Executive Summary

Part 1 Introduction

Part 2 Housing Strategy
- Summarises the Maldon District Council Housing Strategy
- Sets out issues regarding funding of new developments
- Gives guidance on development standards

Part 3 Planning Policy
- Elaborates National and Local Plan policy
- Provides background to the policy including the Housing Needs Survey
- Explains the Maldon context of small sites
- Sets out approach to commuted payments

Part 4 Further Guidance on Approaches to Provision (s106 agreements)
- On site provision of affordable housing
- Commuted sums
- Other off site provision options

Appendices
- The Role of the Parish Council
- Rural Exception Sites: development flow chart
- Becoming a Preferred Partner RSL
- Glossary of Terms
- Key Contacts
- Model Section 106 Agreement
Maldon District Council has produced this Affordable Housing Guide to:

- clearly set out the Council's co-ordinated approach to the provision of affordable housing through both housing strategy and planning policy;
- guide communities and Parishes on how to bring forward affordable housing to meet the needs of their local area;
- advise Registered Social Landlords (RSLs) on the Council's preferred partner scheme to bring forward provision;
- explain the role of exceptions sites and the roles that can be played by landowners RSLs and developers;
- enforce developers of expectations in provision, particularly via planning contributions.

The Guide brings together the Council's current approach to affordable housing provision using both housing and planning duties and powers. The advice given on planning contributions elaborates part 5 of policy H9 in the Maldon District Replacement Local Plan (the Local Plan) but will not in itself have the status of a Supplementary Planning Document (SPD). However, under the Local Development Scheme (LDS) of the Local Development Framework (LDF) a planning contributions SPD is timetabled to be prepared which will include contributions for affordable housing, thereby giving greater weight to the approach set out in this Guide.
The Maldon District Corporate Affordable Housing Policy Guidance sets out the Council's coordinated approach to the provision of affordable housing in the District. It aims to clarify the Council's requirements on standard housing developments and specialist schemes in rural areas, which have a vital impact on the community.

The document covers the key areas of Planning and Housing Policy agreed by the Council and sets out what is expected of everyone involved in the development of new affordable housing: developers, Registered Social Landlords (RSLs), and Parish Councils alike. It also aims to demonstrate some of the potential problems that can be encountered in a largely rural district with limited development potential and landscape protection policies.

For further information or to request copies of the Housing Strategy, Local Plan and associated policy documents, please contact the Planning Policy Manager on 01621 854477.

**Definition of Affordable Housing**

Definition of affordable housing is guided from Central Government.

Circular 6/98 'Planning and Affordable Housing' states:

'The policy should define what the authority regards as affordable, but this should include both low-cost market and subsidised housing, as both will have some role to play in providing for local needs'.

PPG3 expands:

'Local plan policies for affordable housing should........define what the authority considers to be affordable in the local plan area in terms of the relationship between local income levels and house prices or rents for different types of households.'

Within the Maldon District RLP policy H9 defines affordable housing (for the purposes of that policy) as...
‘meeting the needs of households where:
(a) their gross income is less than one third of their mortgage requirement, or
(b) (where) renting privately, on the open market, would take up more than 25% of their net income.”

**Definition of Registered Social Landlord**
The Council works with landlords who are registered with the Housing Corporation, and will only consider supporting schemes being developed by RSLs which are both preferred partners of Maldon District Council and the Housing Corporation. At present, only not-for-profit RSLs are invited to apply to become preferred partners of Maldon District Council.

**Definition of developer**
The Council's definition of a developer is any agent or organisation engaged in the purchase of land and development of housing, either affordable or that available open market. This may also include RSLs which engage in for-profit activity through a non-charitable arm.
The 2004/7 Housing Strategy outlines the vision, aims and actions of Maldon District Council over the coming years. The Strategy is a statement of intent and part of a wider process of ensuring that the Council's Strategic Housing Services deliver real change and tangible outcomes to meet the needs of the local community.

The overall vision for the Housing Strategy is:

'To enable the development and delivery of affordable housing with the District, so that all residents have access to a home that meets their needs'.

