

Application Reference Number (office use) 23/2396/FUL

**THIS UNDERTAKING** is given the 24<sup>th</sup> day of November two thousand and twenty three  
(year)

**BY:**

**Mr Richard Bailey of 1 Albion Terrace, Exmouth, EX8 1JT ("the Owner")**

**TO**

**THE COUNCIL OF THE DISTRICT OF EAST DEVON** of Blackdown House, Border Road,  
Heathpark Industrial Estate, Honiton, EX14 1EJ ("the Council")

**Background**

- 1 I am the Owner of the land situated at Maerbrook, Maer Road, Exmouth, EX8 2DB (being the land shown edged red on the plan annexed hereto)
- 2 The Council is the local planning authority for the area within which the land is situated
- 3 I have applied to the Council for planning permission to develop the land by proposing to demolish existing two-storey outbuilding and erect 1no. two storey dwelling with associated works ('The Development') and have submitted this undertaking in support of the Application Reference Number (office use) 23/2396/FUL.
- 4 This Undertaking is given pursuant to Section 111 of the Local Government Act 1972.

**Definitions**

In this Undertaking: " <b>Dwelling</b> "	Means a building or part of a building designed for residential occupation by a single household and "Dwellings" shall be construed accordingly
" <b>Pebblebed Heaths and Exe Estuary Special Protection Area Habitat Mitigation Contribution</b> "	means the sum of <b>£367.62</b> per dwelling to be paid by the Owner to avoid or mitigate against any adverse effect of the development on the Pebblebed Heaths and Exe Estuary Special Protection Area in accordance with the Habitats Directive, the South-east Devon European Site Mitigation Strategy, and Strategies 47 and 50 of the East Devon Local Plan 2013 – 2031.

The Owner on behalf of himself is making the attached payment to the Council to address the requirements of the policies stated above and that the **Pebblebed Heaths and Exe Estuary Special Protection Area Habitat Mitigation Contribution** has been paid to the Council for the defined purposes to be held by the Council and used solely for those purposes upon The Development being commenced.

I understand in the event that:

- i. Planning permission is refused for The Development and six months has elapsed from the date of that decision without a planning appeal having been made, or

- ii. The Development has not been commenced and the planning permission is no longer capable of being implemented, or
- iii. Any Planning Appeal submitted in respect of The Development has been dismissed

then the **Pebblebed Heaths and Exe Estuary Special Protection Area Habitat Mitigation Contribution** will be returned to the Owner on written application to the Council.

By signing this undertaking the Owner confirms that where the land is owned by more than one person this undertaking has been given jointly and severally by all such persons constituting the Owner and that the above undertakings shall be enforceable by the Council against the Owner.

For the purposes of the Contracts (Rights of Third Parties) Act 1999 it is agreed that nothing in this Undertaking shall confer on any third party (other than the Council) any right to enforce or any benefit of any term of this Undertaking

SIGNED..........(OWNER)  
 In the presence of:

Witness Name: *Ian Richard* 

Witness Address: *6, ALBION HILL, EXMOUTH, EX8 1JS.*

**For office use only:**

Application Reference: .....

Application Determined: ...../...../..... (Approved/ Refused)

Six month threshold: ...../...../.....

Appeal Submitted: yes / no (Allowed / Dismissed)

EAST DEVON DISTRICT COUNCIL ECONOMY			
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