

THIS PLANNING OBLIGATION is made the 4th day of December One Thousand Nine Hundred and Ninety-Two BETWEEN BROADLAND DISTRICT COUNCIL of Thorpe Lodge Yarmouth Road Thorpe St. Andrew in the County of Norfolk (hereinafter called "the Council") of the first part ALBERT COLIN BYRNE of Woodside Lodge Shortthorn Road Stratton Strawless in the said County (hereinafter called "the Owner") of the second part and NATIONAL WESTMINSTER BANK PLC whose Registered Office is situate at 41 LOTHBURY, LONDON EC2P 2BP (hereinafter called "the Bank") of the third part

WHEREAS:-

- (1) The obligations imposed by this Deed are planning obligations for the purposes of Section 106 of the Town & Country Planning Act 1990 as amended by Section 12 of the Planning and Compensation Act 1991
- (2) The Council is the Local Planning Authority by whom these obligations are enforceable
- (3) The Owner is seised in fee simple absolute in possession of (inter alia) the piece or parcel of land situate in Shortthorn Road Stratton Strawless Norfolk which is for the purpose of identification only delineated on the Plan annexed hereto and thereon edged red (hereinafter referred to as "the Red Land") subject to the Legal Mortgage next herein recited but otherwise free from incumbrances
- (4) By a Legal Mortgage dated the Eleventh day of May One Thousand Nine Hundred and Ninety the Red Land was charged by way of Legal Mortgage by the Owner in favour of the Bank to secure the repayment of the sums therein mentioned

(5) The Owner has applied to the Council under reference number 90.1706 for planning permission for development to be carried out on that part of the Red Land shown edged green on the Plan (hereinafter referred to as "the Application Site")

(6) The Council the Owners and the Bank have agreed subject to planning permission being granted in consequence of the aforesaid application to enter into this planning obligation pursuant to the said Section 106 as amended

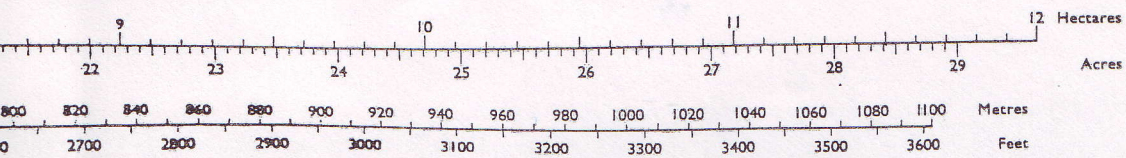
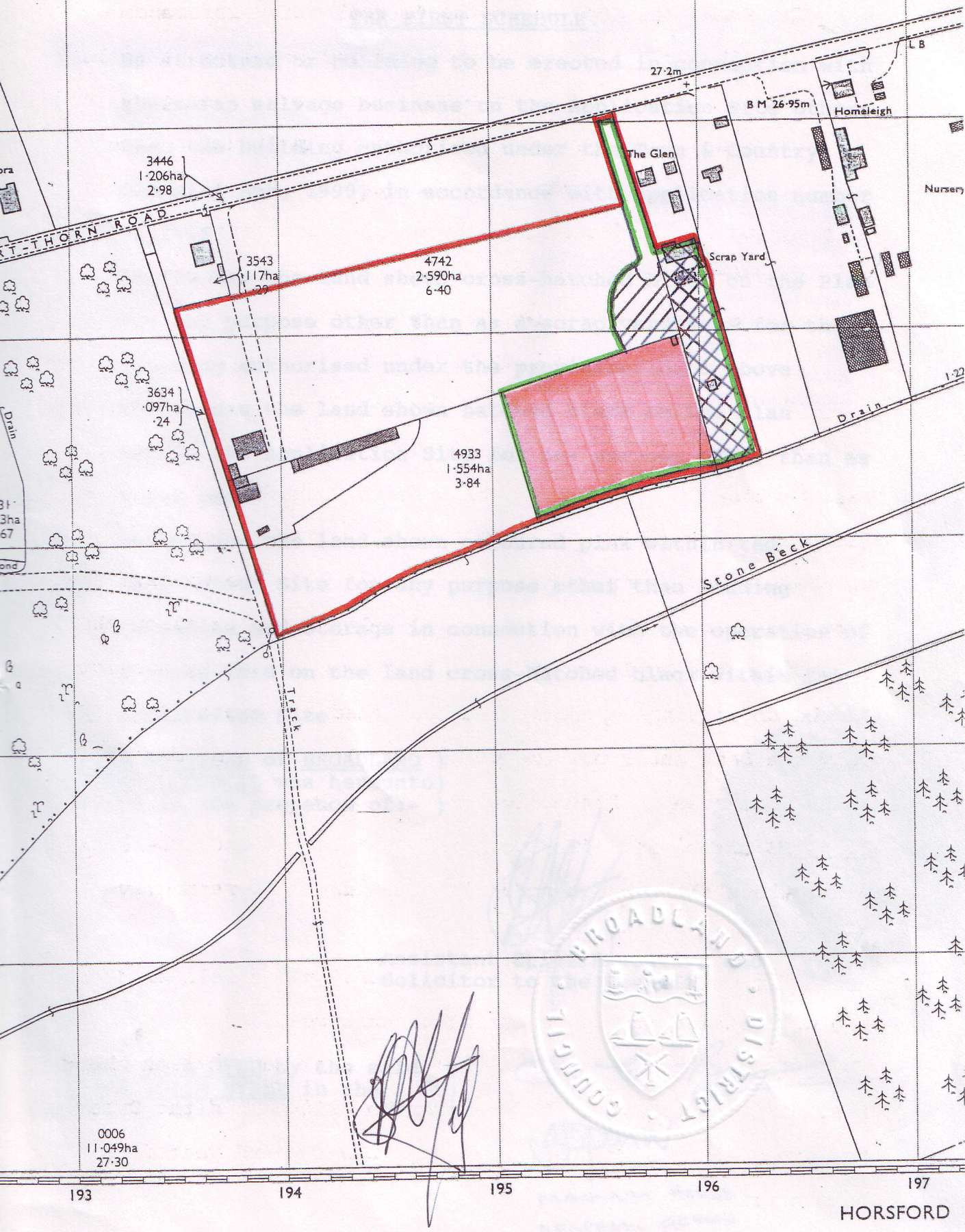
NOW THIS DEED WITNESSETH as follows:-