In order to achieve this vision, six key strategic themes have been developed. From these themes, key actions have been developed which will work towards the delivery of the strategic aim. Each key action is then contained within a measurable action plan towards the end of the document.

The six strategic aims for the period 2004/7 are to:

- Ensure that the supply of affordable housing is increased to meet the needs of the community;
- Understand the operation and impact of the housing markets within the Maldon District;
- Work in partnership with all agencies to prevent homelessness within the Maldon District;
- Ensure that the best use is made of existing stock and to support the private sector in raising standards;
- Ensure that adequate housing and support is available for residents with specific needs within the District;
- Ensure that strategic housing contributes towards the wider social inclusion agenda within the District and wider region.
Direct External Funding

Development funding for five schemes in 2006/8 has been bid for under the current funding round of the Housing Corporation (funding rounds operate on a two year cycle). RSLs meeting our development criteria and wishing to develop affordable housing in the District are strongly advised to work closely with the Council and the Housing Corporation’s Investment Manager to identify resources at an early stage.

It is anticipated that the level of demand shown in the Housing Needs Survey combined with a strong enabling approach (and cross boundary working where appropriate) will start to draw in allocations of approved development plan (ADP) money once again, although there is a recognition that as we are outside defined regional 'growth' areas, our allocations will not meet the total projected demand.

Within this context of changing financial frameworks, and in response to increased intelligence on local needs, the Council will continue to plough back any right to buy claw back receipts into new social housing and will decide the extent to which this will be supplemented by unallocated capital receipts in future years.

All proposed supported housing schemes with associated revenue costs should be discussed and agreed with Essex County Council Supporting People Team prior to funding discussions with the Council or the Housing Corporation.

Partnership Funding

As the Strategic Housing Authority, the Council works with a variety of partners who invest significantly into housing within the District. These stakeholders range from the provision of advice from the Citizens Advice Bureau through to RSL investment in housing stock and new development.

Future funding/responding to change

Recent years have seen significant changes in relation to housing finance. The abolition of LASHG challenged Local Authorities to respond to meeting affordable housing need without the security of the traditional grant funding. Maldon responded to this change by investigating methods of supporting new development. There continues to be a significant shift in capital funding also from the Housing Corporation.
The Council does not anticipate there to be any significant funding changes to the resources outlined within the Strategy. The Strategy is robust enough to respond to any unanticipated changes in resource allocation that may occur and prudent estimations of future funding have been built into the Strategy. The Council would assess any significant changes in the same manner as before - endeavouring to anticipate change and responding speedily to ensure that the overall strategic aims and actions are delivered where possible, to ensure that the service continues to move in the right direction and deliver on the key actions outlined within the Strategy.

**Scheme development standards**

Developing RSLs should check the website of the Housing Corporation for information on up to date scheme development standards (SDS). All social housing developed in the district must meet these standards in order to access capital funding from the Housing Corporation or the Council.

**Decent homes**

All new homes must meet the Decent Homes standard as set out in guidance from the Office of the Deputy Prime Minister.

**Lifetime homes**

It is expected that where possible RSLs will conform to Lifetime Homes standards on schemes wherever possible, and must meet these standards on supported housing schemes identified for any group likely to have mobility issues. Lifetime Homes should form at least 10% of all properties on any scheme of affordable rented housing where more than 10 units are being developed.

**Eco home standards**

All affordable housing units built in the District for rent or purchase must meet the Housing Corporation's Eco Homes: Very Good standard. Contact the Housing Corporation for the most up to date guidance on the Eco Homes standard.

The national policy for providing housing including affordable housing is set out in Planning Policy Guidance Note 3 (PPG3) - Housing, published in March 2000 and Circular 6/98 Planning and affordable housing.
PPG3 sets out eight broad policy approaches which should be applied by Local Authorities in providing housing. They are;

- plan to meet the housing requirements of the whole community, including those in need of affordable and special needs housing;
- provide wider housing opportunity and choice and a better mix in the size, type and location of housing than is currently available, and seek to create mixed communities;
- provide sufficient housing land but give priority to re-using previously-developed land within urban areas, bringing empty homes back into use and converting existing buildings, in preference to the development of greenfield sites;
- create more sustainable patterns of development by building in ways which exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services;
- make more efficient use of land by reviewing planning policies and standards;
- place the needs of people before ease of traffic movement in designing the layout of residential developments;
- seek to reduce car dependence by facilitating more walking and cycling, by improving linkages by public transport between housing, jobs, local services and local amenity, and by planning for mixed use; and
- promote good design in new housing developments in order to create attractive, high-quality living environments in which people will choose to live.

