

"Affordable Housing Scheme"

shall mean a scheme for the construction and delivery of homes up to or exceeding the Homes and Communities Agency's Design and Quality Standards (April 2007) and to at least Level 3 of the Code for Sustainable Homes which complies with the Affordable Housing Code of Practice and the Housing Allocations Policy and which details how the Affordable Homes are to be disposed of and / or allocated including (but without prejudice to the generality of this definition) the following:

- (a) the RSL which shall manage the Rental Units
- (b) the RSL or other body which shall manage the Shared Equity Units
- (c) the method of nominating and vetting those to whom an Affordable Home is to be sold or allocated
- (d) the method of calculating the amount of any rental and/or disposal price
- (e) the method and terms of disposal of and / or allocation of Affordable Homes whether to Qualifying Persons or to a RSL (or other person or body as agreed under (b) above) and
- (f) provisions relating to the continued use of the Affordable Homes

PROVIDED THAT in the event that there is any conflict between the content of the Affordable Housing Code of Practice or the Housing Allocations Policy and the provisions of this

	Agreement the provisions of this Agreement shall take precedence
"Application"	shall mean the application for planning permission received by the Borough Council under reference number 12594/2009/OKE
"Commencement of Development"	shall mean the date on which any carrying out of a material operation pursuant to the Planning Permission in accordance with the provisions of Section 56 of the 1990 Act forming part of the Development begins to be carried out but not including (for the purposes of this Agreement and for no other purpose) any operations relating to site investigations, surveys, demolition of any existing buildings, clearance of the site, site set up, site access work, any remediation works to the Land, archaeological investigations, investigations for the purpose of assessing ground conditions, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and "Commence the Development" shall be construed accordingly
"Community Facilities Contribution"	shall mean the sum of £12,000.00 (twelve thousand pounds) to be used for the provision and enhancement of existing community facilities within the village of Spreyton (including the provision and enhancement of the existing equipped play area)
"Development"	shall mean the development of the Land for the erection of 25 houses as set out in the Application

"District"	shall mean the administrative area of the Borough Council
"Education Contribution"	shall mean the sum of £8,331.20 (Eight thousand three hundred and thirty one pounds and twenty pence) solely for the provision of education facilities at Spreyton School required as a result of the Development
"Family"	shall mean the father mother son daughter spouse common law husband or wife partner civil partner of the Qualifying Person or other dependant
"Financial Contributions"	shall be the collective term for the Education Contribution Public Footpath Contribution and the Community Facilities Contribution
"Housing Allocations Policy"	shall mean the Borough Council's adopted Allocation Policy Choice Based Lettings dated September 2007 or such other policy adopted in the future by the Borough Council
"Housing Need"	shall mean the circumstances where unless provided to the contrary in the Agreement a household is currently occupying accommodation that is substandard or unsuitable for its requirements and which has income that is too low either to buy or rent accommodation appropriate to their circumstances on the open market
"Index"	shall mean the BCIS All In Tender Price Index
"Land"	shall mean all that piece or parcel of land formerly known as the land to the north of Meadow Rise Spreyton, Crediton and shown edged red on the Plan

"Layout Plan"

shall mean the plan entitled "Site Plan" numbered 2013/01 Revision A and dated November 2008 submitted to the Council in support of the Application under cover of a letter dated 19 March 2009 from PCL Planning Ltd and approved by the Borough Council as part of the Application

"Local Connection"

shall mean a person who:

- a. lives in the District (through choice); or
- b. has permanent work in the District or has a formal offer of permanent work in the District; or
- c. has previously lived in the District for 5 years in the last 10 years (through choice) preceding the availability of the Affordable Home and wishes to return to the District; or
- d. is owed a statutory re-housing duty under homelessness legislation

"On-site Open Space"

shall mean an open space area within the Land for public use as provided for in the Layout Plan

"Open Market Dwelling"

shall mean those dwellings to be constructed pursuant to the Planning Permission which are not Affordable Homes

"Plan"

shall mean the plan annexed to this Agreement

"Planning Obligations"

shall mean the obligations of the Owners specified in Schedule 2 to this Agreement

"Planning Permission"

shall mean the planning permission for the Development to be granted by the Borough Council pursuant to the Application

"Public Footpath Contribution"

shall mean the sum of £8,000.00 (Eight thousand pounds) as a contribution towards

	upgrading and resurfacing the footpath link with the village centre together with the installation of a single gate and such other works as are deemed appropriate by the County Council to enhance pedestrian links between the Land and the village of Spreyton
"Qualifying Person(s)"	shall mean a person or persons who: <ul style="list-style-type: none"> a. has / have a Local Connection; and b. is / are in Housing Need
"RSL"	shall mean a registered social landlord as defined in Part 1 of the Housing Act 1996 who is registered with the Homes and Communities Agency pursuant to that Act
"Rental Unit"	shall mean each of the Affordable Homes owned and managed by a RSL and let on an assured tenancy at a rent not to exceed the Homes and Communities Agency's Target Rent and the "Rental Units" means all of them
"Shared Equity Unit"	shall mean an Affordable Home occupied by a person who is part renting and part purchasing an Affordable Home under a shared ownership lease with an RSL or other body approved by the Borough Council and where the total weekly cost of rent and mortgage payments shall not exceed an amount determined by the Borough Council that eligible local people can afford determined from the Borough Council's most up to date Housing Needs Study or Housing Market Assessment and the "Shared Equity Units" means all of them
"SUDS Scheme"	shall mean a sustainable urban drainage system

(D) AFFORDABLE HOUSING

7. Prior to Commencement of Development to submit to the Borough Council details of the Affordable Housing Scheme for the Borough Council's approval (such approval not to be unreasonably withheld or delayed)
8. Not to sell allocate or otherwise dispose of any of the Affordable Homes or part share of any such Affordable Home other than in accordance with the approved Affordable Housing Scheme
9. Subject to clause 2.10 not to allow or otherwise permit the Affordable Homes to be sold or let as the case may be or otherwise occupied other than by Qualifying Persons with or without Family PROVIDED THAT nothing in this Undertaking shall prevent a transfer of an Affordable Home to an RSL or other person approved by the Borough Council pursuant to the Affordable Housing Scheme;
10. No more than 50% of the Open Market Dwellings are to be occupied prior to the construction completion and transfer to an RSL (or other body (as appropriate)) of 50% of the Affordable Homes and not more than 80% of the Open Market Dwellings are to be occupied prior to the construction, completion and transfer to an RSL (or other body (as appropriate)) of the balance of the Affordable Homes

(D) SUDS SCHEME

11. Not to Commence the Development until details of the management and future maintenance of the SUDS system which shall serve the Development have been submitted to the Borough Council and approved (such approval not to be unreasonably withheld or delayed)
12. To manage and maintain the SUDS system in accordance with the details approved pursuant to paragraph 9 above or such other details as may from time to time be approved in writing (such approval not to be unreasonably withheld or delayed) by the Borough Council