

Oxfordshire Housing and Growth Deal



Affordable Housing Funding Prospectus and Funding Policy 2018

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Part 1

Oxfordshire Affordable Housing Programme Prospectus

The Oxfordshire Housing and Growth Deal

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Oxfordshire is a thriving county, strategically located within the South-East, close to London and anchoring the Oxford–Cambridge Growth Corridor. Since the recession of the last decade, our cumulative growth has been higher than any other local area. Our total economic output is around £22 billion a year, meaning that economic output per capita is among the highest in the UK and we are one of only three counties that make a significant net contribution to the Exchequer.

This success brings with it challenges – not least housing affordability with Oxfordshire the fifth least affordable housing market in the country relative to earnings, with a median prices to median earnings overall ratio of over 10.

Oxfordshire’s six local authorities, together with Oxfordshire Local Enterprise Partnership (OxLEP), are working together on an ambitious, comprehensive and integrated approach to addressing our housing, infrastructure and economic challenges to deliver the potential of our world-class knowledge economy and high quality sustainable development across the County.

This track record of collaboration resulted in the announcement in November 2017 that Oxfordshire and the Government would collaborate in the Oxfordshire Housing and Growth Deal (the Deal). As part of the Deal, Oxfordshire – through the delivery agent of the Oxfordshire Growth Board – would receive up to £215 million of new funding to support Oxfordshire’s ambition to plan for and support the delivery of 100,000 homes by 2031. Of this total, £150 million of this funding focuses on infrastructure to help accelerate the delivery of these planned homes. It also includes £60 million for a bespoke Oxfordshire affordable housing programme to deliver at least 1,320 additional affordable housing units by March 2021.

Oxfordshire and the Government have made specific commitments in the Deal, as follows:

Oxfordshire commits to:

- Plan for and support the delivery of 100,000 new homes between 2011–2031, backed up with a credible plan for delivery outlining interim milestones and targets and agreed with Homes England and the Government
- Deliver at least 1,320 additional affordable homes by March 2021
- The submission and adoption, subject to the examination process, of a Joint Statutory Spatial Plan (JSSP) covering all five districts, and submission of the current suite of Oxfordshire Local Plans

- Work with the Government to explore further opportunities to drive innovation in partnership, design and construction
- Work to secure additional public and private funding to plan for and support the delivery of 100,000 homes by 2031
- Consider the introduction of a Strategic Infrastructure Tariff

The Government commits to:

- Provide Oxfordshire with up to £215 million funding – £150 million for infrastructure to support housing delivery, £60 million for affordable homes
- Explore options for time-limited planning freedoms and flexibilities to allow the space for a new planning framework to be developed
- Provide support to encourage more private sector investment in Oxfordshire as an area with high economic potential
- Future collaboration to break down barriers to housing delivery

The Oxfordshire Affordable Housing Programme

The ambition of the Oxfordshire Affordable Housing Programme (OAHP) is to deliver a programme that, over time, will make a significant contribution to address the acute shortage of affordable housing in Oxfordshire. The initial programme of at least 1,320 units is for three years to March 2021, but we intend to build a lasting programme that will, through a pipeline of schemes, strategic partnerships and innovative delivery vehicles, provide a material uplift in the level of new affordable housing delivered in Oxfordshire.

We aim to do this by funding a programme of additional affordable units that deliver a responsive range and mix of affordable housing – including rent to buy, shared ownership and homes for affordable and social rent – to both meet the needs of residents across the county and support the growth of the local economy.

We propose to provide these new homes through innovative new models of unit types and tenures, planning and delivery specific to Oxfordshire (for example, through engagement with our partner Registered Providers and landowners, Universities and health sectors).

It is also proposed that the new homes will be delivered on a range of land supply sources including public and private land, on former greenfield sites, brownfield land, in our garden towns and villages, in existing towns and villages, and within Oxford City.