The aim of these objectives is to provide safe, well designed, mixed and sustainable communities.

The Government's approach to affordable housing is that it is a material consideration when determining planning applications for housing development. As such it is necessary to provide such housing on appropriate sites and at an appropriate level. Local Authorities must produce a housing needs assessment to determine the requirements for housing within its area. This document can then determine the appropriate
level of affordable housing required. PPG3 also provides some broad requirements for affordable housing. They are to:

- define what the authority considers to be affordable in the local plan area in terms of the relationship between local income levels and house prices or rents for different types of households;
- indicate how many affordable homes need to be provided throughout the plan area, including the different types of affordable housing needed by households of different characteristics, taking account of rural as well as urban needs; and
- identify suitable areas and sites on which affordable housing is to be provided and the amount of provision which will be sought.

Rural Exception Sites PPG 3 states that local planning authorities should seek to meet the needs of local people for affordable housing in rural areas by making effective use of affordable housing policy. Rural affordable housing provision may, however, be augmented by an 'exception' policy.

This enables local planning authorities to grant planning permission for land within or adjoining existing villages which would not normally be released for housing, in order to provide affordable housing to meet local needs in perpetuity. Full details of the Government's approach to rural exception site policies are found in Annex B of PPG3, but can be summarised as:

- Where there is a lack of affordable housing to meet local needs (as demonstrated by an up to date local housing needs survey) which cannot be met by other needs local planning authorities should consider a rural exception policy in their plan.
- Local Authorities should make it clear that such sites would be released which would otherwise be contrary to policy. The release of an exception site should not take place if the site would include the provision of normal market housing.

Monitoring of Affordable Housing PPG3 requires that local planning authorities should monitor the operation and outputs of local plan affordable housing policies, and housing delivered on rural exception sites. The planning department should work closely with the housing department to establish arrangements for keeping accurate and
up-to-date information on the amount of such housing, or contributions towards the provision of affordable housing, secured by the authority. This information should be included in the material housing authorities are required to provide to Government Regional Offices in the annual Housing Investment Programme exercise to inform the assessment of their performance in their strategic housing role.

Decisions involving affordable housing contributions should be transparent and accountable: all parties should know the full basis for planning decisions, including planning obligations agreed in order to make housing proposals acceptable.

Planning Policy Statement 3 (PPS3)

The Government is updating existing planning policy guidance with planning policy statements as a result of the Planning and Compulsory Purchase Act 2004. It is anticipated that PPS3 will be published by late 2005 or early 2006.


"Planning for Mixed Communities". The issue at the heart of the consultation was the extent to which a Local Council should be able to prescribe the types of product that house builders will be allowed to sell. The key proposed change to PPG3 was to require Councils to carry out housing assessments for local housing markets to inform the mix of housing that should be developed in a district. That information would then be expressed through the development plan as part of the Local Development Framework.

"Planning for Housing" examined worsening affordability, constraints on housing supply and poor responsiveness to market signals. The paper proposed three basic changes to the system of planning for housing: the physical land areas to be considered, the method of identifying land and managing the release of land.
The Paper proposed that planning for housing should change from a local authority responsibility working autonomously within its administrative boundaries to planning based on sub-regional housing markets which may cover a number of local authorities. The second change proposes the time horizon for identifying land should extend from 10 years to 15 years with less reliance on windfall sites. Finally, further land should be released from the 10-year supply to ensure supply of developable land. The ODPM Consultation paper elaborates on each of the above themes in further detail.

