



ASHFORD
BOROUGH COUNCIL

Rural Local Needs Housing Guidance Notes

**Information for the Council, Parish Councils/Parish Meetings,
Housing Associations and Applicants**

Produced by Ashford Borough Council

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Background To The Guidance Notes

Rural local needs homes are those provided by a Registered Provider of Social Housing (RPSH) also known as a Housing Association, to enable local people to remain in the village where they live or work and not be forced to move away because of high house prices and high rents. These homes remain available for people with local connections in perpetuity.

This guidance updates the Rural Local Needs Housing Guidance Notes October 2010 and offers guidance for individuals and organisations involved in the provision of local needs housing in rural locations.

The guidance is designed to ensure that all parties understand each stage of the process, before, during and after the development of local needs homes.

Ashford Borough Council will constantly monitor the effectiveness of the guidance and provide an updated version for consultation with organisations involved in the delivery and management of local needs schemes on a bi-annual basis. In addition, this guidance will also be subject to review in the event of:

- Change in working practice by Ashford Borough Council, Parish Councils/Parish Meetings or RPSH.
- Change in legislation that affects the relationship outlined within these guidance notes or the Section 106 Agreement.
- A specific request for review from any of the organisations involved in the provision of rural local needs housing.

(reference to a 'Parish Council' in these Guidelines also refers to a 'Parish Meeting').

Ashford Borough Council will be responsible for ensuring that any necessary review takes place.

Individuals and organisations involved with rural local needs housing are welcome to comment on this document. Such comments will be considered as part of Ashford Borough Council's ongoing monitoring and will be responded to as appropriate.

Please send comments to:
Jennifer Shaw
Housing Strategy Manager
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent
TN23 1PL

Email: jennifer.shaw@ashford.gov.uk

1. Introduction

- 1.1. Ashford Borough Council aims to ensure that rural areas of the district remain vibrant and sustainable places to live and that people of all income levels have housing opportunities available to them. Ashford Borough Council believes that those living in, or connected to, rural parishes should not have to move away because of a lack of affordable and suitable housing.
- 1.2. In parishes where there is a clearly identified housing need, Ashford Borough Council will seek to enable the provision of rural local needs housing. The need for such housing is determined through interrogating the Housing Register and undertaking local housing needs surveys. Local Housing Needs Surveys will be undertaken by the Rural Housing Enabler employed by Action with Communities in Rural Kent.
- 1.3. Ashford Borough Council will consider granting planning consent for rural local needs housing on suitable sites where the need for that housing is demonstrated by a housing needs survey and the Parish Council's views have been fully considered.
- 1.4. Rural local needs housing is provided in locations deemed by Ashford Borough Council to be (in planning terms) "exception sites". This means that any local needs housing developed on such sites must be affordable and available in perpetuity with priority given to people with a local connection.
- 1.5. Rural local needs housing is developed and managed by a Registered Provider of Social Housing (RPSH), commonly known as a Housing Association. The RPSH must be an approved development partner of Ashford Borough Council. The Homes and Communities Agency monitors and regulates RPSHs to ensure that they develop and manage affordable housing effectively.
- 1.6. In consultation with the Parish Council and RPSH, Ashford Borough Council will determine the number, size, type and tenure of homes to be developed after assessing the results of the survey.

2. The Process Of Providing Rural Local Needs Homes From Survey To Development

2.1 Local housing needs surveys

- (a) Ashford Borough Council commissions local housing needs surveys as part of the duty to measure and identify the housing need of the district.
- (b) Ashford Borough Council reviews the requirement for local housing need surveys annually and budgets to complete up to 3 surveys each year.
- (c) Ashford Borough Council has appointed Action with Communities in Rural Kent (ACRK) as the local provider of the Rural Housing Enabler service, to carry out local housing needs surveys, although occasionally Ashford Borough Council may itself complete the survey work.

2.2 Initiating survey work

- (a) Ashford Borough Council will use the Housing Register to determine where there maybe unmet housing needs.
- (b) Where Ashford Borough Council believes there is unmet housing need it will write to those Parish Councils, inviting them to take part in a local housing needs survey and offer the services of the Rural Housing Enabler.
- (c) Any Parish Council is welcome to contact the Housing Strategy Manager at any point during the year to discuss the provision of local needs housing in its parish and request a survey. The Housing Strategy Manager will ensure that the outcome of such discussions is taken into account during the review of the local needs housing survey programme.

2.3 Carrying out the survey

- (a) The Rural Housing Enabler will meet with the Parish Council to explain the survey arrangements and offer support and guidance both during and after the survey work. The wording of the letter accompanying the survey form and the timing of the survey will be agreed with the Parish Council and Ashford Borough Council.
- (b) Survey forms provided by ACRK are delivered to all households in the parish. Help from the Parish Council will be needed to assist in delivering the survey to every household in the Parish.
- (c) The survey will usually take around 3 months to complete, following which the Rural Housing Enabler will present the results to the Parish Council and Ashford Borough Council.
- (d) The initial site identification process will commence while the survey work is being undertaken.

2.4 When a housing need is identified

- (a) If a housing need is identified, then, in consultation with the Parish Council, the development process will continue.
- (b) The Rural Housing Enabler will continue to work with the Parish Council during the development process to provide support and advice.
- (c) To expedite the development process from survey to submitting a planning application Ashford Borough Council expects all partners in the process to wherever possible adhere to the timeframe set out in appendix 7.

2.5 When no housing need is identified

- (a) If no housing need is identified then no further action will be taken; however, the situation will be reviewed by Ashford Borough Council in line with the local housing needs survey programme.

2.6 The development process - site identification and selection

- (a) The Rural Housing Enabler will work with the Parish Council and Ward Member on site identification. At this stage all potential sites should be recorded. It is helpful but not essential at this stage to also identify the respective landowners.
- (b) The Rural Housing Enabler will then submit the details of all potential sites to Ashford Borough Council.
- (c) Ashford Borough Council will assess each of the sites for their suitability in planning terms and will also submit the sites to Kent Highways Services for their comments.
- (d) For a site to progress any further it must receive a favourable response from both Ashford Borough Council Planning and Development Unit and from Kent Highways. Comments made at this stage do not necessarily guarantee that any development scheme proposed will receive planning permission.
- (e) Ashford Borough Council will notify the Parish Council either direct or via the Rural Housing Enabler of the results of the planning and highways assessment.
- (f) Steps (a) – (e) above will be carried out while the survey work is being undertaken.

2.7 The development process - the planning process

- (a) If a suitable site or sites can be identified then Ashford Borough Council will appoint a RPSH to take the development work forward. The RPSH will be selected in consultation the Parish Council. The Rural Housing Enabler and RPSH will be able to advise the Parish

Council of the most suitable site. The RPSH will negotiate with the landowner regarding the sale of the land.

- (b) Ashford Borough Council coordinates all rural local needs development in the borough through regular 'Rural Round Table' meetings. These meetings review planning, environmental, highway, and legal issues. Both the Rural Housing Enabler and RPSH involved with each scheme are invited to attend.
- (c) The RPSH will work with the Parish Council to design a good-quality housing scheme that will be in keeping with its surroundings. Before any planning application is submitted the RPSH will arrange, in discussion with the Parish Council, to hold a consultation event at which every household in the village will be able to comment on the proposed development.
- (d) At the consultation event local people will be provided with information about how to register their interest in the proposed rented and/or shared ownership properties.
- (e) Once agreed, the RPSH will submit the planning application (although in some circumstances the developer may do this on behalf of the RPSH) having had full discussion and liaison with the Parish Council.
- (f) The RPSH will be responsible for ensuring an updated survey of local housing needs accompanies the planning application.
- (g) The RPSH will be responsible for ensuring that it has sufficient funds available to build the homes and will, if necessary, bid for funding at the appropriate time to the proper body, usually the Homes and Communities Agency.
- (h) Where financial viability threatens the development of a local needs housing scheme, Ashford Borough Council may consider allowing the development of market housing to cross subsidise the local needs housing. This approach will only be considered when all other avenues to address shortfalls in financial viability, to develop only local needs housing on site, have been exhausted. This is explained in more detail in appendix 8.

