106/09/40

DEED

Creating Planning Obligation

under Section 106 of the

Town and Country Planning Act 1990

between

SOUTH HOLLAND DISTRICT COUNCIL

and

JOHN HENRY PATRICK WRIGHT

and

CHRISAVYI WRIGHT

and

DINO JOHN WRIGHT

re

the extension of the airfield grass runway
at Holbeach St Johns

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

.....

Assistant Chief Executive

THIS DEED is made the 10 day of APRIL One thousand nine hundred and ninety nine 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 JOHN HENRY PATRICK WRIGHT and CHRISAVY1 WRIGHT and DINO JOHN WRIGHT of Fenland Manor Jekils Bank Holbeach St Johns in the County of Lincoln (hereinafter called "the Owners") 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 Owners are the owners in fee simple in possession free from incumbrances of the land shown edged yellow on the attached plan

(3) CHRISAVY1 WRIGHT aforesaid is the owner in fee simple in possession free from incumbrances of the land shown edged blue on the attached plan ("the Blue Land")

(4) JOHN HENRY PATRICK WRIGHT and CHRISAVYI WRIGHT aforesaid have by application dated the fourteenth day of May One thousand nine hundred and ninety eight ("the Planning Application") applied to the Council for permission to develop the Blue 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")

(5) 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 Owners covenant 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 Owners" 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 Owners 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

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 Fenland Airfield Holbeach St Johns shown edged red on the attached plan

SECOND SCHEDULE
(Details of "the Planning Application")

Application to extend the airfield grass runway on the Blue Land in accordance with the plans and particulars supplied therewith under planning application reference H23/0500/98

THIRD SCHEDULE
(Restrictions to be observed)

The Owners hereby covenant

a) not to permit any fixed wing aircraft exceeding 5050kg maximum all up weight (MAUW) to take off from or land at the airfield comprising the Red Land ("the Airfield") except (i) in an emergency situation where the restriction could otherwise result in damage or injury to an aircraft or its occupants (ii) with the prior written approval of the Council or (iii) where the taking off or landing of such aircraft is required by a Government department or military personnel in the national interest

b) not to undertake nor permit to be undertaken any pilot training at the Airfield where the aircraft being used for such training will either take off from or land at the Airfield between the hours of 11 pm and 8 am local time

c) not to undertake nor permit to be undertaken at the Airfield in any calendar year more than 20 aircraft movements between the hours of 11 pm and 6 am local time where the landing of an aircraft comprises 1 aircraft movement and an aircraft taking off comprises 1 aircraft movement PROVIDED THAT nothing shall prevent the taking off or landing of aircraft in an emergency situation where the restriction could otherwise result in damage or injury to an aircraft or its occupants

d) not to permit any Airfield based commercial freight or scheduled passenger flights to take off from or land at the Airfield

e) not to undertake nor permit to be undertaken at or from the Airfield any helicopter training involving hovering except within the air space above the land shown edged green on the attached plan

f) not to undertake nor permit to be undertaken at or from the Airfield any weight shift and/or flex wing microlite training

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

MEMBER ~~Chairman~~ of the Council

Assistant Chief Executive

SIGNED AS A DEED by the said JOHN HENRY PATRICK WRIGHT in the presence of

Witness

Address 74 JEKILS BANK
HOLBEACH ST JOHNS
SPALDING
PE12 8RF

Occupation Retired

SIGNED AS A DEED by
the said CHRISAVY1 WRIGHT
in the presence of

Mrs C. Wright

Witness

Address 74 JEKILS BANK
HOLBEACH ST JOHNS
SPALDING.
PE12 8RF

Occupation Retired.

SIGNED AS A DEED by
the said DINO JOHN WRIGHT
in the presence of

D Wright

Witness

Address 74 JEKILS BANK
HOLBEACH ST JOHNS
SPALDING
PE12 8RF

Occupation Retired.

SOUTH HOLLAND DISTRICT COUNCIL

Council Offices
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Spalding
Lincolnshire
PE11 2XE

Tel 01775 761161

Author:
HAPS

Scale:
1: 5000

Location:
South Holland

Date:
1998

N

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