We want, both directly and through our partners, to develop a programme that succeeds by:

- Increasing both the quantity and pace of affordable housing delivery but also ensuring high quality outcomes
- New and enhanced relationships with delivery partners

- Better strategic co-ordination and alignment of the Housing Delivery Pathway throughout Oxfordshire
- Promoting mechanisms for ensuring high-quality design and construction, including off-site construction and manufacturing models
- Prioritising the delivery of schemes that will provide value for the Government, councils and communities
- Promotes innovation in the way we work in partnership, as well as the delivery and products

We welcome discussion with partners about potential opportunities under the OAHP.

The Principles of the Oxfordshire Affordable Housing Programme (OAHP)

The £60 million funding is intended to support a bespoke Oxfordshire-wide affordable housing delivery programme that will support delivery of at least 1,320 affordable homes across a range of tenures to contractually start on site by 2021.

The fund is in addition to the existing Homes England Affordable Homes Programme, which is ongoing and will continue alongside the fund (it will not displace or duplicate funding).

The OAHP is focused upon additional affordable housing. It is a central plank of our agreement with the Government that the affordable housing provided is additional to that we would seek to secure through S106 planning obligations with developers. Proving this additionality will be a key element of the scheme appraisal and approval process. But it would normally be demonstrated where the S106 affordable housing contribution has already been agreed and the Council is satisfied that the Registered Provider has achieved the best purchase price for the units from the developer.

Oxfordshire partners will use the funding to deliver a programme that capitalises on priorities and opportunities that the Growth Board collectively identify, which would include opportunities for both new sites and/or increased delivery on sites where delivery is not possible within other funding streams.

It is our intention that the OAHP will be delivered through a range of partners and delivery vehicles, such as strategic partnerships with Registered Providers, our Local Housing Companies and other bespoke partnerships. A key principle of the OAHP will be providing best value to the public purse and residents of Oxfordshire through both innovative delivery approaches and products.

Oxfordshire partners have in the first instance identified an indicative pipeline of sites that could deliver additional affordable units across the county. These schemes have been identified on the basis that they can demonstrate a contractual start on site by 2021, that they meet the strategic needs of the Oxfordshire Growth Board and that they offer added value. The Oxfordshire

Growth Board commits to the delivery of these targets, but there is flexibility within the programme, for example, to vary the indicative tenure split, as long as the overall target number of homes is met or exceeded.

However, this indicative Programme is a baseline upon which we intend to build and we hope that as time passes the Programme will flex and expand to include new opportunities. Consequently, it is our intention that the Programme will be open to innovation and opportunity, both in terms of product and delivery vehicle or mechanism.

What is Affordable Housing?

As stated earlier, the aim of the OAHP is to provide at least 1,320 additional affordable housing units. The Oxfordshire Growth Board uses the definition of affordable housing as set out in the National Planning Policy Framework 2018 (NPPF). (The definition is set out on page 12)

Within the statutory definition of affordable housing contained within the NPPF, the Growth Board recognises that it is possible to develop a bespoke definition of what affordable housing means in Oxfordshire. Accordingly, the Programme, although designed to be based upon the definitions of affordable housing contained within the NPPF is also open to other forms of affordable housing should partners wish to promote them, at the discretion of the Growth Board.

Housing Delivery and Innovation

A key ambition of the Growth Board for the OAHP is that it we work with partners to explore further opportunities to drive innovation in partnership, design and construction. This will include exploration of the following:

- Stimulating the development/scale up and supporting the growth of a localised off-site modular housing construction industry through research, business support, commissioning and direct intervention in the market
- Increasing supply and delivery innovation options through, for example, strategic housing partnerships with Registered Providers, housing companies, direct services organisations and bespoke arrangements that will support increased supply in Oxfordshire
- Developing a partnership approach for joint procurement/delivery of high quality, low-carbon modular housing including enhanced energy standards and power management
- Development of healthy housing that supports tenants through the lifecycle
- Developing, within the umbrella of a partnership arrangement, an Oxfordshire Delivery Pathway approach to underpin collaborative working to increase the pace of planning processes, develop streamlined planning processes, additional capacity using capacity funding
- Support for low and medium volume house builders to grow and for new entrants to enter the market by offering small site opportunities

