

THIS SUPPLEMENTAL AGREEMENT is made the *14th* day of *February 2011*
B E T W E E N BUCKLAND NEWTON CPT LIMITED whose registered office is
situate at Edwards and Keeping, Unity Chambers, 34 High East Street, Dorchester,
Dorset DT1 1HA (hereinafter called "the Owners") of the first part and **WEST DORSET**
DISTRICT COUNCIL of Council Offices High West Street Dorchester Dorset DT1
1UZ (hereinafter called "the Council") of the second part

WHEREAS

- 1) This Agreement is supplemental to an Agreement (hereinafter called "the First Agreement") made pursuant to Section 106 of the Town and Country Planning Act 1990 ("The Act") dated the 10th April 2008 and a Supplemental Agreement dated 29th June 2010 made between the parties hereto
- 2) The Owners are the current owners of the Land (hereinafter called "the Land") as defined in the First Agreement now known as Lydden Meadow Buckland Newton
- 3) The Parties have agreed to vary the First Agreement by deleting the Schedule in the First Agreement and include the Revised Schedule attached hereto

NOW THIS DEED WITNESSETH as follows:-

1. This Supplemental Agreement is a planning obligation for the purposes of section 106 of the Town and Country Planning Act 1990
2. The Parties hereto agree that the Schedule of the First Agreement shall be deleted and replaced by the insertion of the Revised Schedule attached hereto and the First Agreement will from the date hereof take effect and be read and construed accordingly.
3. The Parties hereto confirm that in all other respects the First Agreement as amended by the Supplemental Agreement dated 29th June 2010 shall remain in full force and effect

4. None of the provisions of this Agreement are intended to or will operate to confer any benefit pursuant to the Contracts (Rights of Third Parties) Act 1999 on a person or body who is not named as a party to this Agreement

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed as a deed and the Owners have signed this instrument as a deed the day and year first before written

EXECUTED as a Deed by
BUCKLAND NEWTON CPT
LIMITED in the presence of:-

)
) *John Stone*
)

Signature: *Sen Williams*

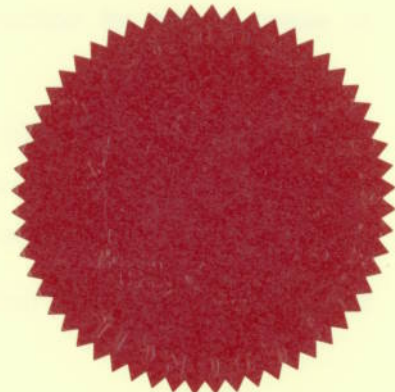
Name: *S.A. Williams*

Address: *STATTON HOUSE,
58-60 HIGH WEST STREET
DORCHESTER
DORSET.
DT1 1UZ.*

Occupation: *PLANNING ENFORCEMENT OFFICER,
WEST DORSET DISTRICT COUNCIL.*

THE COMMON SEAL of **WEST**)
DORSET DISTRICT COUNCIL)
was hereunto affixed as its Deed in)
the presence of:-)

R.W. Coatsworth
Chairman
David R. [Signature]
Chief Executive/Director



THE REVISED SCHEDULE

Affordable Dwellings

1. Ownership of Affordable Dwellings

The Owner shall not allow an Affordable Dwelling to be occupied by any person who is not a Qualifying Person and no person may acquire any interest in an Affordable Dwelling unless they are a Qualifying Person. The Owner shall not allow the occupation of any Affordable Dwellings save in accordance with the allocations policy agreed from time to time with the Council (such agreement not to be unreasonably withheld or delayed).

2. Occupation by Qualifying Person

The Owner shall not permit the Affordable Dwellings or any of them to be occupied other than by a person who is (at the time of that person's first occupation) a Qualifying Person under the provisions of a Declaration of Trust or Shared Ownership lease in the case of a Sale Unit or an assured tenancy in the case of a Rented Unit.

3. Local Connection

3.1 The Owner will not at any time permit the occupation, allocation, possession or acquisition of any of the Affordable Dwellings other than to a Qualifying Person and persons who have a Local Connection (as hereinafter defined) with the Parish of Buckland Newton **PROVIDED ALWAYS** that such Local Connection shall be deemed to be satisfied where at least one member of the relevant household can demonstrate a Local Connection.

