

From: Amanda Scholes on behalf of Planning.Responses
Sent: 14 July 2020 10:48
To: Planning Scanning
Subject: FW: AL/21/20/OUT - planning application response
Attachments: ABE CLT Housing Allocation Policy (interim) Feb 2020.docx; ABE Development - Section 106 Good Practice FINAL.pdf

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Save the environment - think before you print.

From: Simon Davis <Simon.Davis@arun.gov.uk>
Sent: 14 July 2020 10:24
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: AL/21/20/OUT - planning application response

Please log as a rep - support

From: [REDACTED]
Sent: 13 July 2020 21:44
To: Simon Davis <Simon.Davis@arun.gov.uk>
Cc: Cllr. Isabel Thurston <Cllr.Isabel.Thurston@arun.gov.uk>; Cllr. Christopher Hughes <cllr.christopher.hughes@arun.gov.uk>; Cllr. Pauline Gregory <Cllr.Pauline.Gregory@arun.gov.uk>; 'Lindy Nash' [REDACTED] Ron Flitter [REDACTED] 'Graham Maunders' [REDACTED]
Subject: AL/21/20/OUT - planning application response

Dear Simon,

Land north of Lees Yard, Aldingbourne – AL/21/20/OUT

I write to convey the comments agreed by the Aldingbourne Barnham and Eastergate CLT Board today on the above application, for which I gather an extension to 31st July has been agreed.

As previously indicated, the above application is supported by Aldingbourne Barnham and Eastergate Community Land Trust (ABE CLT). This support is on the basis that the affordable housing to be provided on the site will be subject to a s106 Agreement which requires, specifically:

- a) The ABE CLT to be given the first option on the affordable housing at the site,
- b) The affordable housing to be allocated in accordance with the ABE CLT's Housing Allocation Policy (attached) and the paper recently discussed by your department with the Rural Housing Hub at Action in rural Sussex (also attached). (Note: This latter part is important because it will enshrine the ABE CLT Housing Allocation Policy in the s106 Agreement in the event that eg the financing of the scheme – or CLTs generally in future - became such that another housing provider were to take over from the CLT).

These points are referenced in paras 12 to 17 of the Planning Statement for the application, which we support.

The precise wording of the section 106 in this respect is crucial. We respectfully ask that the expertise of Action in rural Sussex is sought in relation to the wording in this part of the s106 during negotiation, in order to avoid the problem encountered in relation to a previous application in the Parish.

The Planning Department will be aware that this site is currently outside the built up area boundary of the Aldingbourne Neighbourhood Development Plan. The allocation of this site for housing is therefore particularly sensitive and support from the parish entirely dependent on enshrining availability of affordable housing to people with local connections in the s106: The site is being brought forward by the Parish Council as part of the consultations for the review of the ANDP on this basis. The ANDP reg 14 consultation due to take place in early April 2020 was delayed owing to Covid 19, which prevented the holding of the scheduled public meeting, and that is, we understand, now due to take place in September.

Thank you,

Yours sincerely,

Louise Beaton,
Chairman,
Aldingbourne, Barnham and Eastergate Community Land Trust (ABE CLT)



Aldingbourne, Barnham & Eastergate Community Land Trust

Housing Allocation Policy

1. Current position - February 2020

This note sets out the ABE CLT's intentions with regard to its housing allocation policy. This policy will either be:

- (a) a free-standing document which, among other matters, will reference and explain its relationship with the Arun District Council (ADC) housing policies, or
- (b) a document co-produced with ADC that will use the Council's allocation policy and add the CLC's additional local criteria.

Option (a) will require the CLC to maintain a separate list of applicants to that already kept by ADC which will give rise to some duplication and additional resourcing. Option (b) avoids these requirements and would be preferred by the CLC. At the time of writing the CLC is waiting for advice from ADC on its position with regard to option (b).

In the meantime, the local elements of the policy have been decided as follows.

2. Definitions:

2.1 The parishes – means Aldingbourne parish and Barnham & Eastergate parish.

2.2 The surrounding parishes – means the parishes of Slindon, Yapton, Walberton, and Bersted (all in ADC).

2.3 Family member – A person who is the spouse, civil partner, partner, mother, father, sister, brother, daughter, son, grandparent or grandchild of a person living in one of the parishes

2.4 Partner – means spouse, civil partner or a partner who has resided with a resident of the parishes without being legally married to that person for a period of at least 10 years.

