

North Wiltshire Local Development Framework

Revised Affordable Housing Supplementary Planning Document

April 2008

Improving North Wiltshire

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Statement by the Head of Policy and Performance.

North Wiltshire District Council actively monitors the performance of Supplementary Planning Documents (SPDs). Soon after the adoption of the Affordable Housing SPD in August 2007, it was clear that certain aspects of the document were not having the desired effect.

The difficulties relate to the ability to secure off-site affordable housing contributions from single dwelling or odd number developments in rural areas. The position adopted in August 2007 expanded on Policy H6 of the North Wiltshire Local Plan 2011; this required a 50% contribution on all developments in rural areas. This 50% was also required for single dwelling developments and consequentially from odd number dwellings.

The adopted Affordable Housing SPD 2007 requires a formal calculation to be undertaken in circumstances where a financial contribution is being sought. The sum of money thus calculated can be substantial in the case of a single dwelling, to the extent that landowners are unwilling to put their land forward for development.

The Council took immediate steps to remedy this situation and the Revised Affordable Housing Supplementary Planning Document was published on the 28th November 2007. This document was subject to an eight week public consultation period and was put before the Council's Executive Committee for consideration.

At the Council's Executive Committee meeting on Thursday 13 March 2008, the Executive ratified the officer recommendation that the current 50% off-site financial contribution requirement for single dwelling or in cases where there is an odd number dwelling within a development in rural areas be revised. This revision was to introduce a flat fee of £26,000 for off-site financial contribution on single dwelling or odd number developments in rural areas.

Paragraph 5.4 of this document formally outlines the revised position of affordable housing contributions in rural areas.

It is now expected that this significantly reduced financial burden on developers/landowners will result in applications coming forward whilst ensuring that the Council is able to secure much needed affordable housing contributions.

In order to avert any possibility of doubt or confusion the Affordable Housing SPD as adopted in August 2007 has been reproduced in its entirety with the revisions included. For future reference applicants should refer to the Revised Affordable Housing Supplementary Planning Document (Adopted April 2008) as the most up to date guidance on Affordable Housing.

Lachlan Robertson
Head of Policy and Performance

1. Introduction

This guidance seeks to provide further clarity on the District Council's existing affordable housing policies H5, H6 and H7 of the North Wiltshire Local Plan 2011 by:

- Providing a summary of national, regional and local plan policies relating to affordable housing.
- Offering interpretations of these policies in the light of the Fordham Research Housing Needs Assessment 2005.
- Seeking to help facilitate the delivery of affordable housing.
- Clarifying the definition of Affordable Housing.
- Offering detailed guidance on how to calculate affordable housing subsidy.
- Setting out the Council's affordable housing monitoring targets to be included in the North Wiltshire Annual Monitoring Report.

2. Purpose and Status

The purpose of this document is to provide more detailed guidance on the implementation of the Council's policies on affordable housing contained within the North Wiltshire Local Plan 2011. This will help inform developers of the issues relating to the provision of affordable housing in line with the obligations outlined in the Council's Local Plan. This is intended to increase the supply and quality of affordable housing in the District.

This document is now adopted as a Supplementary Planning Document (SPD) to the District Council's existing affordable housing policies H5, H6 & H7 of the adopted North Wiltshire Local Plan 2011 and replaces the Council's existing Affordable Housing Supplementary Planning Guidance (May 2004). As a Supplementary Planning Document, it will be a material consideration in the determination of planning applications, alongside other documents in the Local Development Framework.

3. Policy Background

3.1 National Guidance

PPS3: Housing

Adopted national policy guidance for the provision of affordable housing is contained within Planning Policy Statement (PPS)3: Housing (2006) together with the Government's Affordable Housing Policy. The purpose of PPS3 is to provide a national policy framework for planning for housing. It sets out what is required at regional and local level to deliver housing within sustainable communities. Advice on the policy approach and practical implementation is included in the supporting practice guidance and companion guide (to be published). The Government's key objective for planning for housing is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live.

PPS3 requires Local Authorities to:

- Set an overall target for the amount of affordable housing to be provided. It should reflect an assessment of the likely economic viability of land for housing within the area, taking account of risks to delivery and drawing on informed assessments of the likely levels of finance available for affordable housing. This can include public subsidy and the level of developer contribution that can reasonably be secured.
- Set separate targets for social-rented and intermediate affordable housing where appropriate.
- Specify the size and type of affordable housing that, in their judgement, is likely to be needed in particular locations and, where appropriate, on specific sites. This will include considering the findings of the Strategic Housing Market Assessment.
- Set out the range of circumstances in which affordable housing will be required. The national indicative minimum site size threshold is 15 dwellings. However, Local Planning Authorities can set lower minimum thresholds, where viable and practicable, including in rural areas.
- Set out the approach to seeking developer contributions to facilitate the provision of affordable housing. In seeking developer contributions, the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing.
- In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages.
- Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity.

This Affordable Housing SPD will wherever possible follow the guidance set out within PPS3: Housing. This SPD supports the Affordable Housing policies within the North Wiltshire Local Plan 2011 and must therefore hold this in consideration. In circumstances where the SPD can not reflect PPS3 when having regard to the North Wiltshire Local Plan 2011 it is expected that a future review of Affordable Housing policy will inform new policy guidance.

3.2 Regional Planning Guidance

The adopted Regional Planning Guidance for the South West is (RPG10) and contains the Policy H03 which states:

“policies and programmes should aim to ensure that sufficient affordable housing is provided in order to meet community needs in both urban and rural area”.

It goes on to say this should involve:

- The identification of targets indicating the level of affordable housing required in each area;
- The circumstances in which “exceptions” to planning polices in rural areas will be appropriate;
- The circumstances which would justify the application of lower thresholds for the inclusion of affordable housing in new development (i.e. down to 15 dwellings or 0.5 hectares in urban areas).

3.3 Regional Spatial Strategy

RPG10 is to be replaced by the Regional Spatial Strategy for the South West 2006 – 2026 (RSS). This document is produced by the South West Regional Assembly and will set out the regional framework for development over the next 20 years. In support of the RSS, the Regional Assembly has undertaken a population analysis of the region. The results of this work conclude that the South West is likely to experience a growth of over 750,000 people over a 20 year period.

The draft RSS states that the key challenges in ensuring a plentiful and affordable supply are:

- Delivering an adequate choice and mix of housing types of all tenures at the most sustainable locations (as set out in the Spatial Strategy Development Policies A to C and Policy H1) to meet the preferences of the market and the ability of people to pay;
- Ensuring that development values can be used effectively to ensure that sufficient numbers of affordable housing can be delivered to supplement those built largely through direct public subsidy.

Paragraph 6.15 encourages authorities to:

“pursue the use of exception sites in rural areas as a delivery mechanism. Site thresholds, above affordable housing is a requirement, should be reduced to levels below those recommended by Government guidance where possible. Thresholds are therefore likely to vary between urban and rural areas”.

The draft RSS recognises that rural areas may require lower affordable housing thresholds where the need is greater.

