

DATED *16th December* 2019

(1) SAMUEL JUSTIN FRANCIS MEATH BAKER

- and -

(2) JAMES BARNABAS BURKE MAYHEW

- to -

BROADLAND DISTRICT COUNCIL

DEED

pursuant to section 106 of the Town and
Country Planning Act 1990 relating to
Land adjacent to East Coast Quads Ltd, Thorpe
St Andrew

THIS UNDERTAKING is made on

16th December

2019

BY:

The Thorpe and Felthorpe Trust of The Estate Office, Walsingham, Norfolk acting by its trustees **SAMUEL JUSTIN FRANCIS MEATH BAKER** of Hasfield Court, Gloucester and **JAMES BARNABAS BURKE MAYHEW** of Twysden, Kilndown, Cranbrook, Kent (the "**Trust**")

WHEREAS:

- A Broadland District Council (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 situate and by whom the obligations contained in this Deed are enforceable.
- B The Trust is interested in the Land as the freehold owner thereof.
- C Planning permission was granted by the Council on 1 December 2005 under reference 20030185 to use the Land as an Outdoor Pursuits Centre for paintball games and archery (the "**Planning Permission**").
- D The Planning Permission was granted in connexion with an agreement made pursuant to section 106 of the Town and Country Planning Act 1990 made between (1) Broadland District Council (2) The Thorpe and Felthorpe Trust (3) Mr Simon Melton and (4) Mr Paul Fellows dated 28 November 2005 (the "**2005 Agreement**") which imposed restrictions until the use authorised by the Planning Permission is permanently discontinued on the Land and the Council has agreed in writing that such discontinuance has occurred.
- E Hitherto the Land or parts thereof have been occupied by two tenants, but the two tenancies associated therewith have been surrendered.
- F The use authorised by the Planning Permission is to be permanently discontinued and this Deed is entered into to restrict the use of the Land accordingly in order that the Council may provide its written agreement in accordance with the 2005 Agreement.

NOW THIS DEED WITNESSES:

- 1. The Trust covenants with the Council to observe the restrictions specified in the Second Schedule.
- 2. It is declared as follows:
 - 2.1 This Deed is made pursuant to section 106 of the Town and Country Planning Act 1990 and is a planning obligation for the purposes of that section.
 - 2.2 The obligations in this Deed shall be enforceable in accordance with the provisions of s106(3) of the Town and Country Planning Act 1990.
 - 2.3 No person shall be liable for breach of a covenant contained in this Deed after he shall have parted with all interest in the Land or the part in respect of which such breach occurs but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest.

- 2.4 The covenants contained in the Second Schedule of this deed shall take effect only on the day on which the Trust receives the Council's agreement in writing pursuant to clause 6.1 of the 2005 Agreement in the form set out in the Third Schedule annexed as relative hereto.
- 2.5 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.
- 2.6 This Deed is a local land charge and shall be registered as such.

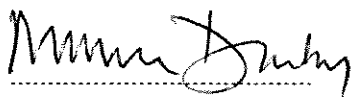
IN WITNESS WHEREOF these presents have been duly executed as a Deed by the Trust in the manner hereafter designed and the same are delivered the day and year first before written.

Signed as a Deed by SAMUEL JUSTIN FRANCIS
MEATH BAKER as trustee of The Thorpe and
Felthorpe Trust in the presence of the witness:

Witness name

Witness occupation

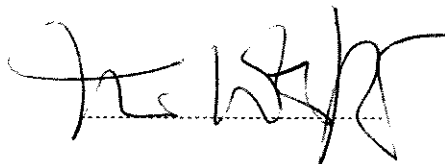
Witness address



MATTHEW DARBY

FARMER

KEMERON COURT, NR. TENIKESBURY
GLOS. GL20 7HY

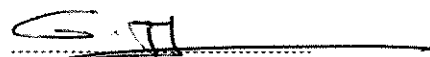


Signed as a Deed by JAMES BARNABAS BURKE
MAYHEW as trustee of The Thorpe and Felthorpe
Trust in the presence of the witness:

