

**REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION AND
GROUP MANAGER FOR HOUSING SERVICES**

AFFORDABLE HOUSING S106 CONTRIBUTIONS, NEED AND LOCAL CONNECTIONS.

**Cabinet Holder
Responsible Officer**

Cllr Richard Chesterton and Cllr Ray Stanley.
Jenny Clifford, Head of Planning, Economy and Regeneration
and Claire Fry, Group Manager for Housing Services

Reason for Report: To respond to Scrutiny Committee's request for information on affordable housing contributions secured through the planning system via S106 agreements together with information on the approach to providing affordable housing on site or via off site financial contributions.

RECOMMENDATION: That the report be noted, including matters for further consideration.

Relationship to Corporate Plan: The Council is committed to facilitating the housing growth that Mid Devon needs, including affordable housing.

Financial Implications: There are no financial implications arising directly from this report.

Legal Implications: The report sets out the legal constraints affecting the use of planning obligations, and national and local planning policy for securing the provision of affordable housing.

Risk Assessment: National and local planning policies are aimed at securing the provision of affordable housing to help meet local housing needs. But, due to legal constraints affecting the use of planning obligations, and national planning policy, there is a potential for affordable housing provisions to be made in areas elsewhere in the district away from where the local need exists.

Equalities: There are no implications anticipated.

1.0 Introduction

1.1 The purpose of this report is to advise Members about the following matters:

- What S106 agreements are, how they are used and legal constraints;
- What is meant by 'affordable housing';
- Local Development Plan policies for affordable housing;
- Affordable housing mix and mix of dwelling sizes;
- Need and local connections.

1.2 The report concludes on several matters that Members may wish to consider for future action.

2.0 What S106 agreements are, how they are used and legal constraints

S106 agreements

- 2.1 Planning obligations (also known as S106 agreements) '*assist in mitigating the impact of unacceptable development to make it acceptable in planning terms*'. They are often used to secure contributions towards the provision of infrastructure in order to address the impact of development or meet the needs arising from it. Such financial contributions are justified by policies with the Local Development Plan relating to issues such as affordable housing, education, public open space and air quality mitigation measures.
- 2.2 Once entered into, a planning obligation can be renegotiated at any point where both the developer and local planning authority are in agreement to do so. Where there is no voluntary agreement to renegotiate and if the planning obligation predates April 2010 or is over 5 years old, an application may be made to change the obligation where it 'no longer serves a useful purpose' or would continue to serve a useful purpose if modified.

Legal constraints

- 2.3 A planning obligation may only be entered into and be reason for granting planning permission where a series of legal tests are met. These are set out in s122 of the Community Infrastructure Levy (CIL) Regulations 2010:

'A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development, and
 - c) Fairly and reasonably related in scale and kind to the development.'
 - 2.4 In addition the CIL Regulations also introduce further limitations on the use of planning obligations where it secures the provision of infrastructure or funding for it. In these circumstances no more than five separate planning obligations may be entered into for an infrastructure type or particular project. This prevents the pooling of infrastructure contributions entered into after 6th April 2014. Affordable housing is not considered to fall within the definition of infrastructure (s216(2) Planning Act 2008).

3.0 What is meant by 'Affordable Housing'

- 3.1 The National Planning Policy Framework (NPPF) defines affordable housing as 'social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.' The Government has recently consulted upon proposed changes to the NPPF including the definition of affordable housing which would include discounted market sales housing sold at least 20% below local market value. The proposed changes also set out an expectation of at least 10% of homes on major housing development to be available for affordable home ownership (unless an exemption applies).

4.0 Local Development Plan policies for affordable housing

Local plan policies

- 4.1 The adopted Local Plan includes the following policies for affordable housing:

Core Strategy	COR1, COR3, COR12 – COR18
Allocations and Infrastructure DPD	AL/DE/2, 3, 4, 5 and 6

These policies deal with the following aspects of affordable housing: overall provision, location, site target, occupation, inclusive design and layout and an exceptions policy for sites outside but adjoining a settlement to meet local need. A copy of the policies (excepting COR 13 – 16) is attached at **Appendix 1** to this report.