3. Lettings And Shared Ownership Purchases Of Rural Local Needs Housing

3.1. General principles

- (a) Ashford Borough Council, the RPSH and the Parish Council will work together to ensure the homes are advertised in a timely and appropriate manner.
- (b) All applicants for rented homes must be registered on Ashford Borough Council's Housing Register. Applicants can register online at www.kenthomechoice.org.uk
- (c) The Parish Council will use its best endeavours to ensure that local people in housing need are aware of how to apply to Ashford Borough Council's Housing Register and will signpost people to the services of Ashford Borough Council.
- (d) Before a local needs property is let or purchased the Parish Council will be requested to confirm applicants' local connection.
- (e) Each Parish Council will be responsible for responding to requests for local connection confirmation in a timely manner. Ideally this will be within 5 working days of the request from the RPSH or as agreed between the Parish Council and RPSH.
- (f) If the Parish Council does not respond within the agreed timescale then Ashford Borough Council cannot guarantee that late comments will be considered. If no comments are received then it will be necessary for Ashford Borough Council in consultation with the RPSH to take the final decision on whether the applicant meets the local connection criteria.

3.2. Rented homes lettings

- (a) All rented homes will be advertised through Kent Homechoice which is Ashford's choice based lettings system (CBL), this is the system by which people on the Housing Register are able to register their interest in available homes. Further information on how to apply through the choice based lettings system is detailed in appendix 4.
- (b) Local Needs homes advertised on CBL will clearly state that applicants meeting the agreed local connection criteria will have priority.

3.3. New build rented homes

- (a) The availability of new homes to rent must be advertised both through CBL and within the parish. Advertising in the parish will be coordinated between the Parish Council and the RPSH and will be paid for by the RPSH. Advertising must begin at least six months before completion of the homes.

- (b) Advertising must advise that in order to qualify applicants must be on Ashford Borough Council's Housing Register. Advertising in the parish must include at least the following:
- Advertising in at least two consecutive parish magazines/newsletters and on the parish website (if available in the parish).
 - Poster displays on, for example, parish notice boards, in parish shops, community centres and other locations where they are likely to be seen by potential applicants.
- (c) Once the property/properties have been advertised via CBL, Ashford Borough Council will send the list of everyone, with an identified local connection, that has applied for the property/properties to the RPSH. The list will include name, current address and stated local connection.
- (d) The RPSH will liaise with the Parish Council who will be expected to confirm or refute the local connection claims of each applicant on the list in writing to the RPSH within the agreed timescale (see 3.1e). The Parish Council may also provide additional relevant supplementary information.
- (e) Confirmation of a local connection by the Parish Council will mean that an applicants local connection points, as set out in appendix 2, have been verified and may also be amended in accordance with the response from the Parish Council.
- (f) The RPSH will visit all confirmed applicants and assess their circumstances more fully. The decision to offer properties will be taken by the RPSH.
- (g) The RPSH will then send a list of the successful applicants to the Parish Council and to Ashford Borough Council after offers are made.
- (h) No offer will be made to any applicant for a local needs home unless the Parish Council have confirmed the applicant's local connection.
- (i) Where the Parish Council identifies that an applicant does **not** have the necessary local connection the RPSH will notify the applicant and Ashford Borough Council that the Parish Council has advised they do not meet the local connection criteria and their application will not be taken further with respect to the local needs scheme. The applicant has the right to request a review of this decision (see paragraph 3.7).
- (j) If there are insufficient applicants from the principal parish or parishes as named in the section 106 agreement then the process described in paragraph 3.8 will apply.

3.4. Re-letting of rented homes

- (a) The RPSH will advise Ashford Borough Council and the Parish Council within 3 working days of its receipt of a notice to vacate.

- (b) The RPSH/Ashford Borough Council will advertise the property via the CBL system on the following advertising cycle. The RPSH and the Parish Council will also ensure that the property is advertised within the parish as above (see 3.3b).
- (c) The time available for advertising a re-let is shorter than for a new build housing scheme because the RPSH must make sure that the property is not empty for any longer than necessary. In view of this the RPSH and the Parish Council will agree the maximum advertising timescale upon notification from the RPSH of each re-let.
- (d) The same process then applies as for letting new build homes; Ashford Borough Council will provide a list of those with a local connection to the RPSH within 3 working days of CBL closing date. The RPSH will request confirmation of local connection from the Parish Council. The Parish Council should respond within 5 working days of the request for confirmation.
- (e) The RPSH will arrange for the prospective tenant to view the property at a mutually convenient time.
- (f) The RPSH will make the offer of housing to the successful applicant and confirm the results of this offer to both Ashford Borough Council and the Parish Council.
- (g) Should the applicant refuse the offer then the RPSH will offer the property to the next most suitable applicant until there are no applicants in housing need and with a local connection confirmed by the Parish Council remaining.
- (h) Should this occur then the process as described in paragraph 3.8 will apply.

See Appendix 5 for further information on the re-lets of local needs housing (rented)

3.5. New Build Homebuy (shared ownership) purchases

- (a) All new build homebuy (also known as shared ownership) homes being developed on a new housing scheme will be advertised in line with the timescales agreed in 3.3a above.
- (b) The RPSH will arrange with the Parish Council to advertise the property within the Parish. The RPSH will also ensure that the property is advertised via the Local HomeBuy Agent with a specification that applicants with the required local connections will be given priority. All new build shared ownership properties will also be advertised on choice based lettings (Kent Homechoice).
- (c) All applications for new build homebuy (shared ownership) homes received by the RPSH via CBL or the HomeBuy Agent will be assessed for local connection by the RPSH.
- (d) The RPSH will then make an assessment of applicants' financial circumstances to ensure that applicants can afford to take on a

mortgage. The Parish Council will be requested to confirm the local connection criteria in the same way as for rented homes.

- (e) If there are insufficient applicants from the principal parish or parishes as named in the section 106 agreement then the process described in paragraph 3.8 will apply.

3.6. New Build Homebuy (shared ownership) re-sales

- (a) The RPSH will advise Ashford Borough Council and the Parish Council within three working days of receiving notice that the occupier is moving.
- (b) The RPSH will require a written valuation of the property from an approved valuer, and will liaise directly with the occupier about this.
- (c) In conjunction with the owner, the RPSH and the Parish Council will arrange to advertise the property within the Parish. The RPSH will also ensure that the property is advertised via the Local HomeBuy Agent with a specification that only applicants with the required local connections can be considered. All new build homebuy (shared ownership) re-sales will also be advertised on choice based lettings (Kent Homechoice).
- (d) All resulting applications for re-sales will be made direct to the RPSH.
- (e) The RPSH will carry out an assessment of housing need and a financial assessment. The Parish Council will be requested to confirm the local connection criteria in the same way as for rented homes.
- (f) The RPSH will only take forward applications from those people whose circumstances are in line with their assessment and whose local connection has been confirmed by the Parish Council. The RPSH will then make suitable arrangements with the present owner and the prospective owner to view the property at a mutually convenient time.
- (g) The RPSH will advise the Parish Council and Ashford Borough Council when a sale has been agreed, prior to completion and confirm the details, including local connection details, of the successful applicant(s).
- (h) If there are insufficient applicants from the principal parish or parishes as named in the section 106 agreement then the process described in paragraph 3.8 will apply.

3.7. Appeals

- (a) An applicant has the right to request a review of their application if Ashford Borough Council has advised them that they are either ineligible to join the housing register or ineligible to receive an offer of accommodation (for example because they do not have the required local connection).
- (b) A two-stage appeals procedure is in operation and is described in Ashford Borough Council's Housing Lettings Policy. During the first

stage of any request for review on the grounds of local connection Ashford Borough Council will contact the Parish Council to advise that a request for review has been lodged and to seek further advice from the Parish Council. Ashford Borough Council will also conduct any other appropriate enquiries regarding local connection. Decisions will be taken in line with the appeals procedure.

3.8. Insufficient applicants

- (a) If there are insufficient applicants from the principal parish or parishes who meet the criteria, then the following cascade (as set out in the standard section 106 agreement) will apply:
- Applications must be invited from people who meet the local connection criteria to the neighbouring parishes named in the section 106. This should be done in conjunction with the principal parish and the neighbouring Parish Councils; available homes should be advertised within the parish and via CBL, following the procedure as above in 3.2-3.6
- (b) If there are still insufficient applicants then:
- Ashford Borough Council may approve, after, discussion with the Parish Council any other persons. This decision is in the absolute discretion of Ashford Borough Council and on such terms as it may consider appropriate in the particular case. The terms that will normally be applied are set out in 4.2f).

