

DATE: 30th day of June 2017

MEDWAY BRIDGE MARINA LTD

and

LLOYDS BANK PLC

in favour of

MEDWAY COUNCIL

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

Land Known as

MEDWAY BRIDGE MARINA

Manor Lane, Borstal, Rochester, Kent ME1 3HS

**Perry Holmes
Assistant Director Corporate Services
Gun Wharf
Dock Road
Chatham
ME4 4TR**

Ref: MC/15/2332

THIS DEED is made the 3rd day of June 2017

1 PARTIES

- 1.1 Medway Bridge Marina Ltd of Medway Bridge Marina, Manor Lane, Borstal, Rochester, Kent ME1 3HS and Lloyds Bank PLC of Pendeford Securities Centre, Pendeford Business Park, Wobaston Road, Wolverhampton WV9 5HZ

TO:

- 1.2 MEDWAY COUNCIL ("the Council") whose address is Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

2 DEFINITIONS AND INTERPRETATION

- 2.1 In this Deed the following words and phrases shall have the following meanings:

"Commencement of the Development" means commencement of the Development on the Site by the carrying out of a material operation within the meaning of section 56(4) of the Planning Act

"Commencement Notice"

means the notice served pursuant to clause 5.1.2 a copy of which is attached to this Deed in Annex 1 and for the avoidance of doubt a separate Commencement Notice shall be served on the occurrence on each event listed in clause 5.1.1 "the Contributions" means any or all of the sums set out in the First Schedule

"the Development"

The development of the Site by the Owner for the use in the manner set out in the Planning Application

"Indexation"

means the increase of any sum in accordance with the formula set out in clause 6.10

"the Inflation Index"

means the "all Items" index figure of the Index of Retail Prices published by the Office for National Statistics or such other index as the Council may reasonably nominate in the event that the Index of Retail Prices shall

no longer be published or its name or methodology be materially altered

means the plan annexed to this Deed

"the Plan"

means the Town and Country Planning Act 1990 as amended

"the Planning Act"

means the application for planning permission to carry out the Development on the Site and given the Council's reference number MC/15/2332

"the Planning Application"

means the land known as land at Medway Bridge Marina, Manor Lane, Borstal, Rochester, Kent ME1 3HS and more particularly delineated edged red on the attached Plan

"the Site"

means each date upon which an event occurs that triggers a payment of any sum by the Owner and/or the coming into effect of any other obligation under this agreement

"Trigger Date"

2.2 References to any Party to this Deed shall include the successors in title to that Party and to any person deriving title through or under that party and in the case of the Council to the body or bodies (as appropriate) having statutory responsibility for the relevant function in replacement for the Council

2.3 In the absence of any contrary provision any reference to a statute shall include any statutory extension modification or re-enactment of it and any statutory instrument direction order regulation or byelaw made or issued under the statute or deriving validity from it

2.4 Words importing the masculine gender shall include the feminine gender and vice versa

2.5 Words importing persons include companies and corporations and vice versa

2.6 Unless the context otherwise requires words importing the singular shall include the plural and vice versa

2.7 Headings are for ease of reference only and shall not be construed as part of this Deed

2.8 Reference to any recital clause schedule or paragraph (or any part of them) shall (unless the context otherwise requires) be reference to a recital clause schedule or paragraph (or any part of them) in this Deed