Small sites and thresholds

- 4.2 Policy AL/DE/3 establishes that open market sites of more than 4 dwellings within Tiverton, Cullompton, Crediton and Bampton and of more than 2 dwellings elsewhere should provide affordable housing. However these thresholds have since been affected by a ministerial statement and planning practice guidance.
- 4.2 Government planning guidance sets out circumstances where contributions via planning obligations should not be sought, particularly from small scale development and follows a ministerial statement from 2014, with legal effect from 2016. This was introduced in order to address what the Government perceives to be a disproportionate impact on small scale developers. As it postdates the Council's local plan policy on affordable housing thresholds, it is considered to have greater weight in decision making.
- 4.3 As a result the Council is no longer able to require affordable housing on site or via off-site contributions for sites from developments of 10 dwellings or less and which have a maximum combined gross floorspace of no more than 1,000 sq m unless in a designated rural area.
- 4.4 In designated rural areas, Local Planning Authorities may choose to apply a lower threshold of 5 units or less. This applies to rural areas under section 157(1) of the Housing Act 1985 which are designated by order of the Secretary of State. Within the Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (England) (No 2) Order 1981 the Secretary of State designated the whole of Mid Devon as a rural area with the exception of the towns of Crediton, Cullompton and Tiverton. At the meeting of Council on 17th December 2014 it was resolved to apply this 5 unit threshold throughout Mid Devon with the exception of within the towns of Crediton, Cullompton and Tiverton. In accordance with national planning practice guidance the situation in Mid Devon is therefore as follows:
- Within the towns (taken as being within the settlement limits) of Cullompton, Crediton and Tiverton – Affordable housing cannot be requested in connection with sites of 10 dwellings or less with a maximum combined gross floorspace of 1000sqm.
 - All other parts of Mid Devon (the designated rural area) – Affordable housing cannot be requested in connection with sites of 5 dwellings or less.
 - For sites of 6 – 10 dwellings outside our towns, affordable housing contributions may be requested, but should be by financial contribution paid after completion of the houses. Affordable housing cannot be asked for on site.

- 4.5 It is to be noted that this change to national planning practice guidance does not apply to rural exception sites.
- 4.6 Government guidance also goes on to state that where local planning authorities are requiring affordable housing obligations they should be flexible in their requirements. Such planning obligations should take into account specific site circumstances.

Rural exception sites

- 4.7 Rural exception sites are defined within the NPPF as:

Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

- 4.8 The adopted local plan includes the following policies for affordable housing on rural exceptions sites. Allocations and Infrastructure Development Plan Document (AIDPD) Policy AL/DE/6 permits development on sites adjoining settlements for 100% affordable housing where there is a proven need for affordable housing. It prioritises occupation to households with a strong local connection with the parish or adjoining parishes and ensures all dwellings are retained as affordable housing in perpetuity.
- 4.9 Reference in the AIDPD Policy AL/DE/6 to achieving 100% affordable housing on exceptions sites has been overridden by Local Plan Part 3 Development Management Policies Policy DM9. Policy DM9 gives flexibility to allow for the inclusion of some market housing on exception sites to facilitate the provision of significant additional affordable housing to meet the local needs. This is in recognition that the funding and land for exception sites can be difficult to secure, given the low values of affordable housing land compared to that for market housing.
- 4.10 Policies AL/DE/6 and DM9 do not allow provision for off-site financial contributions since sites are permitted on an exceptional basis.

Supplementary Planning Document

- 4.11 The Council adopted its 'Meeting Housing Needs' Supplementary Planning Document (SPD) in June 2012. The SPD provides additional advice and policy on the implementation of policies in the Core Strategy and the Allocations and Infrastructure Development Plan Document (AIDPD) which relate to the provision of affordable housing. The SPD covers detailed matters such as: housing and dwelling mix, standards, housing site area, local connection and letting criteria, development viability, developer contributions, off-site contributions, timing of provision, market housing on exceptions sites, assessing rural housing needs, and, early negotiation.

