

Section 106 Agreement – Local lettings Policy applies

Castlefield , Preston .

The s106 is standard for North Hertfordshire Council, based on their precedent s106 agreement and one settle is familiar with.

Qualifying persons, local connection & nominations

Qualifying person

Qualifying Persons is defined under the Operative provisions as “a person or household in need of affordable housing” –

- (a) For the social/rented units, a person accepted on to the North Hertfordshire Common Housing Register (from time to time) in accordance with North Hertfordshire Housing Partnership Common Housing Allocation Scheme 2013 (or any successor scheme); and
- (b) For the shared ownership units, a person who meets the eligibility criteria for shared ownership housing set by the Government from time to time and who is approved by the relevant Help to Buy agency for the area in which the unit is located.

Local connection

The qualifying persons need to have a local connection in accordance with the definition under the s106 Agreement. Local connection is defined under Operative provisions and requires that the Qualifying person as one of the following connections to the district of North Hertfordshire:

- (i) Has been continuously resident by choice in the relevant area for the last 12 months or has been resident by choice in the relevant area for 3 out of the last 5 years;
- (ii) Has permanent employment in the relevant area; or
- (iii) Has an immediate family member (this would normally be their mother, father, brother, sister or adult child) resident in the relevant area. Their residency must be by choice and have been so for a minimum of 5 years

Please note that the 3 bedrooomed social rent unit has a different local connection criteria under this definition. Here, The Qualifying person has one of the following connections to North Hertfordshire:

- (i) Has been continuously resident by choice in the district for the last 12 months
- (ii) has been resident by choice in the relevant area for 3 out of the last 5 years;
- (iii) is a member of a former member of the Armed Forces or a bereaved spouse or civil partner; or
- (iv) has an immediate family member (this would normally be their mother, father, brother, sister or adult child) resident in the relevant area. Their residency must be by choice and have been so for a minimum of 5 years; or
- (v) Has permanent employment in the district; or
- (vi) Is accepted as owed a main housing duty by NHDC under section 193(2) of the Housing Act 1996 or;

- (vii) Care leavers originating from the district or who meet the agreed criteria set out in the Hertfordshire Joint Housing Protocol; or
- (viii) Has another special reason why they need to live in the district

Nominations- allocations

Nominations are covered under Schedule 2 which states that, unless otherwise agreed with the Council, for the affordable and social rented dwellings, all nominations will be made in compliance with North Hertfordshire Common Housing Allocation Scheme and a Nomination Request Form (Annex A of the 2019 – 2024 Housing Association Nominations Agreement). The Council will have the right to nominate a Qualifying Person.

The grant or assignment of a tenancy, lease or shared ownership lease shall be restricted to a qualifying person with a local connection to the parish of Preston (except the 3 bedroomed bungalow, which will be restricted to a qualifying person with a local connection to the North Hertfordshire). If no one satisfies this requirement, then the grant or assignment of any tenancy, lease or shared ownership lease shall be made to a qualifying person with a connection to (in order of priority) –

- The parishes of Kings Walden, Offley, St Ippolyts and Langley, or failing this;
- other rural parishes within North Hertfordshire, or failing this;
- North Hertfordshire generally.

August 2023