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# Allocations Policy



Council of the  
ISLES OF SCILLY

Self and Custom Build Project

Land north of Old Town; St Mary's

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25 May 2022

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| Ratified     | 10 May 2022   |
| Review date  | Continuous (Live Document)  |
| Policy owner | Nicola Stinson; Strategic Director for Place, Economy & Environment |

| VERSION HISTORY – FOR FURTHER DETAIL SEE CHANGE LOG |         |  |  |
|---|---------|--|--|
| Date  | Version | Author role                                      | Purpose of change<br><i>[eg scheduled review;<br/>administrative change;<br/>change in legislation;<br/>change following feedback]</i> |
| 15/04/21  | 1       | Strategic Director: Place, Economy & Environment | First draft for discussion   |
| 08/04/22  | 2       | Housing Enabling Officer                         | Second draft for discussion (Lead Member, Strategic Director: Place, Economy & Environment).   |
| 21/04/22  | 3       | Housing Enabling Officer                         | Update following Member feedback   |
| 23/05/22  | 4       | Housing Enabling Officer                         | Update following Full Council approval and suggested minor amendments.   |

| EQUALITY IMPACT ASSESSMENT (EQIA) RECORD |  |                              |   |             |                  |
|--|--|------------------------------|---|-------------|------------------|
| Date                                     | Is this an existing, revised or new/proposed policy? | Type of assessment conducted | Summary of actions taken & decisions made | Approved by | EqIA review date |
| 24/05/22                                 | New  | Screening                    | None – Full EqIA not required             | N Stinson   | Ongoing          |

| DOCUMENT RETENTION        |                                   |
|---------------------------|-----------------------------------|
| Document retention period | Until implemented; then archived. |

## **Allocations Policy; IOS Self-build project. Version 4**

As part of the Housing Delivery Programme, the Council are progressing the development of an allocated housing site on land at Ennor Farm adjacent to the Old Town Inn for a self-build housing development.

[Outline Planning Permission](#) was granted on 12 April 2021 (P/21/002) for the development of 12 new homes.

### **Purpose**

The Allocations policy will set out the criteria for which applicants will be considered eligible for a self-build plot on the Ennor Farm site. The policy will also outline the prioritisation to be given to eligible applicants. The role of the Council is to ensure that the overarching allocation policy is fair and transparent. The policy will not dictate how the individual plots will be allocated. This aspect of the process will be determined by Cornwall Community Land Trust.

This policy sets out how this can be achieved. There is no perfect model to follow; and whilst this policy draws upon best practice, a bespoke island solution is required.

This policy is a live document and will be continuously updated, if required to ensure content and definitions are as accurate as possible.

### **Why this policy is needed**

The Council agreed in September 2021 to dispose of the site, referred to as Ennor Farm, to Cornwall Community Land Trust. As part of this agreement, it was resolved that the Council would provide a policy for the Allocations process.

There is significant demand for self-build sites on the Islands. As of April 2022, there are 53 households with an expressed interest through the Council's Self and Custom Build Register.

### **Scope**

- Members of the Council's Self and Custom Build Register
- Applicants for the IOS Self-build plots; Old Town
- Cornwall Community Land Trust (CCLT)

### **Objectives**

The main aims of this Allocations policy are:

- a) To provide housing choice to meet the need of the intermediate housing market on the Isles of Scilly
- b) To contribute to the viability of the local economy through the provision of accommodation supporting the local workforce who contribute to the sustainability of the islands
- c) To provide accommodation in order to aid the recruitment and retention of staff to support the Isles of Scilly economy and community
- d) To address issues of island depopulation and retain the working aged population on the islands.

In addition, it is important that the following outcomes are achieved:

- To allocate plots in a fair, transparent and efficient way.
- To maximise the potential to successfully deliver the homes
- Creating churn in the housing market by releasing existing homes for others to use
- To ensure applicants are committed to the sustainability principles for the site.

