

C G Fry Ltd Development at Chagford Allocations Scheme

Introduction

- 1.1 It is the intention of the signatories to this Allocations Scheme that the Affordable Dwellings to be constructed on land adjoining Lower Street Chagford, pursuant to the Permission, shall be allocated and occupied in accordance with the affordable housing policies of the Dartmoor National Park Authority's adopted Local Plan, as set out in the s.106 Agreement in respect of the Development.
- 1.2 The signatories to this Allocations Scheme are:
- (i) **Aster Communities** a Charitable Registered Society as defined in Section 1 of the Co-operative and Community Benefit Societies Act 2014 (Registered Number 31530R) whose registered office is at Sarsen Court Horton Avenue Devises Wiltshire SN10 2AZ ("Aster")
 - (ii) **Chagford Community Trust Limited** (a registered society as defined in Section 1 of the Co-operative and Community Benefit Societies Act 2014 with registration number 032298R) ("the Trust")
 - (iii) **Dartmoor National Park Authority** which is the Local Planning Authority for the purposes of the Town & Country Planning Act 1990 for the area that includes the Development and by whom the Planning Obligations entered into in the Section 106 Agreement shall be enforceable ("DNPA")
 - (iv) **West Devon Borough Council** which is the local housing DNPA for the area that includes the development ("WDBC")
- 1.3 This Allocations Scheme has been prepared and agreed by the signatories to ensure that the objects of the Trust, Aster, WDBC and DNPA are met and to ensure that the occupation of the Affordable Dwellings is at all times in conformity with the Obligations in the s.106 Agreement.

Definitions

For the purposes of this Allocations Scheme the following definitions shall apply:

Additional Parish	the civil parishes of Dartmoor Forest & Moretonhampstead
Adjacent Rural Parish	the civil parishes of Drewsteignton, Gidleigh, North Bovey & Throwleigh,
Affordable Dwelling	Each of the dwellings identified edged [] on Plan [] to be delivered as Affordable Rented Dwellings or Shared Ownership Dwellings

Affordable Rent	a rent that does not exceed 80% of the local market rents (including any service charges) and does not exceed the local housing allowance rate applicable to Chagford published by the Valuation Office Agency of HM Revenue and Customs.
Affordable Rented Dwelling	each Affordable Dwelling identified edged [] on Plan []
Development	Residential development comprising 93 dwellings (to include 28 Affordable Dwellings), access roads, public car park, public open space, demolition of and rebuilding of fire station, new B1 business units and public toilets, pursuant to an application for planning permission submitted on 3 June 2015 and accorded DNPA reference number 0360/15
Disposal	a disposition within the meaning of section 27(2) of the Land Registration Act 2002 (not including the creation of a legal charge) or the grant of any tenancy and "Dispose" and "Disposed" shall be construed accordingly
Eligible Household	a person (together with their spouse or partner, children or dependants) who demonstrates to the reasonable satisfaction of DNPA or its nominee that he/she qualifies under the Section 106 Agreement and this Allocations Scheme to Occupy an Affordable Dwelling
Employed	Working in employment or self-employment for at least 16 hours per week
Family Member	Mother, father, sister, brother, daughter, son
Housing Need	In need of suitable permanent housing and unable to afford to pay market rents or the open market price for reasonably suitable permanent housing
Initial Advertisement Period	the period of 20 working days, starting from the date an Affordable Rented Dwelling is first advertised for rent PROVIDED ALWAYS that in calculating the period of 20 working days, any day or period of days which is more than 30 working days before the date upon which the Affordable Rented Dwelling is completed and ready for occupation, shall be disregarded.
Parish of Provision	the civil parish of Chagford

Plan []	the plan attached to this Agreement marked []
Permission	The planning permission to be issued for the Development
Registered Provider	a Registered Provider of Social Housing as defined in section 80(2) of the Housing and Regeneration Act 2008
Section 106 Agreement	The planning obligation agreement entered into by the DNPA, Devon County Council, CGFry Limited and the owners of the land in respect of the Development
Shared Ownership Dwelling	each Affordable Dwelling identified edged [] on Plan []

Primacy of Section 106 Agreement

- 2.1 This Allocations Scheme sets out the process by which Aster will ensure compliance with the requirements of the Section 106 Agreement and ensure that any Affordable Dwellings are prioritised for people in housing need with a local connection in perpetuity.
- 2.2 It is hereby declared and agreed that nothing in this Allocations Scheme is intended or shall be interpreted as contradicting any provision in the Section 106 Agreement, and to the extent that any provision in this Scheme appears to be in contradiction to any provision in the Section 106 Agreement, it shall be disregarded and treated as though a nullity.