LDDs should include policies which reflect the outcome of joint working and

- specify proportions of affordable housing;
- identify an appropriate division of affordable housing between housing for rent, intermediate tenures (including forms of intermediate affordable housing);
- help to secure and maintain an appropriate supply of affordable housing in the wider context of maintaining an overall five year housing land supply;
- provide a policy framework which helps delivery of affordable housing; and
- provide an indication of housing types and sizes required annually reflecting the mix of households identified through the local housing market area assessment.

Policy H1 Affordable Housing

“Within the 23,060 dwellings per annum required for the region, at least 7,500 affordable homes per annum will be provided in the period to 2026. Provision will be made for at least 30% of all housing development annually across each local authority and HMA area to be affordable, with authorities specifying rates up to 60% or higher in areas of greatest need.”

The timetable for preparation of the draft RSS indicates that an Examination in Public (EiP) will take place in April 2007 and that the Secretary of State will issue the new RSS in Spring 2008.

3.4 Wiltshire Structure Plan 2016

Policy DP8 of the Wiltshire Structure Plan 2016 sets out a requirement for the provision of affordable housing to meet local needs up to 2016 and beyond. However under the transitional arrangements of the Town and County Planning Act, this plan is saved for 3 years from the date of adoption and will be replaced by the RSS.

Policy DP8

“Provision should be made for affordable housing on appropriate sites at towns and villages, to meet identified local needs for low cost accommodation for successive occupants.”

3.5 North Wiltshire Local Plan 2011

The North Wiltshire Local Plan 2011 was adopted in June 2006 and is now a material consideration in all planning applications within the district.

The District Council's Affordable Housing **Policy H5** entitled “Affordable Housing in Urban Areas” states that:

The Council will seek to negotiate an element of affordable housing to meet local needs on all housing developments of either 15 or more dwellings or 0.5 hectare or more in size, within the Framework boundaries of Calne, Chippenham, Corsham, Cricklade, Malmesbury, Purton and Wootton Bassett, subject to the following criteria:

- i. Negotiations by the council will be on the basis of about 30% of the dwellings permitted being subsidised with an additional proportion being low cost housing, subject to the local need;*
- ii. Affordable housing should be provided on site, dispersed throughout the development, or in any event in clusters of no more than 15 dwellings, so as to contribute toward mixed and inclusive communities; and*
- iii. Applications which are deliberately sub-divided or reduced unrealistically to avoid the threshold will not be accepted.*

Policy H6 entitled “Affordable Housing in Rural Areas” goes on to state:

The Council will seek to negotiate an element of subsidised affordable housing and an additional proportion of unsubsidised low cost housing to meet local needs on all housing developments, within the Framework boundaries of the villages not the subject of Policy H5, subject to the following criteria:

- i. The council will negotiate on the basis of about 50% of the dwellings permitted will be subsidised housing with an additional proportion of low cost housing, subject to local need.*
- ii. Affordable housing should be provided on site, dispersed throughout the development or in any event in clusters of no more than 15 dwellings so as to contribute toward mixed and inclusive communities.*

Policy H7 “Affordable Housing on Rural Exceptions Sites” states:

As an exception to normal planning policies small affordable housing developments will be permitted outside and adjoining the Framework Boundaries of all villages in the District provided that:

- i) There is a demonstrable local need for affordable housing which cannot otherwise be met; and*
- ii) The scheme must be capable of implementation and proper management to ensure that the benefits of the provision of affordable housing to meet local needs will be held in perpetuity.*

3.6 Community Strategy

The North Wiltshire Community Strategy was published in 2005 and identifies the lack of affordable housing as a key issue for the district. The community strategy supports:

- Consideration of alternative options;
- Lobbying of regional government;
- Research into genuine needs;
- Delivery of projects targeted to specific need; and
- Securing appropriate infrastructure and facilities in line with development.

3.7 Housing Strategy

The Housing Strategy 2005/2008 gives an overall picture of the housing situation in North Wiltshire. It has been developed following extensive research and consultation and summarises our current service performance and our future plans for improvement.

Key facts:

- Our District Wide Housing Needs Survey identified the need for 780 affordable homes per year
- Average house prices are 16% higher than the national average
- 1060 properties in the District have been identified as unfit for human habitation, with a further 4028 assessed as seriously defective
- In 2004/2005 a total of 581 households presented as homeless to the District council, of these, 251 were accepted as statutorily homeless

Our three major housing priorities and options for delivering are:

Affordable Housing

- Affordable housing through planning gain – since 2001 129 new units of affordable housing have been provided through the planning system. A further 400 units will be provided during the life of this strategy
- Social housing built with grant – the District Council has committed £2 million per year until 2007/08 to grant fund housing development, in addition to this the District also attracts Housing Corporation grant funding of approximately £1 million per year.
- Cross subsidising affordable homes with private market housing – profit generated from the sale of private market housing is used to subsidise the provision of social housing.
- Making the best use of land resources – the Housing Team are working with Westlea Housing Association and the Asset Management team to identify sites for affordable housing development.
- Making the best use of existing stock – providing adaptations in existing housing and providing incentives for people to move to smaller properties.

Reducing Homelessness

- Prevention of homelessness – the key to preventing homelessness is early intervention, whether this is to secure present accommodation or explore options for moving
- Eliminate the use of B&B – this has been reduced radically over the last year, but increased emphasis on preventing homelessness and the provision of more supported housing will eliminate the need for this type of accommodation.
- Improve services to homeless people – we are reviewing the Housing Advice service currently provided by CAB to ensure that the service is as effective and customer focussed as possible.
- Improve inter agency working – we recognise that good working relationships are essential to providing a consistent service for people who are homeless or threatened with homelessness.
- Improve monitoring – Much of the information we hold has to be collected and analysed manually, an improved IT system will enable the team to monitor trends and target resources more effectively.

Improve Private Sector Housing

- Home Improvement Agency – in 2004 a partnership was established to provide a consistent service across Wiltshire. Successes have included Home Safety and Benefit checks, assisting vulnerable clients through the grant process and promoting energy efficiency
- Energy efficiency – the Council currently provides advice and assistance but will examine whether this work has sufficient resource during the review of the Housing Renewal Strategy
- Making best use of available resources – the Private Sector Housing team is working in partnership with neighbouring authorities to explore equity release and national loan schemes
- Making the best use of existing stock – bringing empty homes back into use

3.8 Housing Market Assessment 2006

The purpose of the Swindon Sub-region Housing Market Assessment is to provide an overview of the housing market in the Swindon sub-region in order to inform housing and planning policies, and broader regeneration and economic development initiatives. The HMA has made a number of recommendations that have advised this Affordable Housing SPD and will influence future planning guidance.

The Housing Market Assessment (HMA) notes that; “A sizeable increase in average housing completions over the next 5 years will be required both to meet the RSS targets and to make up for the shortfall of completions against Structure Plan targets over the last decade. This may be difficult to achieve in a slowing market, and the appetite of the market for the level of planned new provision is largely untested”. The HMA recommends within its conclusions that the district should keep the delivery and distribution of housing under review.