3. Eligibility – Qualifying Criteria

The starting point for the allocation of a Trust property is that the applicant(s) must be able to meet at least one of the following "Local Connections" criteria.

3.1. The applicant or their partner is currently living in one of the parishes and has lived in one of the parishes permanently for at least five years immediately prior to the application date **or** is currently living in one of the parishes and has lived permanently in one of the parishes for 5 years out of the last 10 years.

3.2. The applicant or their partner has worked on a continuous full or part time basis (min 24 hours per week) in the parishes for the past 2 years and remains in employment in the parishes.

3.3. The applicant or their partner needs to reside in one of the parishes to give or receive regular daily support to or from a close relative (i.e. member of the family). This support must be required on an ongoing long-term basis and cannot be provided by other family members or available support agencies. The family member must be permanently resident in one of the parishes and have lived here permanently for at least ten years immediately prior to the application date.

3.4. Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge, bereaved (or divorced or separated) partners of members of the Armed Forces leaving Services Family Accommodation following the death of (or divorce or separation from) their partner, where the member of the Armed Forces, former Service personnel and/or their partner have previously been a permanent (minimum 5 year) resident of the parishes.

3.5. In the event that a vacancy arises which cannot be met by a resident meeting the local connections criteria set out above the property will be offered to a resident meeting the same periods of residency or employment criteria from one of the surrounding parishes.

4. Affordability

In addition, the following affordability criteria **must** be met:

4.1 The applicant(s) is/are unable to afford to rent privately or open market outright purchase

4.2. The applicant(s) is/are able to afford an ABE CLT home

5. Priority

If the number of applicants is more than the number of available homes then applications will be scored as set out below. The applicant scoring the most points will be considered first for accommodation.

6.1 Local Connections Scoring

Priority will be given to applicants who are able to establish and prove a strong local connection with the parishes. The score will be calculated as follows:

- a) Existing residents of the Parish aged 18 years or over who have lived in the parishes for at least 5 years (criteria 1). The length of residency increases the priority given. (Time spent at University or serving with the Armed Forces will be considered as part of the qualifying period). *1 point for each full year of residence, to a maximum of 30 points.*
- b) Persons who have a demonstrable need through employment: *5 points for the first 2 years, 1 point for each additional year of employment to a maximum of 30 points.*
- c) Persons that have long-standing immediate family links with the parishes: *Points awarded according to the strength of family links (details to be added), to a maximum of 10 points.*
- d) Persons that have a demonstrable medical or social need: *Points awarded according to the circumstances (details to be added) to a maximum of 10 points .*
- e) Persons with a connection to surrounding parishes, points being awarded as for (a) to (d) above.

6.2 Unsuitability of Current Accommodation

The unsuitability of the applicant's current accommodation will be considered. Factors will include condition of current accommodation, size of family, rooms available and length of time in current accommodation under these conditions *Maximum 15 points (5 points up to 1 year, 10 points from 1 – 2 years and 15 points over 2 years).*

7. Additional considerations

Where applicants appear to have an equal need the CLT may take into consideration and give credit to other factors such as:

- a) Moving from one ABE CLT property to another more appropriate to changing needs
- b) The length of time an applicant has been waiting for allocation of a property

In the event that a vacancy arises which cannot be met by a resident meeting the local connections criteria from either the parishes or surrounding parishes, applicants who are on the Arun District Council Housing Register will be eligible.

ML 20/2/20

**Aldingbourne Barham & Eastergate -
Community Led Housing Development:
Section 106 Agreements and Good Practice**

Prepared By



May 2020

Aldingbourne Barham & Eastergate - Community Led Housing Development: Section 106 Agreements and Good Practice

Part 1 – The Requirements

Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal.

They often involve developers making a financial contribution to help meet local affordable housing needs and local authority policy objectives. It is essential that such arrangements are operated in a way which is fair, open and reasonable in order to retain public confidence in the fundamental principle that planning permission cannot be bought or sold.