**Local Plan Policy**

In February 2000 Maldon District Council produced Supplementary Planning Guidance (SPG) for the provision of affordable housing. The Council has now included a specific policy in its Replacement Local Plan, which effectively supersedes the SPG. The Council's policy is based on the advice provided in PPG3 in that it defines and includes two policies, one for affordable housing (Policy H9 - Affordable Housing) and the other for rural exception sites (Policy H10 - Rural Exception Sites) as Maldon District consists of a large rural area where housing needs are high.

In 2003 Maldon District Council commissioned David Couttie Associates Limited to produce a housing needs survey. The report concluded that Maldon District Council should support delivery agencies to provide a mix of dwelling types but with a focus on small units (flats and terraced housing) to meet the needs of single adults and couples and address shortages in the stock.

It considered that the planning strategy for Maldon District Council should negotiate 35% subsidised affordable homes from the total of all suitable sites coming forward for planning consent. In addition the threshold for affordable housing on sites should be 15 units or 0.5ha in larger settlements and is justifiable due to the chronic need for affordable housing in the area.

The Housing Needs Survey and/or a summary version are available from either the Council via Housing or Planning and Development Services (see appendix 7, Key Contacts) or by viewing the Council's web site www.maldon.gov.uk
Maldon District has a reliance on small sites within existing development boundaries due to the constrained nature of the area and the relatively small allocation for housing under the current Structure Plan. This relatively low allocation has meant that the Council did not need to extend development boundaries to facilitate the release of green field sites for housing development. As such the majority of sites available for housing development in the district are small brown field sites identified in the Council’s Urban Capacity Study (2002). Due to their size these offer little significant potential for affordable housing units under current thresholds for affordable housing provision. In addition restrictive landscaping policies outside development boundaries could limit the potential for site release under the rural exceptions policy particularly in coastal and estuarial villages.

**POLICY H9**

**Affordable Housing**

Under policy H9 the authorities target is for up to 30% of the total number of dwellings on appropriate sites as defined by criteria 4a and 4b of the policy to be affordable. Of this total 28% shall be social rented and 2% shared ownership, this is necessary to maintain the affordable housing stock in perpetuity.

1. For the purposes of this policy, affordable housing is defined as meeting the needs of households where:
   a. Their gross income is less than one third of their mortgage requirement, or
   b. Where renting privately, on the open market, would take up more than 25% of their net income.

2. The District Council will seek the provision of up to 30% of the total number of dwellings permitted on any appropriate site, subject to this policy for affordable housing.

3. The affordable housing provision will be made as part of the development in settlements where there are adequate local facilities including a primary school, shops, and public transport adequate to allow access to employment. In other settlements, a commuted sum may be required for equivalent provision in an alternative location.
4. The District Council will negotiate for the inclusion of this element of affordable housing in:

a. Settlements with a population of more than 3000 (Burnham-on-Crouch, Heybridge, Maldon, Mayland and Southminster), on housing developments of 15 or more dwellings or residential sites of 0.5 hectares or more;

b. Settlements with a population of 3000 or less on housing developments of 12 or more dwellings or residential sites of 0.4ha or more.

5. The District Council will seek to enter into a planning obligation to secure the availability in perpetuity of the affordable housing to people in housing need.

Rural Exceptions Sites (PPG3)  

There is provision in PPG3 to allow for development that would normally not be permitted in rural areas to provide for affordable housing to meet local needs. The rural exceptions sites policy allows for the provision of affordable housing in or adjacent to existing settlements within rural areas to meet local need in areas where a locally identifiable need has been found through a housing needs assessment. Local need is defined as:

- first time buyers, who have established local connections;
- dependants of local households;
- households living in the locality in substandard accommodation;
- households not having separate accommodation but living in the locality;
- persons or households on the Local Authority's housing waiting list and living in the locality;
- people with supported housing needs.