Affordable Rented Dwellings

- 3.1 Applicants will be required to demonstrate to the reasonable satisfaction of the DNPA or its nominee that, as at the date of application, they qualify as an Eligible Household , in that they are in Housing Need **and** either:

Priority 1

- (i) They currently live in the Parish of Provision having done so throughout the previous 5 years; or
- (ii) They have lived in the Parish of Provision for a period of 5 years, but have moved away at some time in the past 3 years; or
- (iii) They have a strong local connection to the Parish of Provision, for example:
 - they are Employed in the Parish of Provision or their work is primarily carried out in that parish, having done so for a continuous period of at least 2 years
 - they have a Family Member living in the Parish of Provision who has done so for a continuous period of at least 5 years.
 - a significant part of their upbringing took place in the Parish of Provision

Priority 2

- (i) They currently live in an Adjacent Rural Parish having done so throughout the previous 5 years; or
- (ii) They have lived in an Adjacent Rural Parish for a period of 5 years, but have moved away at some time in the past 3 years; or
- (iii) They have a strong local connection to an Adjacent Rural Parish, for example:
 - they are Employed in an Adjacent Rural Parish or their work is primarily carried out in an Adjacent Rural Parish, having done so for a continuous period of at least 2 years
 - they have a Family Member living in an Adjacent Rural Parish who has done so for a continuous period of at least 5 years.
 - a significant part of their upbringing took place in an Adjacent Rural Parish

Priority 3

- (i) They currently live in an Additional Parish having done so throughout the previous 5 years; or

- (ii) They have lived in an Additional Parish for a period of 5 years, but have moved away at some time in the past 3 years; or
- (iii) They have a strong local connection to Additional Parish, for example:
 - they are Employed in an Additional Parish or their work is primarily carried out in an Adjacent Rural Parish, having done so for a continuous period of at least 2 years
 - they have a Family Member living in an Additional Parish who has done so for a continuous period of at least 5 years.
 - a significant part of their upbringing took place in an Additional Parish

Application of Criteria – Affordable Rented Dwellings

- 4.1 All Applicants shall be required to demonstrate to the reasonable satisfaction of the DNPA or its nominee that, at the time of application they are in Housing Need.
- 4.2 Where there are two or more applicants for an Affordable Rented Dwelling who demonstrate that they are in Housing Need, the Affordable Rented Dwelling shall be allocated with applicants in Priority 1 having the highest priority and applicants in Priority 3 having the lowest priority
- 4.3 Where there are two or more Applicants within the same Priority, the deciding factor will be their assessed level of Housing Need as recorded on Devon Home Choice with the highest level of need taking priority; if the assessed level of Housing Need is equal, the property will be allocated to the Applicant who has been registered on Devon Home Choice for the longest period of time.
- 4.4 For the purposes of 4.3 above, there shall be no aggregation of separate periods and only an unbroken single period of registration shall be taken into account.

No Eligible Household can be Found (First Disposal)

- 5.1 The provisions of this paragraph 5 shall apply to the first Disposal of each Affordable Rented Dwelling, but shall not apply to any subsequent Disposals in relation to that Dwelling.
- 5.2 If in relation to the first Disposal of an Affordable Rented Dwelling, the Initial Advertisement Period expires without the Affordable Rented Dwelling being allocated to an Eligible Household, the Affordable Rented Dwelling may be allocated to any person who demonstrates to the reasonable satisfaction of the Authority or its nominee that they are in Housing Need, **and** either:
 - (a) they are currently living in Dartmoor National Park, having done so for a continuous period of not less than 12 months; **or**
 - (b) they have a strong local connection to Dartmoor National Park, for example
 - they are Employed in Dartmoor National Park or their work is primarily carried out in Dartmoor National Park, having done so for a continuous period of at least 2 years
 - they have a Family Member living in Dartmoor National Park who has done so for a continuous period of at least 5 years.

- a significant part of their upbringing took place in Dartmoor National Park

and any such person shall be conclusively presumed to be entitled to occupy the Affordable Rented Dwelling

- 5.3 If no person is identified pursuant to 5.2 above, the Affordable Rented Dwelling may be allocated to any person who demonstrates to the reasonable satisfaction of the Authority or its nominee that they are in Housing Need and any such person shall be conclusively presumed for the purposes of this Deed to be entitled to Occupy the Affordable Rented Dwelling
- 5.4 In the event that an Affordable Rented Dwelling is let pursuant to paragraphs 5.2 or 5.3 above, to a person who is not an Eligible Household, once that persons' tenancy comes to an end, the provisions of the Section 106 Agreement relating to Eligible Households shall continue to apply

No Eligible Household can be Found (Subsequent Disposals)