3.2 In order to demonstrate the Local Connection for the purposes of paragraph 3.1 above a person must either:

3.2.1 Have immediately prior to such acquisition or occupation been continuously resident for 6 months in the past year or at least 3 years in the last 5 years in the said Parish; or

3.2.2 Have previously lived in the said Parish for 3 years out of the last 10; or

- 3.2.3 Have attended a school for full time education within the said Parish for a minimum of 2 years; or
- 3.2.4 Be in continuous permanent full time or part time employment within the said Parish for 6 months out of the last 12 months immediately prior to the application for housing; or
- 3.2.5 Demonstrate a family connection to the said Parish and for the purposes of this sub-clause a person shall be deemed to have a family connection to a parish where that person's mother, father, son, daughter, grandparent or sibling has immediately prior to such acquisition or occupation been continuously resident in the said Parish for a period of 5 years

or other special circumstances which create a link to the specified parish or parishes (not including residence in a hospital, armed forces accommodation, holiday let or prison) and having been first verified in writing by the CLT as having such special circumstances

PROVIDED ALWAYS that if an occupier of an Affordable Dwelling shared ownership lease wishes to dispose of his interest in that Affordable Dwelling (in accordance with the allocations policy referred to below) but is unable within 3 months to find a purchaser or tenant who is a qualifying person and who can demonstrate a Local Connection of the following types (in order of priority):

- (i) within the said parish
- (ii) within the surrounding/adjoining parishes
- (iii) within the district of West Dorset
- (iv) within the ceremonial boundary of the County of Dorset

then such occupier may dispose of his interest in such Affordable Dwelling to a person without a Local Connection but who is still a Qualifying Person.

PROVIDED ALWAYS that on the first and subsequent letting of a rented Affordable Dwelling they shall be let to a person who is a qualifying person and who can demonstrate a Local Connection but if no qualifying

person with a Local Connection to Buckland Newton in accordance with paragraph 3.2 above has been identified then a qualifying person with a Local Connection to the following parishes will be eligible;

- i) Minterne Magna
- ii) Alton Pancras
- iii) Piddletrenthide
- iv) Piddlehinton
- v) Pulham
- vi) Glanville Wooton
- vii) Mappowder

Provided that applicants from the parishes within West Dorset numbered i) to iv) above inclusive shall be given priority over applicants from parishes v) to vii) above

4. Allocation of Units

In accordance with the allocations policy referred to below:-

- 4.1 To notify the Council in writing of any proposed purchaser/occupier and supply details of the said person's qualification as a Qualifying Person;
- 4.2 To advise the Council of the advertised and actual price and terms of lease or tenancy of the Affordable Housing Unit.

5. Allocations Policy

The Council and the Developer shall agree an allocations policy for allocation of the occupiers of the Affordable Housing Units prior to occupation of the said units. The Developer agrees not to allocate any units except in accordance with the allocations policy and not to alter the same without supplying prior written notification of the same to the Council.

6. Interest

If any sum due under this Deed remains unpaid at the time specified herein the party responsible for making the payment shall pay to the Council interest on such sum calculated on a daily basis and compounded quarterly from the due

date until payment at the rate of 4% per annum over Lloyds Bank PLC base rate from time to time in force and such amount shall be recoverable by action as a liquidated sum.

7. **Notices**

Any notice consent or approval required to be given under this Deed to any part to this Deed shall be in writing and shall be delivered personally or sent by pre-paid first class post to the address of the party as aforesaid or such other address for service as shall have been previously notified by the party to the other parties.

DATED 14th February 2014

WJ

BUCKLAND NEWTON CPT LIMITED

- and -

WEST DORSET DISTRICT COUNCIL

SUPPLEMENTAL AGREEMENT

Under Section 106 of the Town
and Country Planning Act 1990

Relating to:
Buckland Newton
Affordable Housing Trust

West Dorset District Council
58/60 High West Street
Dorchester
Dorset
DT1 1UZ