5.0 Affordable housing mix and mix of dwelling sizes

- 5.1 SPD policies MHN/1 and MHN/2 concern the mix of affordable housing (tenures) and dwelling sizes (bedrooms).
- 5.2 The Council will seek the provision of affordable housing in approximately the following proportions: Social Rented Housing (60%) and Intermediate and Affordable

Rent Housing (40%). Over the last 4 years Registered Providers have not provided any social rented housing. This has generally resulted in a split of 60% Affordable rented housing and 40% other discounted housing options being provided in the district.

- 5.3 New housing developments should contain a mix of dwelling sizes. On sites of more than 5 dwellings, development should be in the following proportions, taking account of local character:

Tenure	Bedroom Size (%)			
	1 Bed	2 Bed	3 Bed	4 Bed +
Market sector	60			40
Intermediate	20	80	0	
Social and Affordable Rented	50			50

6.0 Need and local connections

Need

- 6.1 The Allocations and Infrastructure Development Plan Document (AIDPD) policy AL/DE/4 states that “The occupation of affordable housing will be limited to households in need of affordable housing in accordance with appropriate officially published criteria such as those used by the Housing Authority for social rented housing and the Homes and Community Agency for intermediate housing.”

Local connection: exception sites

- 6.2 SPD policy MHN/6 makes clear that in order to meet affordable housing need on rural exceptions sites, preference will be given to eligible residents with a strong local connection, subject to evidence which accords with the provision of local letting criteria. Detailed ‘cascade’ criteria are set out in Annex 1 to the SPD, which take into consideration the periods of continuous residence (at least five years) and permanent employment in the parish, previous residency in the parish, close living relations resident in the parish, current Council / Housing Association Tenants that have moved out of the parish but wish to return, residents in or with a local connection to neighbouring parishes, or having a local connection to Mid Devon District.
- 6.3 The SPD Annex 1 (local need / qualification criteria) and its Appendix 1 have subsequently been updated following changes to legislation regarding Armed Forces personnel, and consequential changes to eligibility criteria made by the Council’s Housing Service (report to the Council’s Homes Policy Development Group on 23rd May 2017). Details for the updated local need / connection qualification criteria are included in Appendix 2 to this report.

7.0 Matters for further consideration

- 7.1 Officers understand that Members have previously expressed concerns regarding:
- The principle of taking developer contributions towards the off-site provision of affordable housing (rather than requiring that an on-site provision is made),
- and that,

- Where such developer contributions are made, these are not directed to the provision of affordable housing in the locality where need for affordable housing exists.

7.2 Based on this understanding it is suggested the following actions are considered for discussion:

- That Parish Councils are reminded of the exceptions site policy and approached to establish whether they would be willing to work with the Council, landowners and site promoters to help bring forward rural exceptions sites for affordable housing (where there is need for such housing), with an element of cross subsidy through the inclusion of some market housing.
- That in identifying where affordable housing financial contributions are spent, the Council's Housing Service considers an option for such contributions from development proposals in the rural area (outside the towns of Crediton, Cullompton and Tiverton) to be used towards the provision of affordable housing elsewhere in the rural area where suitable, timely opportunities arise and the need for affordable housing exists.

Contact for any more information	<p>Tristan Peat, Forward Planning Team Leader (01884) 234344 tpeat@middevon.gov.uk</p> <p>Jenny Clifford, Head of Planning and Regeneration (01884) 234346 jclifford@middevon.gov.uk</p> <p>Mike Parker, Housing Options Manager (01884) 234906 mparker@middevon.gov.uk</p>
Background Papers	<p>Cabinet 11th December 2014 Council 17th December 2014 Homes PDG 23rd May 2017</p> <p>National Planning Policy Framework</p> <p>National Planning Guidance</p> <p>Planning contributions (Section 106 planning obligations) –Government response to consultation. DCLG November 2014</p> <p>Allocations and Infrastructure Development Plan Document</p> <p>Local Plan Part 3 Development Management Policies</p> <p>'Meeting Housing Needs' Mid Devon</p>