- 6.1 The provisions of this paragraph 6 shall apply to all Disposals of an Affordable Rented Dwelling subsequent to the first (initial) Disposal
- 6.2 The Affordable Rented Dwelling shall be advertised in accordance with paragraph 11 of this Scheme for not less than 5 working days.
- 6.3 If following advertisement there is no suitable Eligible Household to whom the Affordable Rented Dwelling may be allocated, the Affordable Rented Dwelling may be allocated to any person who demonstrates to the reasonable satisfaction of the Authority or its nominee that they are in Housing Need, and either:
- (a) they are currently living in Dartmoor National Park, having done so for a continuous period of not less than 12 months; or
- (b) they have a strong local connection to Dartmoor National Park, for example
- they are Employed in Dartmoor National Park or their work is primarily carried out in Dartmoor National Park, having done so for a continuous period of at least 2 years
 - they have a Family Member living in Dartmoor National Park who has done so for a continuous period of at least 5 years.
 - a significant part of their upbringing took place in Dartmoor National Park

and any such person shall be conclusively presumed to be entitled to occupy the Affordable Rented Dwelling

- 6.4 If no person is identified pursuant to 6.3 above, the Affordable Rented Dwelling may be allocated to any person who demonstrates to the reasonable satisfaction of the Authority or its nominee that they are in Housing Need and any such person shall be conclusively presumed for the purposes of this Deed to be entitled to Occupy the Affordable Rented Dwelling
- 6.5 In the event that an Affordable Rented Dwelling is let pursuant to paragraphs 6.3 or 6.4 above, to a person who is not an Eligible Household, once that persons' tenancy

comes to an end, the provisions of the Section 106 Agreement relating to Eligible Households shall continue to apply.

Shared Ownership Dwellings

- 7.1 A Shared Ownership Dwelling shall only be let pursuant to a shared ownership lease or as an Affordable Rented Dwelling let at an Affordable Rent.
- 7.2 No shared ownership lease shall be executed in respect of a Shared Ownership Dwelling and no estate or interest in any Shared Ownership Dwelling shall be Disposed of whereby any person may be permitted to acquire more than eighty percent (80%) of the equity of the Shared Ownership Dwelling
- 7.3 No estate or interest in any Shared Ownership Dwelling (other than a tenancy, a mortgage or a charge) shall be Disposed of without securing that:
- (a) the DNPA and WDBC are notified in writing seven days prior to advertising or marketing the Shared Ownership Dwelling for Disposal
 - (b) all sales particulars produced in respect of the Shared Ownership Dwelling state that the restrictions on occupancy and tenure will be effective to bind all future owners and occupiers.

Persons who may occupy a Shared Ownership Dwelling

8. Applicants will be required to demonstrate to the reasonable satisfaction of the DNPA or its nominee that, as at the date of application, they qualify as an Eligible Household, in that they are in Housing Need **and** either:

Priority 1

- (i) They currently live in the Parish of Provision having done so throughout the previous 5 years; or
- (ii) They have lived in the Parish of Provision for a period of 5 years, but have moved away at some time in the past 3 years; or
- (iii) They have a strong local connection to the Parish of Provision, for example:
 - they are Employed in the Parish of Provision or their work is primarily carried out in that parish, having done so for a continuous period of at least 2 years
 - they have a Family Member living in the Parish of Provision who has done so for a continuous period of at least 5 years.
 - a significant part of their upbringing took place in the Parish of Provision

Priority 2

- (i) They currently live in an Adjacent Rural Parish having done so throughout the previous 5 years; or
- (ii) They have lived in an Adjacent Rural Parish for a period of 5 years, but have moved away at some time in the past 3 years; or
- (iii) They have a strong local connection to an Adjacent Rural Parish, for example:

- they are Employed in an Adjacent Rural Parish or their work is primarily carried out in an Adjacent Rural Parish, having done so for a continuous period of at least 2 years
- they have a Family Member living in an Adjacent Rural Parish who has done so for a continuous period of at least 5 years.
- a significant part of their upbringing took place in an Adjacent Rural Parish

Priority 3

- (i) They currently live in an Additional Parish having done so throughout the previous 5 years; or
- (ii) They have lived in an Additional Parish for a period of 5 years, but have moved away at some time in the past 3 years; or
- (iii) They have a strong local connection to Additional Parish, for example:
 - they are Employed in an Additional Parish or their work is primarily carried out in an Adjacent Rural Parish, having done so for a continuous period of at least 2 years
 - they have a Family Member living in an Additional Parish who has done so for a continuous period of at least 5 years.
 - a significant part of their upbringing took place in an Additional Parish

No Eligible Household can be Found

9.1 If upon the expiry of the period of 3 calendar months, starting from the date a Shared Ownership Dwelling is first marketed for sale, no Eligible Household has completed a contract to purchase the occupier's equity share, the Shared Ownership Dwelling may be Disposed of to any person who demonstrates to the reasonable satisfaction of the DNPA or its nominee that they are in Housing Need, **and** either:

