

1.7 The Council considers and the Owner acknowledges that the Development should not take place until certain restrictions regulating the use of the Land are imposed in manner hereinafter appearing

1.8 Pursuant to Section 106 of the 1990 Act Section 111 of the Local Government Act 1972 the Housing Act 1996 and all other powers enabling the Council and the County Council have agreed to enter into this Deed

NOW THIS DEED WITNESSETH as follows:

1 In this Deed unless the context otherwise requires the following words and expressions shall have the following meanings:

"1990 Act"

means the Town and Country Planning Act 1990 (as amended) or any re-enactment or modification thereof for the time being in force

"Affordable Dwelling Unit"

means each of those Dwellings identified as Affordable Dwelling Units on the Land which shall be Provided as Affordable Housing and which shall be Occupied by Designated Persons

"Affordable Housing"

means units of subsidised housing within the meaning of Planning Policy Statement 3 or any Policy Statement or Circular that may supersede it

"Affordable Housing Scheme"

means a scheme for the provision of Affordable Housing across the Development which secures the provision by a RP of a number of Affordable Dwelling Units as determined in accordance with Clause 4 such scheme to identify:

- The specification location layout and phasing of construction of the Affordable Dwelling Units
- The mix of house types and

anticipated tenure of the Affordable Dwelling Units

- The identity of the RP

"Affordable Rent Tenancy"

means an assured tenancy (not being a shorthold tenancy) whereby an Affordable Dwelling Unit is let to a Designated Person at a rent which does not exceed the Maximum Weekly Rent

"Allotment Land"

means the areas shown in the approximate area shown coloured yellow and marked "AL" on Plan 2 or as otherwise approved by the Council pursuant to a Detailed Approval (but in any event not being less than 0.15 hectares in size and of a shape suitable for the laying out of allotments) together with such rights of way as are reasonably necessary to allow for access to and from the allotments on foot and with or without vehicles for the purposes or in connection with the use of the allotments only

"Application"

means the application submitted by the Owner to the Council for planning permission for the Development under planning reference number 10/0816/MOUT

"the Association"

means the Cloakham Lawns Association of Cloakham Lawns Sports Centre, Chard Road, Axminster, Devon, EX13 5HW or any successor organisation responsible for the provision of the Recreational Facilities

"the Association Commuted Sum"	means such sum as is agreed between the Owner and Association to provide for the future maintenance of the POS Land capped at the limit of the Council Commuted Sum
"Available for Occupation"	in respect of any Dwelling means that the Dwelling and its curtilage is complete and connected to services and fit for Occupation as a residence consented by the Planning Permission
"Axe Valley Community College"	means Axe Valley Community College, Chard Street, Axminster, EX13 5EA
"Axminster Community Primary School"	means Axminster Community Primary School at Stoney Lane, Axminster, Devon EX13 5BU
"Axminster Town Council"	means Axminster Town Council of The Guildhall, Axminster EX13 5NX or any successor body or organisation
"Bus Pass Voucher"	means a voucher which is valid for 12 months and which shall entitle the holder to 8 weeks pre-paid bus travel on buses serving the Development
"Code Assessor"	means an Independent Code Assessor licensed and accredited under the Code
"Code for Sustainable Homes"	means The Code for Sustainable Homes published by the Department for Communities and Local Government applicable at the date of construction of a Dwelling is commenced and references to the Code shall be similarly construed

"Commencement of the Development"

means the carrying out of a material operation as defined in Section 56(4) of the 1990 Act pursuant to the Planning Permission not being Exempt Works and Commence Development shall be construed accordingly

"Chargee"

means any mortgagee or chargee of the RP or of an individual owner / occupier of a Dwelling or the successors in title to such mortgagee or chargee or any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925

"Council Commuted Sum"

means the sum of £148,649.00 (one hundred and forty eight thousand six hundred and forty nine pounds) (Index Linked) for the future maintenance of the POS Land

"Council Contributions"

means the Football Club Contribution Off Site Playing Field Contribution and the Public Art Contribution

"Council, County Council, Owner and Sewerage Undertaker"

respectively includes their successors in title and assigns and in the case of the Council, County Council and Sewerage Undertaker includes their successors in function

"County Council Contributions"

means the Primary Education Contribution the Secondary Education Contribution and the Cycleway Contribution

"Cycle Voucher"

means a voucher which is valid for 12 months and which shall entitle the holder to credit to the value of £100 towards the purchase of a bicycle or cycling equipment