Our Ref: RH/PB/L009-6-0/1089

Your Ref:

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WORTHING BOROUGH COUNCIL
PLANNING SECTION
RECEIEVD 28 FEB 2011
TO KM.
INSTRUCTIONS

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23 February 2011

Dear Sirs

Proposed Development at Overstrand, Shopsdam Road, Lancing, West Sussex, BN15 8ES

We have recently received the results of our Local Authority Search (Search No 11000178) issued by your Council on the 14th February 2011.

The Local Land Charges Register discloses a Unilateral Agreement dated 16th May 2008 under Section 106 of the Town & Country Planning Act registered on the 23rd May 2008 which we think related to Planning Application reference ADC/0024/08, a Unilateral Undertaking dated 30th June 2010 also made under Section 106 pursuant to Planning Application reference ADC/0098/10, a further Unilateral Undertaking also dated 30th June 2010 referable to Planning Application reference ADC/0163/10.

Planning permission was granted on appeal on the 30th December 2010 in respect of application ADC/0098/10 and the Appeal Inspector's decision letter (a copy of which we enclose for ease of reference) granted permission subject to eleven stated conditions. None of those conditions relate to completion of any Section 106 Agreement or any obligation to contribute towards, eg. sustainable transport improvements.

Under "procedural matter" on page 2 of the Inspector's decision letter he refers to "an undated but signed draft of a unilateral undertaking as submitted. It would provide for payment of money towards sustainable transport improvements in the area ... . I cannot be satisfied that the undertaking would meet the requirements of the community infrastructure levy regulations even if it were dated and so I take no account of it".

Can you please confirm in these circumstances that if our client (who was not the original applicant) proceeds to develop the above property purely in accordance with ADC/0098/10 your Council will not seek to enforce the provisions of any of the above planning agreements or seek payment of any of the sums referred to respectively therein?

Your early reply would be greatly appreciated.

Yours faithfully

[redacted]

H & R Hughes Solicitors LLP

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Encs: 1 Copy Appeal Decision Letter
2 Copy of each Section 106 Unilateral obligation referred to.