The Rural Communities Council of Essex (RCCE) provides assistance to Parish Councils in achieving the provision of such sites in partnership with the Local Authority. It is important to realise that the Parish Council has a key role in supporting the initiation of a rural exception site and that consultation with the local population on suitable sites is a key component in the provision of such sites. Normally a choice of available sites would be identified and the population would have a say on its preferred option. The RCCE and Local Authority's can assist Parish Councils in this process.
It is inappropriate for private developers and landowners to try to initiate this process since their interest is likely to be site specific and driven by development potential rather than need for affordable housing. The local population should be key in initiating exception sites with the District Council and should not feel that a site is being forced on them.

POLICY H10 Rural Exceptions Sites

Proposals to provide market value housing on a site which would be subject to the exceptions policy also unacceptable under government guidance and local plan policy.

Outside village development boundaries the District Council may grant planning permission for affordable housing to meet local needs, provided the proposal meets all of the following criteria:

a. The development can be demonstrated to meet a particular local housing need that cannot be accommodated in any other way;

b. The Parish Council accepts the need for affordable housing and supports the proposal;

c. The proposed site is adjacent to the village development boundary and is otherwise generally acceptable in planning terms. The site itself should have no overriding planning or infrastructure constraints;

d. The site is in or adjoining villages where there are adequate local facilities such as a primary school, shops, and public transport adequate to allow access to employment;

e. The housing design is of an appropriate and satisfactory quality and character in order to reinforce local identity and a sense of place.

f. The developer of the scheme enters into a planning obligation with the District Council and other relevant bodies to secure the availability in perpetuity of the affordable housing so provided.
Affordable Housing and the Local Development Framework

A further housing needs assessment will be produced within the next three years to update the existing assessment published in 2003. This new assessment will provide the evidence base for affordable housing policy. The Council’s policies for affordable housing and rural exception sites will be adjusted if necessary and carried over to the Local Development Framework’s core strategy.

Maldon District Council’s Local Development Scheme adopted in May 2005 proposes a Supplementary Planning Document on Developer contributions. There is presently a variety of demands on developers ranging from affordable housing to education contributions. Many of these compete with each other. The Council wishes to attempt to simplify the existing situation and therefore proposes an SPD to explain and amplify the application of adopted development plan policies requiring developer contributions.

This is the preferred option for affordable housing provision in settlements having facilities identified in Policy H9 part 4. Up to 30% provision will be sought in line with policy H9 part 2.
On site provision

The Council will negotiate Section 106 agreements to ensure the following minimum measures are in place:

- the agreed amount and form of affordable housing is built and transferred to a Registered Social Landlord at an agreed cost, prior to occupation of an agreed amount of open market housing;
- adequate measures are in place to ensure that properties will remain affordable to successive occupiers.

Committed sums

Under policy H9 part 4 in settlements where commuted sums are required for equivalent provision in an alternative location, the Council will seek the following elements when negotiating Section 106 agreements.

- the payment by the developer to the Council of an agreed sum (to be equivalent to the costs to the developer of making on site provision) prior to the completion of an agreed amount of open market housing; and either
- the identification by the Council, of specific proposals, or range of proposals, on which the sums will be spent within a period of 7 years; or
- the 'ring fencing' of any payments to ensure that they are spent on specified levels and forms of affordable housing provision within a mutually agreed time period, which will provide sufficient time to identify, assemble and commit suitable sites (e.g. 7 years).

The Council will not expect the level of the commuted sum to exceed the costs of making on site provision and will undertake to return any unspent sums after 7 years.

Other options for off-site provision

Options other than commuted sums for off site provision may be considered within a planning negotiation if in particular circumstances they offer a better alternative for achieving the provision of affordable housing. These might include:

- new build of an affordable housing scheme elsewhere subject to factors including site suitability, availability and acquisition;
acquisition and improvement works to long-term vacant dwellings or empty premises above shops.

In these instances the Council will seek to ensure via Section 106 agreements that:

- the agreed amount and form of affordable housing is built and transferred to a Registered Social Landlord at an agreed cost, prior to occupation of an agreed amount of open market housing;
- adequate measures are in place to ensure that properties will remain affordable to successive occupiers in perpetuity.

Alternatively, a developer may not wish to develop off site directly but may instead consider an option to:

- offer land free of charge for development by a RSL where the value is at least equivalent to the cost of on site provision.