They are important for community led housing as they can offset some of the adverse impacts of conventionally provided new housing. These can include:

- **Given limited land availability, the extent to which any development provides affordable housing will contribute to / or frustrate meeting local housing need.**
- **They may not address local housing need. Housing registers do not capture all affordable housing need – there are significant numbers of hidden households sharing accommodation - as evidenced by recent Housing Needs Surveys in the Arun District.**
- **New housing may not be provided / managed by an organisation that has a long term interest in / or of the local community.**
- **New development may attract people from higher value areas in competition with local people, forcing some to move away to find affordable housing.**
- **Those who work in the local service industries are more likely to be on lower pay. If they are not able to find a home they can afford locally they will have to commute to work. This is not good for the environment, reduces their disposable income and may lead to recruitment / retention issues.**
- **The long term socio / economic balance and sustainability of a community is important for social cohesion. Enabling communities to stay together is key to this. New development that does not provide affordable homes to meet local needs can undermine the long term socio / economic balance.**
- **Developments can unsettle communities who often feel they have inadequate say and influence over the development process leading to a feeling of being 'done to' rather than 'done with'.**

Section 106 – Legal Requirements

Under section 106 of the Town and Country Planning Act 1990, as amended, any person interested in land in the area of a local planning authority may, by agreement or unilaterally, enter into an obligation (commonly known as a section 106 planning obligation) -

- (a) Restricting the development or use of land in any specified way;
- (b) Requiring specified operations or activities to be carried out on the land;
- (c) Requiring the land to be used in any specific way;
- (d) Requiring a sum or sums to be paid to the authority for an agreed purpose.

Planning permissions can therefore be subject to conditions or planning obligations enabling proposals to go ahead which might otherwise be refused.

Aldingbourne Barham & Eastergate - Community Led Housing Development: Section 106 Agreements and Good Practice

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms.

National Planning Policy Framework paragraph 56 highlights that they must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The tests are set out in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a Community Infrastructure Levy Charging schedule for the area.

It is therefore fundamental that planning obligations must be *necessary* to make a proposal acceptable in land-use planning terms. They should not be sought where the connection to the development does not exist or is too remote.

Arun District Council Local Plan 2011 – 2031 (July 2018)

The Local Plan states in 12.3.1 that there is a '*need for social rented, affordable rented and intermediate housing, the eligibility for which is determined according to local incomes and house prices – and remain affordable for future eligible households*'.

The provision of housing through a range of options is one of the council's five stated priorities. Section 12.3.2 highlights that affordability is a major issue in the Arun District Council area.

In section 12.3.10 of the Plan it states '*planning obligations may include prescriptive restrictions to deliver affordable housing that requires the developer to endow a CLT with a proportion of land for affordable housing, and / or other community uses*'. The Plan also clearly states that Community Land Trusts will be promoted by Arun District Council

Arun District Council Planning Policy: Statement of Community Involvement

The statement highlights that the Council will bring together local residents, businesses, local groups, landowners and developers to share ideas and build consensus about what needs to be done within the local community.

It also states that once a Neighbourhood Development Plan has successfully passed the referendum and been adopted, it will become a Statutory Plan to be used by Arun District Council in making decisions on planning applications in the Neighbourhood Plan area.

Neighbourhood Plans

Both Aldingbourne Neighbourhood Development Plan 2014- 2034 and Barnham & Eastergate Neighbourhood Development Plan 2014 – 2029 have been supported by a referendum in each of the communities. Both Plans are under review.

Arun District Council have 'made' both the Aldingbourne, and the Barnham & Eastergate Neighbourhood Development Plans. Consequently they have been brought into legal force, and form part of the statutory Development Plan for Arun District Council.

Aldingbourne Barham & Eastergate - Community Led Housing Development: Section 106 Agreements and Good Practice

Under the Parish and Country Planning Act 1990 (as amended), Arun District Council has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans and Orders and to take plans through a process of examination, referendum and adoption. The Localism Act 2011 (Part 6 chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.

Decisions on whether or not to grant planning permission in the parishes need to be made in accordance with Neighbourhood Development Plans, unless material considerations indicate otherwise.

Aldingbourne Neighbourhood Development Plan 2019 – 2031 Draft

The Neighbourhood Plan highlights the importance of economic, social and environmental considerations to achieve sustainable development.