The Principles of Grant Funding

An application for grant funding from the OAHP will be made according to the procedures set out in the application form's explanatory notes. These are found on the Growth Board's website www.oxfordshiregrowthboard.org

The application will need to demonstrate that it:

- Is in full compliance with the Homes England Capital Funding Guide
- Supports the strategic objectives laid out in the Oxfordshire Housing and Growth Deal for a scheme within the administrative area of the county of Oxfordshire
- Is for the provision of affordable housing (as defined in this document) in perpetuity, (where not a starter home, discounted sale or shared ownership housing) and is meeting a local need, as defined by the Housing Allocations Policy of the housing authority where the property is situated
- Should be of a tenure that abides by the Homes England 'priority uses' in the Capital Funding Guide, unless permission is received for an alternative use from Homes England
- Must comply with the minimum space requirements of the Authority where the scheme is situated.
- Must be on the basis that full nomination rights for the first letting belong to the housing authority in which the affordable home is situated and that this can be waived only at the discretion of that authority. Subsequent lets will be subject to agreement between the relevant council and Registered Provider
- Should be made by a Registered Provider as defined in s.80 of the Housing and Regeneration Act 2008
- Should be essential and for the minimum amount required to deliver the affordable housing scheme (details of which will be required as part of the application)
- Should support the capital costs related to affordable housing delivery only. Where a level or type of supported accommodation is delivered, alternative avenues of funding must be explored to support associated revenue costs
- Should ensure that grants from the Homes England Affordable Homes Programme cannot be used for a unit that receives investment from the Deal

Payment of Grant

The Growth Board have agreed with the Government the average grant rates per unit for the OAHP. These are:

| | |
|-------------------|---------|
| Social rented | £55,000 |
| Affordable rented | £40,000 |
| Shared Ownership | £25,000 |

The OAHP will be based upon the premise that these are the grant rates available for these tenures since it believes that to do so provides clarity and

certainty for partners to create future development pipelines. The OAHF reserve the right to flex grant rates within the programme to maximise the added value of the Programme as long as the average grant rates are not exceeded.

The Growth Board will also consider awarding a blended average rate either on a scheme or over a package of schemes that includes both high grant and low grant requirements, which enable the overall average to be at the appropriate 'norm' average grant rate.

The methodology for grant payment is as follows:

- The grant will be paid to the Registered Provider by the relevant District Housing Authority
- For new build housing, it will be based upon 90% of the grant funding being paid within 28 days of signature of the contract up to 31 December in the year in question. Where the contract is signed between 31 December and 31 March it will be paid by 30 April of the following financial year
- For existing properties, the Growth Board will fund 100% of the purchase of existing properties up to the grant limits at purchase completion stage, subject to a commitment from the Registered Provider that the property will be occupied by a tenant nominated in accordance with this agreement within three months

If the funding application is approved, the Registered Provider will be required to enter into a formal Grant Agreement with the District Council where the scheme is situated.

To process the payment for a new build, the Registered Provider is required to submit to the Growth Board an invoice for payment, a copy of the relevant section of the main building contract (which covers the parties to the contract and demonstrates the contractual confirmation).

To process the payment for an existing property, the Registered Provider will need to submit with the invoice a copy of the contract for sale. The payment will be made within 30 days of the completion date, subject to the requirements set out above.

Grant Recovery

Capital gained from Right to Buy and staircasing of relevant Deal grant-funded units should be used for replacement affordable housing units.

The calculation of recoverable grant is the same, per tenure, as in Capital Funding Guide, Chapter 7, and Grant Recovery for a Registered Provider. The calculated amount must be reinvested by the Housing Deal fund into a replacement unit of Affordable Housing within three years of receipt, after which date unspent receipts will need to be repaid to Homes England.

Administrative allowances from events leading to capital receipt are at the same level as Chapter 7, Section 3.2.2 of the Capital Funding Guide (or the relevant section of the Guide at the time of the event).