## Policy details

- Overview of allocations process
- Stage 1: Eligibility
- Stage 2: Gateway Criteria
- Stage 3: Assessment
  - Allocation considerations and scoring
- Stage 4: Plots allocated by Cornwall Community Land Trust
- Appendix 1: Site Plan & Proposed Plots

## Definitions

|                                  |   |
|----------------------------------|---|
| <b>Employed</b>                  | Working in employment or self-employment for at least 16 hours per week   |
| <b>IOS based employment</b>      | Individual employed for 16+ hours for an Isles of Scilly registered business.   |
| <b>Mainland based employment</b> | Individual employed for 16+ hours for a mainland UK registered business.  |
| <b>Housing Need</b>              | In need of suitable permanent housing and unable to afford to pay market rents or the open market price for reasonably suitable permanent housing |

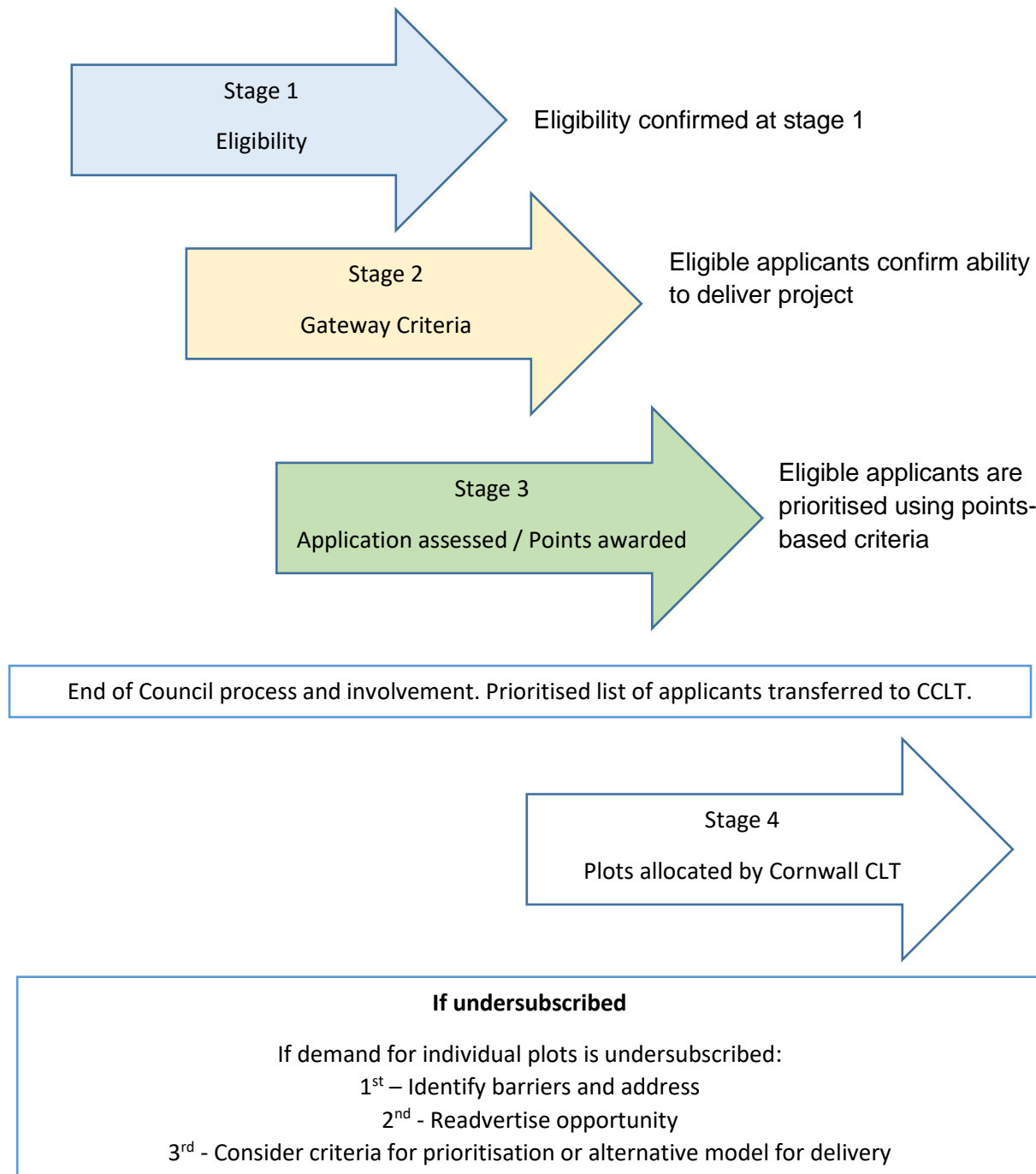
|                                     |   |
|-------------------------------------|---|
| <p><b>Local Connection Test</b></p> | <p>Relevant authorities who choose to set a local connection test are required to have two parts to their register. Individuals or associations of individuals who apply for entry on the register and meet all the eligibility criteria must be entered on Part 1. Those who meet all the eligibility criteria except for a local connection test must be entered on Part 2 of the register.</p> <p>The Council of the Isles of Scilly's Self and Custom build register includes a local connection test. The register is therefore made up of two parts.</p> <p>The Council must count entries on Part 1 of the register towards the number of suitable serviced plots that they must grant development permission for. See the section on self-build and custom housebuilding duties for further information on the duty to grant planning permission etc. Entries on Part 2 do not count towards demand for the purpose of the 2015 Act (as amended) but relevant authorities must have regard to the entries on Part 2 when carrying out their planning, housing, land disposal and regeneration functions.</p> <p>Local Connection Test within Isles of Scilly Self and Custom Build register application form:<br/> Do you live in the Isles of Scilly?<br/> Do you have a strong family association within the islands?<br/> Do you work for 16 hours or more within the Isles of Scilly?<br/> You must indicate Yes to at least 2 of the above statements to meet the local connection criteria. If you do not meet at least 2 of these criteria; you are still eligible to be held within the register.</p> |
| <p><b>Immediate Family</b></p>      | <p>Mother, Father, Sister, Brother, Daughter, Son, Grandparents or Grandchild or if he or she ordinarily resides with that other person.</p>  |
| <p><b>Section 106 Agreement</b></p> | <p>The planning obligation agreement entered into by the plot holder with the Council of the Isles of Scilly in respect of the Development.</p>   |
| <p><b>Under occupation</b></p>      | <p>The rules were announced in the Welfare Reform Act 2012.</p> <p>The rules allow one bedroom for:</p> <ul style="list-style-type: none"> <li>• every adult couple (married or unmarried)</li> <li>• each member of a couple, if they cannot share because of a disability or medical condition</li> <li>• any other adult aged 16 or over</li> <li>• any 2 children of the same sex aged under 16</li> <li>• any 2 children aged under 10</li> <li>• any other child (other than a foster child or child whose main home is elsewhere)</li> <li>• children who cannot share because of a disability or medical condition</li> <li>• a carer (or team of carers) providing overnight care</li> </ul> <p>One spare bedroom is allowed for:</p> <ul style="list-style-type: none"> <li>• an approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement</li> <li>• a newly approved foster carer for up to 52 weeks from the date of approval if no child is placed with them during that time</li> </ul>  |

