

APPELLANT'S NOTE: KEY POINTS ON THE NOMS AGREEMENT ISSUE

1. The first point on the Inspector's List is the essential starting point: what is the purpose of a Nominations Agreement ("NA")? Ms Brown confirmed in XX that nowhere is it stated that part of the rationale for a NA is to suppress rents. Such an indication is entirely absent from the LP & SP. By contrast, the expressed rationale is about securing at least 35% as affordable accommodation and thereafter giving local HEIs access to convenient student accommodation.

2. What does policy require?

LP: "majority" through a NA, including all the affordable. There is no suggestion that the named HEIs should be *obliged* to nominate 100% of rooms. We comply with LP.

SP:

P5 (2): is directed to "speculative" direct-let schemes. We are not this. We will have named HEIs under any of options A-D and provide 35% (not 27%) affordable student accommodation, with RoFR or "ring-fenced" noms at an open market rent for the balance. Note also express reference to "subject to viability"; see below.

P5 (3): we have offered to provide all the student rooms to the named HEIs see A & C
So we can also comply with P5(3) notwithstanding its obscure evolution.

3. The viability assessments are secondary to the policy, but confirm the Appellant's position. The JB Report of October 2021 shows a "suppressed rents" approach is completely unviable (by £2m) and the 65% direct let approach adopted by AY for the Council in September 2022 is only just viable with no scope for any increased offer.
4. All the options secure the key aim of 35% affordable student accommodation for the local HEIs and go further by granting rights over the balance to the local HEIs.