The Swindon Sub-region HMA also recognises that “Local Development Documents need to provide indications of the type of dwellings to be provided to meet household demand within the sub-region”. The Government does not envisage prescriptive targets for different types of dwelling. Instead “authorities should provide a strategic assessment of where there are gaps within current housing provision and identify in broad terms the relative priority to be accorded to development of different types of dwelling.” The HMA recommends that North Wiltshire DC consider the evidence of market demand, the nature and locations of the site and long-term policy objectives.

The Swindon Sub-region HMA appreciates that North Wiltshire is experiencing major issues in terms of housing affordability. That this is a “product of high average house prices associated with a stock of larger dwellings, attractive village settings, but low wages. Opportunities for new residential are constrained, and in view of both potential demand, but limited opportunities for new

supply, there is likely to be little difficulty in promoting new development where it is permitted". The HMA recommends that North Wiltshire District Council provide housing targets for market towns, villages and rural areas.

3.9 Housing Needs Assessment

Fordham Research Housing Needs Assessment December 2005

Fordham Research undertook the Housing Needs Assessment on behalf of North Wiltshire District Council. The report provides an overview of the housing situation in North Wiltshire, calculates an estimate of housing need and also looks at housing demand across tenures and property sizes.

The research for the Fordham Research Housing Needs Assessment included:

- A postal survey of 1,109 households and personal interviews with a further 252 households in the District
- Interviews with local stakeholder, estate and lettings agents
- Review of secondary data (including Land Registry, Census and HIP data)

The Assessment's main findings were

- An additional 780 affordable dwellings are required per annum (for the next five years)
- Overall, the need for affordable housing represents over 100% of the estimated new-build in the district
- The areas of greatest need are Chippenham and Wootton Bassett
- North Wiltshire has been greatly affected by the close- proximity of Swindon with house prices in North Wiltshire higher than in Swindon
- Mean annual gross income of £33,147 – however 59% of households have an income below the average. Median income from survey data is £26,022 showing the average is skewed by high earners.
- The balancing housing markets analysis indicate owner-occupied sector has a shortfall particularly in 2 and 3 bedroom accommodation and a surplus in 4+ bedroom accommodation.

For more information please see the full report at;

http://www.northwilts.gov.uk/north_wilts_hns_report_final_web2.pdf

4. Definition of Affordable Housing

The definition of affordable housing to be used by this Affordable Housing SPD is that provided by “PPS3: Housing” following its publication in November 2006, as the most up to date National Planning policy available.

4.1 PPS3 Definitions

Affordable housing

‘Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:

- *Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.*
- *Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision’.*

Social rented housing is:

‘Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. The proposals set out in the Three Year Review of Rent Restructuring (July 2004) were implemented as policy in April 2006. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Housing Corporation as a condition of grant.’

Intermediate affordable housing is:

‘Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. Homebuy), other low cost homes for sale and intermediate rent.’

4.2 Local Plan 2011 Definition

Government guidance emphasises the need for local authorities to provide a local definition of “affordable housing” giving consideration to the relationship between local incomes and the housing market. Policy H5 of the North Wiltshire Local Plan 2011 defines affordable housing as:

“That provided, with subsidy, for people who are unable to resolve their housing needs in the local private sector market because of the relationship between housing costs and incomes. The provision of an element of unsubsidised low cost market housing is regarded as being additional to the requirement for subsidised affordable housing.”

The reasoned justification goes on to state, ‘The definition, “with subsidy”, includes contributions in the form of finance and/or land. Any subsidy mechanism that makes the dwellings affordable and accords with the definition will be appropriate.

4.3 Relationship between Definitions

The definition of affordable housing within the North Wiltshire Local Plan 2011 refers to “that provided with subsidy”. In contrast the PPS3 definition uses the term’s “social rented” and “intermediate housing”. As “social rented” and “intermediate housing” involve subsidy below market value, it is acceptable that “with subsidy” can be used interchangeably. In summary where the term “with subsidy” appears within the Local Plan this should therefore be taken to mean “social rented” and “intermediate housing” in conformity with the PPS3 definition.

The affordable housing policies within the North Wiltshire Local Plan 2011 also refer to “an additional proportion being low cost housing, subject to the local need and site character”. PPS3 explains that:

‘The definition does not exclude homes provided by private sector bodies or provided without grant funding. Where such homes meet the definition above, they may be considered, for planning purposes, as affordable housing. Whereas, those homes that do not meet the definition, for example, ‘low cost market’ housing, may not be considered, for planning purposes, as affordable housing.’

National guidance therefore requires the Council to reconsider the use of “low cost market housing” within its definition of affordable housing. The justification for “low-cost market housing” is provided within the supporting text of the Local Plan 2011.

‘Due to the high house prices in relation to local income levels in North Wiltshire, low cost market housing provided without subsidy (i.e. housing offered for sale at or below the lower quartile of prevailing market values) is not regarded to be affordable. A proportion of unsubsidised low cost market housing is required from new housing developments in addition to the requirement for subsidised affordable housing. The amount will be determined on a site by site basis depending on site characteristics and the scale of development’

The Local Plan substantiates the inclusion of “additional low-cost market housing” on the grounds of low affordability and high local need. The inclusion of “low cost market housing” can’t be included in the definition of affordable housing in accordance with PPS3. However it should be treated as a separate policy position, independent of the definition.

This explanation is required in order to provide a transitional policy position to take us from the adopted Local Plan policy, towards the emerging Affordable Housing Policy in the North Wiltshire Core Strategy. The intention of the Core Strategy is to separate “low-cost market housing” from the local affordable housing definition as required by PPS3 while maintaining its application on development sites.

PPS3 States:

*‘Set an overall (ie plan-wide) **target** for the amount of affordable housing to be provided. The target should reflect the new definition of affordable housing in this PPS.’*

‘Local Planning Authorities should aim to ensure that provision of affordable housing meets the needs of both current and future occupiers, taking into account information from the Strategic Housing Market Assessment.’

This separate position is further supported by the Swindon Housing Market Assessment (October 2006) that states:

‘In the rural areas of North Wiltshire and Kennet districts higher house prices and lower levels of affordability are the product, in part, of a housing stock biased to larger units. Affordability can be enhanced by encouraging the development of entry level housing products where this is consistent with need and demand, the delivery mixed communities and the economics of development.’

The Swindon Housing Market Assessment makes it clear that North Wiltshire should consider “low-cost market housing” as an essential tool in increasing the mix of housing and affordability where need and demand can be identified. The Housing Needs Assessment (December 2005) further collaborates this assessment by identified a high housing need in the district coupled with low numbers of 2 & 3 bed properties (associated with low-cost housing).

Conclusion

Reference to an “additional proportion of low-cost market housing” in the North Wiltshire Local Plan 2011 should be excluded from the definition of affordable housing inline with PPS3. However “an additional provision of low-cost market housing” where local need and demand is indicated, remains a local policy position.

5. Delivering Low Cost Housing and Affordable Housing

5.1 Low Cost Housing

In accordance with PPS3 low cost housing is not affordable Housing. North Wiltshire Local Plan 2011 Policy H5 seeks in addition to affordable housing an additional proportion being low cost housing, subject to local need and site characteristics.