The net proceeds after the calculated recovery sum can be spent by the Oxfordshire Growth Board on additional units for the OAHF.

Existing Asset Use

The use of assets already owned by Oxfordshire Councils or Growth Board partners for development of additional affordable homes will not be considered as grants when looking at average grant calculations per unit. Unit changes by developing existing assets will be calculated as the net change in Affordable Housing, rather than completions.

State Aid Compliance

All applications for grant funding from The Growth Board for affordable rented housing must be compliant with State Aid rules. (Please see page 10 for the legal and state aid implications of the The Growth Board making grants available to Registered Providers (RPs)).

Contract and Programme Management

The Growth Board and Homes England have agreed to work together on grant funding to make the best use of public resources to additional affordable homes. Accordingly, the Growth Board and Homes England have agreed that in future all affordable homes delivered through the OAHP will all be recorded on the Homes England Investment Management System. This will allow both the Growth Board and the Homes England to better share management information together.

Successful applicants will be required to provide the following monitoring information on a quarterly basis:

- Site name and planning reference (where applicable)
- Site address
- Plot numbers
- Start date
- Completed date
- RP
- Number of bedrooms
- Tenure
- Type of property

Enquiries

Any enquiries concerning the Oxfordshire Housing and Growth Deal, and the Oxfordshire Affordable Housing Programme, should be made to the Growth Board Partnership Programme Manager, via the Oxfordshire Growth Board website:

- www.oxfordshiregrowthboard.org/contact-us/
- E: info@oxfordshiregrowthboard.org

Legal Requirements for Funding Registered Providers for Affordable Housing to Rent

1. Grant making to RPs for low-cost rental homes or shared ownership lease:

Under the General Consents set out in sections 24 and 25 of the Local Government Act 1988 Act, a local authority may provide for the purposes of or in connection with the matters mentioned in section 24(1) financial assistance on condition that the development shall be completed by a date that is not more than three years in the future years and that any housing accommodation developed on the land shall be either:

- a. let by the registered provider as low-cost rental housing
- b. a shared ownership lease or a lease for the elderly
- c. used as temporary accommodation for homeless
- d. occupied by persons who, on account of mental illness or handicap, are receiving support from a local social services authority
- e. subject to the aggregate value of the financial assistance given or previously given by the local authority under this consent in the same financial year not exceeding £10 million.

2. State Aid:

By providing grant funding to an RP for affordable housing to rent a local authority is likely to be giving that RP an advantage over its competitors, which could amount to unlawful State Aid. There are a number of ways of ensuring that any aid to an organisation is lawful and those that are relevant to this policy are:

- a. Aid below a certain *de minimis* value may be deemed to be lawful if an organisation receives cumulative aid (i.e. from all sources, not just the Council) of no greater than €200,000 over a three-year period. Additionally, the organisation must provide annual accounts and the agreement must set out a mechanism for ensuring that the amount of the grant does not exceed the costs incurred by the organisation in providing the housing. If there is any over-compensation, the organisation will be obliged to repay the over-compensation to the Council. If not repaid, the grant will be deemed to be unlawful state aid.
- b. Aid in respect of social housing projects may be deemed to be lawful under the exemption for Services of General Economic Interest (SGEI). This exemption will apply if two broad conditions are satisfied: the aid, which can be demonstrated to be less than the organisation's total development costs, is delivered through a written agreement that covers specified issues (nature and length of housing services, long stop date and clawback arrangements); and the aid does not 'over-compensate' the organisation.

In order to demonstrate that there has been no over-compensation to RPs, there must be a robust, consistently applied benchmarking process for each grant payment. The Council must also review the actual costs incurred for each grant recipient at least once during the programme. All grant recipients

will be required to provide the Council with annual accounts. If there is any over-compensation, the organisation will be obliged to repay the over-compensation to the Council.

3. Freedom of Information Compliance

The Registered Provider will acknowledge that the Partners of the Growth Board are subject to the requirements of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) and shall assist and co-operate with the Growth Board (at their expense) to enable the Board to comply with these information disclosure requirements.