The Core Objectives include Housing to:

- a) Meet identified local needs*
- b) Complement the current character and cultural heritage of the village*
- c) Contribute to the provision of local infrastructure and facilities*

Policy H1 2019 Provide housing to meet District Council allocation

Permission will be granted, within the Plan period, for housing on land identified ...as follows:

- 1. Land at Wings Nursery, Lidsey Road - 55 dwellings*
- 2. Land north of Lees Yard, Lidsey Road - 37 dwellings*

H1.2 2019 *A percentage of housing delivered by both sites will be expected to be delivered through the Aldingbourne, Barnham and Eastergate Community Land Trust.*

Policy H4 Affordable Housing - *Any proposal for 10 or more new dwellings should include 40% affordable units, unless this can be demonstrated to make the scheme unviable. The size and tenure of affordable units should reflect latest available housing needs evidence.*

Barnham & Eastergate Neighbourhood Plan 2014 - 2029

The Plan highlights the importance of local planning in ensuring that local villages are not left open to speculative development. It emphasises that the provision of additional homes should be based on housing need, location, appropriateness and availability. Development should reinforce the character of Barnham and Eastergate.

The Environment and Sustainability Objective is stated as: *Barnham and Eastergate recognise the need for housing for local people but want to protect the unique character of the environment by allowing for growth whilst ensuring that design quality is high, heritage assets are preserved and that the countryside surrounding the settlements is maintained.*

The Housing and Design Quality Objective is to: *Provide housing as required by the Arun District Council Local Plan.*

Policy HDQ2 Local Connection: Affordable houses in the Parishes shall only be occupied by persons (and their dependents) whose housing needs are not met by the market and who have a local connection to the parishes.

Policy HDQ5 Provide a mix of housing types: *New housing sites must provide a mix of housing types including homes for the elderly – particularly those homes suitable for the needs of elderly people wishing to downsize.*

Aldingbourne Barham & Eastergate - Community Led Housing Development: Section 106 Agreements and Good Practice

Aldingbourne Barnham & Eastergate Community Land Trust (ABE CLT)

There has been strong local support, particularly through the parish councils, for the development of community led housing to address local housing needs identified in the Neighbourhood Plans. This has led to the Community Land Trust formation; the vehicle through which community aims can be realised.

Aldingbourne Barnham & Eastergate Community Land Trust was established in February 2019 to maintain or improve the physical, social and economic infrastructure within the three parishes. It is a registered Community Benefit Society, with model rules which uniquely capture value through an 'asset lock', ensuring any assets are held for community benefit in perpetuity.

Planning Applications: Lees Yard and other sites delivering affordable homes

In determining the planning application, the wording of any approval – particularly the Section 106 Agreement, will be vital to ensure that it fully captures the requirements of local planning policy – including the prevailing Neighbourhood Plans, and reflects best practice.

Part 2 – Example Good Practice

1. Planners Guide to Community Led Housing

Local Planning authorities play a key role in providing Community Led Housing. The policies and practices they adopt provides site opportunities and ensures that there is meaningful and constructive engagement with community groups. Policy and practice provides the basis for devising Section 106 agreements that mean Community Led Housing meets local housing needs and benefits the community in perpetuity.

A Planner's Guide to Community Led Housing – Jo Lavis

Across the country good practice is emerging that was brought together in A Planners' Guide to Community Led Housing, published in June 2020 that can be downloaded from here:

<https://communityfirstyorkshire.org.uk/plannersguide/wp-content/uploads/2019/07/190709-Planners-Guide-to-CLH-FINAL.pdf>

The *Development Management* section highlights a number of key learning points:

- **Early engagement with the CLH organisation is essential** - The constructive dialogue this engenders between them and the community and the planning department significantly reduces objections and delaying tactics when the formal planning application is submitted.
- **Take time to understand what it is the community wants to achieve through the Scheme** - This will help you and them find solutions to problems that may emerge and still ensure the scheme is conforms to the principles of policy and is deliverable.
- **Advice and information requests have to be clear and laid out at the start of the process, no late surprises** - CLH organisations are run by volunteers who do not always have relevant skills or time that a conventional developer has to hand. Neither do they have the same resources as a conventional developer for pre-application work. Taking this step will enhance the confidence and ability of the CLH organisation to provide what you need and maintain community support.
- **Be pragmatic** - As a CLH scheme, it may be providing other community benefits, such as open space, allotments, workspace, community rooms or buildings. These elements, together with the housing, are what have secured community support for the scheme.

