

18th September
DATED 2017

**PLANNING OBLIGATION BY WAY OF UNILATERAL UNDERTAKING UNDER
SECTION 106 OF THE TOWN & COUNTRY PLANNING ACT 1990**

RELATING TO LAND AT

CHURCH FARM HOLIDAY VILLAGE ,CHURCH LANE, PAGHAM PO21 4NR

PARTIES

COUNCIL - ARUN DISTRICT COUNCIL (1)

OWNER - HAVEN LEISURE LIMITED (2)

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THIS DEED is dated

18th September

2017

- (1) **ARUN DISTRICT COUNCIL** of The Civic Centre Maltravers Road Littlehampton BN17 5LF (**Council**)
- (2) **HAVEN LEISURE LIMITED** incorporated and registered in England and Wales with company number 01968698 whose registered office is at No. 1 Park Lane Hemel Hempstead Hertfordshire HP2 4YL (**Owner**)

BACKGROUND

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated.
- (B) The Owner owns the Property subject to a mortgage in favour of the Mortgagee.
- (C) The Owner has made the Planning Application and is proposing to carry out the Development.
- (D) In consideration of Pagham Harbour policy ENV DM2 of the emerging Local Plan 2011-2031, and Cabinet's approval of the tariff based system on 20 July 2015, the Owner gives this undertaking to perform the obligations set out in this deed.

AGREED TERMS

1 INTERPRETATION

The following definitions and rules of interpretation apply in this deed.

1.1 Definitions:

Access Management Contribution: the sum of £32,286.66 towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

Base Rate: the base rate from time to time of Barclays Bank plc.

Commencement Date: the date of this deed.

Default Interest Rate: 3% per annum above the Base Rate.

Development: the development of the Property by extending the occupancy period at Church Farm Holiday Village by one month to allow occupation between 1 March and 30 November in any year as described in the Planning Application.

Mortgagee: Barclays Bank Plc (company registration number 1026167) of 1 Churchill Place, London, Greater London E14 5HP who is the registered proprietor of the charges dated 23 October 2000 and 3 December 2008 as referred to in entries 7 and 10 of the charges register of title number WSX140967.

Pagham Harbour: A Special Protection Area, also known as a Natura 2000 site, based in Pagham, West Sussex in the District of Arun, identified as being of international importance for the breeding, feeding, wintering or migration of rare and vulnerable species of European Union birds.

Plan: the plan attached to this deed.

Planning Application: an application for planning permission registered by the Council under reference number P/54/17/PL.

Planning Permission: the planning permission to be granted by the Council in respect of the Planning Application.

Property: the freehold land at Church Farm Holiday Village, Church Lane, Pagham, Bognor Regis (PO21 4NR) shown edged red on the Plan and registered at HM Land Registry with absolute title under title number WSX140967.

TCPA 1990: Town and Country Planning Act 1990