|                             |  |
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|                             | <p>Rooms used by students and members of the armed or reserve forces do not count as 'spare' if they're away and intend to return home.</p> <p>People who have recently suffered a bereavement in their household may also be entitled to additional bedrooms.</p>   |
| <b>Over occupation</b>      | <p>Statutory definition of over occupation:<br/> <a href="https://england.shelter.org.uk/professional_resources/legal/housing_conditions/overcrowding#title-0">https://england.shelter.org.uk/professional_resources/legal/housing_conditions/overcrowding#title-0</a></p>   |
| <b>Intermediate housing</b> | <p><a href="#">Local Plan (2015-30)</a>: Are available for sale or rent at a cost above social rent, but below market levels. These can include shared equity (shared ownership and equity loans) and intermediate rent, but not affordable rent.</p>  |
| <b>Financial Assessment</b> | <p>The Council will require confirmation that the applicant have or will have adequate finance available to deliver the self or custom build. This will require the individuals to provide confirmation of income, savings and/or mortgage in principle agreement. The exact format and evidence required will be communicated to all prospective applicants and support will be given through this process.</p> |
| <b>Plot Passports</b>       | <p>Outline the specific details for each plot, including the permitted build zones, finished floor levels and information relevant to each plot. Working documents to be updated with relevant information as the site progresses.</p>   |
| <b>Design Code</b>          | <p>A design code is a set of simple, concise, illustrated design requirements that are visual and numerical wherever possible to provide specific, detailed parameters for the physical development of a site or area.</p> <p>The <a href="#">design code</a> for the Self-build scheme on the Isles of Scilly has been developed by the Duchy of Cornwall.</p>  |

