

DATED 26th February 1999

THE BROADS AUTHORITY

- and -

THE FUNNELL GROUP 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

Director of Law and Administration
Norfolk County Council
County Hall
Martineau Lane
Norwich
NR1 2SH

THIS AGREEMENT is made the 26th day of February One thousand nine hundred and ninety-nine BETWEEN THE BROADS AUTHORITY ("the Authority") of 18 Colegate Norwich NR3 1BQ of the first part and THE FUNNELL GROUP LIMITED ("the Owner") whose registered office is at The Bridge Wroxham Norfolk NR12 8RX of the second part

WHEREAS:-

- (1) The Owner is the Owner in fee simple in possession of the land shown edged red and green on the attached plan ("the Red Land" and the "Green Land" respectively)
- (2) The Authority is a local planning authority within the meaning of the Town and Country Planning Act 1990 ("the Act") for the area within which the Red Land and the Green Land is situated
- (3) The Owner has made application to the Authority (reference 98.0201) in accordance with the Act and the Orders and Regulations for the time being in force thereunder for planning permission to develop the Red Land by the realignment and renewal of quayheading ("the Development")
- (4) On planning permission (reference 89.1440) was granted by the Authority to develop the Green Land by the erection of a pavilion ("the Pavilion") for reception/office/toilet/shower and private clubroom facilities
- (5) In connection with the grant of planning permission in respect of the Pavilion

the Authority and Broads Tours Limited entered into an agreement under Section 106 of the Act (as unamended) dated 19th October 1990 restricting the use of the Green Land and the Pavilion (“the 1990 Agreement”)

(6) The obligations created by this deed are planning obligations within the meaning of Section 106 of the Act (as amended)

(6) The obligations created by this Deed are enforceable by the Authority

N O W THIS DEED WITNESSETH as follows:-

1. This Agreement is made in pursuance of Section 106 of the Act Section 111 of the Local Government Act 1972 and all other enabling powers
2. The Owner hereby covenants with the Authority that in the event of planning permission being granted for the Development they will not cause or permit the Red Land and the Green Land together to be used for the mooring of more than 404 boats on any one day of which not more than 29 moorings within the Red Land shall be for hire craft
3. The Owner further covenants with the Authority that with regard to the development granted planning permission under reference 89.1440 they will not cause or permit the first floor of the Pavilion to be used for any purpose unless all of the following conditions are met :-
 - (a) the first floor of the Pavilion is only 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

4. The Owner further covenants 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 Red Land and the Green Land

5. The Authority have agreed not to enforce the 1990 Agreement for so long as this Agreement remains in force and the terms of this Agreement are fully complied with

6. It is hereby agreed that this Agreement shall come into force upon the grant of the permission in respect of the Development

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

IN WITNESS whereof the Broads Authority and the Owner 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:-



Keir Nime
Authorized to Sign on behalf of the
Solicitor to the Authority

THE COMMON SEAL of
THE FUNNELL GROUP LIMITED
was hereunto affixed in
the presence of:-

Director

A handwritten signature in black ink, appearing to be 'P. Gensley', written over a horizontal line.

Secretary

A handwritten signature in black ink, appearing to be 'P. Gensley', written below the signature of the Director.