The Registered Provider shall:

- a. Transfer the request for information to the Growth Board as soon as practicable after receipt and in any event within two working days of receiving a request for information.
- b. Provide the Growth Board with a copy of all information in its possession or power in the form that the Council requires within five working days (or such other period as the Growth Board may specify) of the Growth Board requesting that information.
- c. Provide all necessary assistance as reasonably requested by the Growth Board to enable it to respond to a request for information within the time for compliance set out in section 10 of the FOIA or regulation 5 of the EIR 2004.

4. Insurance:

Registered Providers will be expected to have the relevant insurance in place in the event of loss of grant via, for example, third party payments to developers sufficient to ensure repayment of any grant not used in accordance with accepted applications and required for repayment by the Growth Board.

Definition of Affordable Housing

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a. **Affordable housing for rent:** meets all of the following conditions: (i) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (ii) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (iii) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes, affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b. **Starter homes:** as specified in sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in the statute and any such secondary legislation at the time of plan preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a maximum level of household income, those restrictions should be used.
- c. **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d. **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to the Government or the relevant authority specified in the funding agreement.

Part 2

Applying for Grant Funding for Affordable Housing Programme, Appraisal Criteria and Evaluation

Grant Application Procedure Guide for Providers

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1. Application process for grant proposal(s)
 - a. Applications should be made via the application form on the Oxfordshire Growth Board Website (www.oxfordshiregrowthboard.org).
 - b. The Growth Board will accept submissions for grant for the OAHP at any time through a Continuous Market Engagement process.
 - c. Applicants are strongly advised to seek prior communication both with the Growth Deal Affordable Housing Delivery Manager and with the relevant housing authority where the scheme is based. Applicants should note that no scheme will be considered without the support of the housing authority in which the scheme is situated.
 - d. Submissions must contain all information/data sought the appraisal criteria for Registered Providers seeking grant funding. Incomplete tables will not be considered.
 - e. Once received and verified as complete. An evaluation and appraisal of the application, such as to enable a decision by the Oxfordshire Housing and Growth Deal Director (or as delegated), will be completed within four weeks of receipt of an application.
 - f. Applicants will be notified of the decision within two weeks of the report to the Growth Deal Director. If unsuccessful, RPs will be notified of the reason(s) why the grant application is not being progressed. Resubmissions will be accepted.
 - g. Criteria-based appraisal approach for Proposal(s). All grant applications will be appraised against the following criteria and scoring chart. Any application that does not achieve a score of at least three out of five on any of the criteria will be discounted.

Appraisal Criteria for Registered Providers Seeking Grant Funding

| QUALITY | | | | |
|---------|-----------------------------------|---|---|--------|
| Ref | Topic and Weighting | Criteria | Evidence | Score1 |
| 1 | Housing proposal (30%) | Demonstrate how your Proposal(s) align with the ambitions of the OAHP, highlighting innovation of approach, tenure mix, type, design and specification of units | Text response | 0–5 |
| 2 | Deliverability of programme (25%) | <p>Demonstrate that your scheme can deliver a contractual start on site within this financial year, including:</p> <ul style="list-style-type: none"> ■ Land ownership or acquisition position ■ Contractual position with developer ■ Planning status ■ Any challenges to the deliverability of scheme i.e. highway access or other encumbrances with proposals to mitigate | Confirmation supported with a Gantt Chart with key milestones | 0–5 |
| 3 | Social Value (10%) | <p>Demonstrate how your Proposal(s) will provide additional social value in the following ways:</p> <ul style="list-style-type: none"> ■ Number of work placements and apprenticeship(s) to be created through delivering the scheme <ul style="list-style-type: none"> • details of the occupation(s) of the apprenticeship(s) ■ Local Labour and procurement <ul style="list-style-type: none"> • Number of work placements and training/skills learning opportunities • volunteering opportunities offered by the RP, main contractor or sub-contractors • Percentage of the contractors and sub-contractors' workforce to be recruited from the local area • Expenditure through local funding arrangements and supply chain (this relates to the purchase of supplies, good and materials) ■ Local involvement <ul style="list-style-type: none"> • Evidence of working with organisations in the local community-led housing sector • Engaging with local schools/FE colleges to raise awareness on careers opportunities in the sector • sharing/offering resources for community benefit • offering volunteer opportunities or allowing your own staff to offer volunteer time for community benefit | Text response to issues highlighted | 0–5 |

