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| **Isle of Wight Council** |
| **Section 73 Clause** |

**“Section 73 Consent”** a planning permission issued pursuant to an application to vary the Planning Permission made under section 73 of the TCPA 1990.

**1. Section 73 Consent**

1.1. Unless otherwise required by the Council if a Section 73 Consent is granted by the Council or otherwise on appeal in relation to a variation of conditions to the Development, then with effect from the date each Section 73 Consent is granted:

1.1.1. The Obligations in this Agreement shall (in addition to continuing to bind the Site in respect of the Planning Permission) relate to and bind all subsequent Section 73 Consents and the Property itself without any further act by the parties.

1.1.2. the definitions of Development, Application and Planning Permission in this Agreement shall be construed to include references to any applications under section 73 of the TCPA 1990, the Section 73 Consent granted pursuant to any such application and the development permitted by such Section 73 Consent

PROVIDED THAT

i) nothing in this clause shall fetter the discretion of the Council in determining any application(s) under section 73 of the TCPA 1990.

ii) to the extent that any of the Obligations in this Agreement have already been discharged at the date that any Section 73 Consent is granted they shall remain discharged for the purposes of the Section 73 Consent; and

iii) the parties acknowledge that the Council has the right to insist upon the completion of a separate planning obligation by deed of agreement in connection with any Section 73 Consent if the Council (acting reasonably) considers it desirable to do so).