The Council consider it is reasonable for about 5% low cost housing to be provided on all sites that meet the size threshold in NWLP Policy H5 and H6 subject to site characteristics, at a price less than or equal to the average price of a flat or terraced house in North Wiltshire, depending on the form of low cost housing to be provided in the new development. Price to be determined from www.landregistry.gov.uk on the date the planning agreement is signed.

5.2 Affordable housing in urban areas (NWLP Policy H5)

The Council will seek to negotiate an element of affordable housing to meet local needs on all housing developments of either 15 or more dwellings or 0.5 hectare or more in size, within the framework boundaries of Calne, Chippenham, Corsham, Cricklade, Malmesbury, Purton and Wootton Bassett. The Council will negotiate about 30% of the dwellings to be affordable subject to local needs and site characteristics. The affordable housing should be provided on site in clusters of no more than 15 dwellings, to contribute toward mixed and inclusive communities.

5.3 Affordable housing by size, tenure and sub-area² for 2007/10

It is considered appropriate for this guidance to illustrate how the affordable housing need in the District is distributed. The table below has been created using results from the Fordham Research housing needs assessment and gives indicative percentages for the size and tenure of affordable housing required. Location and site characteristics will also be taken into account when negotiating the affordable housing on development sites. Applicants should discuss affordable housing mix for the Council's housing team at an early stage, particularly for sites of less than 10 affordable dwellings.

Table 1: Affordable Housing Distribution.

Town	Chippenham		Wootton Bassett		Calne ³		Malmesbury		Corsham		Cricklade	
	Rent	Inter	Rent	Inter	Rent	Inter	Rent	Inter	Rent	Inter	Rent	Inter
Tenure Mix	80%	20%	80%	20%	100%	0%	80%	20%	80%	20%	80%	20%
1 Bed	20%	0%	20%	0%	20%	0%	20%	0%	30%	0%	30%	0%
2 Bed	50%	65%	50%	65%	50%	0%	45%	65%	50%	65%	50%	65%
3 Bed	25%	30%	25%	30%	20%	0%	30%	30%	25%	30%	15%	30%
4+Bed	5%	5%	5%	5%	10%	0%	5%	5%	5%	5%	5%	5%

² Sub-areas include the parishes surrounding the town

³ Calne has had a large amount of intermediate housing provided in 2005 – 07

5.4 Affordable housing in rural areas (NWLP Policy H6)

The Council will seek to negotiate an element of affordable housing to meet local needs on **all housing developments**, within the Framework boundaries of the villages not the subject of Policy H5. The Council will negotiate about 50% of the dwellings to be affordable subject to local needs and site characteristics. As the sites will generally be small in size the affordable housing should be provided on site in clusters of no more than 5 dwellings, to contribute towards mixed and inclusive communities.

- Policy H6 will be applied to the net development (i.e. excluding any existing dwellings demolished).
- An affordable housing contribution will be required on developments of 1 or more dwellings (net gain).

- Affordable housing will usually be sought on-site (see para 5.8.3).

The 50% requirement will not be sought on single dwelling applications nor will it be applied to the odd dwelling on developments in rural areas.

- Where a single market dwelling is proposed, an off-site financial contribution of £26,000 will be sought.
- Where the proposed development consists of an odd number of dwellings, for every 1 market dwelling there will be 1 affordable dwelling sought on-site, however the odd dwelling will attract an off-site financial contribution of £26,000.

Table 2 illustrates the affordable housing requirement on different development scenarios in rural areas.

Table 2:

Proposal (Net Gain)	Number of Market Dwellings	Number of Affordable Housing Units	Off-site contribution	Total Affordable Housing Contribution
1 Dwelling	1	Nil	£26,000	£26,000
2 Dwellings	1	1	Nil	1 Unit
3 Dwellings	2	1	£26,000	1 Unit + £26,000
4 Dwellings	2	2	Nil	2 units
5 Dwellings	3	2	£26,000	2 units + £26,000

Please note the examples above are illustrative and Policy H6 applies to any number of dwellings proposed. Where a site is capable (subject to other planning policies) of accommodating additional dwellings to reach 30 dwellings per hectare in accordance with PPS3 this will be required in order to achieve more affordable housing.

Housing needs in villages vary widely and the applicant will need to discuss affordable housing need and mix with the Council's Housing team at an early stage. In assessing local housing needs the Council will consider village/ parish housing needs surveys (where they exist), housing register data (applicants who have indicated their 1st choice for the parish and adjoining parishes) and affordable housing stock for the village/ parish and adjoining parishes.

Exemptions to NWLP Policy H6

During the course of the revision to this SPD it was felt that further clarity was required as to how Policy H6 of the North Wiltshire Local Plan 2011 and this SPD affects applications that involve conversions in rural areas. For the purposes of this SPD, affordable housing contributions will **not** apply to proposals that involve conversions.

Applications that involve barn conversions, the sub-division of dwellings into a greater number and conversion of non-residential buildings into residential units, **will not** be required to provide any affordable housing provision.

5.5 Rural exceptions sites (North Wiltshire Local Plan Policy H7)

As an exception to normal planning policies small affordable housing developments will be considered within and adjoining the villages provided that there is a demonstrable local need for affordable housing which cannot otherwise be met and proper management to ensure that the benefits of the provision of affordable housing to meet local needs will be held in perpetuity.

Local needs for the purpose of policy H7 means locally resident people and those with a local connection. Local means the parish in which the site is located, together with adjoining rural parishes. A person with a local connection is someone for whom it is desirable to live in a

particular parish because of family ties or support, because s/he was born and spent their formative years there, or to be near their work place, but is not resident in the parish.

Demonstrable local need is normally assessed by a survey of residents conducted with the Parish Council, Rural Housing Enabler and Council.

It should be remembered that the H7 exceptions sites policy is an “exception” to the Local Plan 2011 Housing Policies and not to all policies in the Local Plan. The need for rural affordable housing does not therefore override other policies in the Local Plan including most notably Core Policies C1 and C3. These policies require development proposals to be focused in sustainable settlements. Settlements defined as sustainable are those which contain most of the following services; primary school, church, hall (where community activities can take place), food shop, post office, pub, and recreation field.

5.6 Involvement of Registered Social Landlords

The Council’s preferred approach is to secure affordable housing through transfer of an appropriate number of completed units to a Registered Social Landlord. This is to be secured through the use of a legal agreement or other appropriate means. The provision of affordable housing by RSLs ensures the properties are affordable, managed and maintained satisfactorily and continue to remain affordable in perpetuity.

Developers are advised to contact the Council’s Housing Team to discuss possible partners at an early stage. The Council maintains a partnership of preferred RSLs outlined in Appendix 3 (Guinness, Knightstone, Sarsen, Sovereign and Westlea) that are used to deliver the objectives of its Housing Strategies and address identified needs in a consistent and cohesive approach. In order to avoid unnecessary abortive works and costs developers should ensure that affordable housing provision meets the requirements of the RSL, who should be involved in the design and layout of the units.

Where it is proposed to develop and manage the affordable housing without the involvement of a Registered Social Landlord, applicants will be required to enter into an appropriate legal agreement (a model legal agreement is presented in Appendix 2) with the Council to ensure that affordable housing is occupied in perpetuity and can be used only for the purposes of providing dwellings to be occupied by people who have a local housing need and who cannot afford housing in the private rental or housing for sale sector. The actual terms of the agreement will of course include matters specific to the site under consideration.

