

Application Reference Number (office use).....

**THIS UNDERTAKING** is given the 2<sup>nd</sup> day of April two thousand and twenty four

**BY:**

**Mr Simon Fenwick of 4 Victoria Terrace, Ottery St Mary, EX11 1AL ("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 have applied for planning permission to develop the land situated at Hind Street Gallery, Hind Street, Ottery St Mary, EX11 1BW (being the land shown edged red on the plan annexed hereto) by carrying out 'Proposed conversion and extension to provide a residential dwelling at first and second floors' ('The Development').
- 2 The Council is the local planning authority for the area within which the land is situated
- 3 I have submitted this undertaking in support of the Application Reference Number (office use).....
- 4 This Undertaking is given pursuant to Section 111 of the Local Government Act 1972.

**Definitions**

In this Undertaking: "**Dwelling**" Means a building or part of a building designed for residential occupation by a single household and "Dwellings" shall be construed accordingly

**"Pebblebed Heaths Special Protection Area Habitat Mitigation Contribution"** means the sum of £196.81 per dwelling to be paid by the Owner to avoid or mitigate against any adverse effect of the development on the Pebblebed Heaths 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.

I am making the attached payment to the Council to address the requirements of the policies stated above and understand that the **Pebblebed Heaths 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 also 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 Area Habitat Mitigation Contribution** will be returned to the payee on written application to the Council.

By signing this undertaking, I confirm 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..........(APPLICANT/OWNER)

In the presence of

Witness Name: M 

Witness Address:

4 Victoria Terrace  
Othery St Mary, EX11 1AL

**For office use only:**

Application Reference: .....

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

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

Appeal Submitted: yes / no (Allowed / Dismissed)