4. Local Connection Criteria For Rural Local Needs Housing

4.1. The local connection requirements are also set out in the section 106 agreement for each local needs development. The local connection criteria are standard and apply as set out below to every new build local needs housing scheme developed after August 2007. In the context of rural local needs housing, use of the word “local” in describing a resident means:

(a) Applicants who are resident within the parish who has been resident for a continuous period of at least 5 years immediately before making an application,

or

Applicants who have been resident within the parish for any period of (or periods totalling) 7 years or more within the previous 10 years immediately before making an application,

or

Applicants who were previously resident in the parish and who have an immediate family member(s) currently resident in the parish and where the immediate family member(s) have been resident within the parish for a continuous period of at least 10 years immediately before the housing application was made and intend to remain in the parish. “Immediate family” means a parent or parents, a child or children, or a sibling or siblings.”

(b) Applicants who work either full-time, or, part-time within the parish. Part-time in this case is defined as being a minimum of 10 hours each week on a permanent contract.

(c) Applicants who need to move into the parish to take up full or part-time employment (a minimum of 10 hours per week) within the parish.

(d) Applicants who need to move to the parish to enable them to either give or receive support to or from an immediate family member. “Immediate family” means a parent or parents, a child or children, or a sibling or siblings or other relationships where a genuine need to give or receive support is demonstrated to the satisfaction of Ashford Borough Council.

4.2. Notes

(a) “Parish” in this context means the principal parish, as named in the section 106 agreement, which may be grouped with other parishes that are working jointly to provide the rural local needs housing.

(b) “Neighbouring parishes” refers to those parishes, other than the principal parish or parishes that are specifically named in the section 106 agreement.

- (c) Neighbouring parishes named within the section 106 agreement will be agreed with the principal Parish Council before the section 106 agreement is signed.
- (d) Priority will be given to applicants from the principal and any other named parishes in the first instance. Only if there are insufficient applicants in housing need and with the required local connection will applicants from the named neighbouring parishes be considered. As described in paragraph 3.7.
- (e) Applicants from named neighbouring parishes must be able to demonstrate the same local connection to their parish as listed above in 4.1 (a) – (d).
- (f) If there are insufficient applicants from the principal, named and named neighbouring parishes then in accordance with the section 106 agreement homes will usually be offered to applicants in housing need and who can demonstrate an alternative level of local connection to that in 4.1 a-d, e.g. an applicant lives in the principal parish but has done so for a period of less than 5 years. Ashford Borough Council will ask the Parish Council to confirm such alternative levels of local connection.

5. The Roles Of The Council, The Registered Provider Of Social Housing, The Parish Council And Action With Communities In Rural Kent

5.1. The role of Ashford Borough Council

- (a) Ashford Borough Council has an enabling role and also a duty to measure the housing need in its district. To do this in rural areas Ashford Borough Council works in partnership with the Rural Housing Enabler employed by Action with Communities in Rural Kent. Ashford Borough Council aims to complete up to 3 surveys every year and will meet the cost of the survey work.
- (b) To manage the lettings process in accordance with the adopted Housing Lettings Policy.
- (c) To ensure the RPSH operates in accordance with the approved developer of affordable housing protocol. Any concerns regarding the RPSH by Parish Councils should be notified to Ashford Borough Council so that matters may be resolved.
- (d) To liaise with Parish Councils and others to facilitate that rural local needs housing is provided when a need is identified.
- (e) To provide Parish Councils with all necessary support and training to ensure Parish Councils are able to fulfil their responsibilities under the terms of this procedure.
- (f) To establish whether there are any suitable sites within Ashford Borough Council's ownership that could be developed to meet identified need.
- (g) In exceptional cases where a Parish Council does not support a survey being undertaken Ashford Borough Council may undertake the survey and work independently of the Parish Council.
- (h) Ashford Borough Council will recommend a RPSH to the Parish Council. The selected RPSH must be one of Ashford Borough Council's approved development partners. In some parishes RPSH may work in partnership on a development.
- (i) All rural local needs housing in development will be regularly discussed and monitored by Ashford Borough Council at the quarterly 'Rural Round Table' meetings. Ashford Borough Council will ensure that the Parish Council is kept fully informed of progress.
- (j) To ensure the homes are let and purchased in accordance with the Planning Consent, the section 106 agreement and this guidance.
- (k) The Council may take a leadership role in progressing schemes where there is considered to be unreasonable delays and/or lack of local support, although there is an identified need and a suitable, available site.

5.2. The role of the Registered Provider of Social Housing

- (a) To work closely with the Parish Council and to fully consider its views. It will then be able to reflect the views of the Parish Council when submitting the planning application. A copy of the planning application, together with supporting documents is to be made available to the Parish Council by the RPSH or its developer partner or agent.

5.3. Development of scheme – the RPSH's role is to:

- (a) Ensure that any necessary bid for Homes and Communities Agency grant funding is made at the appropriate time.
- (b) Ensure that the planning application fully reports the wishes of the Parish Council.
- (c) Appoint the builder.
- (d) Ensure the homes are constructed in accordance with the approved standards of the Homes and Communities Agency
- (e) Report to the Parish Council following receipt of the planning decision. The RPSH is fully involved with Ashford Borough Council and will be attending the meetings as the development progresses.
- (f) Adhere to the section 106 agreement.
- (g) Manage the rural local needs housing, which includes:
 - Collection of rent and managing of any arrears.
 - Taking repossession proceedings in such cases where this is a suitable course of action.
 - Ensuring the site area is maintained in accordance with any planning consent requirements.
 - Maintaining the rented properties to a high standard – to at least the Government's "Decent Homes Standards".
 - Dealing with any issues of tenant and/or neighbour dispute.
 - Actively encouraging tenant participation.
 - Measure tenant/leaseholder satisfaction and deliver continuous improvement
 - Working with the Parish Council and Ashford Borough Council to establish sustainable communities.
- (h) Work in consultation and partnership with Ashford Borough Council and Parish Council to ensure:
 - The timely and suitable letting and sales of rural local needs homes.
 - That suitable mortgage lenders are aware of rural local needs housing and to negotiate with mortgage lenders to ensure that those seeking shared ownership properties can be assisted (subject to the normal financial assessments).

5.4. The role of the Parish Council is to:

- (a) Alert Ashford Borough Council where it believes that there is housing need in its parish.
- (b) Raise awareness among its local community of the housing options available, taking a signposting role to direct local people to sources of advice and information.
- (c) Work in consultation and partnership with Ashford Borough Council and RPSH to ensure the timely and appropriate letting or re-letting of rural local needs properties.
- (d) Confirm applicants' local connection.
- (e) Assist in coordinating the advertising of any new rural local needs homes and those becoming vacant.
- (f) Advise both Ashford Borough Council and the RPSH of any concerns they might have about rural local needs housing or its occupiers.
- (g) Provide information to residents within the community so that they can make an application for rural local needs housing or other Council/Housing Association homes.
- (h) Consult on the planning application made by the RPSH (or its agent) when the Parish Council receives the planning application for consideration.
- (i) Endeavour to identify any potential rural local housing need when undertaking parish appraisals and similar exercises.
- (j) Ensure that the RPSH accords with the Parish Design Statement or similar guidance

5.5. The role of Action with Communities in Rural Kent

- (a) ACRK will provide written information to Parish Councils on the following topics:
 - Role of the Rural Housing Enabler (RHE) and the support available to the Parish Council.
 - Developing a rural local needs housing scheme.
 - Exception site policy and allocation procedures as determined by Ashford Borough Council.
 - Undertaking housing needs survey.
- (b) ACRK will then make an offer to give a presentation to any given Parish Council to explain:
 - The RHE role.
 - The purpose and status of rural local needs housing.
 - Local housing needs surveys.
 - Links with Parish Plans and other community assessments.

- Queries raised by any Parish Council members questions.
- (c) ACRK will, when a Parish Council agrees to undertake a Housing Needs Survey:
- Liaise with Parish Council and Ashford Borough Council to agree survey content and data.
 - Draft a covering letter for the Parish Council's and Ashford Borough Council agreement.
 - Alter or amend survey to suit individual Parish/Borough Council needs.
 - Arrange timing of survey.
 - Provide printed copies of survey forms and freepost return envelopes.
 - Assist Parish Council/Ashford Borough Council with publicity for survey.
- (d) ACRK will help to progress this to the next step by:
- Input and analysis of survey data.
 - Providing a written report to Parish and Ashford Borough Council with a recommendation on the type and mix required, balancing the immediate need and the mid to long-term needs.
 - Attending the quarterly 'Rural Round Table', plus pre-meeting and Parish Newsletter contribution.
 - Meeting with Parish Council to discuss outcomes of survey and hear any objections.
- (e) ACRK will continue to support all partners during the development of a rural local needs housing scheme by offering:
- Ongoing advice and support to Parish Council throughout the development of a rural housing scheme up to completion – by telephone, email and attendance at meetings.
 - Assist with site search and approach landowners where necessary.
 - Liaison with Ashford Borough Council housing, legal and planning departments via rural round table meetings and additionally as required.
 - Work as necessary between Ashford Borough Council/Parish Council and developing RPSH.
 - Attend Open/Information Days in partnership with stakeholders to consult the local community
 - If required, to provide evidence and information to support planning applications.

Appendix 1 - Points To Note

1. Registered Provider of Social Housing (RPSH)

RPSH is a housing association registered and governed by the Homes and Communities Agency (HCA). The HCA being a Government body that monitors and assesses the performance of RPSH from the point of view of governance, financial propriety, management etc.

2. Action with Communities in Rural Kent (ACRK)

Is a registered charity whose purpose is to improve the quality of life of local communities particularly for disadvantage people and to facilitate the development of thriving, diverse and sustainable communities. ACRK used to be known as Kent Rural Community Council and employs the Rural Housing Enabler.

3. Local Needs Housing

This is housing that is constructed in a parish (or settlement) to provide affordable (rented or shared ownership) housing for those with a qualifying local connection in perpetuity. Applicants are subject to an assessment of housing need, local connection and will need to prove they are unable to afford the cost of housing available on the open market within the settlement.

4. Exception Sites

These are sites, which have not been identified as sites for development . The sites therefore attract little more than an agricultural value when sold by the landowner to the RPSH for the development of rural local needs housing. The sites would not normally be granted planning consent for development and only receive planning consent because the homes being provided will be available to the local community in perpetuity.

5. Section 106 Agreements

This agreement is part of the planning consent and contains the details under which the planning consent has been granted. It describes the persons who are eligible to be accommodated in the properties. It is a legally binding agreement within the planning framework. Failure by a RPSH to comply with the requirements of the section 106 can make them liable for the breach of covenants and obligations contained in the section 106 agreement.

6. Shared Ownership

This form of owner occupation is for those who are unable to afford to buy homes on the open market. Within the framework of rural local needs housing the RPSH retains 20% of the equity in perpetuity, this is so that the homes remain available for people with a local connection in the future.

7. Local Homebuy Agent

The HomeBuy Agent is the organisation responsible for marketing all Homebuy products (New Build Homebuy, Open Market Homebuy and Social Homebuy), all New Build Homebuy homes built by any RPSH in the Ashford borough are advertised by the local HomeBuy Agent; Moat Housing Group.

8. Mutual Exchange of Tenancies

Tenants of affordable housing are NOT usually able to exchange unless the incoming tenant fully complies with the rural local needs criteria.

9. Confidentiality

Confidential issues are not shared by Ashford Borough Council and RPSH with the Parish Council and remain confidential between the applicant or applicants and the professional Housing Officer. All organisations are required to respect confidentiality and personal information must not be disclosed to others.

10. Actions in the event of dispute

In the event of a dispute between the parties that cannot be resolved at officer level, the matter should be referred to the appropriate higher authority for resolution. For example, in the case of a dispute with the RPSH the dispute may need to be referred to the RPSH board members.

11. Equal Opportunities

All parties to this procedure believe in and promote equal opportunities for all, irrespective of race, religious belief, disability, gender or sexual orientation.

12. Data Protection and the Freedom of Information Act

All parties to this procedure must comply with statutory requirements under the Data Protection Act. The requirements of the Freedom of Information Act also apply.

Appendix 2 – Local Connection Criteria Points

Development at

Applicants name (first)

Applicants name (second)

While an applicant may have a high local connection points score, their housing need, measured on the basis of a lack of, or standard of housing (e.g. lack of bedroom, no internal WC, lack of heating, health condition, etc.) may mean that someone with a lower local-connection points score might be housed in preference.

| Criteria | Examples of evidence | Eligible points | Points awarded |
|--|---|-----------------|----------------|
| Residential Qualification: | | | |
| Applicant (1 st or 2 nd) has lived in the parish for at least 5 years continuously. | <ul style="list-style-type: none"> • Electoral register • Local knowledge • Other evidence | 5 | |
| Applicant (1 st or 2 nd) has lived in parish for a total of at least 7 years in the last 10. | <ul style="list-style-type: none"> • Addresses and dates of previous residences • Electoral register • Local knowledge • Other evidence | 4 | |
| Applicants who were previously resident in the parish and who have an immediate family members(s) currently resident in the parish and where the immediate family member(s) have been resident for a continuous period of at least 10 years immediately before the housing application was made and intend to remain in the parish. "Immediate family" means a parent or parents, a child or children, or a sibling or siblings. | <ul style="list-style-type: none"> • Addresses and dates of previous residences • Electoral register • Local knowledge • Other evidence | 3 | |
| Employment | | | |
| Applicant (1 st or 2 nd) is employed full-time within the parish. Or Applicant is employed on a part-time basis in the parish. | <ul style="list-style-type: none"> • Confirmation of full-time employment from employer • Confirmation of part-time employment from employer (Part-time is for a minimum of 10 hours per week on a permanent contract) | 3 | |

| Need to be in parish to give/receive support | | | |
|---|---|---|--|
| To enable an immediate family member to return to the village / parish to either give or receive support. | <ul style="list-style-type: none"> • Giving support to • Receive support from • Relationship: Parent Child Sibling Other <p>Any supporting evidence would (if required) be provided directly to the RPSH</p> | 2 | |
| Community contribution * | | | |
| Of 1 st or 2 nd applicant. | <p>Examples of community involvement might include the following:</p> <ul style="list-style-type: none"> • Runs parish organisation • Belongs to and regularly attends parish organisation • Uses parish shops and amenities • Children attend local primary school | 1 | |
| Total points awarded | | | |

Other comments pertinent to the application:

.....

.....

.....

Assessment completed by

Signed Date:

• **Community Contribution**

One community contribution point will be awarded to applicants who fulfil one or more of the community contribution criteria and also has a verified local connection as detailed in section 4.

Appendix 3 – Specimen Section 106 Agreement

Dated _____ 201..

Ashford Borough Council

and

[.....] Association Limited

AGREEMENT

Under Section 106 Town and Country Planning Act 1990
relating to -
Land at [.....]
Ashford, Kent
including provision for Rural Local Needs Housing

T W MORTIMER, Solicitor
Head of Legal and Democratic Services
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford, Kent
TN23 1LP
Ref: [.....]
Planning Reference: [.....]
[.....]