5.7 Site costs and viability

The Council acknowledges that developers frequently incur other costs in bringing forward development opportunities. The level of affordable housing is therefore dependent on the level of these costs, and is assessed very much on a site by site basis after considering the site conditions and the economics of provision. Developers are advised to take the provision of affordable housing into account when negotiating the purchase of land. The Council accepts that there may be particular exceptional site costs associated with the development that may justify a reduction in the number of affordable units. Developers will be invited to enter into ‘open book’ discussion of such costs at the earliest opportunity.

When deciding on an appropriate level of affordable housing the Council will give consideration to the proximity of local services and facilities, especially in rural areas which may be isolated and unsustainable for affordable housing. Through negotiation consideration will also be given to whether the provision of affordable housing would prejudice other planning objectives that the Council may be seeking.

5.8 Landowner/Developer Contributions

It is important that the social housing provided is affordable in relation to local incomes. The level of public subsidy likely to be available in North Wiltshire in the future is expected to fall well short

of that needed to fund the amount of subsidised affordable housing being negotiated under the terms of policies H5 and H6. The developer will be able to gain a contribution from an appropriate social housing body through the capital contribution that can be serviced through rents, with reference to the Housing Corporation's Target Rents.

5.8.1 On-site contributions – rented housing

RSLs are subject to guideline target rents, which are determined through the national rent regime. The proposals set out in the Three Year Review of Rent Restructuring (July 2004) were implemented as policy in April 2006.” This policy requires RSLs to achieve target rents for their properties. The target rents relate to local property values, local earnings and the size of properties.

Target rents for different property types and sizes in the five main market town areas of North Wiltshire have been calculated. These rents have then been used to calculate the amount of private finance the RSLs will be able to raise based on the rental income generated. These figures (supportable deficit) are detailed in table 2 below and are generally the sum RSLs will be able to pay for affordable homes provided through policy H5 and H6.

Table 2: Affordable Housing Supportable Deficit.

Property Type	Min Floor Area sq m	Calne	Chippenham	Wootton Bassett	Corsham	Malmesbury / Rural
1 bed 2 person Flat	46	£35,200	£37,200	£37,200	£38,700	£39,700
1 bed 2 person bungalow	46	£38,200	£40,200	£40,200	£41,950	£42,950
2 bed 3 person flat	56	£45,200	£47,500	£47,700	£49,200	£50,450
2 bed 3 person bungalow	56	£48,700	£51,200	£51,400	£53,200	£54,700
2 bed 4 person flat	61	£47,700	£49,700	£49,700	£52,200	£53,700
2 bed 3 person house	71	£52,700	£56,200	£56,200	£57,700	£58,700
2 bed 4 person house	76	£55,200	£58,700	£58,700	£60,700	£62,200
3 bed 4 person house	81	£62,200	£66,200	£66,200	£67,700	£70,200
3 bed 5 person house	86	£64,700	£68,700	£69,200	£70,700	£72,700
4 bed 6 person house	101	£77,500	£83,200	£83,700	£84,700	£87,700

5.8.2 Intermediate affordable housing (Homebuy)

The amount an RSL will pay for intermediate housing dwellings is calculated in a different way from rented units, as the RSL will receive a capital sum from the end purchaser of the property if the dwelling is under the Homebuy scheme. The formula for calculating the landowner/developer contribution will depend on the market value of the intermediate affordable dwelling to ensure that the home is affordable to local eligible households (**market value to be assessed by the RICS red book and will be agreed jointly by the developer and the RSL as at the date at which the planning agreement was signed**).

The Fordham Research Housing Needs Assessment 2005 found the median income from the survey data to be £26,022 and for the purpose of intermediate housing this is the target maximum income for intermediate housing.

The intermediate housing will be sold to eligible purchasers at a % of Market Value that equates to housing costs (Mortgage, rent and service charge) being no more than 30% of gross target income. To achieve this, the **developer will sell completed units to an RSL for 40% of the market value** and the RSL will sell on to the eligible persons. **Rent on unsold equity will be no more than 1% per annum** to ensure the homes are affordable to local people.

5.8.3 Off-site Provision

In general the Council will seek the affordable housing to be provided on-site in the interests of creating balanced sustainable communities. However, if the Council and the developer feel provision on-site is not possible or where a better outcome is agreed to be acceptable it may be preferable to provide a financial or other contribution in lieu of its provision. This will only be considered in exceptional circumstances.

The off-site provision will preferably take the form of an alternative site considered suitable by the Council for affordable housing development within the same local area as the original development, plus a financial sum of money to enable the development of affordable housing without recourse to public subsidy. If no land is available then a financial contribution will be sought.

5.8.4 Off-site contributions – social rented housing

Where an off-site contribution has been agreed by the Council, the landowner/developer will be expected to contribute the difference between the supportable deficit for the affordable rented housing that would have been provided on site and the **average market value of the market dwellings** on the application site (market value to be assessed by the RICS red book and will be agreed jointly by the developer and the Council at the point at which the planning agreement is signed).

5.8.5 Off-site contributions – intermediate affordable housing

The off-site contribution for intermediate housing will be **the average market value of the market dwellings** on the application site less 40% (market value to be assessed by the RICS red book and will be agreed jointly by the developer and the Council at the point at which the planning agreement is signed).

Off-site contributions will be used by the Council to secure alternative affordable housing within the district to meet identified housing need.

5.9 Delivery

The mechanism for the delivery of affordable housing will usually be a design & build contract between the developer and RSL. Developers are advised that by encouraging a partnership approach from an early stage, it is hoped that openness and innovation will be achieved and this will result in increased efficiency, and cost savings to the mutual benefit of all parties.

5.10 Occupancy controls

Planning obligations will be sought to ensure that the occupancy criteria set out in planning policies are complied with and the homes provided are occupied initially and subsequently by eligible households, or if the restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision within the district.

5.11 Design issues

It should be noted that any affordable housing should be built to meet or exceed the Housing Corporation's new Design and Quality Standards (published April 2007) and updated annually (or other standards that may be published in the future).

For 2007/08 the performance measures indicating compliance are:

- For each home, Housing Quality Indicator (Version 4) unit minimum scores of Size: 41, Layout: 32, Noise and Services: 22. In meeting the HQI unit layout minimum score, it is expected that internal and external storage provision does not fall short of the requirements for storage specified in the HQI guidance for the relevant occupancy level.
- The achievement of the Code for Sustainable Homes level 3 (three star) as a minimum. Please note that full points need to be achieved in the Security section.
- An assessment against the 20 “Building for Life” criteria and achieving
 - 10 out of 20 positive responses for rural or street-fronted infill schemes
 - 12 out of 20 positive responses for all other newbuild developments

Developers / RSLs should be aware of the relevant HC standards that apply to the development. The latest standards can be downloaded from the Corporation’s website (www.housingcorp.gov.uk) and the Housing Corporation's regional offices can provide further clarification.

Developers must be able to prove that these standards will be met, which in practice will mean detailed design of the affordable housing.

