

Dated 10th JUL 1990

NORFOLK COUNTY COUNCIL

- and -

BROADLAND DISTRICT COUNCIL

- and -

McLEAN HOMES EAST ANGLIA LIMITED

DEED OF RELEASE

- relating to -

Land lying to the North East of Fakenham Road,
Thorpe Marriott, Taverham, Norfolk

Richard B. Greenwood
Solicitor
Tarmac Housing Division
Crestwood House
Birches Rise
Willenhall
West Midlands
WV13 2DD

Ref: D4:MEA48
Date: 07.06.90

THIS RELEASE is made the Ten day of July 1990

B E T W E E N: **THE COUNTY COUNCIL OF NORFOLK** of County Hall Martineau Lane Norwich NR1 2DH ("the County Council") of the first part **BROADLAND DISTRICT COUNCIL** of Thorpe Lodge Yarmouth Road Norwich NR7 ODU ("the District Council") of the second part and **McLEAN HOMES EAST ANGLIA LIMITED** whose Registered Office is situate at Crestwood House Birches Rise Willenhall West Midlands WV13 2DD ("the Owner") of the third part

W H E R E A S:

1. By an Agreement ("the Section 52 Agreement") dated the 16th day of July 1986 and made between the County Council (1) The District Council (2) J.W. Cousins & Son (Developers) Limited (3) Norman Hatch (4) and Thomas Gill (5) the premises ("the Premises") described in the First Schedule hereto were burdened with the restrictive covenant details of which are set out in the Second Schedule hereto ("the Covenant")

2. The Section 52 Agreement was entered into pursuant to the provisions of Section 52 of the Town and Country Planning Act 1971 and Section 33 of the Local Government (Miscellaneous Provisions) Acts 1982

3. The Owner is the Registered Proprietor with Absolute Title of the Premises

4. The County Council and the District Council have agreed to release the Owner and the Premises from the Covenant

NOW THIS DEED WITNESSETH as follows:-

1. In pursuance of the said Agreement and in consideration of the Premises the County Council and the District Council **HEREBY RELEASE** the Owner and its successors in title and the Premises and every part thereof from the Covenant so far as the same is still subsisting and capable of being enforced
2. The County Council and the District Council **HEREBY JOINTLY AND SEVERALLY COVENANT** with the Owner that notwithstanding anything by them or by any person through whom they derive Title otherwise than by purchase of value made done executed or omitted or knowingly suffered they the County Council and the District Council have full power to release the Owner and its successors in title and the premises and every part thereof from the Covenant
3. That the parties hereto hereby agree and declare that save as herein mentioned the Section 52 Agreement shall remain in full force and effect in respect of the Premises so far as the same is still subsisting and capable of taking effect

IN WITNESS WHEREOF the parties hereto have caused their respective Common Seals to be hereunto affixed

THE FIRST SCHEDULE

The Premises

LAND LYING to the north east of Fakenham Road Thorpe Marriott,

Taverham Broadland Norfolk and Registered at H.M. Land Registry
under Title Number NK78149

THE SECOND SCHEDULE

Particulars of the Covenant

Clause 2.(ii) of the Section 52 Agreement:-

"Prior to the occupation of not more than two hundred and fifty dwellings within the Growth Area the Owner shall complete the laying out of and subsequently convey to the District Council or as the District Council may direct free of charge and free of commuted maintenance payment that piece of open space land shown coloured green on the plan annexed hereto in accordance with the reasonable requirements of the District Council with regard to retention and improvement of this existing woodland"

THE COMMON SEAL of
NORFOLK COUNTY COUNCIL
was hereunto affixed in
the presence of:-

Q. W. J. P. J. J. J.

County Solicitor and Deputy Clerk



THE COMMON SEAL of
BROADLAND DISTRICT COUNCIL
was hereunto affixed in
the presence of:-

[Signature]
Chief Executive and Clerk
Director of Administration



41 94

THE COMMON SEAL of
McLEAN HOMES EAST ANGLIA LIMITED
was hereunto affixed in
the presence of:-

Director




Secretary