THIS DEED is made the

day of

20

B E T W E E N

- (1) **ASHFORD BOROUGH COUNCIL** of **Civic Centre Tannery Lane Ashford Kent TN23 1PL** (“the Council”) and
- (2) **[.....] HOUSING ASSOCIATION LIMITED** the registered office of which is at **[.....]** (“the Owner”)

1. INTERPRETATION

1.1 Save as herein provided the Interpretation Act 1978 shall apply to this Agreement as if this Agreement were an Act of Parliament

1.2 In this Agreement the following words and expressions shall unless the context otherwise requires have the meanings set opposite them: -

WORDS & EXPRESSIONS

MEANINGS

“Affordable Housing”

Either (i) let at such rents and service charges as comply with the Housing Corporation target rents or (ii) leased on a shared ownership basis whereby the initial equity purchase percentage is approved in writing by the Council in advance and the lease prohibits the purchase of more than 80% of the market value of the dwelling

“Application Site”

all that land at [.....] Ashford Kent the subject of the Planning Application shown edged with a thick black line on the Plan and where the context requires any part or parts of that land

“Commencement”

the commencement of the carrying out of a Material Operation in relation to the Development (and cognate expressions with an initial capital letter “C” such as “Commence” shall be construed accordingly)

“Complete”

the date that a Dwelling is substantially ready for Occupation by a resident and “Completed” and “Completion” shall be construed accordingly

“the Council”

Ashford Borough Council of Civic Centre Tannery Lane Ashford Kent TN23 1PL in its statutory

| | |
|---|---|
| | capacity as a local planning authority or any successor planning authority including any agent or any other person appointed or nominated by it for the purpose of this Agreement |
| “the Council’s Solicitor” | the Head of Legal and Democratic Services of the Council or such other person as may be appointed from time to time by the Council to discharge the functions of the post including the nominee of the Head of Legal and Democratic Services or such other person |
| “Development” | the development of the Application Site by the construction of [...] dwellings as referred to in the Planning Application and described in the First Schedule or substantially the same development |
| “Dwelling” | a dwelling to be constructed on the Application Site in accordance with the Planning Permission |
| “Housing Corporation Scheme Development Standards” | the standards of construction of residential units set out in the latest Scheme Development Standards document (Fifth Edition dated April 2003) published by the Housing Corporation |
| “Housing Quality Indicators” | Version 3 dated April 2005 (or any later edition replacing it) of the Housing Quality Indicators document published by the Housing Corporation |
| “Immediate Family” | One or more of the parents, child, children, siblings or other relationship where it can be demonstrated to the satisfaction of the Council that there is a genuine need to give or receive support or that the person or persons could normally be expected to reside together |
| “Implementation Date” | the date specified in the Implementation Notice |
| “Implementation Notice” | the notice served by the Owner on the Council announcing its intention to implement the Development by the carrying out of a Material Operation in accordance with the Planning Permission on a specified date no earlier than 2 weeks from the date of the notice |

“Local Criteria”

A person fulfils the Local Criteria in relation to a Parish (being either the Principal Parish or the Neighbouring Parishes) if:

- (i) the person is a member of either:
 - (a) a self-contained household or
 - (b) a newly-forming household constrained from forming a self-contained household by its lack of accommodation suitable to meet its housing needs

and which household is unable to afford to purchase or rent accommodation within that Parish suitable to meet its housing needs from its own resources (which shall be taken to include any ability to borrow on mortgage and any state-funded financial support)

and

- (ii) one of the following paragraphs applies:-
 - (a) the person has had his or her only or principal home in that Parish for a continuous period of at least five years immediately prior to making an application or
 - (b) the person has had his or her only or principal home in that Parish for a period of (or periods totalling) not less than seven years within the last ten years immediately prior to making an application or
 - (c) the person has been previously resident in that Parish and has parents, child, children or siblings who have been resident in the Parish for a continuous period of at least ten years and intend to remain resident

in the Parish prior to making an application or

- (d) the person is employed either in full time or Part Time Employment in the Parish or
- (e) the person needs to relocate his or her only or principal home to that Parish to take up full time or Part Time Employment within the Parish or
- (f) the person needs to relocate his or her only or principal home to that Parish in order to effectively provide or receive support to or from a member or members of the person's Immediate Family who has or have his her or their only or principal home in that Parish and has or have no plans to leave that Parish

and where the Parish Council of the Principal Parish or the Neighbouring Parishes, as applicable, has confirmed in writing to the Council and the Registered Provider of Social Housing that the conditions set out in either (a) (b) (c) (d) (e) or (f) are met or if not met, then the final decision is to be by the Council and the Registered Provider of Social Housing

“Local Person”

either:-

- 1 a person who fulfils the Local Criteria in relation to the Principal Parish or
- 2 if the relevant Registered Provider of Social Housing has used reasonable endeavours (which includes advertising on the Council's choice based lettings scheme advertising in at least two consecutive parish magazines (if one exists) poster displays on parish notice boards parish shop windows

community centres and other locations where they are likely to be seen by potential applicants at least six months before Completion for first lettings or if a re-let then within 14 days of notification from the vacating occupier) to identify a person within 1 above, but has been unsuccessful, a person who fulfils the Local Criteria in relation to the Neighbouring Parishes

or

3. if there is no appropriate person who fulfils the Local Criteria 1 and 2 above, such other person as the Council may approve, after, if appropriate, discussion with the Parish Council, in its absolute discretion and on such terms as it may consider appropriate in the particular case.

“Material Operation”

a material operation within the meaning of Section 56(4) of the Planning Act save that for the purpose of this definition the carrying out of any work of demolition works of site clearance ground investigation and site survey works construction of boundary fencing or hoardings construction of temporary accesses and/or highway works archaeological investigation site decontamination or remediation works landscaping works and noise attenuation works shall not be deemed to be the carrying out of any ‘Material Operation’

“Management Plan”

a plan to provide for the safeguarding, including the provision of sufficient funding, of the future long term security and maintenance of the population of [.....] on the Application Site

“Neighbouring Parishes”

The Parishes of [.....]
(or any of them) in the County of Kent each as defined by their boundaries at the date of this Agreement

| | |
|---|--|
| “Occupation” | occupation of a Dwelling other than occupation for the purpose of construction security marketing or repair (and cognate expressions with an initial capital letter “O” such as Occupy shall be construed accordingly) |
| “Owner” | [.....] Housing Association Limited whose registered office is at [.....] and any successors in title of the Application Site |
| “Part Time Employment” | A minimum of 10 hours work per week on a permanent contract |
| “Plan ” | the plan annexed hereto |
| “Planning Act” | the Town and Country Planning Act 1990 as amended |
| “Planning Application” | the application for planning permission registered by the Council under reference [.....] |
| “Planning Permission” | the planning permission granted or authorised to be granted pursuant to the Planning Application by way of a decision notice in the form of the draft annexed to this Agreement and marked “Draft” or any other planning permission for the same or substantially the same development issued to the Owner |
| “Principal Parish” | The Parish(es) of [.....]in the County of Kent as defined by its boundaries at the date of this Agreement |
| “Registered Provider of Social Housing” | A provider which shall accord with the meaning of section 112 of the Housing and Regeneration Act 2008 and registered with the regulator of social housing pursuant to section 81 of the Housing and Regeneration Act 2008 |
| “Working Guidelines and Service Level Agreement” | Guidelines for the allocation of dwellings as set out in the Council’s current “Rural Local Needs Housing Guidance Notes” |

- 1.3 Reference in this Agreement to a clause schedule paragraph or part are references where the context so admits to a clause schedule paragraph of a schedule or part of a schedule in this Agreement and references in a schedule to a paragraph or a part are (unless the context otherwise requires) reference to a paragraph or part of that schedule
- 1.4 The headings appearing in this Agreement are for ease of reference only and shall not affect the construction of this Agreement
- 1.5 Covenants made hereunder:-
- (i) if made by more than one person are made jointly and severally; and
 - (ii) are to the intent that the same shall bind whomsoever shall become a successor or successors in title to the relevant part of the Application Site; and
 - (iii) shall operate as a charge on the Application Site and shall be registered in the Council's register of local land charges
 - (iv) by the Owner in this Agreement shall not be enforceable against the occupier of any completed dwelling on the Application Site

2. **RECITALS**

- 2.1 The Council is the local planning authority for the purpose of the Planning Act for the area within which the Application Site is situate and for the for the purpose of this Agreement is the authority by whom the planning obligations hereinafter contained are enforceable
- 2.2 The Owner is the owner of the freehold of the Application Site being registered under K[.....] at HM Land Registry
- 2.3 The Owner is in possession of the Application Site and no other person is entitled to possession or to any rents or profits thereof in conjunction with or to the exclusion of the Owner
- 2.4 The Council's planning committee resolved at a meeting held on [.....] to grant Planning Permission for the Development subject to the completion of an agreement under section 106 of the Planning Act for purposes set out in the resolution
- 2.5 The Council and the Owner have accordingly agreed to enter into this Agreement pursuant to the provisions of section 106 of the Planning Act upon the terms and conditions hereinafter appearing with the intention that it should be binding not only upon the Council and the Owner but also upon their respective successors in title and any persons claiming through under or in trust for them