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|--|--|
| <b>Reserved Matters Planning Application</b> | <p>An application for Approval of Reserved Matters is only required when the applicant already has outline planning permission for a development. This cannot be used as a stand-alone application for planning permission.</p> <p>Outline planning applications are used to gain an understanding as to whether the nature of a development is acceptable, this can help ensure viability up front. Specific details known as 'reserved matters' can then be confirmed later.</p> <p>After approval of outline planning consent, reserved matters must be submitted to gain the right for development. This deals with the outstanding details which were omitted from the outline planning application. This project has already received Outline Planning Consent. The reserved matter which needs to be addressed by individual self-builders is:</p> <p><b>Appearance</b> - aspects of a building or place which affect the way it looks, including the exterior of the development.</p> <p>The details of the reserved matters application must be in line with the outline approval, including any conditions attached to the permission. If your proposals have changed in any way, you may need to reapply for outline or full planning permission.</p> |
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## Overview of Allocations Process

1. The process to obtain a plot includes a number of stages. This policy sets out the stages of the process; and sets out the detailed methodology for the first 3 stages. The process in relation to the allocation of individual plots on the site will be determined by Cornwall CLT and is referenced at Stage 4.





## **Stage 1: Eligibility**

2. To be eligible for consideration for a plot, applicants must have registered on the Council's self-build register. To be eligible to join the Council's Self-build register, applicants must be<sup>1</sup>:
  - a. Aged 18 or older.
  - b. A British citizen, a national of an EEA state other than the United Kingdom, or a national of Switzerland.
  - c. Seeking (either alone or with others) to acquire a serviced plot of land in the Isles of Scilly to build a house to occupy as your sole or main residence.
3. Applicants must confirm that they meet the requirements set out in policy LC2 of the Local Plan, below.
4. Applicants will **not** be considered eligible if they fall within the following categories:
  - a. Owner-occupier on Isles of Scilly
  - b. Residential property owner on Isles of Scilly
5. Applicants must confirm they agree to their details, including the financial assessment detailed at Stage 2, to be shared with Cornwall Community Land Trust as part of the allocations process.

### Policy LC2: Local Plan (2015-2030)<sup>2</sup>

**All new affordable homes will be subject to occupancy restrictions, to ensure they will be occupied in perpetuity by a person or persons (and their dependants) with a local housing need, as their principal residence throughout the year. A local housing need is where:**

**(1) The property would be occupied sole private residence, where a need cannot be met by the local housing market; and**

**(2) They need to live permanently on the islands due to their employment circumstances and work commitments; or**

**(3) They have been continuously resident on the islands for at least five years and require new accommodation as a result of the requirement to:**

- a) vacate tied accommodation; or
- b) relocate to more suitable accommodation due to a medical and/or mobility condition; or

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<sup>1</sup> National Policy eligibility for self and custom build registers: <https://www.gov.uk/guidance/self-build-and-custom-housebuilding>

<sup>2</sup> Local Plan (2015-30): <https://scilly.gov.uk/planning/planning-policy/local-plan-2015-2030>

c) relocate to smaller/larger accommodation due to under/over-occupation; or  
(4) They are a former resident who has previously lived permanently on the Isles of Scilly for a continuous period of at least five years, and who:

- 1) has been away for educational or training purposes, or to obtain work experience or professional or technical accreditation; or
- 2) is currently employed by the armed forces or merchant navy and whose main residence will be on the islands; or
- 3) is retired from the armed forces or merchant navy; or
- 4) needs to provide substantial care to a relative who has lived continuously on the islands for at least five years ('substantial care' means that the requirement for such care has been identified by a medical doctor or relevant statutory support agency).

### **Stage 2: Gateway Criteria**

6. Applicants must be able to meet the conditions within the Section 106 planning restriction; to be imposed on the onward sales of plots to individuals from Cornwall CLT.
7. Applicants must confirm they have adequate finance in place or access to adequate finance to deliver the project (high level financial assessment and proof of income, savings and/or mortgage in principle).
8. Applicants must confirm they are able to deliver the self-build in line with the outline planning consent, timescales and covenants.
9. In order to apply, prospective self-builders will be provided with the following information:
  - Details of Outline Planning Permission secured including, Design Code
  - Plot Passports – outlining the specific plot details
  - Supporting Information Pack – to include locations of infrastructure and services, rules of the build, relevant planning conditions and any other relevant plot specific information
  - Conditions of sale – including timescales for reserved matters applications and build out.

