

S O U T H



H O L L A N D
DISTRICT COUNCIL

DEED

Creating Planning Obligation

under Section 106 of the

Town and Country Planning Act 1990

between

SOUTH HOLLAND DISTRICT COUNCIL

and

SUTTON BRIDGE POWER

re

an off loading wharf for the delivery of
large items of plant and equipment to the
proposed Sutton Bridge power station

I hereby certify that this is a
true copy of the above Deed

A handwritten signature in dark ink, appearing to read 'K. Pinfold', written over a dotted line.

Director of Finance and Resources

THIS DEED is made the 10th day of JUNE One thousand nine hundred and ninety seven **BETWEEN THE SOUTH HOLLAND DISTRICT COUNCIL** of Council Offices Priory Road Spalding in the County of Lincoln (hereinafter called "the Council") of the one part and **SUTTON BRIDGE POWER** whose registered office is situate at 4 Millbank London (hereinafter called "the Owner") of the other part _____

RECITALS

- (1) The Council is the Local Planning Authority for the purposes of this Deed for the area within which the land described in the First Schedule ("the Land") is situated and by whom the obligations contained in this Deed are enforceable _____
- (2) The Owner is the owner in fee simple in possession free from incumbrances of the Land _____
- (3) The Owner has by application by its agents dated the fifth day of September one thousand nine hundred and ninety six ("the Planning Application") applied to the Council for permission to develop the Land in the manner and for the uses set out in the Planning Application and in the plans specifications and particulars deposited with the Council and forming part of the Planning Application more particularly set out in the Second Schedule ("the Development") _____
- (4) The Council has decided to grant planning permission for the Development in accordance with the Planning Application subject to the making of this Agreement without which planning permission for the Development would not have been granted _____

NOW THIS DEED is made in pursuance of section 106 of the Town and Country Planning Act 1990 and is a planning obligation for the purposes of that section and **WITNESSES** as follows _____

1. The Owner covenants with the Council to observe the restrictions specified in the Third Schedule
2. It is agreed and declared as follows:
 - 2.1 The expressions "the Council" and "the Owner" shall include their successors in title and assigns _____
 - 2.2 The covenants contained in this Agreement shall take effect only upon the date specified by the Owner in a written notice served upon the Council as the date upon which the Development is to be commenced or if no such notice is served the actual date on which the Development was begun within the meaning of section 56 of the Town and Country Planning Act 1990 _____
 - 2.3 If the permission granted pursuant to the Planning Application shall expire before the Development is begun as defined above or shall at any time be revoked this Agreement shall forthwith determine and cease to have effect _____

- 2.4 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than one relating to the Development as specified in the Planning Application) granted (whether or not on appeal) after the date of this Agreement _____
- 2.5 This Agreement is a local land charge and shall be registered as such _____
- 2.6 The covenants undertakings and restrictions contained in this Deed shall only be capable of being varied _____
- (a) by a memorandum to be endorsed upon or annexed to this Deed by or on behalf of the relevant parties hereto or _____
- (b) in accordance with the provisions of Section 106A and 106B of the Town and Country Planning Act 1990 _____

IN WITNESS whereof these presents have been duly executed as a Deed by the parties hereto the day and year first before written _____

FIRST SCHEDULE
(Details of "the Land")

The land at East Bank Sutton Bridge shown edged red on the attached plan _____

SECOND SCHEDULE
(Details of "the Planning Application")

Application for offloading wharf on the Land for the delivery of large items of plant and equipment to power station (proposed to be erected on the land edged blue on the attached plan) including access roads hardstanding etc in accordance with the plans and particulars supplied therewith under planning application reference H18/0847/96 _____

THIRD SCHEDULE
(Restrictions to be observed)

The Owner hereby covenants

- (a) that it shall not knowingly permit vehicular access along the access road from the said power station to East Bank Sutton Bridge to be provided as part of the Development and shown coloured green on the plan annexed hereto except _____
- (i) during the construction of the said power station for the delivery of plant and equipment required in connection with the construction of the power station where such items of plant and equipment are delivered via the offloading wharf to be provided as part of the Development _____

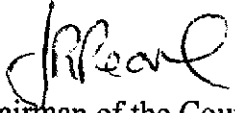
- (ii) in connection with the repair replacement or maintenance of large items of plant or machinery used in connection with the said power station where such items of plant or machinery are transported via the offloading wharf to be provided as part of the Development _____
- (iii) by the fire ambulance and police services in the event of an emergency _____

AND FOR THE AVOIDANCE OF DOUBT this shall not prevent the lawful use of the access road by pedestrians _____

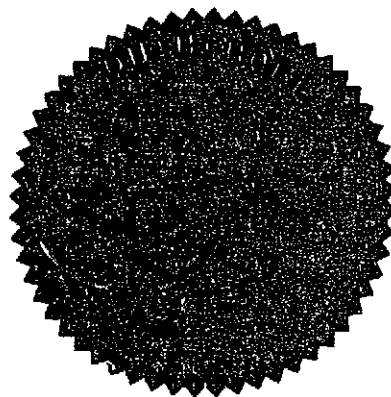
b) not knowingly to permit commercial vehicles nor vehicles involved in the construction of the said power station to enter or leave the Land via that part of East Bank shown highlighted pink on the attached plan _____

AND FOR THE AVOIDANCE OF DOUBT this shall not prevent use of that part of East Bank shown highlighted pink on the attached plan by vehicles involved in the construction or operation of the Development _____

THE COMMON SEAL OF THE SOUTH)
HOLLAND DISTRICT COUNCIL was)
hereunto affixed in the presence of)

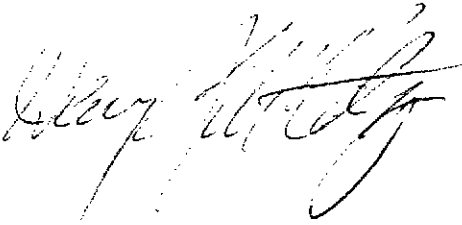

Chairman of the Council

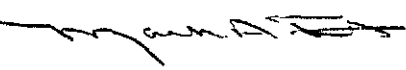

Assistant Chief Executive



6053

EXECUTED AS A DEED by
SUTTON BRIDGE POWER
acting by

Director 

Secretary
Director 

JAC

S O U T H

H O L L A N D
D I S T R I C T C O U N C I L

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Tel 01775 761161

Author:
G Smith
Scale:
1: 10000
Location:
Sutton Bridge

N



Date:
28/11/96

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