3. **AGREEMENT**

- 3.1 This Agreement is completed pursuant to section 106 of the Planning Act and the covenants by the Owner hereinafter contained shall be ones to which the provisions of section 106 of the Planning Act and section 111 of the Local Government Act 1972 shall apply and shall be binding and enforceable against the Owner and its successors in title to the Application Site or any part or parts thereof
- 3.2 The obligations of the Owner contained in the Second Schedule will be enforceable, as applicable, by the Council.
- 3.3 No party will be liable for any breach of the covenants obligations and restrictions contained in the Second Schedule of this Agreement in respect of any period during which that party no longer has an interest in the Application Site or the part in respect of which the breach occurs
- 3.4 Subject as herein provided the Owner for itself and its successors in title to the Application Site hereby agrees and covenants with the Council that the Application Site shall be subject to the terms restrictions and obligations as to the manner of carrying out the Development and otherwise contained in the Second Schedule
- 3.5 If the Council agrees pursuant to an application by the Owner under Section 73, 73A or 96A of the Planning Act to any variation or release of any condition contained in the Planning Permission or if any such condition is varied or released following an appeal by the Owner under Section 78 of the Planning Act this Agreement shall also apply to any development carried out pursuant to such varied planning permission granted pursuant to Section 73, 73A, 78 or 96A of the Planning Act and the covenants or provisions in this Agreement shall be deemed to be accordingly modified to correspond to any such varied permission
- 3.6 Nothing contained or implied in this Agreement shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of its functions as local planning authority, or local housing authority and, in the exercise of such functions, its rights powers duties and obligations under all public and private statutes byelaws and regulations may be as fully and effectually exercised as if the Council was not a party to this Agreement
- 3.7 In the event that any part of this Agreement may be subject to challenge review deletion or otherwise be rendered null void or voidable the balance of the said Agreement shall remain in full force and effect so long as the issue of

the Planning Permission to the Owner and the commercial purpose and intent of this Agreement are not materially and adversely affected

3.8 It is hereby agreed and declared between the parties that this Agreement is not to be interpreted as the granting of any consent or approval under any legislation whatsoever

3.9 It is hereby agreed and declared between the parties hereto that this Agreement together with the Planning Permission together constitute the whole agreement between the parties relating to the subject matter and that subject to Sections 106A and 106B of the Planning Act any release variation or discharge of the Owner's or the Council's liability under the Agreement shall not take effect unless evidenced in writing in a document under the seal of the Council

3.10 The construction validity performance and enforcement of this Agreement shall be governed by English law

3.11 There is no express or implied intention on the part of any of the parties hereto that any of the rights or obligations contained within this Agreement shall be enforceable by any person who is not a party to this Agreement except so far as he shall be a successor in title to the Owner in respect of the Application Site

4 NOTICES

Any notice under this Agreement shall be in writing and shall be duly served if it is delivered or sent by first class post to a party at:

4.1 its address given in this Agreement;

4.2 its registered office;

4.3 such other address as may be notified in writing from time to time

5 THIRD PARTY RIGHTS

A person or body that is not (or is not a successor in title to) a party to this Agreement shall not in his or its own right enforce the terms covenants and obligations of this Agreement pursuant to the Contracts (Rights of Third Parties) Act 1999

6 COSTS

On completion of this agreement the Owner covenants to pay the Council's reasonable legal and administrative costs including surveyors' costs respectively incurred in connection with the preparation, completion and implementation of this Agreement such costs shall still be payable in relation to the preparation of the Agreement even if it is not completed

7 DISPUTE

If any dispute or question whatever arises between the parties as to the construction or effect of any provision in this Agreement the matter in dispute will be determined by an expert appointed by agreement between the parties or in the absence of agreement within 14 days if one party gives notice to the others of its nomination or nominations appointed by the president for the time being of the Royal Institution of Chartered Surveyors on the application of any party to this agreement whose decision (including the question of costs) shall be final

8 PARTIES

Nothing in this Agreement shall create a legal partnership between any of the parties

9 JURISDICTION

This Agreement is to be governed by and interpreted in accordance with the law of England

IN WITNESS whereof the parties hereto have executed this Agreement as a Deed the day and year first before written

THE FIRST SCHEDULE

The Development

The erection of [.....] new dwellings (of mixed accommodation) with associated parking served off a new road

THE SECOND SCHEDULE

Planning obligations

The Owner covenants for itself and its successors in title with the Council as follows:-

1. Implementation Notice

- 1.1 Prior to Commencement of Development to serve the Implementation Notice on the Council
- 1.2 Not to Commence Development before the Implementation Date specified in the Implementation Notice

2. Local Needs Rural Housing

- 2.1 No Dwelling shall be occupied otherwise than by a Local Person (together with any Immediate Family)

- 2.2 No Dwelling shall be used other than as Affordable Housing and the tenure of each Dwelling shall accord with that specified in the Third Schedule
- 2.3 No Dwelling shall be managed other than by a Registered Provider of Social Housing approved in writing by the Council
- 2.4 No Dwelling shall be occupied until the following have been submitted to and approved in writing by the Council:
 - 2.4.1 Written confirmation that the Dwelling meets the Housing Corporation Scheme Development Standards and the list of “essential items” incorporated therein
 - 2.4.2 Written confirmation that the Dwelling achieves the Housing Quality Indicator minima scores
 - 2.4.3 Written confirmation that the Dwelling has achieved the BREEAM Code level [.....] of the Code for Sustainable Homes

General Restriction

- 2.5 On any transfer of the Application Site or any Dwelling to a Registered Provider of Social Housing, to use its reasonable endeavours to procure that the Registered Provider of Social Housing (or any such other body or entity providing affordable housing as the Council’s Solicitor may expressly approve in writing for the purpose of such transfer or lease in the Council’s absolute discretion) covenants with the Council (if required by the Council) not to use or occupy any Dwelling or permit it to be occupied otherwise than in accordance with a nomination agreement or arrangement agreed in writing between the Council’s Solicitor and the Registered Provider of Social Housing in accordance with any statutory requirements or any reasonable housing requirements of the Council
- 2.6 The provisions of this paragraph 2 shall:
 - 2.6.1 Not bind any mortgagee or chargee of a Registered Provider of Social Housing or other body approved pursuant to paragraph 2.5 being the registered proprietor of the Application Site or any part of it (notice of which mortgage or charge shall have been given in writing to the Council’s Solicitor within 28 days of its creation) under which a power of sale has become exercisable and the legal mortgagee or chargee (or a receiver appointed by such mortgagee or chargee) Provided That such legal mortgagee or chargee or a receiver appointed by such mortgagee or chargee

- 2.6.1.1 has notified the Council's Solicitor in writing that such power of sale has become exercisable and of its desire to sell the Application Site or any identified part thereof and
- 2.6.1.2 in respect of the Application Site or Dwelling is unable despite using all reasonable endeavours within a period of eight weeks from the date of such notification to enter into a binding contract to dispose of the Application Site, part thereof or Dwelling to another Registered Provider of Social Housing or to the Council upon terms reasonably satisfactory in either case to the said legal mortgagee or chargee or Registered Provider of Social Housing or the Council
- 2.6.1.3 produces to the Council's Solicitor reasonable confirmation and evidence in writing from the solicitor acting for the said mortgagee or chargee (or receiver) that it was unable to enter into a binding contract as aforesaid and
- 2.6.1.4 produces to the Council's Solicitor evidence of the actual completion of a disposal by the legal mortgagee or chargee (or receiver) to a person other than another Registered Provider of Social Housing or the Council within a period of 12 months of the expiry of the period of 8 weeks referred to above and
- 2.6.1.5 produces a certified copy of the document effecting such disposal to the Council's Solicitor and
- 2.6.1.6 upon receiving such certified copy the Council agrees that it shall forthwith note in the register of local land charges that the said restrictions and covenants have ceased to have effect in relation to that part of the Application Site or Dwelling

but in the event that no disposal by the legal mortgagee or chargee (or receiver) to a person other than another Registered Provider of Social Housing or the Council is completed within the 12 month period referred to in 2.6.1.4 above then a fresh notification may be given in relation to the Application Site or Dwelling pursuant to paragraph 2.6.1.1 and this provision shall apply again

- 2.6.2 (in the case of a Dwelling not owned by a Registered Provider of Social Housing) not bind any mortgagee or chargee of any Dwelling or any

receiver or manager (including the administrative receiver) appointed by such mortgagee or chargee and, in the event of any such mortgagee or chargee receiver or manager exercising a power of sale over the Dwelling the provisions of this Agreement shall cease thereupon to apply to that Dwelling

