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[REDACTED]

From: Juliet Harris [REDACTED]
Sent: 18 August 2021 13:48
To: Michael Eastham <Michael.Eastham@arun.gov.uk>
Cc: Peter Herbert [REDACTED]
Subject: RE: LU/205/21/PO - Kingley Gate

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Dear Michael

To confirm we have no objection to this. I have uploaded a comment formally via the portal.

Regards
Juliet

Juliet Harris
Assistant Town Clerk
Littlehampton Town Council
[REDACTED]



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<http://www.littlehampton-tc.gov.uk>

From: Michael Eastham <Michael.Eastham@arun.gov.uk>

Sent: 13 August 2021 15:24

To: Juliet Harris [REDACTED]

Cc: Peter Herbert [REDACTED]

Subject: LU/205/21/PO - Kingley Gate

Importance: High

Juliet,

The following email from Arjan De Jong should help to explain what the applicant is trying to achieve by means of application **LU/205/21/PO** regarding the Mortgagee in Possession Clauses in the Section 106 Agreement for Kingley Gate.

Kind regards,

Michael

Michael Eastham BA (Single Hons) Dunelm, MTp, MRTPI
Principal Planning Officer,
Planning Services

T: 01903 737772

E: michael.eastham@arun.gov.uk

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[Michael Eastham](#) | Principal Planning Officer, Strategic Development, Directorate of Place, [Arun District Council](#) | Location: First Floor,
Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
Internal: 37772 | External: +44 (0) 1903 737772 | E-mail: Michael.eastham@arun.gov.uk



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Save the environment - think before you print.

From: Arjan De Jong <Arjan.DeJong@arun.gov.uk>

Sent: 13 August 2021 14:04

To: Michael Eastham <Michael.Eastham@arun.gov.uk>

Subject: FW: Michael sent a message

Hi Michael,

With reference to our discussion relating to LU/205/21/PO.

Please see below a paragraph which explains the rationale for the MiP clause.

Mortgagee in Possession (MiP) clauses within Section 106 agreements (S106 agreement) enable Registered Providers (RP) to provide for circumstances where a Registered Provider defaults on loan payments or other loan/mortgage

terms and a mortgagee (or other relevant funding party) takes control of the RP's interest in affordable housing units as assets against which their loan is secured. The clauses allow for another RP to purchase the affordable housing units within a specified timeframe known as the 'moratorium period' under a prescribed procedure. This is set out in the S106 agreement and is a contractual arrangement. Where the units are not purchased within this period, they are released from affordable tenure, enabling the mortgagee to dispose of the units in order to regain some or all of the loan that they have provided.

It's important to stress that the MiP clause does not relate to the initial offer(s) for the affordable housing, it only becomes relevant if there is an issue where the Register Provider, which owns the affordable housing, defaults for any reason. I have yet to encounter an instance where this has occurred.

The MiP states that the Council must be informed and given an opportunity, via the three month period, for either another RP or the LA to make an offer for the AH units.

As discussed, in recent years Registered Providers are regularly seeking to amend MiP clauses due to the stipulation of lenders.

Arjan

Arjan de Jong | Interim Housing Strategy & Enabling Manager, Arun District Council | Location: First Floor, Arun Civic Centre,
Maltravers Road, Littlehampton, BN17 5LF
Internal: 37714 | External: +44 (0) 1903 737714 | E-mail: arjan.dejong@arun.gov.uk

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