| COST AND VALUE FOR MONEY | | | | |
|--------------------------|-----------------------------|--|---|--------|
| Ref | Topic and Weighting | Criteria | Evidence | Score1 |
| 4 | Financial Appraisal (15%) | <p>Demonstrate that your organisation is financially sound as an organisation (PASS/FAIL)</p> <p>Demonstrate how the Proposal(s) is going to be delivered financially; including:</p> <ul style="list-style-type: none"> ■ Funding structure ■ Confirmation of funding availability from the HE, RP Reserves & RCGF, private finance facilities, charitable and other funding sources ■ Projected costs and revenues | <p>Text response supported by following documents</p> <ul style="list-style-type: none"> ■ Annual Report ■ Other financial records (on request). ■ Letter of intent or confirmation of availability of funding | 0–5 |
| 5 | BCC Grant requirement (20%) | <p>Value-for-money justification. Average grant per unit request, to be measured against the OAHP agreed average grant rates:</p> <ul style="list-style-type: none"> ■ £55,000 per unit for additional social rented affordable homes to rent ■ £40,000 to deliver additional affordable homes to rent ■ £25,000 per unit to deliver additional shared ownership homes <p>Affordability statement with rent and service charge, including proposed future rent increases</p> <p>Perpetuity and Compliance of the scheme statement</p> <p>Grant Agreement compliance statement – willingness to sign up without any amendments</p> | Text response | 0–5 |
| | | | | |

Guidance for Awarding Scores for Registered Providers Seeking Grant Funding

| Assessment | Scores 0-5 | Reason to award score based on evidence provided against the criteria included |
|-----------------------------|------------|---|
| Unacceptable | 0 | <ul style="list-style-type: none"> ■ Does not meet the criteria ■ Does not comply with and/or provide sufficient information to demonstrate that the RP has the ability, understanding, experience, skills, resource and quality measures required to meet the objectives sought and delivered with little or no evidence to support the proposal |
| Serious reservations | 1 | <ul style="list-style-type: none"> ■ Satisfies the criteria with major reservations ■ Considerable reservations of the RP's relevant ability, understanding, experience, skills, and resource and quality measures required to meet the objectives sought and delivered with little or no evidence to support the proposal |
| Minor reservations | 2 | <ul style="list-style-type: none"> ■ Satisfies the criteria with minor reservations ■ Some minor reservations of the RP's relevant ability, understanding, experience, skills, and resource and quality measures required to meet the objectives sought and delivered with little or no evidence to support the proposal |
| Satisfactory | 3 | <ul style="list-style-type: none"> ■ Satisfies the criteria ■ Demonstration by the RP of the relevant ability, understanding, experience, skills, resource and quality measures required to meet the objectives sought and delivered with evidence to support the proposal |
| Good | 4 | <ul style="list-style-type: none"> ■ Satisfies the criteria with minor additional benefits ■ Above average demonstration by the RP of the relevant ability, understanding, experience, skills, resource and quality measures required to meet the objectives sought and delivered ■ Proposal identifies factors that will offer potential added value, with evidence to support the proposal |
| Excellent | 5 | <ul style="list-style-type: none"> ■ Significantly exceeds the criteria ■ Exceptional demonstration by the RP of the relevant ability, understanding, experience, skills, resource and quality measures required to meet the objectives sought and delivered ■ Proposal identifies factors that will offer potential added value, with evidence to support the proposal |
| | | |

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Enquiries

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- www.oxfordshiregrowthboard.org/contact-us/