To ensure the creation of mixed and integrated communities the affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy subject to the input of the relevant RSL and the on-going affordability of the units’.

6. Monitoring

We will actively monitor the success of the affordable housing policies to ensuring that the procedures for implementing affordable housing is up to date and meeting the Councils targets. This monitoring review will occur within the Councils Annual Monitoring Report (AMR) which will assess the extent to which the Affordable Housing Policies are being successfully implemented. The AMR will identify the key challenges and opportunities to the provision of Affordable Housing and revisions to be made. The AMR will be undertaken on an annual basis with the first one having been completed at the end of December 2005.

Core Indicators

LDF Indicator	Other Indicator	Policy	Indicator	Target
AH1	NCOI2d, SCO14, A1	H5, H6 & H7	Affordable Housing Completions	150 Dwellings – North Wiltshire Corporate Plan

Output Indicators

LDF Indicator	Other Indicator	Policy	Indicator
AH2	-	Policy H5	No. of affordable homes built in urban areas as defined by Policy H5
AH3	-	Policy H6	No. of affordable homes built in rural areas as defined by Policy H6
AH4	-	Policy H7	No. of affordable homes provided through the “Rural Exceptions Policy H7”
AH5	-	Policy H3	Affordable housing completions on allocated & windfall sites.
AH6	NCOI2d	Policy H3, H5, H6 & H7	Provision of affordable housing by: <ul style="list-style-type: none"> - RSL - Developer contributions - Mix of public subsidy and developer
AH7	-		No. of affordable homes lost through: <ul style="list-style-type: none"> - Right to Buy - Rights to acquire - Staircase to intermediate affordable housing - Sale

Standard Affordable Housing Monitoring Form

To assist the Council in its collection of affordable housing data this document presents a Standard Monitoring Form (Appendix 1) which has the purpose of collecting the data necessary for the Council to produce its AMR. The form should be completed by Registered Social Landlords who have secured affordable housing through either new build or transfer between 1 April and the 31 March of the previous year. The Standard Monitoring Form can be completed either online or by returning the form to the Spatial Planning Team. All forms should be completed by the end of September.

North Wiltshire District Council Local Development Framework

Standard Affordable Housing Monitoring

Organisation Details

Name	<input type="text"/>
Organisation Name	<input type="text"/>
Address	<input type="text"/>
Postcode	<input type="text"/>
What business telephone number?	<input type="text"/>
What is your email address at your place of work?	<input type="text"/>

Affordable Housing Indicators

All questions related to the period 1st April - 31st March.

Q1 **In total how many affordable homes have your organisation completed?**

Note: "Affordable homes" refers to all methods of new affordable housing provision (e.g. Conversions) This definition applies to all questions in the monitoring form.

Q2 **In total how many affordable homes have your organisation provided in urban areas as defined in policy H5?**

Note: Policy H5 of the North Wiltshire Local Plan defines Urban Areas as within the Framework boundaries of; Calne, Chippenham, Corsham, Cricklade, Malmesbury, Purton and Wootton Bassett.

Q3 **In total how many affordable homes have your organisation built in rural areas as defined in policy H6?**

Note: Policy H6 defines rural areas as within the Framework Boundaries of the villages not subject to Policy H5 (See above).

Q4 **In total how many affordable homes have your organisation provided using the Rural Exception Sites policy H7?**

Q5 **In total how many affordable homes were brought forward on allocated or windfall sites?**

Allocated Sites.	<input type="text"/>
Windfall	<input type="text"/>

Note: "Allocated sites" are those sites allocated in Policy H2 of the North Wiltshire Local Plan 2011, "windfall" refers to all other sites.

Q6 How many of the total affordable homes provided were by the RSL, through developer contribution (e.g. S106) or Mix of public subsidy and developer contribution?

RSL	<input type="text"/>
Developer Contribution.....	<input type="text"/>
Mix of public subsidy and Developer Contribution.....	<input type="text"/>

Q7 How many affordable homes have your organisation lost through the right to buy, right to acquire, staircase of shared ownership or sale?

Right to buy	<input type="text"/>
Right to Acquire.....	<input type="text"/>
Staircase of Shared Ownership.....	<input type="text"/>
Sale	<input type="text"/>

Please return completed form to: Spatial Plans Team, North Wiltshire District Council, Monkton Park, SN15 1ER

Appendix 2: Standard Legal Agreement / Model Clauses

THIS AGREEMENT is made the day of Two thousand and
BETWEEN NORTH WILTSHIRE DISTRICT COUNCIL of Monkton Park Chippenham Wiltshire
("the Council") of the first part [INSERT NAME AND ADDRESS OF OWNER] ("the Owner") of the
second part and [INSERT NAME AND ADDRESS OF MORTGAGEE] ("the Mortgagee") of the
third part

WHEREAS

(1) The Council is local planning authority within the meaning of the Town and Country Planning Act 1990 in respect of the relevant land

(2) The Owner is registered proprietor with title absolute under Title Number WT[INSERT TITLE NUMBER] of part of the land at [INSERT SITE ADDRESS] shown for the purpose of identification hatched on the plan herein ("the Land")

(3) The Mortgagee is registered proprietor of a registered charge date [INSERT DATE OF CHARGE] that affects the Land

(4) The Owner has made an application numbered [INSERT APPLICATION NUMBER] for planning permission to develop the Land by [INSERT DESCRIPTION OF DEVELOPMENT] ("the Application") as more particularly described in the Application and plans deposited therewith ("the Development")

(5) Having regard to the provisions of the development plan and to all other material considerations the Council has indicated its willingness to approve the said application and to grant planning permission in respect thereof provided [DESCRIBE PURPOSE OF AGREEMENT] and pursuant to the covenants herein

NOW THIS DEED WITNESSES as follows

WORDS AND EXPRESSIONS

1 In this Agreement in addition to the terms hereinbefore referred to the following words and expressions shall where the context so requires or admits have the following meanings

Affordable Dwelling

"Affordable Dwelling" means any of the dwellings constructed or to be constructed in pursuance of the Social Housing Scheme as defined hereunder

Education Contribution

"Education Contribution" means the sum of [INSERT FIGURE] pounds

Highways Contribution

"Highways Contribution" means the sum of [INSERT FIGURE] pounds

Open Market Value

"Open Market Value" means the price which the freehold interest in a dwelling on the Development would fetch if otherwise sold on the open market at the time of valuation by a willing seller to a willing buyer which value shall be agreed by the parties hereto or their respective successors in title and in default of such agreement the average of three valuations obtained from three separate independent valuers to be approved by the Council and the Owner such approval not to be unreasonably withheld or delayed

Parties

Reference to "the Council" "the Owner" and "the Mortgagee" respectively shall include their successors in title lessees and assigns

Planning Permission

"Planning Permission" means any planning permission granted pursuant to the Application and the expression "Planning Permission" shall include all approvals granted thereunder

Public Open Space Contribution

"Public Open Space Contribution" means the sum of [INSERT FIGURE] pounds

Qualifying Person

"Qualifying Person" means a person as defined by Part Three of the Schedule hereto

Registered Social Landlord

"Registered Social Landlord" means a registered social landlord nominated by the Council from its list of preferred development partners as defined by the Housing Act 1996 with their working practices recognised by and registered with the Housing Corporation