Aldingbourne Barham & Eastergate - Community Led Housing Development: Section 106 Agreements and Good Practice

- **Be ready to hold a partner to account** - Sometimes a CLH group will work in partnership with a housing association or private developer. This does not negate the need for the scheme to meet the criteria that define a CLH scheme. Even if it is the developer submitting the planning application, they are answerable to the community and you should ensure that Development Management discussions involve the CLH organisation.
- **Don't think you have to carry all the work.** The pre-application process is often more efficient and effective when shared with local authority colleagues, particularly at some stages with policy planners, and throughout the process the local authority housing enabling officer.

In a number of areas there are now regional CLH Hubs that provide a range of technical support for CLH groups. Establishing a relationship with their advisers and involving them in discussions with the CLH organisation can reduce your time input. They can help the community articulate their position, explain to them that of the LPA; and help them provide you with accurate information and paperwork.

The Guide also offers examples of how Section 106 Agreements can and have been used to define the following elements that are critical to a community led housing development meeting its purposes:

- | | |
|--|---------------------------------|
| • Affordable housing | • Local affordable housing need |
| • Affordable housing provider | • Ownership |
| • Allocation Policy and cascade | • Perpetuity |
| • Community benefit in perpetuity | • Qualifying Person |
| • Community Land Trust | • Self / Custom Build |
| • Development – housing and other assets for community benefit | • Shared ownership / equity |
| • Local connection | • Social and affordable rent |

2. Section 106 Agreement key aspects - Examples in practice

2.1 West Dorset and Weymouth and Portland Councils have produced a common S106 template that provides the flexibility sought by CLH schemes.

A Schedule to the agreement includes specific ***provision of affordable housing provided by a CLT.***

“Where the Affordable Housing is to be provided with the involvement of a Community Land Trust or Housing Association the Owner shall consult with the Community Land Trust or Housing Association when preparing the Affordable Housing Scheme and endeavour where reasonable to incorporate any additional requirements of the Community Land Trust or Housing Association including any reasonable preferences of the Community Land Trust or Housing Association to impose a scheme of prioritisation for the allocation of the Affordable Housing to Local Needs Persons.”

This is further supported by making the Dorset Home Choice Common Allocations Policy sensitive to CLH development. It accepts applicants with a local connection where there is a Community Land Trust to be placed in the bronze band of the Choice Based Lettings process. This means the needs are registered and the resident has the opportunity to ‘bid’ and be nominated for one of the properties.

Aldingbourne Barham & Eastergate - Community Led Housing Development: Section 106 Agreements and Good Practice

Dorset Home Choice Common Allocations Policy: Community Land Trust

3.8.11 If an applicant has a local connection (as defined in section 2.7 above) to a parish or in the case of Weymouth and Portland Borough Council, an area where a Community Land Trust is in operation and have no other housing need, they will go into bronze band for Community Land Trust.

2.2 Teignbridge District Council / Broadhempston CLT / Landowners - Easterways Field, Lower Well Broadhempston provides useful examples of defined terms.

Affordable Housing

Means housing which is defined in the National Planning Policy Framework, Annex 2, as housing which includes “social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market” including provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision in relation to which eligibility is determined with regard to local incomes and local house prices.

Qualifying Person

A person or persons who meet all of the following criteria:

- I. That persons household income and capital are insufficient to allow that person reasonably to afford to acquire a dwelling within Broadhempston or neighbouring parishes sufficient for their needs on the open market; and*
- II. That persons household income and capital are sufficient to allow them to reasonably afford rent or acquire a dwelling on the development for their needs from the owner on an assured tenancy or shared ownership lease basis; and*
- III. That the size and nature of that persons household is or will be appropriate to the size of the dwelling they occupy*

Together with members of that persons household living with him or her as a single household

Ownership of Affordable dwellings

The owners shall not dispose of any interest in a dwelling to any person who is not a qualifying person with a local connection and no person may acquire an interest in a dwelling unless that are a qualifying person with a local connection...