	Supplementary Planning Document (June 2012)
File Reference	None.
Circulation of the Report	Councillor Richard Chesterton Councillor Ray Stanley

Report Appendix 1

COR 1 Sustainable Communities

Growth will be managed so that development meets sustainability objectives, brings positive benefits, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work through:

- a) meeting housing needs of all sectors of the community, including the provision of affordable housing,
- b) providing access to education, training and jobs and supporting the creation of new enterprises to bring economic prosperity and self-sufficiency for the district and its settlements,
- c) enhancing the self-sufficiency and vitality of communities, providing neighbourhoods and settlements with a vibrant mix of flexible and compatible uses, services and community facilities,
- d) compact development forms which make the most efficient use of land appropriate to the local context, delivering net residential densities of 50 – 75 dwellings per hectare in town centre locations, 35 – 55 elsewhere in the towns and 30 – 40 in villages.
- e) providing accessible forms of development that reduce the need to travel by car and are integrated with public transport and other sustainable modes of travel, allow for ease of movement and provide safe environments,
- f) supporting the social, economic and environmental regeneration of disadvantaged areas and communities,
- g) managing flood risk and reducing the potential effects of climate change on future communities,
- h) reducing opportunities for crime and disorder through innovative design and the clear distinction of public and private space, and
- i) the provision and protection of accessible green infrastructure networks; and
- j) supporting improvements to local air quality levels.

COR 3 Meeting Housing Needs

The diverse housing needs of the community will be met through the provision of approximately 6800 dwellings between 1st April 2006 and 31st March 2026, including a target of 30% (2000) affordable dwellings and an appropriate mix of dwelling sizes and types. In line with strategic requirements for a long term reduction in the annual rate of new housing development, these will be phased as follows:

- a) 390 dwellings, including 100 affordable dwellings, per year between 2006 – 2016;
- b) 290 dwellings, including 100 affordable dwellings, per year between 2016 – 2026.

COR 12 Development Focus

Development will be concentrated at Tiverton, Cullompton and Crediton, with a limited role for Bampton, to a scale and mix appropriate to their individual employment opportunities, services, transport choices, infrastructure, strategic role and environmental capacity. Other settlements will have only very limited development that is required to meet local needs and promote rural regeneration. Development rates will be approximately as follows:

Location	Average Annual Dwellings (of which affordable) 2006 - 2026	Average Annual Sqm Employment 2006 - 2026	Total Sqm Retail Sales 2006 to 2026
Tiverton	145 (43)	6000	3900
Cullompton	95 (28)	4000	2650
Crediton	35 (10)	2000	3450
Bampton	10 (3)	400	
Elsewhere	55 (16)	2300	
MID DEVON	340 (100)	14700	10,000

COR 17 Villages

The following rural settlements with some local facilities and employment and access to public transport will be designated as villages: Bow, Bradninch, Burlescombe, Chawleigh, Cheriton Bishop, Cheriton Fitzpaine, Coppleshill, Culmstock, Halberton, Hemyock, Kentisbeare, Lapford, Morchard Bishop, Newton St Cyres, Sampford Peverell, Sandford, Silverton, Thorverton, Uffculme, Willand and Yeoford.

Development will be limited to minor proposals within their defined settlement limits and to allocations for:

- a affordable housing meeting a local need;
- b small scale employment and tourism;
- c services and facilities serving the locality; and
- d other very limited development which enhances community vitality or meets a local social or economic need.

COR 18 Countryside

Development outside the settlements defined by COR13 - COR17 will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Detailed development control policies will permit agricultural and other appropriate rural uses, subject to appropriate criteria, as follows:

- a affordable housing to meet local needs, gypsy accommodation, replacement dwellings, housing essential to accommodate an agricultural or forestry worker and accommodation ancillary to a dwelling;
- b appropriately scaled retail, employment, farm diversification and tourism related development (including conversion of existing buildings);
- c appropriately scaled and designed extensions and other physical alterations to existing buildings;
- d agricultural buildings;
- e community facilities, such as educational facilities, buildings associated with public open space, development required to support or enhance biodiversity or geodiversity interests, transportation and infrastructure proposals, horse riding establishments and golf facilities; and
- f renewable energy and telecommunications.

