisions. The SCI sets out that SPD's should be subject to a four-week public consultation, as required by the regulations.

#### **4. Consultation undertaken**

4.2. The SPD was approved for public consultation by the Portfolio Holder for Regeneration on the 23 September 2022. Consultation commenced on 3 October 2022 on the draft SPD for a period of four weeks finishing on 4 November 2022.

4.3. Consultation was undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Statement of Community Involvement. Consultees were consulted by email; or post where no email address was provided. The consultation was also advertised via the Council's website and the Guardian newspaper circulating in the area.

4.4. In addition to those consulted under the regulations and SCI groups and individuals were consulted that had a special interest in the policy areas or had expressed a wish to be kept informed on any Local Plan related consultations. These included:

- Specific Consultation bodies – e.g. parish council's, the county council
- General Consultation bodies – e.g. political parties, HGGT
- Developers in the local area
- Registered Providers
- Those who expressed an interest in local plan matters via the Local plan database
- Councillors

A list of all those consulted is provided in Appendix A.

#### **5. Summary of issues raised during the consultation**

During the consultation 16 representations were received, made by 6 respondents. Of the respondents, the majority had no comments to make. Only one respondent made substantive representations on the SPD, and these related to:

- Guidance on the provision of alternative sites
- Uplift of affordable housing on alternative sites
- The calculation used to establish a commuted sum
- The role of viability assessments

A summary of the consultation representations is set out in the schedule below. This schedule outlines the comments by consultation groups and the Council's response to these issues. It was considered none of the representations made required consequential changes to be made to the SPD.

## Schedule of Representations

Rep Number - Representing	Topic/Section/Paragraph.	Support/Object/Neutral	Summary of representation	Officer Response	Proposed Modification
<b>Specific Consultation Bodies</b>					
Natural England	General	Neutral	Welcome opportunity to give views, SPD does not relate to our interests to any significant extent	Response is noted	No change necessary
Environment Agency	General	Neutral	Confirm no comments to make	Response is noted	No change necessary
Future Infrastructure Risk (Essex Fire and Rescue)	Para 13.8	Neutral	we would be interested in engaging in further conversations for all applications made to Harlow District.	Response is noted	No change necessary
East of England Historic England	General	Neutral	I can confirm that while we do not have any specific comments to make at this stage	Response is noted	No change necessary
National Highways	General	Neutral	Statements set out in this SPD are unlikely to have any impact on the operation of the trunk road	Response is noted	No change from this representation
<b>General Consultation Bodies</b>					
None received					
<b>Developers</b>					
Weston Homes	General	Neutral	Welcome the Council's desire to provide further direction and guidance surrounding housing and affordable housing delivery in particular, with the aim of increasing the delivery of housing within the town.	Response is noted	No change necessary
	General	Neutral	Welcome measures in principle, with some concerns	Response is noted	No change necessary
	Provision of alternative sites	Object	The SPD lacks any specific examples or guidance or examples of how the alternative sites will be identified. For example, will it need to be on allocated sites, or sites which are subject to the same or separate planning permissions	It is considered that the developer would need to identify alternative sites, such as those allocated in the local plan or through discussions with the council in respect of sites it is promoting or through sites the developer has identified in partnership with other developers in the	No change necessary

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				area.	
	Provision of alternative sites	Object	Lack of further clarification for situations where no other suitable alternative sites might not be identified, would this revert to the commuted sum?	Should no alternative site be available it would be for the developer to negotiate with the council the commuted sum required using the SPD as the starting point	No change necessary
		Object	SPD does not set out what the 'negotiation' would need to entail, what options considered and whether this is required at pre-application or during the application itself. Some further clarification on this should be set out. In addition, that a viability assessment should have been done at plan making stage.	The council has, as part of its application process, and set out in the "Application Validation Checklist" states that all major applications will require a "Viability assessment" and an "Affordable and Specialist Housing statement," no further clarification is considered necessary in the SPD. A whole plan viability assessment was undertaken by the Council and was independently examined by an Inspector at the EIP. This set the initial requirement of 30% AH on appropriate development sites.	No change necessary
		Object	The SPD requires an uplift in the provision of AH on alternative sites increasing the overall provision, and that this uplift would impact on the deliverability of the site, would be onerous and not sound.	As set out in para 2.3 of the SPD it is expected that if a site was providing 100% market housing on the original site there is not an unreasonable expectation that there is the potential for an uplift on value on the alternative site. If a developer considers that this would impact in the viability of the site, then this should be set out in the required viability statement for further assessment by the Council as Local Planning Authority.	No change necessary
	Commuted sums	Object	Using average house price in the formulae would not be reflective of the house typology being offered on the subject site.	Whilst the Council agrees that the average house price does not necessarily reflect the typology of the subject site, the postcode areas are quite extensive and will therefore include a large number	No change necessary

