1.27 **"Dwelling"** means a dwelling (including a house, flat or maisonette) designed for residential occupation by a single household and to be constructed pursuant to the Planning Permission and shall include the Affordable Dwellings

1.28 **"Ecological Mitigation"** means the carrying out of the Ecological Mitigation Works and the ongoing management and maintenance of both the Farmland in accordance with the Farmland Management Scheme and the Open Space for the purposes of providing and protecting suitable habitat and fly paths for cirl buntings and greater horseshoe bats

1.29 **"Ecological Addendum"** means the document titled Ecological Addendum dated February 2018 annexed hereto at Part 3 of Annex 6

1.30 **"Ecological Mitigation Works"** means those works detailed in Part 1 of Annex 6

1.31 **"Education Contribution"** means an Index Linked sum calculated and paid in accordance with paragraphs 7 and 8 of the Third Schedule to be used towards the provision of additional primary school places in Paignton based on the following figures:

Floorspace	Contribution per Market Dwelling
37- 58 sq m	0
59 - 70 sq m	£3,170
71- 79 sq m	£4,750
80-109 sq m	£6,330
110+ sqm	£7,920

1.32 **"Eligible Person"** means any person or persons who immediately prior to the occupation of an Affordable Dwelling satisfies the criteria below:

(a) is on the 'Devon Home Choice' waiting list or 'South West Homes' waiting list (or such waiting lists allocation or policies adopted by the Council in their replacement) managed by or on behalf of the Council, or is eligible for an allocation of housing accommodation pursuant to Section 16 of the Homelessness Act 2002 in Torbay; or

(b) is identified by the Council as being:

(i) on a low income and/or on housing and/or other welfare benefits or in low paid employment and having low capital and not being entitled to housing or other welfare benefits; and

(ii) would be given reasonable preference for an offer of accommodation under Torbay Council's allocation scheme under Section 167 of the Housing Act 1996, provided that if in relation to any proposed person the Council fails to indicate whether or not that person would be given preference under the said allocation scheme within fifteen (15) Working Days of receiving a request for such information (or if the said allocation scheme shall be discontinued without replacement), that element of the test as to whether the person is an Eligible Person shall be deemed to have been satisfied and the expression "Eligible Persons" shall be construed accordingly;

and in the case of both (a) and (b):

(c) satisfy the requirements of policy BH2 of the Brixham Peninsula Neighbourhood Plan in that they

(i) have had a minimum period of five (5) years in the last ten (10) years of permanent and continuous residence in the area of the Brixham Peninsula Neighbourhood Plan ('the Peninsula'); or

(ii) have lived in the Peninsula for at least five (5) years and whose parents or children are currently living in the Peninsula and have at least ten (10) years continuous residency; or

(iii) are a key worker as defined by the UK Government and are working within the Peninsula

and where no persons who meet the criteria in all of (a) (b) and (c) have bid for an Affordable Dwelling within the relevant Bidding Period

(d) satisfy both (a) and (b) and the Local Connection Criteria

unless otherwise agreed in writing by the Affordable Housing Manager (not to be unreasonably withheld or delayed)

1.33 **"Employment Contribution"** means the sum of five hundred thousand pounds (£500,000) paid in accordance with paragraph 3.1 of the First Schedule to be used towards the delivery of the Claylands Industrial Park, Paignton and/or the creation of B1/B2/B8 jobs in the Borough of Torbay

1.34 **"Equity Share Dwelling"** means a Dwelling that may only be let under an Equity Sharing Lease or such similar or equivalent means of tenure being of a type approved by the Regulator of Social Housing or by the Council

1.35 **"Equity Sharing Lease"** means a lease (of not less than ninety nine (99) years) of an Equity Share Dwelling substantially in the form of the model form shared equity lease published from time to time by the Regulator of Social Housing whereby:

(a) the leaseholder acquires an initial equity share in an Affordable Dwelling the value of which is not more than fifty per cent (50%) of the market value except in cases where the Regulator of Social Housing (in cases where financial assistance has been given to a Registered Provider) has agreed the Equity Sharing Leases shall be granted on the basis of a higher percentage of value being transferred to purchasers; and

(b) the purchaser pays to the Registered Provider a rent in respect of the remaining equity of up to 2.75% of unsold equity

1.36 **"the Farmland"** means those areas of land edged green and edged pink on Plan 3

1.37 **"Farmland Management Entity"** means the Management Entity or such alternative organisation as may be approved in writing by the Council to own and manage the Farmland in accordance with the Farmland Management Scheme and if the Council does not approve or reject a proposed Farmland Management Entity within thirty (30) Working Days of its receipt of a written request for approval such failure to do so shall be treated as the Council's deemed approval to the proposed Farmland Management Entity

1.38 **"Farmland Management Scheme"** means the scheme for the management of the Farmland set out at Part 2 of Annex 6 or as may otherwise be approved in writing by the Council

1.39 **"the Financial Contributions"** means

(a) the Berry Head Grassland Contribution

(b) the Employment Contribution

(c) the Lifelong Learning Contribution