AL/DE/2 Overall Affordable Housing Provision

2000 or more affordable dwellings should be provided between 2006 – 2026, of which about 60% should be social rented and 40% intermediate.

AL/DE/3 Affordable Housing Site Target

- a Open market housing sites of more than 4 dwellings within the settlements of Tiverton, Cullompton, Crediton and Bampton, and of more than 2 dwellings elsewhere should provide affordable housing. A target of 35% affordable housing will be applied to the number of dwellings by which sites exceed the relevant threshold;
- b The provision of affordable housing will be high priority in considering planning applications, however if evidence is submitted which proves that this affordable housing target renders the site unachievable, a reduced level of provision or other alterations to the scheme sufficient to bring it forward will be negotiated;
- c Affordable dwellings will be sold by developers to a Registered Social Landlord or other appropriate managing organisation at a price equal to the direct construction costs of the dwelling, excluding the cost of land, or an equivalent financial arrangement;

- d In cases where there is no appropriate managing organisation who can afford to purchase affordable housing at construction cost, then a reduced target will be negotiated in return for a reduced purchase cost per dwelling;
- e On sites which meet criterion a of this policy, but on which the provision of affordable housing would not be an efficient use of resources or would be otherwise inappropriate, a contribution towards affordable housing provision elsewhere in Mid Devon will be required. The level of contribution will be subject to viability assessment based on the value of the site at the time the application is determined.

AL/DE/4 Occupation of Affordable Housing

The occupation of affordable housing will be limited to households in need of affordable housing in accordance with appropriate officially published criteria such as those used by the Housing Authority for social rented housing and the Homes and Community Agency for intermediate housing.

AL/DE/5 Inclusive Design and Layout

Housing sites to which policy AL/DE/3 applies should be developed to ensure the creation of inclusive, mixed communities as follows:

- a Affordable and market housing on a site should be the same mix of sizes and visually indistinguishable from each other;
- b Affordable and market dwellings should be intermixed within the site, avoiding any particular concentrations in any part of the site;
- c Affordable housing should be provided broadly in step with the market housing as the development progresses.

AL/DE/6 Exceptions Policy

The development of a site for 100% affordable housing to meet the needs of the local community will be permitted where:

- a There is a proven need for affordable housing from households who have a strong local connection with the parish or an adjoining parish;
- b The site adjoins a settlement in a location which takes account of visual and other impacts or is specifically allocated for affordable housing to meet local needs;
- c The type of affordable housing and the scale of provision is limited to meeting the proven local need;
- d A planning obligation is enforced which retains all the dwellings as affordable housing in perpetuity and gives priority to occupation by those with a strong local connection with the parish or adjoining parishes.

DM9 Cross Subsidy of affordable housing on exception sites

The Local Planning Authority will consider the inclusion of some market housing within exception sites where there is evidence of local need for affordable housing. The amount of affordable housing and at the lowest proportion that will ensure the delivery of significant affordable housing.