In this instance the Council will require, via a Section 106 agreement, that:

- the site is made available free of charge prior to the occupation of an agreed amount of open market housing;
- the site is of a size capable of accommodating the required number of affordable housing units, fully serviced and free of any abnormal development costs, or constraints; and
- the site will remain available for development by any RSL to their specification (subject to planning permission) for a period of 5 years or until the completion of the private market housing, whichever is the later.
Parish Councils can help to drive schemes forward. In the majority of cases, it should be the local community that identifies a possible need for affordable housing in the village. This might be because of rising local house prices beyond the reach of local incomes, or because there is insufficient local housing stock to enable those born and brought up in a village to stay.

In order to obtain planning permission for an exception scheme, a local
need must be proven in the village. Although District wide surveys give a broad overview of housing need in larger subdivisions of the District, they do not indicate the housing need in individual rural parishes. Consequently, Parish Councils have a key role to play in identifying local housing needs, by working with Maldon District Council and the Rural Housing Enabler to undertake housing needs surveys at parish level. These surveys establish very specific details in relation to housing need; such as information on incomes, tenures, affordable rents and dwelling sizes. (The data is made available to the Planning department of the District Council in an anonymous form as part of a public application for planning permission). Survey details are updated throughout the development process. Copies of previous village needs surveys are available on request.

Finding a Site
Finding a suitable site can be one of the most time consuming parts of developing affordable housing in villages. The challenge is to identify a piece of land which meets planning requirements, is owned by a landowner who is willing to sell at an affordable price and can accommodate the number of units required. The sites selected are known as "exception sites". These are sites outside the village envelope that would not normally get planning permission for residential development and hence can be bought at a lower price, an amount which is usually above the agricultural value of the land, but significantly less than its development value. To aid the process, the community and Parish Council are asked to put forward suggestions, as they usually have the best knowledge of available sites. A handful of sites can then be taken to the District Council Planning department to establish if they are suitable for an exception scheme.
Local landowner identifies land for sale at affordable housing price level

OR

District Council/Parish Council identifies need for local affordable housing

OR

Third party identifies possible housing need/available site in a village

Checks undertaken to ensure the village has a development boundary

If no boundary in place, scheme is not viable

Planning Officers and Housing Officers meet with the local community to discuss possibility of scheme

Local community must be committed

Parish Housing Needs Survey undertaken by Enabling Officer, Rural Housing Enabler, Parish Council (possible RSL involvement at this stage) and community involvement work undertaken

HNS should show sufficient housing need

Suitable site identified if not in place

Site must meet planning policy criteria

Preferred partner RSL identified

RSL must be a preferred partner

Funding sources identified

Possibly Housing Corporation funding, Maldon District Council capital funding, and monies from charitable sources

Planning permission applied for and granted

If scheme is financially viable, and all of the above stages have been completed, scheme should start on site within 18 months of funding identification/granting of planning permission
Only members of the Development Partnership and who conform to standards on housing management, development and governance will be considered for capital grant funding from the Council's own resources. Developers and house builders working on sites where affordable housing forms part of the section 106 agreement are strongly advised to work with preferred partner RSLs in order to lever in additional funds on schemes to improve viability. Contact the Council's Strategic Housing Manager for an up to date list of preferred partners.

In order to be considered for preferred partner status, RSLs must:

- have achieved green lights across the board at their last inspection;
- have clear governance structures which are accountable to partner agencies and tenants;
- currently work in the Maldon District and have a strong local focus;
- be willing to provide quarterly monitoring reports on housing management issues including lettings, anti-social behaviour, repairs, void management and tenant participation;
- be prepared to offer 'open book' inspection on new developments (to Maldon District Council only);
- meet Housing Corporation standards on all new developments, including scheme design standards, proportionate number of Lifetime Homes properties, Eco Homes standard 'very good' and other standards brought in following publication of this policy guide;
- be preferred development partners of the Housing Corporation, or be part of a group structure/development partnership with a preferred partner;
- have worked previously with Essex County Council Supporting People team, if proposing the development of supported housing schemes;
- be able to work within a choice based lettings environment in the Greater Haven Gateway; and
- preferably partners would also be working elsewhere within the sub region.

