

THIRD SCHEDULE

The Owner Covenants with the Council

1 Affordable Housing

- 1.1 The Development (taken as a whole) shall deliver a minimum 25% of the Dwellings as Affordable Housing on a tenure split of 70% Affordable Rented Dwellings and 30% Intermediate Affordable Housing which shall be constructed to the same standards as the Market Housing Units AND prior to the Commencement of Development the Owner shall submit to the Council for approval (such approval not to be unreasonably withheld or delayed) a layout plan illustrating the location and house types to be provided as Affordable Housing together with details of the tenure of the Intermediate Affordable Housing to be provided.
- 1.2 Prior to Occupation of 50% of the Open Market Dwellings constructed pursuant to the Planning Permission the Owner shall have Provided the Affordable Dwellings on the Site;
- 1.3 The Owner shall use reasonable endeavours to transfer the Affordable Dwellings (excluding those disposed of as Discount Market Affordable Housing) to a RP on such terms and subject to existing encumbrances, reservations and the imposition of such covenants as may be agreed between the Owner and the RP with the intention that the Affordable Dwellings transferred to the RP shall at all times be occupied and managed by and in accordance with the aims and objectives of the RP provided that after it shall have parted with any interest in the Affordable Dwellings the Owner shall bear no liability for ensuring that this intention is achieved or that the RP complies with the following obligations;
- 1.4 The Affordable Dwellings shall not be occupied other than by persons who are considered by the Owner to be in need of such accommodation and who in the opinion of the Owner are unable to afford other accommodation in the locality suitable to the needs of themselves and their household and who:-

1.4.1. have immediately prior to such allocation been resident within the parish of Kingskerswell; or

1.4.2. have a strong local connection with the parish of Kingskerswell;

AND in seeking to allocate the Affordable Dwellings under this sub-paragraph the Owner shall (but without limiting its wider discretion in this regard) consider:-

1.4.3 family associations of such person or persons in the parish of Kingskerswell;

1.4.4 any periods of ordinary residence of such person or persons in the parish of Kingskerswell not immediately before the date upon which any Affordable Dwelling becomes vacant and/or;

- 1.4.5 whether such person or persons has to have permanent employment in the parish of Kingskerswell;
- 1.5. If the Owner is unable to allocate any of the Affordable Dwellings in the manner referred to in paragraph 1.4 above then the Owner shall allocate any such Affordable Dwelling by applying the procedures contained in paragraph 1.4 above but in lieu of the reference therein to the parish of Kingskerswell there shall be substituted references to the surrounding parishes of Coffinswell, Ipplepen, Abbotskerswell and the town of Newton Abbot.
- 1.6 If the Owner is unable to allocate any of the Affordable Dwellings in the manner referred to in paragraphs 1.4 and 1.5 above then the Owner shall subject to the provisions of paragraphs 1.7 and 1.8 allocate any such Affordable Dwelling to a person or persons ("the nominee") nominated by the Service Lead for Housing for the time being of the Council from the Council's list of persons of priority housing need within its administrative area provided that the Owner shall have the right to reject an applicant if one of the following criteria is met :-
- 1.6.1 The nominee has no housing need as defined within the criteria for preference within the Housing Act 1996 (as amended by the Homelessness Act 2002)
- 1.6.2 The nominee is not a suitable tenant as defined within the criteria of the Registered Social Landlord's Allocations and Lettings Policy
- 1.6.3 In the case of an Affordable Dwelling to be let on a Shared Ownership Lease the nominee does not have sufficient cash or income to purchase the required equity share.

AND the Owner has the right, whilst acting reasonably at all times, in respect of each nomination to reject the nominee by giving notice to the Council and such notice shall state reasons for the rejection and the Council shall have the right to nominate an alternative.

- 1.7 In the circumstances set out in paragraph 1.8, the Owner shall be released from the obligation under paragraph 1.6 of this Schedule and shall be entitled to allocate any vacant Affordable Dwelling to any person who is considered to be in need of such accommodation and who is resident in the district of Teignbridge or has a strong local connection with the district of Teignbridge or failing that within the County of Devon.
- 1.8 The circumstances set out in this paragraph shall be the following:-
- 1.8.1 if no nomination is made by the Service Lead for Housing within two weeks of notification by the Owner of a vacancy;
- 1.8.2 if a nomination has been made by the Service Lead for Housing and the nominee has failed either: