
**Town and Country Planning Act 1990
Section 106 Unilateral Undertaking**

Relating to: *Bluegates Farm, Clapton Road, Berkeley, Glos. GL13 9QU*

Application No: *S.23/1208/P3Q*

THIS DEED and UNILATERAL UNDERTAKING is made on the 31st August 2023

BY:

[REDACTED] of Woodlands Farm, Woodlands Lane, Berkeley, GL13 9QU (**"the Owner"**)

TO:

STROUD DISTRICT COUNCIL of Ebley Mill, Ebley Wharf, Stroud, GL5 4UB (**"the Council"**)

BACKGROUND

- A. The Council is the local planning authority for the purposes of the Act and for the area in which the Site is situated
- B. The Owner is the owner of the Site which is registered at The Land Registry under title number GR361281
- C. A planning application has been submitted to the Council and the Owner has agreed to enter into this Deed in order to secure the planning obligations contained in this Deed
- D. Each obligation undertaken in this Deed by the Owner is a planning obligation for the purposes of Section 106 of the Act
- E. The Council has resolved to grant the Planning Permission subject to the prior completion of this Deed.

AGREED TERMS

1. Definitions

For the purposes of this Deed the following expressions shall have the following meanings:

“the Act”	the Town and Country Planning Act 1990
“the Application”	the application for planning permission for the Development which has been allocated planning reference number S.23/1208/P3Q
“Commencement”	the carrying out of any material operation (as defined in Section 56 of the Act) forming part of the Development and “Commence” shall be construed accordingly
“the Development”	The change of use of an agricultural barn to 3no. residential units on the Site
“the Plan”	the site location plan annexed to this Deed
“the Permission”	the planning permission subject to conditions to be granted by the Council pursuant to the Application
“Severn Estuary Mitigation Contribution”	means the sum of £1,155 for expenditure on environmental and ecological mitigation measures (which for the avoidance of doubt are not infrastructure as defined by Section 216(2) of the Planning Act 2008) for the impact of development on the Severn Estuary Special Area of Conservation, Special Protection Area and Ramsar site
“the Site”	the land known as Bluegates Farm, Clapton Road, Berkeley, Gloucestershire, GL13 9QU being the subject of the Application and shown edged red on the Plan.

2 Construction of this Deed

- 2.1 Words importing the singular meaning where the context so admits include the plural meaning and vice versa
- 2.2 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner

2.3 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against them jointly and against each individually

2.4 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council the successors to their respective statutory functions

3 Legal Basis

3.1 This Deed is made pursuant to Section 106 of the Act and all other enabling powers.

3.2 The undertakings, restrictions and other requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as *local planning authority against* the Owner

4 Conditionality

This Deed is conditional upon the grant of the Permission by the Council

5 The Owner's Undertakings

The Owner undertakes so as to bind the Site and himself:

5.1 Not to Commence or otherwise permit Commencement until the Severn Estuary Mitigation Contribution is paid to the Council

5.2 To reimburse the Council in respect to all legal and administrative costs it incurs in connection with the enforcement of any provision of this Deed as a result of the Owner's non compliance with this Deed

6 Miscellaneous

Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.

SIGNED as a DEED by

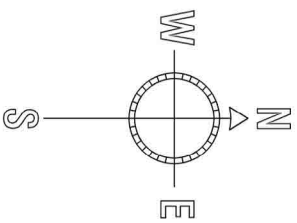
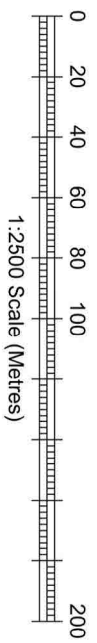
in the presence of:

Signature of Witness

Name, Address and

THE BARRY, Hook, ROYAL WOODSON BARRIERS PV4 8ET

AGRICULTURAL VALUE



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Site Location Plan

Scale 1:2500 @ A4

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Rev.	Description	By	Date

Client

Project

Bluegates Farm Dutch Barn

Drawing Title

Site Location Plan
Clapton, Berkeley, Gloucestershire.
GL13 9QU

Drawing No. BLBSXXX-EX-SLP

Scale 1:2500 @ A4 Drawing Status
Planning

Drawn	Checked
PJP	
Date	Rev.
May'23	

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