### **Stage 3: Assessment**

10. Eligible households will be invited to submit an application for an unspecified plot on the site. The application will need to include all relevant information included in the points-based criteria including, a declaration that all information is true and correct.

11. A timescale for the submission of applications will be set. Applications will not relate to an application for a specific plot, but for consideration for a plot within the scheme. Applications and allocations relating to individual and specific plots will fall within Stage 4, which will be managed by Cornwall Community Land Trust.
12. Eligible households will be assessed against the points-based criteria outlined below and a prioritised list of eligible applicants will be provided to Cornwall Community Land Trust.
13. Cornwall CLT will progress the allocations of individual and specific plots in the next stage; for which the Council will not have involvement. The method of individual plot allocation will be determined by CCLT.
14. A proposed points-based criterion is included below.

### Allocations Consideration and Scoring

|                               | Criteria  | Weighting  |
|-------------------------------|---|--|
| <b>Existing accommodation</b> | Accommodation does not meet housing need due to over or under occupation <sup>3</sup>                   | 5 points   |
|                               | Rental accommodation (would free up property for rent; include accommodation tied to employment)        | Social property = 10 points<br>Private property = 5 points                                       |
|                               | No accommodation available on Islands <sup>4</sup>  | 10 points  |
| <b>Length of wait</b>         | Time on self-build register   | Less than 1 year: 1 point<br>1-3 years = 3 points<br>3-5 years = 5 points<br>5+ years = 7 points |
| <b>Local Connection</b>       | Household meets at least 2 of the 3 local connection test criteria (are included in Part 1 of register) | 5 points   |

<sup>3</sup> Environmental Health Assessment required to evidence over/under occupation.

Points only to be awarded to underoccupied households if applicants would be downsizing through the self-build project.

<sup>4</sup> Definition: ie. living with family/friends, work remotely on the mainland for IOS based business due to lack of accommodation

|                   |  |   |
|-------------------|--|---|
|                   | Household meets 1 or less of the 3 local connection test criteria (are included in Part 2 of the register) | 0 points  |
|                   | Are in the armed service to the Crown  | 5 points  |
| <b>Employment</b> | IOS based employment   | 5 points  |
|                   | Mainland based employment  | 0 point if mainland based<br>2 points if work remotely from IOS |
|                   | Armed forces personnel   | 5 points  |
|                   | Ex-armed forces personnel  | 5 points  |
|                   | Retired  | 0 points  |

#### **Stage 4: Plots allocated by Cornwall Community Land Trust**

15. CLOS will provide Cornwall Community Land Trust with a list of eligible applicants, prioritised based on the agreed criteria above. Cornwall CLT will allocate the individual plots via the most appropriate method, as determined by themselves.
16. In the event that a number of applicants appear to have an equally valid claim to a property Cornwall Community Land Trust (CCLT) reserves the right to ask for further information, to interview the applicants and then exercise its discretion in making a final decision.
17. If an applicant feels that the decision made about their application is unfair, they may submit an appeal, in writing, to the Council of the Isles of Scilly stating their reasons. Appeals must be submitted within 10 working days from the date of notification. This appeal will be heard by the Strategic Director of Place, Economy and Environment or their nominee.
18. Successful applicants must agree to Section 106 restrictions and other covenants conditional for the sale of the plot
19. CCLT to define timescales for securing deposit from successful applicants, in order to secure the plot.

## **Policy communication**

This Allocations Policy will be published on the Council of the Isles of Scilly's webpage, under the Housing Delivery's subpage. The Policy will be published as part of the application process for consideration for a self-build plot and shared ahead of the start of this process with all members of the Council's self and custom build register.

This Allocations Policy will also be shared with Cornwall Community Land Trust (CCLT); who are progressing the Self-build scheme in partnership with the Council.

## **Performance management**

Performance management has not been identified as required. This policy is to be implemented as a site-specific allocations policy. Once the self-build plots at Ennor Farm, Old Town have been allocated, this policy will no longer be required and will be archived.

The operational target for policy implementation is that Cornwall Community Land Trust (CCLT) are provided with adequate information to enable them to allocate the individual plots as part of the IOS Self-build project (Land North of Old Town; Ennor Farm) and fulfil the obligations of the partnership working between the Council of the Isles of Scilly and CCLT.