The owner shall not dispose of any interest in a dwelling save in accordance with this deed and the allocations policy referred to...

The owner (as landlord) will not consent to the assignment of any lease of any dwelling unless the assignee is a qualifying person with local connections...

Allocations Policy

Prior to the occupation of any dwelling on any part of the site the council and the owner will agree an allocation policy for allocation of the occupiers of the dwellings.

The owner shall not allocate any dwelling except in accordance with the allocation policy and not to alter the allocation policy without the prior written consent of the council, such consent not to be unreasonably delayed or withheld.

Aldingbourne Barham & Eastergate - Community Led Housing Development: Section 106 Agreements and Good Practice

2.3 Dartmoor National Park Authority / Christow Community Land Trust / Teign Housing Association - Royal Town Planning Institute (SW) Awards for Planning Excellence 2017.

Section 106 Agreement (Town & Country Planning Act 1990)

This Allocations Plan sets out the process by which the Trust and the Landlord will ensure compliance with the requirements of the Section 106 Agreement and ensure that any dwellings on the Property are affordable in perpetuity and are prioritised for people with a local connection.

Qualifying Criteria

Applicants will be required to demonstrate the following:

That they are in housing need.

That, to the satisfaction of the Authority or its nominee, they cannot afford to pay market rents or the open market price for reasonably suitable permanent housing.

That they qualify as a local person at the time of application according to one of the following definitions:

(a) A person currently living in the parish of provision, having done so for a continuous period of at least 5 years.

(b) A person who has lived in the parish of provision for a continuous period of at least 5 years, but has moved away in the past 3 years.

(c) A person who has a strong local connection to the parish of provision, for example:

- A person who is employed in the parish of provision or whose work is primarily carried out within that parish, having done so for a continuous period of at least 2 years.*
- A person with a family member who is living in the parish of provision and has done so for a continuous period of at least 5 years.*
- A person whose upbringing or a significant part of their upbringing took place in the parish of provision.*
- A person currently living in the parish of provision, having done so for a continuous period of at least 12 months.*

2.4 East Cambridgeshire District Council, D F Palmer / T W Stevenson, Haddenham Community Land Trust and East Cambs Trading Company Limited

Affordable Housing Provider

The CLT or a body whose function or aim is to provide and manage Affordable Housing (including Affordable Housing of the type and amount proposed within the development) including a provider (pursuant of Part 2 of the Housing And Regeneration Act 2008) registered with Homes England or an alternative affordable housing provider (including but not limited to a housing trust or company, a community land trust or an almshouse society) which has been approved by the District Council in writing (such approval not to be unreasonably withheld or delayed).

Aldingbourne Barham & Eastergate - Community Led Housing Development: Section 106 Agreements and Good Practice

Affordability

Haddenham CLT will consider the applicants financial circumstances, including their disposable income and savings, and how that measures against average income levels in the area. The CLT will also consider whether the applicant can reasonably afford and find other suitable accommodation of an appropriate size in the area and at an affordable price or rent.

Affordable Rent

*The initial rent (including service charges if applicable) shall be no more than **either** 80% of the local Market Rent or 100% of the Local Housing Allowance (whichever is the lower).*

2.5 East Devon District Council and Beer Community Land Trust

Local Allocations Plan

Means the Local Allocations Plan contained at Part 2 of this Schedule 1 or any such varied or replacement document as agreed to in writing by the District Council and the Approved Provider.

Beer Community Land Ltd ... is established under the Industrial and Provident Societies Act of 1965.

The definitions of the S106 Agreement shall apply to the interpretation of this the Local Allocations Plan unless expressly indicated to the contrary.

This Allocations Plan has been prepared to ensure that the objects of the Trust are met.

Cascade Allocations

2.2.4 Once the application date has passed the District Council shall be asked to provide to the Approved Provider a list of persons from the Councils Housing Register who have applied for the Affordable Housing unit(s) in question.

2.2.5 Following receipt of the list from the District Council pursuant of Clause 2.2.4 the Approved Provider shall determine those persons who are Local Needs Persons in accordance with paragraphs 3.1 and 3.6 of the Local Allocations Plan and then use best endeavours (and provide evidence of the same to the District Council upon reasonable request) to lease the Affordable Housing Unit to persons identified on the said list with priority given in accordance with the provisions of the Local Allocations Plan.