Report Appendix 2

Homes Policy Development Group 23rd May 2017

3.0 Local Need/Connection Qualification Criteria

- 3.1 In determining the allocation of affordable housing to local people on rural exception housing sites the District Council will utilise the following cascade criteria to determine the suitability of potential occupants. Priority will be given to eligible persons with a local connection to the Parish coupled with a housing need, using the cascade in the following paragraph (Appendix 1). Applicants will be prioritised using the criteria, ranked in order of importance:
- 3.1.1 The intended household has been continuously resident in the Parish of (XXXX) for at least five years in Bands A-D.
 - 3.1.2 The intended household is permanently employed in the parish of (XXXX) in Bands A – D and whose work is primarily based in this parish. For the purposes of this criterion, ‘permanently employed’ means having held a permanent employment contract for a minimum of 16 hours per week for at least the preceding 6 months.
 - 3.1.3 The intended household is living in private rented accommodation and has a local connection to the parish of (XXXXX) according to clauses 1 and 2 in order of preference, in Band E where the household income is insufficient to enable it to afford to or to sustain to rent or purchase a property suitable for its needs at a full open market value or price in the parish of XXXX
 - 3.1.4 Former residents who previously lived in the parish of (XXXX) for a period of at least three years within the last 10 years in Bands A – D who wish to return to the parish. Those in the Armed Forces (defined in Appendix 2) will be considered above those former residents who wish to return to the parish;
 - 3.1.5 The intended household is in the A – D Band and has a close living relation resident in the parish of (XXXX). This means immediate family members (parents, siblings, dependent and non-dependent children) who themselves live in the Parish of (XXXX) and have done so for at least the preceding five years; Exceptional circumstances will be taken into consideration.
 - 3.1.6 Former residents (who have previously lived in the parish of (XXXX) for a period of at least three years within the last 10 years) who wish to return to the parish of (XXXX) in Band E and who are currently Council or Housing Association tenants.
 - 3.1.7 The intended household have been continuously resident in the parish for six months or more in Bands A – D).
 - 3.1.8 Those residents of neighbouring parish in Bands A – D using the above criteria in the following order of priority:
 - a).xxxx
 - b).xxxx
 - c).xxxx (as listed)
 - 3.1.9 Those residents with a local connection to Mid Devon District in Bands A – D. For the purposes of determining “local connection” the criteria above will be used, substituting Mid Devon District for references to XXXX.
 - 3.1.10 Those residents with a local connection to Mid Devon District or those with a local connection to the parish specified above, in Band E. For the purposes of determining “local connection” the criteria above will be used, substituting Mid Devon District or the relevant parish (as appropriate) for references to XXX.

3.1.11 All other Devon Home Choice applicants.

4.0 Shared Ownership Properties

4.1 For the shared ownership properties, the following groups would be eligible:

- First time buyers who cannot afford to buy on the open market in the locality
- Those who jointly owned a home but the relationship has broken down and cannot afford to buy on the open market in the locality.
- Existing shared owners who have outgrown their home but cannot afford to buy outright/rent on the open market in the locality

4.2 Shared ownership applicants would be prioritised on the following basis:

4.2.1 Has been continuously resident in the parish of (XXXX) for at least five years

4.2.2 Is permanently employed in the parish of (XXXX) and whose work is primarily based in this parish. For the purposes of this criterion, 'permanently employed' means having held a permanent employment contract for a minimum of 16 hours per week for at least the preceding 6 months.

4.2.3 Has previously lived in the parish of (XXXX) for a period of at least three years within the last 10 years wish to return to the parish.

4.2.4 Has a close living relation resident in the parish of (XXXX). This means immediate family members (parents, siblings, dependent and nondependent children) who themselves live in the parish of (XXXX) and have done so for at least the preceding five years; Exceptional circumstances will be taken into consideration.

4.2.5 Has been continuously resident in the parish for six months or more.

4.2.6 Residents of neighbouring parish using the above criteria in the following order of priority:

- a).xxxx
- b).xxxx
- c).xxxx (as listed)

4.2.7 Has a local connection to Mid Devon District. For the purposes of determining "local connection" the criteria above will be used, substituting Mid Devon District or the relevant parish (as appropriate) for references to XXX.

4.2.8 Those residents with a local connection to Mid Devon District or those with a local connection to the parish specified above. For the purposes of determining "local connection" the criteria above will be used, substituting Mid Devon District or the relevant parish (as appropriate) for references to XXX.

4.2.9 All other shared ownership applicants.

4.3 First priority will be given to those who are eligible in accordance with the above criteria and who are existing Council and housing association tenants or Ministry of Defence personnel.