## **Policy management**

The Housing Enabling Officer may undertake amendments of an administrative nature as necessary, or to secure continuing compliance with the law, in consultation with Strategic Director: Place, Economy and Environment; Lead Member for Housing and Corporate Property and Lead Member for Planning and Regulatory Services. Any amendments will be communicated to members through the Housing Delivery Service Plan published annually (if relevant due to policy implementation timescales) and where appropriate brought to Full Council for ratification. Dissemination will be by publication on the Open Data page of the council website following guidance for access to information requirements, and where appropriate via additional distribution using the council's policy dissemination tool. The final, current Word document will be copied to the Active Policies folder of the network Shared Resources>Policies>Active policy documents – WORD.

## **Breaches and non-compliance**

Non-compliance with this policy could risk reputational damage to the Council, its staff and its external partner, Cornwall Community Land Trust. Non-compliance would likely result in an appeal for justification for allocations.

This policy is designed to provide a fair and transparent prioritisation of applicants for the IOS Self-Build project, and the Council are not responsible for the specific allocations of individual plots. This responsibility will fall to Cornwall Community Land Trust.

The compliance with this policy and the allocations process will rely on the provision of accurate information and evidence by the applicants. The Council are only able to assess applicants based on the information provided through the application process.

## **Policy review and evaluation**

The implementation of this policy will be monitored by the Housing Delivery Team in consultation with the Lead Member for Housing and Corporate Property and the Lead Member for Planning and Regulatory Services.

Following the implementation of this policy, there will be no need for ongoing monitoring and review as the policy is site-specific and relates to the assessment of eligible applicants carried out over a specified and finite timeframe. Once the policy has been implemented, it will be archived along with the audit trail of applications and their assessments.

If the policy has not been implemented within 12 months then it should be reviewed to ensure the process and points-based criteria remain relevant and align with Member and community priorities.

## **Further information**

Contact details:

Housing Delivery Project

Council of the Isles of Scilly

Town Hall

St Mary's

Isles of Scilly

TR21 0LW

Email: [livescilly@scilly.gov.uk](mailto:livescilly@scilly.gov.uk)

**We want to ensure that your needs are met.**

If you would like this information in an audio format, Braille, large print, any other format or interpreted in a language other than English, please contact:

Officer: Policy & Scrutiny  
Council of the Isles of Scilly  
Town Hall  
St Mary's  
Isles of Scilly TR21 0LW  
Telephone: 01720 424524  
E-mail: [diversity@scilly.gov.uk](mailto:diversity@scilly.gov.uk)

## Change log

|                                |  |   |
|--------------------------------|--|---|
| 15 <sup>th</sup> April<br>2021 | Initial working document drafted for discussion with partners.<br><br>Shared for feedback with Cornwall CLT.   | Nicola Stinson;<br>Strategic Director:<br>Place, Economy &<br>Environment |
| 8 <sup>th</sup> April<br>2022  | Second draft for discussion with Lead Member for Housing and Strategic Director:<br><br><ul style="list-style-type: none"> <li>- Document updated to consider agreements made with Cornwall CLT for site disposal.</li> <li>- Allocation's process refined to align with Member aspirations for CIOS involvement.</li> <li>- Eligibility updated in line with Member opinion.</li> <li>- Assessment criteria updated to reduce complexity and introduce weighting for points based on member opinion.</li> <li>- Final stage developed to include CCLT's role in allocations of specific plots.</li> </ul> | Sian Scott, Housing<br>Enabling Officer                                   |
| 21 <sup>st</sup> April<br>2022 | Policy updated following Member feedback:<br><br><ul style="list-style-type: none"> <li>- Points-based criteria updated to give higher weighting to IOS based employment and 0 weighting on mainland-based employment, following member discussion.</li> <li>- Confirmation of eligibility</li> </ul>  | Sian Scott, Housing<br>Enabling Officer                                   |
| 25 <sup>th</sup> May<br>2022   | Policy updated following Full Council discussion and approval:<br><br><ul style="list-style-type: none"> <li>- Correction to 'property ownership' to 'residential property ownership' within the Eligibility section.</li> <li>- Points-based criteria updated to reflect the Armed Forces covenant.</li> <li>- Under-occupation definition updated.</li> </ul>  | Sian Scott, Housing<br>Enabling Officer                                   |