- 2.7 To notify the Council in writing (addressed to the Council's Solicitor) within 14 days of the Completion of the final Dwelling
- 2.8 Action to be taken prior to any disposition leading to a change of proprietorship or disposition by way of transfer or lease or the grant or transfer of any tenancy or licence of any Dwelling
 - 2.8.1 if there is in existence Working Guidelines, a Service Level Agreement or other similar agreement between the Council, the Owner and the Parish Council for the allocation of the Dwellings: then the procedures for the allocation of the Dwellings set out in such Working Guidelines or agreement will be complied with but, if there are no Working Guidelines or agreement in place or if in the absolute reasonable discretion of the Council it is not being complied with, then
 - 2.8.2 the Owner will send written notice to the Council (addressed to the Council's Solicitor) of the person(s) to whom such disposition grant or transfer is intended to be made together with such other information as the Council shall within 14 days of receipt of such notice properly and reasonably request and not to complete such disposition until the Council's Solicitor shall have confirmed in writing that the Council is of the opinion that the said person is a Local Person (such decision being conclusive and binding upon the Owner and such person provided that in the case of fraud concealment miss-statement or mistake the Council may reconsider such decision) **PROVIDED THAT** this covenant shall not apply to the extent that any such disposition is covered by the terms of a written waiver signed by the Council's Solicitor in relation to any dispositions other than transfers of tenancies and **PROVIDED FURTHER** that the decision of the Council shall be forthcoming within 14 working days failing which the Owner shall be entitled to proceed with such disposition grant or transfer
 - 2.8.3 To provide within 14 days of being requested to do so in writing by or on behalf of the Council such confirmation whether any covenant herein contained has been is being or will be complied with

3 Management Plan

Prior to Commencement submit and obtain the written approval of the Council's Development Control Manager to the Management Plan
[.....]

THE THIRD SCHEDULE
Affordable Housing Scheme

| Dwelling Type | Number of units | Tenure Type | Plot numbers |
|----------------------|------------------------|--------------------|---------------------|
| 1 bedroom flat | [....] | Affordable rented | [.....] |
| 2 bedroom house | [....] | Affordable rented | [.....] |
| 3 bedroom house | [....] | Affordable rented | [.....] |
| 2 bedroom house | [....] | Shared ownership | [.....] |
| 3 bedroom house | [....] | Shared ownership | [.....] |

THE COMMON SEAL of **ASHFORD**)
BOROUGH COUNCIL was hereunto)
affixed in the presence of)

Mayor

Head of Legal and Democratic Services

THE COMMON SEAL OF)
[.....] HOUSING)
ASSOCIATION LIMITED was)
hereunto affixed in the presence of)

Director

Director/Secretary

Appendix 4 – Choice Based Lettings

Kent Homechoice is the new choice based lettings scheme for all council and housing association homes in Kent.

Kent Homechoice will advertise all empty council and housing association homes that are available to let. Properties will be advertised on the internet and through a reference copy available at the Civic Centre Ashford, and the Gateways at Ashford and Tenterden. Local needs properties will be included and marked to show that priority will be given to applicants with a local connection to the parish.

Basic details about each property will be shown.

It will be necessary to register on the Councils Housing Register to apply for a home through Kent Homechoice. For more information on how to register please contact the Council on 01233 330688. Online registration can be made at www.kenthomechoice.org.uk

Each application will be assessed and advised of the number of points/band they have and the size of property they are eligible to bid for. Each applicant will receive a unique Homechoice number and a user guide.

Applicants can bid for up to three properties they are eligible for in each advertising cycle. Homes are advertised on the website www.kenthomechoice.org.uk.

There will be 5 ways to make a bid:

1. On the internet - at www.kenthomechoice.org.uk
2. By telephone - Call 0906 294 0020 and follow the instructions.
3. By post using a coupon – coupons will have applicants name and Kent Homechoice number printed on them.
4. By text message - 07781 472 726
5. Via digital TV if you are a subscriber to Sky, Virgin Media (previously Telewest/NTL) or if you have an interactive Freeview box such as BT vision

Property List

Each Kent Homechoice property list is valid for one bidding period, running from 9.00am Monday to 12.00 noon the following Monday.

Bids must be received from a Kent Homechoice property list that is in-date. The date will clearly be shown on the front of the property list.

The Kent Homechoice property lists are available on the Kent Homechoice website and reference copies available at Civic Centre Ashford and the Gateways at Ashford and Tenterden.

Appendix 5 – Re-Lets Of Local Needs Housing (Rented)



ASHFORD
BOROUGH COUNCIL

Re-lets of local needs housing (rented)

Guidance for Parish Councils and Registered Providers of Social Housing (Housing Associations)

This guidance is intended to assist in the timely re-letting of local needs housing and to raise awareness of the process local people need to follow in order apply for local needs rented housing in the villages.

When a local needs home becomes available for re-let it is imperative that the Registered Provider of Social Housing (RPSH) and the Parish Council work together to ensure that the property is advertised as widely as possible within the local community. All properties are advertised through Kent HomeChoice, and it is very important that potential applicants are aware of the application process.

With re-lets it is important to reduce the length of time a property is vacant and therefore it would be advantageous for those people who are seeking affordable rented accommodation within the parish to be registered on the Ashford Housing Register prior to any re-let becoming known.

Parish Councils should take active role in encouraging those people seeking local needs housing to register by providing ongoing information, within local media (e.g. newsletters, websites, village directories etc) about how to make an application,