Relevant Authority

"Relevant Authority" means the statutory authority or service supplier responsible for the Relevant matter

Social Housing Scheme

"Social Housing Scheme" means a social housing scheme as set out in Part Two of the Second Schedule hereto

Supplementary Planning Document

"Supplementary Planning Document" means the document entitled "Affordable Housing Supplementary Planning Document to the 2011 Adopted North Wiltshire Local Plan" published by the Council

STATUTORY PROVISIONS AND COVENANTS

- 2 i This Deed is made pursuant to the provisions of section 106 of the Town and Country Planning Act 1990 ("the Act") and all other enabling powers and enactments which may be relevant for the purpose of giving validity hereto or facilitating the enforcement of the obligations herein to the intent that the covenants herein shall be enforceable against the Owner and the Owner's successors in title lessees and assigns of the Land or any part thereof howsoever arising
- ii The covenants herein are planning obligations to which the said section 106 shall apply and which are enforceable by the Council as local planning authority
- 3 Conditional upon the grant of the Planning Permission the Owner and the Mortgagee hereby covenant with the Council as follows

a to observe the restrictions and to perform the obligations specified in the Schedule hereto and

b not to commence the Development until the Education Contribution the Highways Contribution and the Public Open Space Contribution shall have been paid to and such payment acknowledged in writing by the Council

4 The Council hereby covenants with the Owner and the Mortgagee subject to the payment of the Education Contribution the Highways Contribution and the Public Open Space Contribution as provided hereinbefore by Clause 3b above and if any of the said Contributions shall not have been spent within a period of five years following the date hereof to repay the said Contribution or Contributions as the case may require to the person by whom they shall have been paid

REGISTRATION OF THIS AGREEMENT

5 This Agreement shall be registered as a local land charge in the Register of Local Land Charges maintained by the Council

HEADINGS

6 The headings in this Agreement are for convenience only and shall not be taken into account in the construction or interpretation of this Agreement

MISCELLANEOUS

7 The First Owner and Mortgagee shall only be responsible for complying with the terms of this Deed so long as they shall retain an interest (within the meaning of section 106 of the Act) in any part of the Land which is the subject of outstanding obligations and having parted with such interest in the relevant part which is the subject of the particular obligation any subsequent breach of the terms of this Agreement shall be

enforced by the Council against the persons who are then owners or occupiers of any part of the Land in respect of which the obligations subsist but nothing in this clause shall release the Owner or the Mortgagee in respect of any breach occurring before they shall have parted with their interest in the Land

- 8 None of the provisions of this planning obligation relating to any of the Affordable Dwellings shall be binding upon a mortgagee in possession of one or more of the Affordable Dwellings which said mortgagee in possession may sell and dispose of any Affordable Dwellings free from the terms of the this Agreement and upon such sale as aforesaid this Agreement shall become null and void in respect of that Affordable Dwelling and nor shall the terms of this Agreement be binding upon any receiver appointed by such mortgagee in possession of any Affordable Dwelling SUBJECT TO the said mortgagee in possession first using its reasonable endeavours to sell and convey the Affordable Dwelling to an alternative Registered Social Landlord such Registered Social Landlord to be first approved by the Council such approval not to be unreasonably withheld or delayed PROVIDED ALSO that the said mortgagee shall not be obliged to sell or convey to an alternative Registered Social Landlord under this clause for a consideration less than that which the mortgagee requires to redeem its borrowing upon the Affordable Dwelling or that which the mortgagee could obtain on the open market whichever is the lesser and PROVIDED FURTHER that the said mortgagee shall not be unreasonably delayed in exercising its ability to sell on the open market
- 9 It is not intended that a third party should have the right to enforce a provision of this Agreement pursuant to the Contracts (Rights of Third Parties) Act 1999
- 10 The parties hereto may rescind or vary this agreement without the consent of a third party to whom an express right to enforce any of its terms has been provided
- 11 For the avoidance of doubt it is agreed and declared that if the Planning Permission shall have expired before it shall be implemented or shall be quashed as a result of legal

proceedings then this Agreement shall immediately terminate and shall cease to have effect

IN WITNESS whereof the Common Seals of the Council the Owner and the Mortgagee have been hereto affixed the day and year first before written

SCHEDULE

Provision of Affordable Housing

PART ONE – OBLIGATIONS

1. Not to commence development by way of any material operation within the meaning of section 56 of the Town and Country Planning Act 1990 in pursuance of the Planning Permission until a scheme for the provision of affordable housing including details of the type size location disposition and delivery of all the Affordable Dwellings comprising at least [INSERT PERCENTAGE] per cent ([INSERT FIGURE]%) of the total number of dwellings comprised in the Development as defined in Part Two of this Schedule ("the Social Housing Scheme") shall have been agreed between the Council and the Owner

- 2 Not later than the completion of the first of the Affordable Dwellings to provide or procure the provision of the following services or such alternative arrangements as shall first have been approved in writing by the Council to the intent that such services or arrangements shall be sufficient to serve the Affordable Dwellings
 - a a mains water supply
 - b a mains electricity supply
 - c a gas supply

- d a telephone service
- e a foul sewer connecting the Affordable Dwellings to a public foul water sewer
- f a surface water sewer connecting the Affordable Dwellings ultimately to a soakaway or other suitable means of draining surface water acceptable to the Environment Agency
- g highway access to base course level by means of such carriageways footways and footpaths as are reasonably required by the Council constructed or laid in accordance with the requirements of the Relevant Authority or the same to be adopted as maintainable at the public expense (where so maintainable) by them such adoption to be arranged by the Owner provided that where such adoption has not taken place prior to the transfer of the Affordable Housing as provided by paragraph 3 hereof the Owner shall use its reasonable endeavours to procure that there shall be at the time of such transfer legally binding agreements with the Relevant Authority

3 Not to cause or permit more than [INSERT NUMBER] of the total number of dwellings comprised in the Development ("the Dwellings") to be occupied without entering into a contract to construct and to allow the transfer upon constructional completion of the Affordable Dwellings to a Registered Social Landlord nominated by the Council or if so required by the Council to the Council at a cost in accordance with the Council's Supplementary Planning Document for the Affordable Dwellings for rent and [INSERT PERCENTAGE] per cent ([INSERT FIGURE] of the Market Value for the Affordable Dwellings for intermediate affordable housing PROVIDED THAT in the event that six months shall have elapsed following an offer to enter contracts for construction and transfer of the Affordable Dwellings to the said Registered Social Landlord without such contract having been completed the occupation of up to [INSERT PERCENTAGE] per cent ([INSERT FIGURE]%) of the Dwellings shall be deemed not to be in contravention of this provision AND PROVIDED FURTHER THAT in the event that the said Registered Social Landlord shall have failed to complete such contract within a further period of three months