4.4 The size and type of the shared ownership home offered will be based on three main factors:

- Affordability
- Household size
- The applicant's preference

- 4.5 As a guide, offers will be made on the following basis:
- Single applicants – one or two beds
 - Joints applicants – one, two or three beds
 - Couples/single parent families with one child – two or three beds
 - Couples/single parent families with two children – three or four beds
- 5.0 Application of Criteria
- 5.1 The landlord is responsible for lettings and sales. Residents will be tenants or leaseholders of the landlord.
- 5.2 Where two or more applicants have equal status in terms of local connection and housing need, the deciding factor will be their length of time registered on Devon Home Choice and the property will be allocated to those who have been registered longer.
- 5.3 As affordable rented homes are in short supply, a home with a spare bedroom will not usually be offered except in the following circumstances:
- Where a member of the family has a long term illness or disability and may need a carer to stay overnight on a regular basis
 - Where, after allocating two bedroom homes to families with children or dependant relatives, some homes remain available, couples with a local connection may be considered for that property.
 - Where children, who normally live with their other parent, frequently stay overnight.
- 6.0 Advertising of Vacancies
- 6.1 On the first letting/sales, the Landlord/Trust will hold an open meeting 4 months before the expected completion date of the properties to provide information and advice.
- 6.2 The Landlord will notify the Trust of all rental vacancies or re-sales. If the property is rented, it will be advertised on Devon Home Choice (DHC). If the property is to be sold under a Shared Ownership lease it will be advertised by South West Homes (SWH). In the event that DHC or SWH are unable to provide this service, or the definitions of Bands A-E should change, the Landlord/Trust will ensure that future applicants who would formerly have been eligible for the properties by having a local connection and being in Band E will remain eligible. The Landlord/Trust will formally amend this Allocations Plan accordingly (and with it, the Section 106 Agreement).
- 6.3 When notified of vacancies the Trust will use local communications to ensure as many local people as possible know about the vacancies and how to apply?
- 7.0 The Offer Process
- 7.1 The landlord will carry out a home visit to verify the information provided by applicant for rented housing. All applicants who are being considered for rented housing will be visited.
- 7.2 Prior to an offer being made - and with the consent of the applicants – the landlord will provide the Trust with applicants' names and stated local connections in order that the Trust can use its local knowledge to verify the applicants local connections.
- 8.0 Conclusion
- 9.0 Related Documents

10.0 Diversity and Equal Opportunities

- 10.1 Mid Devon District Council is committed to reflecting the full diversity of the community it serves and to promoting equality of opportunity for everyone. The Housing Service will tailor its services to meet the diverse needs of individuals. They will foster good relations with people when providing their services to eliminate discrimination

Appendix 1

Devon Home Choice Local Connection Definition

An applicant fulfilling the local preference criteria will be the same as the one used in the current Devon Home Choice (DHC) guidance.

To demonstrate a local connection (defined in Part VII of the Housing Act 1996) with Devon, applicants will:

- Normally be resident in the parish or neighbouring parish. Local Government Association (LGA) guidelines define this as having resided in the area for six out of the last twelve months, or three out of the last 5 years, where residence has been out of choice. In line with the Housing and Regeneration Act 2008, service personnel who have been based and living in that parish or a neighbouring parish will be considered to have a local connection.
- Work in the parish or neighbouring parish. The LGA guidelines define this as employment other than that of a casual nature. For the purposes of this policy this will be defined as having permanent work with a minimum of a 16 hour contract per week for the previous 6 months, and without a break in the period of employment for more than three months.
- Have a family connection in the parish or neighbouring parish. The LGA guidelines define this as immediate family members (parents, siblings and non-dependent children) who have themselves lived in the area for five years.

NB - Applicants will be required to provide proof of their local connection to Devon before their banding is assessed.

Appendix 2

Armed Forces Personnel

Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012

- Those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing
- Bereaved spouses¹ or civil partners¹ of those serving in the armed forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.

(¹ should bereaved spouses or civil partners secure housing after leaving Ministry of Defence then this will no longer apply)

- Current or former members of the reserved forces, who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service,