

"Grant-Funded Affordable Units"	means those Affordable Units in respect of which the Approved Affordable Housing Provider has received Grant or received a binding assurance from the Housing Corporation that it will receive Grant (details of which are supplied to the Council under Schedule 1 paragraph 1.1)
"Housing Corporation"	means the body known as the Housing Corporation of 149 Tottenham Court Road London W1T 7BN or any successor organisation or body which provides capital funding to affordable housing providers
"Northern Parishes"	means the parishes in the northern part of the District namely Ashcombe, Ashton, Doddiscombsleigh, Dunchideock, Dunsford, Exminster, Holcombe Burnell, Ide, Kenn, Kenton, Mamhead, Powderham, Shillingford St George, Starcross, Tedburn St Mary, Whitestone
"Occupation" and "Occupied"	means occupation for the purposes permitted by the Planning Permission 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
"Open Market Dwellings"	means those Dwellings which are not Affordable Units
"Open Market Value"	means the price that a willing purchaser would be willing to pay on the open market for the Dwelling if this Undertaking had not been completed
"Plan"	means the plan attached to this Deed
"Planning Permission"	means the planning permission granted pursuant to the Application whether granted on Appeal or otherwise
"Protected Tenant"	means any tenant who: <ul style="list-style-type: none"> (a) 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 Unit; or (b) has exercised any statutory right to buy (or any equivalent contractual right) in respect of a particular Affordable Unit; or (c) has been granted a lease of a Shared Ownership Unit and has subsequently purchased from the

	Registered Social Landlord all the remaining equity so that the tenant owns the entire Shared Ownership Unit
"Rented Units"	means the Affordable Units which are to be disposed of by way of tenancy granted by an Approved Affordable Housing Provider to tenants who (at the time the tenancy is granted) cannot afford to rent or buy housing sufficient for their needs on the open market
"Shared Ownership Units"	means the Affordable Units which are to be disposed of by way of a shared ownership lease (or such other shared equity arrangement as may be approved by the Council (such approval not to be unreasonably withheld or delayed)) granted by an Approved Affordable Housing Provider to purchasers who (at the time of their acquisition of the relevant Affordable Unit) cannot afford to rent or buy housing sufficient for their needs on the open market
"Site"	means the land against which this Deed may be enforced known as Milbury Farm, Exminster and shown for illustration purposes edged red on the Plan
"Strong Local Connection"	means a strong local connection to the relevant area and in determining whether someone has a strong local connection the Approved Affordable Housing Provider shall consider: <ol style="list-style-type: none"> 1.1 family associations of such person or persons to people resident in the relevant area 1.2 any periods of ordinary residence of such person or persons in the relevant area not immediately before the date upon which any Affordable Unit becomes vacant and/or; 1.3 whether such person or persons has permanent employment in the relevant area

- 1.15 In the event that the Owner wishes to revise or amend the said Affordable Housing Tenure Plan or to amend which of the Dwellings are designated as the Affordable Units the Owner may do so only with the prior written approval of the Council (such approval not to be unreasonably withheld or delayed)

Schedule 2

Occupancy Requirements

- 1 The Approved Affordable Housing Provider shall upon completion of the transfer to it of the Affordable Units and at all times subsequently allocate each Affordable Unit to a person who is considered by the Approved Affordable Housing Provider to be in need of such accommodation and who in the opinion of the Approved Affordable Housing Provider is unable to afford other accommodation in the locality suitable to the needs of himself and his household because of the relationship between housing costs and income and who:-

1.1 has immediately prior to such allocation been resident within the parish of Exminster;
or

1.2 has a Strong Local Connection with the parish of Exminster

AND in seeking to allocate the Affordable Units under this sub-paragraph the Approved Affordable Housing Provider shall accord priority to those people who at the date of the allocation are either employed in Exminster or Exeter or who have a formal offer of full time employment within Exminster or Exeter

- 2 If the Approved Affordable Housing Provider is unable to allocate any of the Affordable Units in the manner referred to in paragraph 1 above then the Approved Affordable Housing Provider shall allocate any such Affordable Unit by applying the procedures contained in paragraph 1 above but in lieu of subparagraphs 1.1 and 1.2 there shall be substituted the following sub paragraphs:

2.1 has immediately prior to such allocation been resident within the District or has a Strong Local Connection with the District

2.2 AND is either employed in Exminster or Exeter or has a formal offer of full time employment within Exminster or Exeter

- 3 If the Approved Affordable Housing Provider is unable to allocate any of the Affordable Units in the manner referred to in paragraph 1 or 2 above then the Approved Affordable Housing Provider shall allocate any such Affordable Unit by applying the procedures contained in paragraph 1 above but in lieu of subparagraphs 1.1 and 1.2 there shall be substituted the following sub paragraphs:

3.1 has immediately prior to such allocation been resident within the District; or

3.2 has a Strong Local Connection with the District

AND in seeking to allocate the Affordable Units under this paragraph the Approved Affordable Housing Provider shall accord priority to those people who at the date of the allocation are resident within or have a Strong Local Connection with the Northern Parishes

- 4 If the Approved Affordable Housing Provider is unable to allocate any of the Affordable Units in the manner referred to in paragraphs 1 to 3 inclusive above then the Approved Affordable Housing Provider shall subject to the provisions of paragraphs 5 and 6 allocate any such Affordable Unit 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 Approved Affordable Housing Provider shall have the right to reject an applicant if one of the following criteria is met:-

- 4.1 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)
- 4.2 The nominee is not a suitable tenant as defined within the criteria of the Approved Affordable Housing Provider's Allocations and Lettings Policy
- 4.3 In the case of an Affordable Unit 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 Approved Affordable Housing Provider 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

- 5 In the circumstances set out in paragraph 6 the Approved Affordable Housing Provider shall be released from the obligation under paragraph 4 of this Schedule and shall be entitled to allocate any vacant Affordable Unit to any person who is considered by the Approved Affordable Housing Provider to be in need of such accommodation and who is resident in the District or has a Strong Local Connection with the District or failing that within the County of Devon

- 6 The circumstances set out in this paragraph shall be the following:-

- 6.1 If no nomination is made by the Service Lead for Housing within two weeks of notification by the Approved Affordable Housing Provider of a vacancy;
- 6.2 If a nomination has been made by the Service Lead for Housing and the nominee has failed either:
 - 6.2.1 If the dwelling is being made available on a Shared Ownership Lease to exchange contracts for the grant of the Shared Ownership Lease within a six week period or
 - 6.2.2 In any case to complete a tenancy agreement or lease within a seven day period;

AND it is agreed that in these circumstances the Service Lead for Housing may not make a second nomination