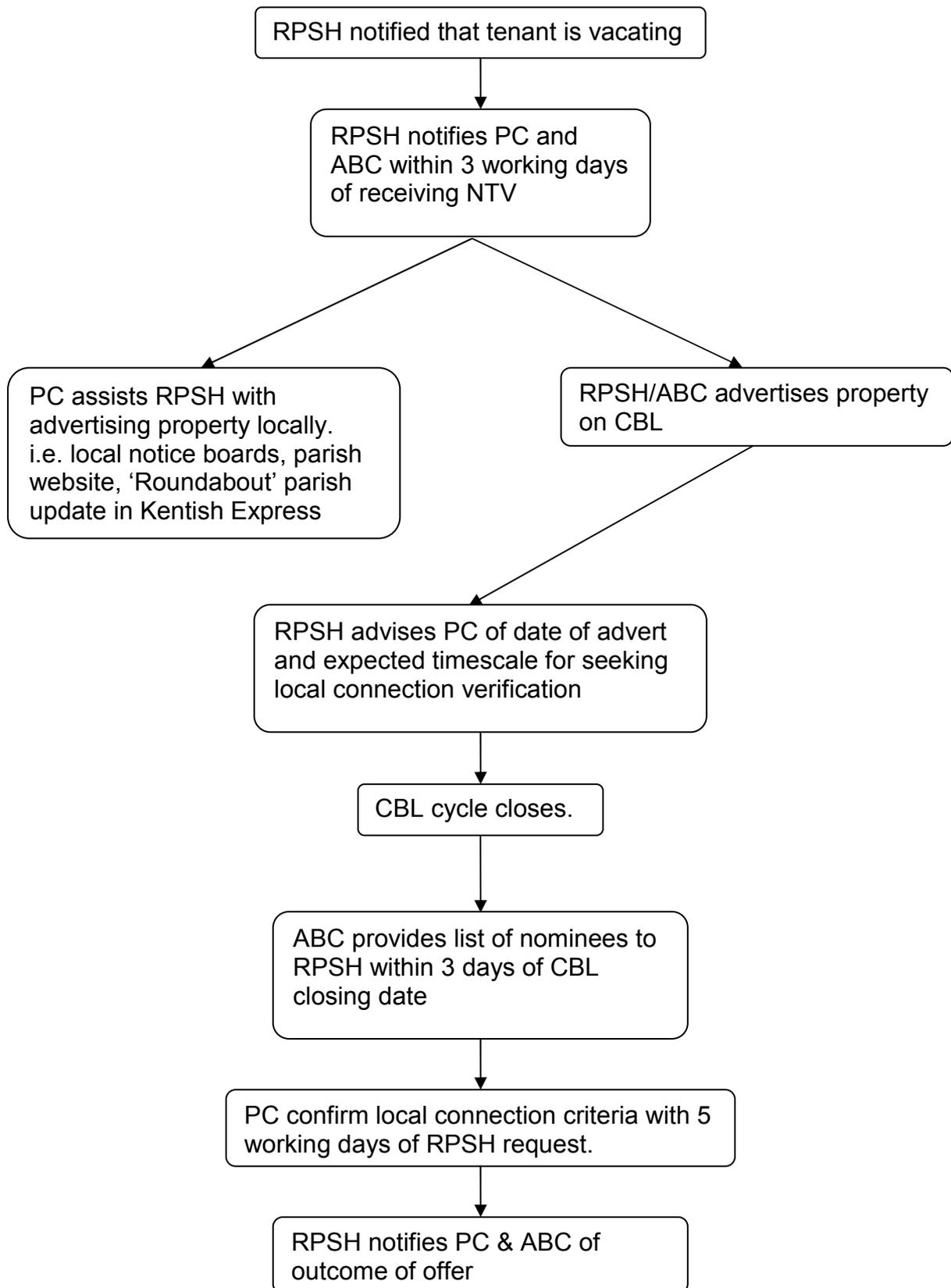
This guidance includes

- A table showing the responsibilities of each organisation
- A flow chart to give a diagrammatic overview of the re-let process
- Text for Parish Councils to use in local media to encourage local people seeking a local needs property to apply to the housing register.

Table detailing the responsibilities of each organisation during the re-letting of Local Needs Housing

| RPSH (Housing Association) | Parish Council | Ashford Borough Council |
|--|---|---|
| Notify ABC and PC within 3 working days of its receipt of a notice to vacate | To assist the RPSH with advertising by using local newsletters, website and displaying information/posters locally. | |
| | Ensure local people are provided with information about how to apply. | ABC to provide housing register application forms as requested |
| Advertise property on Choice Based Lettings | | If RPSH does not place own advert on CBL, ABC will place property on CBL and advise RPSH of date of advert. |
| Advise PC and ABC of advert on CBL. To PC indicate timescale for verification of local connection criteria. i.e. providing information to PC and receiving a response. | | |
| | | ABC to provide RPSH with list of nominees within 3 days of the CBL cycle closing |
| After CBL cycle closes seek verification of applicants local connection criteria from PC | PC to confirm local connection criteria to RPSH within 5 working days | |
| Advises PC and ABC of outcome of offer to applicant. | | |

Diagrammatic illustration of re-let process for local needs housing



NTV = notice to vacate

Appendix 6 – Text for use by Parish Councils in local media

The following text has been developed for Parish Councils to use in local media such as newsletters and websites. To encourage local people who are seeking a local needs home to register on the Ashford Housing Register, it would be beneficial to include this information on a regular basis in any local publications.

Looking for affordable housing?

How to apply for a rented home from Ashford Borough Council or a housing association.

First you need to complete the council's online Choice Based Lettings housing application form. (You **must** be registered on the Ashford Housing Register to apply for a home from the council or a housing association).

You can complete the form by visiting www.kenthomechoice.org.uk. Simply click Register and then select Ashford. If you do not have your own computer with internet access, facilities are available at the Gateway Plus and Tenterden Gateway.

Once the application is submitted, you will be asked to supply supporting documentation to the Ashford Gateway. It will then take an average of six weeks for the application to be processed.

If you are applying specifically for local needs housing, please ensure that you have stated your connection clearly within the application.

The council and local housing associations use Kent HomeChoice to advertise all available properties to rent from council's and housing associations across the county and is the place where you will look and bid for homes once you have been accepted on the Housing Register.

For more information call the Housing Team on 01233 330688.

Appendix 7 – Timeframe for delivery of local needs housing

| Stage | Who | When |
|---|--|---------------------|
| Approach to Parish Council | ABC and/or RHE | Month 1 |
| Parish Council agree to undertake housing needs survey - questionnaire and letter agreed | PC | Month 3 |
| Housing Needs Survey distributed, returns analysed and findings reported | PC and RHE | Month 4 - 7 |
| Site search undertaken and list of preferred sites agreed | PC, RHE, Ward Member, Planning Officer, Highways Officer | Month 4 - 7 |
| Housing Association or ABC to develop project agreed | PC, ABC, HA's | Month 8 |
| Housing Association to confirm it can bring forward proposal within its current development programme | | Month 8 |
| Land owner(s) approached and release of land agreed | RHE, HA | Month 9 - 12 |
| Preliminary site assessment and designs | HA | Month 12 - 14 |
| Agreement of design, mix, tenure etc | HA, PC, Ward member, Planning, Housing , Highways etc | Month 14 - Month 19 |
| Public Consultation | HA, PC, RHE, ABC | Month 20 |
| Planning Application submitted | HA | Month 24 |

NB. Following planning approval, time would be required to complete the land acquisition and s106 agreement before a 'start on site' could be implemented.

| | |
|-----------------------------|-------------------------------|
| RHE = Rural Housing Enabler | HA = Housing Association |
| PC = Parish Council | ABC = Ashford Borough Council |

Appendix 8 – Cross Subsidy a departure from existing policy

Delivering local needs dwellings in challenging times – a flexible response

Background

Ashford Borough Council, working with Housing Associations and Parish Councils has an excellent record of local needs housing delivery. Over 300 local needs homes have been completed since the 1990s. This has been achieved via successive Local plan policies of 100% local needs housing on 'exception' sites.

Landowners have, in the main, been willing to release small parcels of land for local needs housing at relatively low values, recently in the region of £5,000 to £10,000 per plot.

Although there does not appear to be a significant change in landowner willingness to bring sites forward, current economic conditions, and in particular, the reduction in government subsidy for social housing providers and the higher costs of developing small rural schemes, has in some instances meant that schemes are not currently financially viable.

Officers have therefore discussed how the council might tackle this particular issue whilst economic conditions remain challenging in order to ensure a good flow of local needs sites continues.

Discussion

It is felt that there are several similarities here with other issues of viability where the council has demonstrated a willingness to apply existing policies in a flexible manner to assist delivery, subject to sufficient evidence being provided to justify such an approach (e.g. deferred S106 contributions). This allows existing economic conditions to be taken into account without necessarily altering the existing adopted policy position (which can itself then be reviewed as part of the Core Strategy Review).

This approach would also allow the effects of a limited cross-subsidy approach to be assessed prior to any permanent change in policy and reduces the potential for increased land values and retention of possible sites for 'hope' value. In effect, the private dwellings would be seen as 'enabling' development to bring forward the local needs properties. It is expected that land values will remain low as noted above and cross subsidy will only be considered where it is demonstrated that viability is compromised due to a lack of grant funding.

The proposed approach set out below suggests a sequential approach which should exhaust all reasonable alternatives to delivery under the existing policy first before contemplating a 'cross-subsidy' solution. This will rightly put the onus on the developers to demonstrate their viability difficulties whilst indicating that the council is prepared to respond flexibly where circumstances justify.

Proposed way forward

1. Retain existing policies TRS4 & TRS5 (but review as part of CS Review)

2. Consider each scheme's viability on a site by site basis. A viability assessment must demonstrate that land values, build costs etc are realistic.
3. Where a scheme can be demonstrated to be not financially viable, first consider alternative ways of delivering within existing policy: -
 - (a) Can an alternative Housing Association develop the scheme?
 - (b) Can additional funding be secured? E.g. utilising all new homes bonus that maybe available, such as the affordable housing premium.
 - (c) Can the Borough Council make land available at less than market value? (most recently in April 2012, Cabinet agreed the sale of land at less than market value to facilitate the delivery of four local need homes on council-owned land in Pluckley)
4. If all alternative courses of action to deliver within existing policy have been exhausted, the council will consider an element of cross subsidy (open market housing) to deliver the proposed local needs housing as an exception to policies TRS4 and TRS5.
5. Any proposal (with or without cross subsidy) would need to be supported by the Parish Council.
6. The number of open market homes will be determined according to necessity in terms of overall viability. Therefore any surplus generated by the sale of the open market homes will be minimal. Any surplus would be retained by the council for use on a community project within the parish to be agreed with the parish council. If a project is not identified and completed with 10 years of the local needs housing scheme being completed then the surplus can be used to benefit the community in a neighbouring parish.