

- 2.4 **"Affordable Housing"** means rented and intermediate housing provided to specified eligible households whose needs are not met by the market and which housing meets the needs of eligible households and which shall (subject to the provisions of this Agreement) remain at an affordable price for further eligible households
- 2.5 **"Affordable Housing Scheme"** means a scheme for the provision of Affordable Housing which secures the provision by a Registered Provider of a number of Affordable Dwellings as determined in accordance with Schedule 1 such scheme to identify:
- 2.5.1 The specification (which shall include those Affordable Dwellings which are to be constructed as wheelchair accessible) location layout and phasing of construction of the Affordable Dwellings
- 2.5.2 The mix of house types and anticipated tenure of the Affordable Dwellings
- 2.5.3 The identity of the Registered Provider
- 2.6 **"Affordable Rent Dwelling"** means an Affordable Dwelling let by a Registered Provider at a rent (including any service charges) not to exceed 80% of the rent that could be reasonably obtained for a similar dwelling not subject to any occupation restrictions on the open market
- 2.7 **"Air Quality Contribution"** means a financial contribution in the sum of £50 (fifty pounds) per Dwelling towards the cost of monitoring air quality within the immediate vicinity of the Land and developing and implementing measures to mitigate the impact of the Development on air quality
- 2.8 **"Application"** means the outline planning application to develop the Land for up to 250 dwellings, public open space, community orchard/garden and associated infrastructure (approval sought for means of access) submitted to the Council on 31 May 2012 and accorded reference number 12/01737/MAJ
- 2.9 **"Commencement of Development"** means the carrying out on the Land of any material operation pursuant to the Permission (material operation having the meaning ascribed to it under section 56(4) of the Act provided that the Development shall not be deemed to have commenced by the carrying out of any site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial or remediation work in respect of any contamination mines or mine workings or other adverse ground conditions, pegging out or marking out operations, construction of the site access, ecological translocation works, erection of any temporary means of enclosure, the temporary display of site notices or advertisements, survey, sampling, inspections or archaeological works or work involving soil investigations or the erection of any boundary fences or hoardings as a preliminary to the commencement of the Development)
- 2.10 **"Community Orchard"** means an area of land of no less than 2,832 m² (the exact size and location of which shall be agreed between the Owner and the Council)

- 2.11 **"Cycleway Contribution"** means a financial contribution in the sum of £50,000 (fifty thousand pounds) towards the cost to the County Council of upgrading the cycleway between Passage House and Hackney Marsh
- 2.12 **"Cycleway Land"** means that part of the land to the east of the A380 shown edged dark blue and hatched black on the plan marked "Cycleway Plan" comprised in the cycleway for which the County Council obtains planning permission
- 2.13 **"Development"** means the development of the Land pursuant to the Permission
- 2.14 **"Dwelling"** shall mean each of the dwellings to be constructed on the Land pursuant to the Permission
- 2.15 **"District"** means the electoral area of Teignbridge District Council
- 2.16 **"HCA"** means the Homes and Communities Agency of 110 Buckingham Palace Road Victoria London SW1W 9SA or any successor in function
- 2.17 **"Highway Contribution"** means a contribution of £500,000 (five hundred thousand pounds) towards the cost to the County Council of constructing the South Devon Link Road
- 2.18 **"Indicative Affordable Housing Mix"** means a mix of dwelling sizes which is broadly in accordance with the mix set out in Schedule 2
- 2.19 **"Indoor Leisure Contribution"** means a financial contribution towards the cost to the Council of providing and/or enhancing indoor leisure facilities within a 6 mile radius of the Land in the sum of £626.27 per Dwelling
- 2.20 **"Intermediate Dwellings"** means each Affordable Dwelling to be disposed of by way of a shared ownership lease (or such other mechanism for delivering intermediate housing as may be approved by the Council) granted by a Registered Provider pursuant to Schedule 1
- 2.21 **"Land"** means land west of A380 (Besigheim Way), Penns Mount, Vicarage Hill, Kingsteignton shown for identification purposes edged red on the Plan
- 2.22 **"Monitoring Fee"** means a fee of £500.00 (five hundred pounds) payable by the Owner to the Council in order to provide the Council with the necessary resources required to efficiently manage monies received under the terms of this Deed and to ensure that the covenants set out herein are satisfied and to monitor and record compliance with this Deed
- 2.23 **"Occupation"** means residential occupation but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations
- 2.24 **"Open Market Dwelling"** means each Dwelling being offered for sale or rent on the open market without occupancy restriction and being all those Dwellings which are not Affordable Dwellings

- 2.33.1 has exercised the right to acquire pursuant to the Housing Act 1996 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of a particular Affordable Dwelling; or
 - 2.33.2 has exercised any statutory right to buy (or any equivalent contractual right) in respect of a particular Affordable Dwelling; or
 - 2.33.3 has been granted a lease of a Intermediate Dwelling and has subsequently purchased from the Registered Provider all the remaining equity so that the tenant owns the entire Intermediate Dwelling
- 2.34 **"Registered Provider"** means a social landlord registered in the register maintained by the HCA under Section 1 of the Housing Act 1996 or a non-profit provider of social housing registered pursuant to the Housing and Regeneration Act 2008 or such other body as may be approved by the Council
- 2.35 **"Rental Dwelling"** means each Affordable Dwelling which is to be disposed of by way of tenancy at a rent not exceeding the HCA's target rent for the time being granted by a Registered Provider in accordance with Schedule 1 or an Affordable Rent Dwelling
- 2.36 **"Self Build Plots"** means at least eight (8) no. plots to be used for housing built or commissioned by individuals (or groups of individuals) from a builder or contractor, for their own occupation
- 2.37 **"Strong Local Connection"** means a strong local connection to the relevant area and in determining whether someone has a strong local connection the Registered Provider shall consider:
- 2.37.1 family associations of such person or persons to people resident in the relevant area
 - 2.37.2 any periods of ordinary residence of such person or persons in the relevant area not immediately before the date upon which any Affordable Dwelling becomes vacant and/or;
 - 2.37.3 whether such person or persons has permanent employment or the offer or permanent employment in the relevant area
- 2.38 **"South Devon Link Road"** means the new A380 South Devon Link Road (also known as the Kingkerswell Bypass) being proposed to be constructed and completed by the County Council which received approval from the Department from Transport in May 2012
- 2.39 **"Working Day"** means any Monday to Friday (other than Bank or public holidays)
- 2.40 the singular shall include the plural
- 2.41 the male gender shall include the female gender