It is envisaged that no more than three development partners will be appointed. This will be reviewed on an annual basis. The Council will work actively with preferred partners to identify sites to be brought forward for new affordable housing.
| **ADP (Approved Development Programme)** | The grant funding programme of the Housing Corporation to Registered Social Landlords to build new affordable homes. |
| **Affordable housing** | Housing within the financial reach of people unable to enter the private housing market. |
| **Affordability** | Housing costs that are no higher than 30% of total income. |
| **Choice based lettings scheme** | A scheme which enables people on the housing register to choose where they want to live. |
| **Eco homes standard** | The environmental assessment tool EcoHomes, developed by the Building Research Establishment (BRE), covers the impacts made by housing on climate change, resource use and impact on wildlife across 27 categories which between them reach a maximum 100 points. There are four possible ratings: Pass, Good, Very Good and Excellent. The Housing Corporation is requiring all developing partners to build to the higher level from their 2006-08 bid round, having already introduced EcoHomes 'Good' as a requirement last year for the 2004-06 funding programme. Eco-Homes "Very Good" achieves 60/100 compared to the current equivalent of the Pass 36/100 standard achieved under current 2002 Building Regulations. |
| **Enabling** | Assisting in the provision of affordable housing in an area by working with all stakeholders, including developers and RSLs. |
| **Exception policy** | A mechanism by which affordable rural housing for local needs could be considered where existing planning policy gives a general presumption against development in the countryside. |
| **Housing Corporation** | Non-governmental organisation which monitors the management of RSLs nationally and administers funding for affordable housing. |
Life Time homes  
A standard devised by the Joseph Rowntree Foundation. It recommends the installation of certain features and building techniques to the design of new homes to enable any future adaptations to be made more easily.

ODPM (Office of the Deputy Prime Minister)  
The Government department which oversees Housing and Local Government.

Primary Care Trust  
The local health authority.

RSL Registered Social Landlord  
A not for profit organisation which specialises in providing affordable housing. Used to be called 'housing associations'. Many also have for-profit subsidiaries.

Service Users  
People who access local services, eg tenants of a registered social landlord.

S106 Agreement  
Section 106 of the Town and Country Planning Act 1990 places an obligation on developers to mitigate the impact of development where the development itself is in all other respects acceptable. This may take the form of a financial contribution such as monies for education provision or tangible piece of infrastructure such as highway improvements and the provision of affordable housing on site.

Supported Housing  
Accommodation for residents who need support of some kind to live independently. This may be either permanent accommodation (such as sheltered housing) or temporary accommodation (such as accommodation for homeless households).

Supporting People  
A central government programme administered locally to provide money for support costs to enable vulnerable people to live at home or in an environment appropriate to them.

Stakeholders  
Agencies and people who have a 'stake' or an interest in the running of a local service.
Appendix 5

Key Contacts

Housing
Chief Community Services Officer
01621 875835

Community & Leisure Services Manager
01621 875835

Strategic Housing Team Leader
01621 875794

Planning
Chief Planning and Development Services Officer
01621 875870

Development Control Team Leader
01621 875805

Planning Policy Manager
01621 876204

Developing Registered Social Landlords
Moat Housing Group (Eastern)
01621 876500

Colne Housing Society
01206 244700

Council for the Protection of Rural England
128 Southwark St
London
SE1 OSW
0207 981 2800
info@cpre.org.uk
THIS AGREEMENT is made this ..........day of ...................... 200….
BETWEEN the MALDON DISTRICT COUNCIL of Council Offices, Princes Road, Maldon, Essex, CM9 5DL ("the Council") and ............................................... of .................................................... ("the Owner") and ............................................... of .................................................... ("the Mortgagee").

1. Background
The Owner(s) are/is the freehold owner(s) in possession of the land which is known as ..................................................... (Title No. ………. ) and is shown on the plan ("the Plan") attached to this Agreement edged ………. ("the Land")

2. The Council is the District Planning Authority for the area for the purpose of The Town & Country Planning Act 1990 ("the Act")

3. An application has been made for planning permission on the Land (OUT/MAL/............) dated the ...................... for ........................................... ("the Development").