- the Owner shall be entitled to nominate an alternative Registered Social Landlord by agreement with the Council such agreement not to be unreasonably withheld or delayed
- 4 Not to dispose or cause or permit to be disposed of any of the Affordable Dwellings other than to a Qualifying Person as defined in Part Three hereof but in the event that the Council fails to nominate a Qualifying Person for (or such a Qualifying Person having been nominated fails to accept) a tenancy or shared lease of an Affordable Dwelling within such period as may be specified in the deed of nomination referred to in paragraph 5 after written notice having been given to the Council by the Registered Social Landlord of the anticipated date of availability of an Affordable Dwelling for occupation the Registered Social Landlord may allocate that Affordable Dwelling to another person who complies with the Registered Social Landlord's Lettings and Marketing Policy or Intermediate affordable housing Policy as the case may be
- 4 Not to cause or permit more than [INSERT PERCENTAGE] per cent ([INSERT FIGURE]%) of the Dwellings to be occupied without the execution by the Registered Social Landlord and delivery to the Council of a deed of nomination to include the matters set out in Part Two hereof

PART TWO - SOCIAL HOUSING SCHEME

- 1 It is agreed that the Social Housing Scheme shall include the following:
- i The provision on the Land of Affordable Dwellings comprising [INSERT NUMBER] [DELETE AS APPLICABLE] one/two/three-bedroomed flats/houses for rent
 - ii The provision on the Land of Affordable Dwellings comprising [INSERT NUMBER] [DELETE AS APPLICABLE] one/two/three-bedroomed flats/houses for intermediate affordable housing

PROVIDED that the make up of the Affordable Dwellings may be changed by agreement between the Council and the Owner

- 2 The design of all the Affordable Dwellings shall be built to meet or exceed the Housing Corporation's Design and Quality Standards (published April 2007) and updated annually (or other standards that may be applicable at the time of this Agreement).

For 2007/08 the performance measures indicating compliance are:

- For each home, Housing Quality Indicator (Version 4) unit minimum scores of Size: 41, Layout: 32, Noise and Services: 22. In meeting the HQI unit layout minimum score, it is expected that internal and external storage provision does not fall short of the requirements for storage specified in the HQI guidance for the relevant occupancy level.
- The achievement of the Code for Sustainable Homes level 3 (three star) as a minimum. Please note that full points need to be achieved in the Security section.
- An assessment against the 20 “Building for Life” criteria and achieving
 - 10 out of 20 positive responses for rural or street-fronted infill schemes
 - 12 out of 20 positive responses for all other new-build developments

- 3 None of the Affordable Dwellings constructed on the Land shall be disposed of other than to Qualifying Persons in accordance with the priority set out in Part Three hereof and at a rent to be in accordance with the relevant Registered Social Landlord's rent setting policy
- 4 There shall be a nominations agreement which shall in addition to any matters referred to in this Schedule include in respect of the Affordable Dwellings a right for the Council to nominate tenants for all of the Affordable Dwellings at first instance and tenants for [INSERT PERCENTAGE] per cent ([INSERT FIGURE]%) of the Affordable Dwellings as they fall vacant
- 5 The Council shall be notified in writing within seven days of any default made of any term contained in any mortgage or legal charge of all or any of the Affordable Dwellings affecting the Land which is likely to give rise to a mortgagee seeking possession of the Affordable Dwellings under the terms thereof
- 6 All reasonable and prudent steps shall be taken to avert the repossession of the Land or of any of the Affordable Dwellings erected thereon by any chargee or mortgagee or the exercise by any chargee or mortgagee of a power of sale and for these purposes in the event of default or likely default under the security full cooperation shall be given to the Council and the Housing Corporation to arrange a transfer of the Affordable Housing to another registered social landlord or at the Council's option to the Council and in particular to inform the Council immediately in the event of notification being received from such

chargee or mortgagee of any breach or alleged breach of any of obligations under its security

In the event of a default under any security referred to in paragraph 5 above or in other circumstances warranting the intervention of the Housing Corporation paragraph 4 of Part One of this Schedule shall not prevent the transfer of the Affordable Housing or any part of it to another registered social landlord

PART THREE - QUALIFYING PERSON

A Qualifying Person is an individual whose name appears on the Council's Housing Needs Register who is unable to compete in the existing housing market as the financial resources of his/her household are too low to facilitate the purchase or rent of a house at open market prices or rents and who is considered by the Council to be a person whom it is proper to be allocated accommodation in an Affordable Dwelling

THE COMMON SEAL of)
NORTH WILTSHIRE DISTRICT COUNCIL)
was hereunto affixed in the presence of)

AUTHORISED OFFICER
THE COMMON SEAL of)
[INSERT OWNER'S NAME])
was hereunto affixed in the presence of)

THE COMMON SEAL of)
[INSERT MORTGAGEE'S NAME])
was hereunto affixed in the presence of)

Appendix 3: Contact Details

NWDC Housing Services
Principle Enabling Officer
01249 706302
housing@northwilts.gov.uk

Aster
Julia Godwin - Development Manager
01380 735392
julia.godwin@aster.org.uk

Guinness Trust
Paul Waghorn - Project Manager
0117 947 3700
paul.waghorn@guinness.org.uk

Knightstone Housing Association
Caroline Hughes
0117 9848113
Caroline.hughes@knightstone.co.uk

Sovereign Housing Association
Corinne Moore - Development Manager
0117 958 6816
corinne.moore@sovereign.org.uk

Westlea Housing Association
Vic O'Brien Head of Development
01249 465465
vic.obrien@westlea.co.uk

If you would like this document in another language or format, or if you require the services of an interpreter, please contact us.

Bengali

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান অথবা যদি আপনার একজন ইন্টারপ্রেটারের প্রয়োজন হয়, তাহলে দয়া করে আমাদের সাথে যোগাযোগ করুন।

Cantonese

本文件可以翻譯為另一語文版本，或製作成另一格式，如有此需要，或需要傳譯員的協助，請與我們聯絡。

French

Si vous souhaitez obtenir ce document dans une autre langue ou sous un autre format ou si vous avez besoin des services d'un interprète, veuillez nous contacter.

German

Sollten Sie dieses Material in einer anderen Sprache oder in einem anderen Format wünschen oder einen Dolmetscher benötigen, setzen Sie sich bitte mit uns in Verbindung.

Hindi

यह दस्तावेज़ यदि आपको किसी अन्य भाषा या अन्य रूप में चाहिये, या आपको आनुवाद-सेवाओं की आवश्यकता हो तो हमसे संपर्क करें

Mandarin

本文件可以翻译为另一语文版本，或制作成另一格式，如有此需要，或需要传译员的协助，请与我们联系。

Polish

Jeżeli chcieliby Państwo otrzymać ten dokument w innym języku lub w innym formacie albo jeżeli potrzebna jest pomoc tłumacza, to prosimy o kontakt z nami.

Russian

Если вы хотели бы получить этот документ на другом языке или в другом формате, или если вам необходимо воспользоваться услугами переводчика, просим обращаться в администрацию.

Turkish

Bu belgenin Türkçe'sini edinmek ya da Türkçe bilen birisinin size yardımcı olmasını istiyorsanız, bize başvurabilirsiniz.

Urdu

یہ دستاویز اگر آپ کو کسی دیگر زبان یا دیگر شکل میں درکار ہو، یا اگر آپ کو ترجمان کی خدمات چاہئیں تو برائے مہربانی ہم سے رابطہ کیجئے۔