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				of house types, tenures and quality of build, and consequently is considered as a reasonable starting point for the calculation of the commuted sum payment and may be subsequently adjusted through the viability statement process	
		Object	In relation to the adjustment factor set out under 2.17, there appears no justification for this figure, which should be provided within the SPD. This notwithstanding, such scale adjustment figure is unlikely to be justified in our view and its rationale is not set out within the SPD.	The adjustment factor is explained in the paragraph 2.17 in that it represents typical land costs, servicing, and professional fees. The figure is not considered unreasonable when used as a basis for negotiation.	No change necessary
		Object	Where a site can only provide a lower quantum of affordable based on a financial appraisal. It is not clear in those instances whether the applicant be expected to be able to offset the remaining 20% to a policy compliant level via the commuted sum, or will the full 30% need to be covered off within that sum.	The SPD is clear that as a base line, any application should be compliant with the Local Plan policy H8 (Affordable Housing) and that 30% affordable should be provided. However, through negotiation and submitted viability assessments that figure may be adjusted. If this occurs, then policy IN6 (Planning Obligations) a viability review mechanism will be required to enable a fully policy compliant level of contributions to be achieved over the lifetime of the project. This policy will apply to commuted sums at a below policy compliant level. Para.2.22 of the SPD	No change necessary
		Object	The approach relating to an alternative site and a commuted sum set out in the SPD takes a typology approach to viability. As set out in the PPG on Viability, the LPA should assess the viability impacts of proposing these alternative approaches, for instance	The adopted Harlow Local Development had a whole plan viability assessment undertaken to inform the EiP. Further viability assessment would be required on a site-by-site basis, and as such the council requires a viability assessment to be provided at the application stage. The	No change necessary

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			the impacts of providing the dwellings on an alternative site. In absence of any policy-making stage viability review of the impacts of this, the SPD is considered to be in conflict with the provisions of the PPG.	basis of the SPD is that it is a Local Plan policy compliant and that it is base line to initiate negotiations with developers.	
		Object	The PPG on Viability sets out that the role of viability assessments is primarily at the plan making stage, the provisions of the SPD encourage viability assessments for development at a later stage. Whilst this would be necessary to be retained and would assist in site specific challenges circumstances, in our view a flexible approach should be maintained. This should be made clear within the SPD.	The basis of the SPD is to ensure development is Local Plan policy compliant. It sets out a base line to initiate negotiations with developers. This addendum SPD, and the main Affordable Housing and Specialist Housing Supplementary Planning Document SPD, together with the adopted local plan are clear that inherent flexibility available for developers to set out in viability assessments why a particular development cannot meet the affordable housing requirement.	No change necessary
Registered Providers					
None received					



## APPENDIX A – List of those consulted

The following organisations were directly notified of the draft Affordable Housing SPD in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It should be noted that 150 individuals and other organisations on the planning policy consultation database were also consulted, but are not listed.

### Specific Consultation bodies

Eastwick and Gilston Parish Council  
Hunsdon Parish Council  
Uttlesford District Council  
Environment Agency  
Sawbridgeworth Town Council  
Home Builders Federation  
Essex County Council  
Affinity Water Ltd.  
Anglian Water  
Broxbourne Borough Council  
EDF Energy Networks  
Epping Forest District Council  
Essex Police  
Greater Anglia Rail  
South East LEP c/o Essex County Council  
Highways England  
Historic England  
Homes and Communities Agency  
Lee Valley Regional Park Authority  
National Grid  
Natural England Mail Hub  
Network Rail  
NHS West Essex CCG  
Police, Fire and Crime Commissioner  
Stansted Airport  
Thames Water  
Church Commissioners  
Diocese of Harlow  
East of England Ambulance Service NHS Trust  
Harlow Alliance Party  
Network homes  
Sport England  
Age UK  
The Church of England in Essex

The Civil Aviation Authority  
The Princess Alexandra Hospital NHS Trust  
Hertfordshire County Council  
North Weald Bassett Parish Council

### General Consultation bodies

National custom and self build association  
Harlow and Gilston Garden Town  
Building Research Establishment  
The Labour Party  
Harlow – Streets2Homes  
East of England Local Government Association  
Harlow and Gilston Garden Town  
National Federation of Gypsy Liaison Groups  
CDA for Herts  
CPRE Essex  
The Conservative Party  
Canal & River Trust  
RSPB  
Harlow and Gilston Garden Town  
The Liberal Democratic Party  
British Telecommunications plc  
CABE

### Developers in the local area

Persimmon Homes Essex  
Barratt North Tames, Taylor Wimpey East London and Persimmon c/o Agent  
Boyer Planning  
HTA Design LLP  
Hybrid Planning & Development  
Kier Living Eastern Limited  
Caridon Developments Ltd  
Lichfields  
Rolfe Judd Planning Ltd  
Grafik Architecture  
Countryside Partnership Ltd (South)  
Countryside Properties Ltd c/o Agent: - Barker Parry Town Planning  
BRD Tech Ltd  
Collins & Coward  
Weston Homes  
Linden Homes  
Croudace Homes  
Savills  
Fairview New Homes

## **APPENDIX A – List of those consulted**

### **Registered Providers**

Sage Housing

Home Group

CHP

Sanctuary Homes

Moat Housing

Anchor Housing

L&G Affordable Homes

Windrush Housing Association

Heylo Housing