4. The Council is prepared to grant planning permission for the Development provided that the Owner(s) are/is prepared to enter into the planning obligations that are contained within this agreement

THIS AGREEMENT WITNESSES the following -
(1) The singular includes the plural and vice versa and the masculine gender includes the feminine and neuter genders and vice versa

(2) In this Agreement, the following expressions shall have the following meanings:

"Affordable Housing" shall mean residential accommodation to be provided as part of the Development, the disposal
and/or occupation of which is restricted to persons with local housing need by reason of their low income which does not enable them to afford to buy or rent for their needs on the free housing market;

"Affordable Housing Units" shall mean dwellings identified in any approved Affordable Housing Scheme as being provided for Affordable Housing which consists of ..... units for social renting and ..... units for shared ownership.

"Affordable Housing Scheme" shall mean a scheme to be submitted by the Owner to the Council and approved in writing by the Council detailing the location and size of the Affordable Housing Units on the Development or any particular phase of the Development which the Owner intends shall be provided for Affordable Housing together with a timetable for their construction and completion.

"Housing Corporation" shall mean the Housing Corporation or its successor body.

(3) The singular includes the plural and vice versa and the masculine gender includes the feminine and neuter genders and vice versa

(4) The obligations contained in this Agreement are planning obligations for the purposes of Section 106 of the Town & Country Planning Act 1990 and are enforceable by the Council against the Owner and any persons deriving title from them

(5) The obligations contained in this Agreement shall take effect from the date on which the Development has begun within the meaning of Section 56 of the Act.
(6) Nothing in this Agreement shall be interpreted as restricting the exercise by the Council of any powers exercisable by it under the Act or under any other Act.

(7) The Land is subject to a legal charge dated .................................................... in favour of the mortgagee and the mortgagee joins in this agreement to consent to the binding of the land to the terms of this Agreement and further agrees that this agreement should take effect as if it was executed by the Owner(s) and the Council and registered as a local land charge immediately prior to the legal charge.

(8) No persons shall be liable for the breach of any of the planning obligations contained in this Agreement after they shall have parted with all interest in the Land but without prejudice to liability for any subsisting breach of obligation prior to parting with any such interest.

(9) The Owner(s) covenant(s) with the Council that:

(i) he/she will not permit the occupation of any residential unit on the Development until he/she has/they have transferred the freehold interest in the Affordable Housing Units to a Registered Social Landlord that is approved in writing by the Council (such approval not to be unreasonably withheld) in strict accordance with the Affordable Housing Scheme.

(ii) he/she will construct the Affordable Housing Units to the Scheme Developments Standards of the Housing Corporation and to the Eco-Homes Very Good Standards that apply at the time that the planning permission is implemented and that each of the Affordable Housing Units will have car parking provision in accordance with the Councils current adopted parking standards.

(10) The Owner(s) acknowledge(s) that in entering into this planning obligation he/she will transfer the Affordable Housing Units to the approved Registered Social Landlord at a price that is negotiated on the basis that the Registered Social Landlord will receive no public subsidy to assist with the transfer of the Units.

(11) The Owner(s) shall pay to the Council a contribution of £............ towards its legal costs incurred in connection with this Agreement.

(12) None of the provisions of this Agreement are intended to or will operate to confer any benefit under the Contracts (Rights of Third Parties) Act 1999 on a person who
is not named as a party to this Agreement or is a successor in title or assignee of such a person

[SEAL]
THE COMMON SEAL of MALDON )
DISTRICT COUNCIL was hereunto )
affixed in the presence of:- ) ................................................................. Chairman

.................................................................
Chief Executive

[Company Seal]
THE COMMON SEAL of )
................................. was affixed in the presence of:- ) .................................................................

Authorised Signatory

[Mortgagee]
THE COMMON SEAL of )
.................................  was hereunto ) affixed in the presence of:- ) .................................................................

Authorised Signatory

(on behalf of the Mortgagee)
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