Witness name

Witness occupation

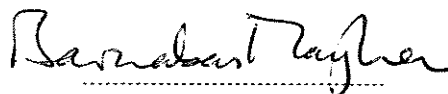
Witness address



GLEN DEWBERRY

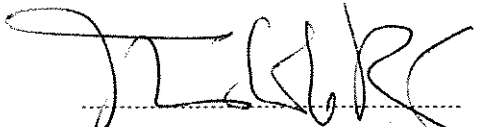
IT CONSULTANT

4 SUMMERHILL COTTAGES
ROGERS ROUGH ROAD
KILNDOWN, KENT, TN17 2RJ

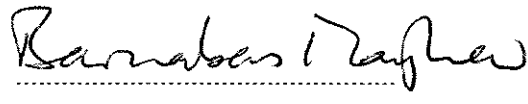


FIRST SCHEDULE

The Land described in this Deed means all that land defined as "the Land" in the recital (C) of the 2005 Agreement.



Samuel Justin Francis Meath Baker



James Barnabas Burke Mayhew

SECOND SCHEDULE

The Trust covenants that :

1. the Land shall not be used as an Outdoor Pursuits Centre for paintball games and archery; and
2. it shall not permit or allow a contravention of the foregoing sub-paragraph 1 by any other person.

THIRD SCHEDULE

The form is as follows:

"For the purposes of clause 6.1 of the agreement made pursuant to section 106 of the Town and Country Planning Act 1990 ("section 106") between (1) Broadland District Council (2) The Thorpe and Felthorpe Trust (3) Mr Simon Melton and (4) Mr Paul Fellows dated 28 November 2005 ("the agreement") and clause 2.4 of the undertaking made pursuant to section 106 by (1) Samuel Justin Francis Meath Baker and (2) James Barnabas Burke Mayhew dated [*date of undertaking*], Broadland District Council hereby agrees that the use permitted by the Permission (as defined in the agreement) is permanently discontinued over the Land (as defined in the agreement). IN WITNESS WHEREOF the Common Seal of the Broadland District Council was affixed to these presents in the presence of:

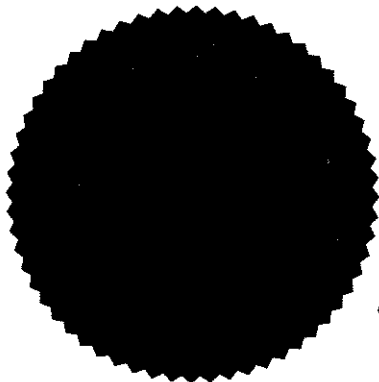
[Seal of the Council]

[Signature of attesting officer]"

The Thorpe and Felthorpe Trust
The Estate Office
Walsingham
Norfolk

DISCONTINUATION OF USE OF LAND AT THORPE WOODLANDS FOR RECREATIONAL OUTDOOR ACTIVITIES

For the purposes of clause 6.1 of the agreement made pursuant to section 106 of the Town and Country Planning Act 1990 ("section 106") between (1) Broadland District Council (2) The Thorpe and Felthorpe Trust (3) Mr Simon Melton and (4) Mr Paul Fellows dated 28 November 2005 ("the agreement") and clause 2.4 of the undertaking made pursuant to section 106 by (1) Samuel Justin Francis Meath Baker and (2) James Barnabas Burke Mayhew dated 16 December 2019, Broadland District Council hereby agrees that the use permitted by the Permission (as therein defined in the agreement) is permanently discontinued over the Land (as therein defined in the agreement). IN WITNESS WHEREOF the Common Seal of the Broadland District Council was affixed to these presents in the presence of:



8007

Signature of attesting officer

LIMCKFORD - DEPUTY MONITORING OFFICER

Date: 14 January 2020

Broadland District Council

Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU

Tel: (01603) 431133