9 PROHIBITION ON DISPOSAL OF COAL FOR COMMERCIAL PURPOSES

9.1 The Owner covenants not to dispose, sell or appropriate any of the Coal removed or extracted for commercial purposes and nor shall the Owner burn any Coal that has been removed or extracted.

9.2 The Owner covenants not to dispose of the Site or any part of the Site, save for any Dwellings which are expressly excluded from the requirement in this paragraph 9.2 until the purchaser of the Site or that part of the Site has entered into a deed of covenant with the Council securing that they, the purchaser, will comply with the obligations set out in this paragraph 9 of the First Schedule.

9.3 Within 20 Working Days from the issue of a Planning Permission and prior to the disposal of the Site or any part of the Site, save for any Dwellings to which the requirement for a restriction pursuant to this paragraph 9.3 shall not be applicable, to apply to the Chief Land Registrar pursuant to Rule 91 of and Schedule 4 to the Land Registration Rules 2003 for the entry on the register the following restriction:

"No disposition of the registered estate (other than a charge) by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a certificate signed by The Council of the Borough of Kirklees of Civic Centre, 3 Market Street, Huddersfield, HD1 1WG or their conveyancer that the provisions of clause 9 (the prohibition on disposal of coal for commercial purposes) of a Planning Agreement dated [ ] between (1) The Council of the Borough of Kirklees and (2) William Frederic Noble referred to in the Charges Register have been complied with or that they do not apply to the disposition"