

T H I S A G R E E M E N T is made the 19th day of October

One thousand nine hundred and ninety

B E T W E E N THE BROADS AUTHORITY ("the Authority") of Thomas Harvey House 18 Colegate Norwich of the first part and BROADS TOURS LIMITED ("the Owners") whose registered office is situate at The Bridge Wroxham Norwich NR12 8RX of the second part

W H E R E A S:-

(1) The Authority is the District Planning Authority for the purposes of the Town and Country Planning Act 1990 ("the Act") for the area within which the land shown edged red on the annexed plan ("the Land") is situated

(2) The Owners are the owners in fee simple in possession free from incumbrances of the Land

(3) The Owners have made application (reference 89.1440) dated 28th June 1989 in accordance with the Act and the orders and regulations for the time being in force thereunder for planning permission to develop the Land by the erection of a pavillion ("the Pavilion") for reception/office/toilet/shower and private clubroom facilities

N O W T H I S D E E D W I T N E S S E T H as follows:-

1. This Agreement is made in pursuance of Section 106 of the Act Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and all other enabling powers

2. The Owners hereby covenant with the Authority that in the event of planning permission being granted for the Pavilion they will not cause or permit:-

(i) the land edged red on the attached plan to be used for the mooring of more than 375 boats on any one day

(ii) the first floor of the Pavilion to be used unless the following conditions are met:-

(a) the first floor of the Pavilion will only be used by members of a club established for that purpose ("the Club") and their boat guests children and family

(b) no person shall become a member of the Club unless they are the owner of a private boat moored within the Parish of Brundall (unless otherwise agreed with the Authority in writing)

(c) membership of the Club shall not exceed 550 at any time

(d) a list of names and addresses of members of the Club together with the name and mooring of boat is maintained and available for inspection by authorised representatives of the Authority at any reasonable hour

3. The Owners further covenant with the Authority that they will not cause or permit:-

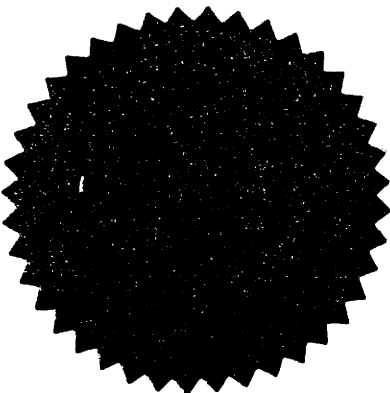
(i) the first floor of the Pavilion and its facilities to be the subject of advertisement

(ii) the ground floor of the Pavilion to be used other than in association with the Land

4. The expressions "the Authority" and "the Owners" shall include their respective successors and assigns as appropriate within the terms of Section 106 of the Act

I N W I T N E S S whereof the Authority and the Owners have affixed their Common Seals the day and year first before written

THE COMMON SEAL of THE BROADS)
AUTHORITY was hereunto affixed)
in the presence of:-)



Ch. J. Polander

Solicitor to the Authority

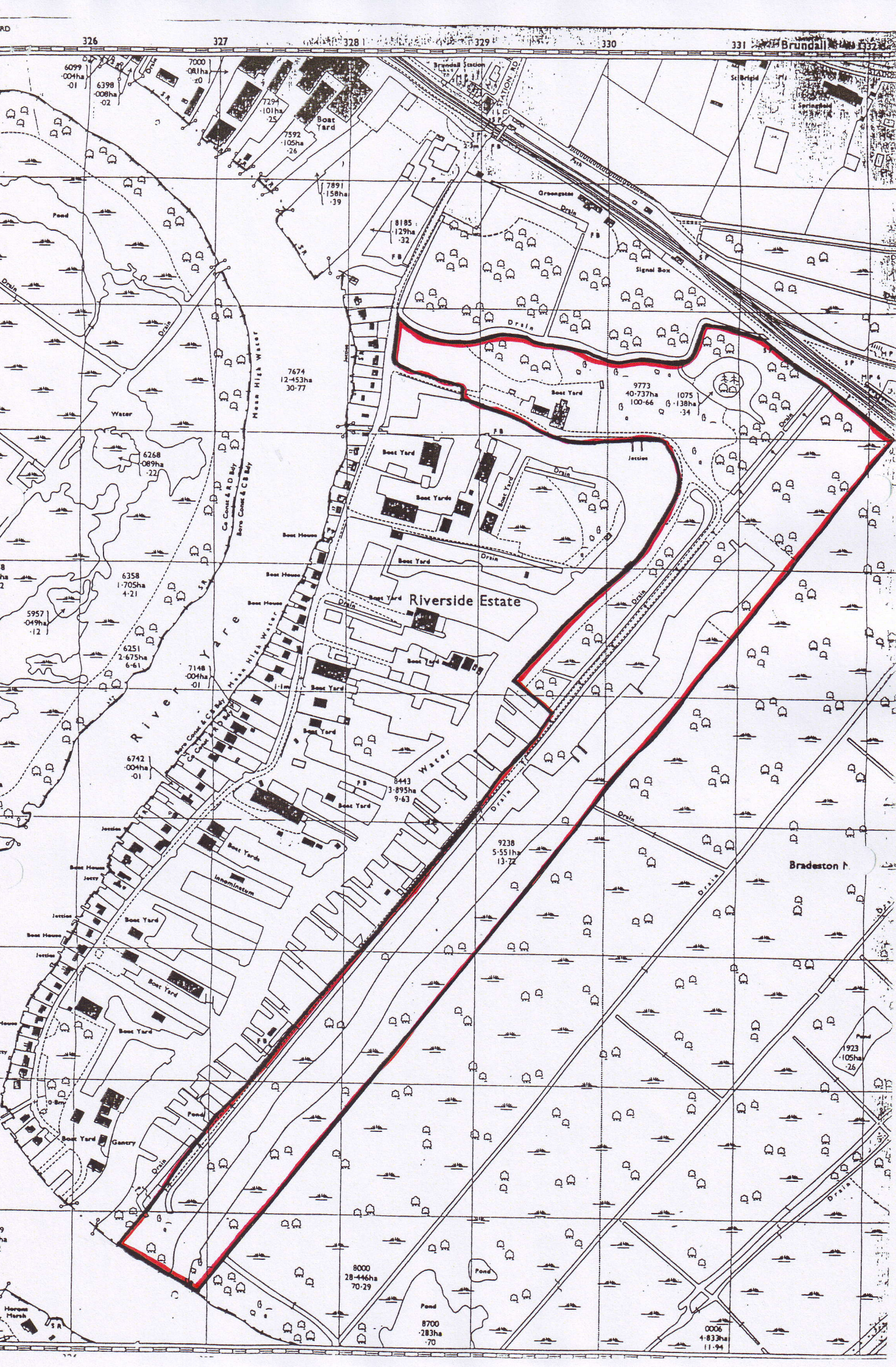
THE COMMON SEAL of)
BROADS TOURS LIMITED)
was hereunto affixed in)
the presence of:-)

A large, stylized handwritten signature, possibly reading 'D. Smith', written in dark ink.

Daniel

Sealed

A handwritten signature, possibly reading 'H. Smith', written in dark ink.



DATED 19th October 1990

THE BROADS AUTHORITY

- and -

BROADS TOURS LIMITED

A G R E E M E N T

under Section 106 of the Town and Country
Planning Act, 1990 relating to land at
Brundall.

T.D.W. Molander, Esq.,
Solicitor to the Authority,
Norfolk County Council,
County Hall,
Martineau Lane,
Norwich,
NR1 2DH.

SY49 AGREE