

1.2 For ease of reference Plan 4 of the Original Agreement showing Phase 2 outlined in blue is annexed to this Deed.

2. **Legal Effect**

2.1 This Deed is made under section 106 and section 106A of the Town and Country Planning Act 1990 (as amended) and the other enabling provisions specified in the Original Agreement and shall take effect on the date first written

3. **Variation**

The Council and the Owner agree that the Original Agreement shall take effect and be read and construed as if:

3.1 In the definition of "Affordable Housing Units": the "50%" following the words "on Phase 1 and" were deleted and replaced with "17"

3.2 In sub-paragraph (b) of the definition of "Affordable Housing Units": the words "the balance of the" were deleted and replaced with "17"

3.3 In sub-paragraph (b) of the definition of "Affordable Housing Units": the words "the tenure and" were deleted and replaced with "of which 11 shall be Affordable Rent Dwellings and 6 shall be Shared Ownership Dwellings or such other tenure and"

3.4 The following new definitions were added:

(a) **"Commencement of Construction"** means construction of any part of the relevant Discount Market Housing Unit above slab level

(b) **"Commence Marketing"** means the formal release of a Discount Market Housing Unit for build and the release of the asking prices of the units to the public and **"Commencement of Marketing"** shall be construed accordingly;

(c) **"Designated Person"** means any person or persons who immediately prior to the occupation of a Discount Market Housing Unit has a Local Connection with:

(i) the Parish of Yealmpton; or

(ii) if no person satisfying the criteria set out in (a) above has exchanged contracts for the purchase of the relevant Discount Market Housing

Unit within two months of the relevant Discount Market Housing Unit being first marketed, despite the Owners using reasonable endeavours to effect such an exchange, a person with a Local Connection to the Council's administrative area; or

- (iii) if no person satisfying the criteria set out in (a) or (b) above has exchanged contracts for the purchase of the relevant Discount Market Housing Unit within four months of the relevant Discount Market Housing Unit being first marketed, despite the Owners using reasonable endeavours to effect such an exchange, a person with a Local Connection to the County of Devon

and the expression "Designated Persons" shall be construed accordingly;

- (d) **"Discount Market Housing Units"** means 5 dwelling units to be constructed on the Phase 2 of the Land (but not on the Affordable Housing Land) the size and location of which shall be agreed in writing with the Council prior to commencement of development of Phase 2 and 'Discount Market Housing Unit' shall be construed accordingly"

- (e) **"Local Connection"** means a person who:-

- (i) has been resident in the relevant area for a total of 3 (three) years out of the immediately preceding 5 (five) years;
- (ii) has permanent employment in the relevant area, being permanent work with a minimum contract of 16 hours per week which has continued for 3 months preceding the nomination without a break in employment of more than 3 months, such employment to include self-employment but not seasonal employment
- (iii) is a member of the immediate family (comprising parents, siblings and non-dependent children) of a person who has lived in the relevant area for 5 (five) years prior to the date of nomination
- (iv) has been resident in the relevant area for 6 out of the 12 months preceding the nomination