- (a) they are currently living in Dartmoor National Park, having done so for a continuous period of not less than 12 months; **or**
- (b) they have a strong local connection to Dartmoor National Park, for example
 - they are Employed in Dartmoor National Park or their work is primarily carried out in Dartmoor National Park, having done so for a continuous period of at least 2 years
 - they have a Family Member living in Dartmoor National Park who has done so for a continuous period of at least 5 years.
 - a significant part of their upbringing took place in Dartmoor National Park

and any such person shall be conclusively presumed to be entitled to occupy the Shared Ownership Dwelling.

9.2 If upon the expiry of a period of 6 calendar months, starting on the date on which a Shared Ownership Dwelling has first been marketed for sale, no person has completed a contract to purchase the occupier's equity share, the Shared Ownership Dwelling may be Disposed to any person reasonably considered by the DNPA or its nominee to be in Housing Need and any such person shall be conclusively presumed to be entitled to occupy the Shared Ownership Dwelling

- 9.3 In the event that a Shared Ownership Dwelling is occupied pursuant to paragraphs 9.1 or 9.2 above, by a person who is not an Eligible Household within the meaning of the Section 106 Agreement, once that persons' occupation comes to an end, the provisions of the Section 106 Agreement relating to Eligible Households shall continue to apply to all future Disposals and occupiers.

Supplemental

- 10.1 For the avoidance of doubt, no person shall be permitted to occupy, use or let an Affordable Dwelling as a holiday home, second home, or as short let holiday accommodation.
- 10.2 Nothing in this Schedule shall prevent the occupier of an Affordable Dwelling from permitting any person to occupy a room in that dwelling as a guest, or as a lodger.

Advertising Vacancies

- 11.1 On the first lettings, Aster and the Trust will hold at least one public meeting before the expected completion date of the properties to provide information and advice.
- 11.2 Aster will notify the Trust and WDBC of all rental vacancies. Affordable Rented Dwellings will be advertised on Devon Home Choice within 7 days of notice being served. In the event that Devon Home Choice is unable to provide this service, or the definitions of the Bands should change, the Trust and Aster will ensure that future applicants who would formerly have been eligible for the properties by having a local connection and being in Band E will remain eligible.
- 11.3 If the dwelling is to be offered under a shared ownership lease it will be advertised on Help to Buy (South West).
- 11.4 When notified of vacancies the Trust and WDBC will use local communications to ensure as many local people as possible know about the vacancy and how to apply.

The Offer Process

- 12.1 Aster will be responsible for lettings. Applicants will be tenants of Aster.
- 12.2 Aster will carry out a home visit to verify the information provided by the applicant. All applicants who are being considered for housing will be visited.
- 12.3 Where an applicant meets the qualifying criteria for local connection, under-occupation may be allowed by Aster provided that the relevant implications (if any) for receipt of state benefits are first discussed by Aster with the applicant.
- 12.4 Prior to any offer being made – and with the consent of the applicants – Aster will provide the Trust and the DNPA or its nominee with applicants' names and stated local connection, to ensure that there are no questions about eligibility.

Disputes Procedure

- 13.1 The Trust, Aster, WDBC and DNPA undertake to use their reasonable endeavours to resolve any issues, complaints or disputes in respect of the operation of this Allocations Scheme or any other matter pertaining to this Scheme amicably, through discussion and co-operation.
- 13.2 The Trust, Aster, WDBC and DNPA agree that any complaints or matter of dispute from an applicant or third party regarding the performance or non-performance of obligations under this Allocations Scheme or any other matter pertaining to this Allocations Scheme should usually be addressed or referred to Aster.

Legal Succession

- 14. Where a signatory to this Allocations Scheme changes its name or legal identity but otherwise retains the same function and purpose through succession, all duties and obligations under this Allocations Scheme will automatically transfer to the successor. Save in the case of succession, no signatory may transfer or assign its interest in this Scheme without the prior written agreement of the Trust, Aster, WDBC and DNPA.

Mortgagees and Lenders

15. This Allocations Scheme does not apply to a Mortgagee (as defined in the Section 106 Agreement) subject to the provisions of paragraph 12 of Schedule 1 of the Section 106 Agreement.

Variation

- 16. This Allocations Scheme and its provisions shall only be capable of amendment by a document in writing executed by the Trust, Aster, WDBC and DNPA.

Chagford Community Trust Limited

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Trustee

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Trustee

Aster Communities

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Authorised Signatory

Dartmoor National Park Authority

.....
Authorised Officer

**West Devon Borough
Council**

.....
Authorised Officer