1. SUBJECT to planning permission being granted in consequence of application number 90.1706 and pursuant to the said Section 106 as amended the Owner and the Bank hereby jointly and severally AGREE DECLARE AND COVENANT for themselves and their successors in title with the Council that from the date on which the aforesaid planning permission shall be granted the Application Site shall be permanently subject to the obligations specified in the Schedule hereto PROVIDED THAT the Bank shall only be personally liable hereunder when it is Mortgagee in Possession of the Red Land

2. THE expressions "the Council" "the Owner" and "the Bank" shall where the context so admits include their respective successors in Title and assigns

3. THIS document is executed as a Deed and is delivered on the date stated at the beginning of this Deed

IN WITNESS whereof the Council and the Bank have caused their respective Common Seals to be hereunto affixed and the Owner has executed this document as a Deed the day and year first before written

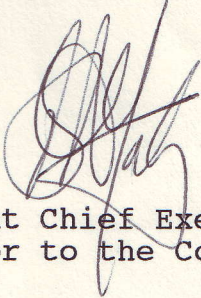


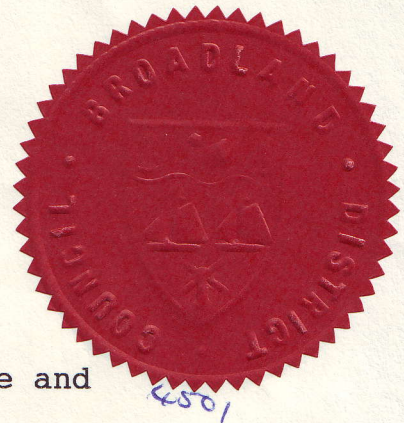
One grid square on this plan represents one hectare.

THE FIRST SCHEDULE

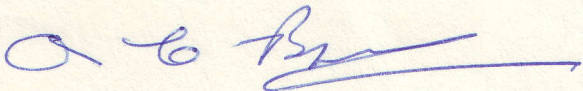
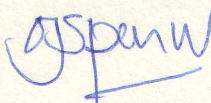
1. No structure or building to be erected in connection with the scrap salvage business on the Application Site other than the building authorised under the Town & Country Planning Act, 1990, in accordance with application number 90.1706
2. Not to use the land shown cross-hatched black on the Plan for any purpose other than as a scrap yard save for the building authorised under the provisions of 1 above
3. Not to use the land shown hatched black on the Plan within the Application Site for any purpose other than as a car park
4. Not to use the land shown coloured pink within the Application Site for any purpose other than loading unloading and storage in connection with the operation of a scrap yard on the land cross-hatched black within the Application Site

THE COMMON SEAL of BROADLAND)
DISTRICT COUNCIL was hereunto)
affixed in the presence of:-)


Assistant Chief Executive and
Solicitor to the Council



SIGNED AS A DEED by the said)
ALBERT COLIN BYRNE in the)
presence of:-)



MAGNUM HOUSE
DEOPHAM GREEN
WYMONDHAM, NORFOLK.

Signed as a deed by

THE COMMON SEAL of NATIONAL
WESTMINSTER BANK PLC was
hereunto affixed in the
presence of:-

LESLIE HOWARD HEWSON

as the attorney and on behalf
of National Westminster Bank Plc

MARION JANET BAKER

Bank Official
National Westminster Bank Plc
Legal Services
Securities Department
Kings Cross House
200 Pentonville Road
London N1 9HL



DATED

4th January

1992

BROADLAND DISTRICT COUNCIL

and

MR.A.C.BYRNE

and

NATIONAL WESTMINSTER BANK PLC

PLANNING OBLIGATIONS

under Section 106 of the Town & Country Planning Act 1990 as amended by Section 12 of the Planning and Land Compensation Act, 1991, relating to Land at Shortthorn Road, Stratton Strawless, Norfolk.

B.A.Yates,
Assistant Chief Executive and
Solicitor to the Council,
Broadland District Council,
Thorpe Lodge, Yarmouth Road,
Thorpe St. Andrew,
Norwich, NR7 ODU.

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