2.2.6 If after a further period of 5 weeks from the date of the further request being made pursuant to Clause 2.2.4 no prospective tenant has been identified or any prospective tenant identified in the list pursuant of clause 2.2.5 above declines to lease the Affordable Housing Unit then the Approved Provider shall consult with the District Council to find an appropriate tenant for the Affordable Housing Unit from the Council's Housing Register.

2.6. Aster Communities, Chagford Community Trust Limited, Dartmoor National Park Authority and West Devon Borough Council – Allocations Scheme

The full Allocations Scheme is attached as an appendix to this document as an example of Good Practice.

Aldingbourne Barham & Eastergate - Community Led Housing Development: Section 106 Agreements and Good Practice

2.7 Torridge District Council, Appledore Community Land Trust, Westward Housing Group Limited, Aster Homes and P Revely

Local Connection

As set out in the Allocations Plan.

The Schedule

The Allocations Plan sets out how the process by which the Trust and the Landlord will comply with the requirements of a Section 106 Agreement on the scheme in the Schedule i.e. to ensure that any homes developed remain affordable and are prioritised for people with a local connection.

Priority will be given to eligible persons having the greatest level of housing need couple with then strongest connection with Appledore.

To be eligible for the properties an applicant must have one or more of the following local connections (ranked in order of importance):

- 3.1 At least one adult in the household was resident continuously in Appledore for a minimum of fifteen years immediately prior to the identification of need.*
- 3.2 At least one member of the household was resident in Appledore for ten years within the previous fifteen years immediately prior to the identification of need.*
- 3.3 At least one parent or guardian of at least one adult in the household was resident in Appledore for a minimum of ten years immediately prior to the determination of the planning application.*
- 3.4 At least one adult has been in continuous employment in Appledore over the five years immediately prior to the identification of need.*
- 3.5 A key worker employed in Appledore for at least six months during the past year or at least three years in the past five years.*
- 3.6 At least one adult in the household was resident continuously in Appledore for a minimum of five years immediately prior to the identification of need.*

3. Local Authority Examples

In compiling this summary the following authorities have been highlighted in examples of Section 106 Agreements good practice involving community led housing initiatives:

Bristol City Council	Cambridgeshire
Dartmoor NPA	Stroud District Council
East Cambridgeshire District Council	Teignbridge District Council
East Devon District Council	West Dorset and Weymouth and Portland
Leeds	Councils
North Wiltshire	York City Council
Stretham and Wilburton in East	

Aldingbourne Barham & Eastergate - Community Led Housing Development: Section 106 Agreements and Good Practice

4. AirS, Sussex Community Housing Hub Service – Key Tests in practice

In delivering a range of community led housing initiatives, the planning permission – as expressed through the Section 106 Agreement, is vital to ensure that there is clear mitigation in place to address the local impact of development.

In our experience there are **Three Key Tests**:

One

Does the development fully address local needs for affordable housing, both in terms of provision of affordable homes and how these are managed?

- *Are the affordable homes available to those with a local connection to the place?*
- *Is this formalised in a Local Housing Allocations Policy / Local Lettings Plan - including ongoing oversight by the local community led housing organisation to ensure this happens?*

Two

Is the locally affordable housing and other community assets being provided 'locked in' to address longer term impact – ensuring community benefits in perpetuity?

- *Are there mechanisms in place to ensure that the long term stewardship of the housing and community assets is being provided?*
- *Is there a clear and ongoing role for the local CLH organisation to ensure this happens*

Three

Does the development enable or potentially frustrate ongoing local community benefit?

- *Does it facilitate enhanced community cohesion?*
- *Does it enable a more sustainable, mutually supportive and resilient community?*

5. Conclusion

In conclusion we firmly believe that Section 106 Good Practice is vital to help ensure that development has a positive impact on the local community

- ✓ *Helping local people to remain living and working in their community, and return to their community*
- ✓ *Enabling people to support family members and provide intergenerational support*
- ✓ *Delivering more balanced and sustainable communities - demographics and socio-economic profile*
- ✓ *Facilitating more support local services and the local economy.*