

THIS AGREEMENT is made the 25th day of FEBRUARY
One thousand nine hundred and ninety-three

BETWEEN THE BROADS AUTHORITY ("the Authority") of Thomas Harvey House
18 Colegate Norwich of the first part and BARRATT EAST MIDLANDS LIMITED
("the Owners") whose registered office is situate at Broadgate House Humber
Road Beeston Nottingham of the second part

WHEREAS:-

- (1) The Authority is the District Planning Authority for the purposes of the Town and Country Planning Act 1990 ("the Act") for the area within which the land shown edged red on the annexed plan ("the Land") is situated
- (2) The Owners are the owners in fee simple in possession of the Land
- (3) The Owners have made application (reference 92/0425) ("the Application") in accordance with the Act and the Orders and Regulations for the time being in force thereunder for planning permission to develop the Land by the erection of retirement housing ("the Development")
- (4) The obligations created by this Deed are planning obligations within the meaning of Section 106 of the Act (as amended)
- (5) The obligations created by this Deed are enforceable by the Authority

NOW THIS DEED WITNESSETH as follow:-

1. This Agreement is made in pursuance of Section 106 of the Act Section 111 of the Local Government Act 1972 and all other enabling powers

2. The Owners hereby covenant with the Authority that in the event of planning permission being granted for the Development:-

(i) they will not cause or permit the retirement homes envisaged by the Application to be occupied by any person under the age of 55

(ii) they will within 3 months of the date of this Agreement submit to the Authority for approval a scheme for the landscaping management and maintenance of the Land and thereafter implement such scheme within a further 3 months as approved by the Authority and it is agreed between the parties that the Authority will not demand any commuted sum towards future maintenance of the landscaped area

3. The Owners further covenant with the Authority that in respect of that part of the Land shown edged yellow on the attached plan ("the Yellow Land"):-

(i) they will not cause or permit any structure or building to be constructed on the Yellow Land including structures or buildings normally permitted under the Town and Country Planning General Development Order 1988 or any re-enactment thereof

(ii) they will bring to the attention of all persons carrying out any work on the Land the fact that the Yellow Land is covered by a Tree Preservation Order

(iii) they will give 7 days prior written notice to the Authority on each and every occasion when works are to be undertaken with regard to the Yellow Land and advise the Authority of the nature of those works

4. The Scheme referred to in Clause 2(ii) shall require:-

(i) within 12 months of the commencement of the Development the engagement by the Owners of the services of an Arboricultural Consultant approved by the Authority to prepare an on-going three yearly management plan for the Yellow Land to ensure the proper distribution of species and age mix of trees and to take into account:-

- (a) natural regeneration
- (b) removal of over-mature/dying trees
- (c) re-planting

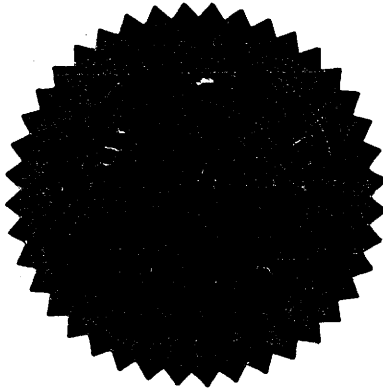
(ii) an annual maintenance inspection (on behalf of the Owners) by an Arboricultural Consultant approved by the Authority and the Owners shall carry out or cause to be carried out all works found to be necessary as a result of such inspection

5. This document is executed as a deed and is delivered on the day and year first before written

6. The expressions "the Authority" and "the Owners" shall include their respective successors and assigns as appropriate within the terms of Section 106 of the Act

IN WITNESS whereof the Authority and the Owners have affixed their Common
Seals the day and year first before written

THE COMMON SEAL of)
THE BROADS AUTHORITY)
was hereunto affixed)
in the presence of:-)

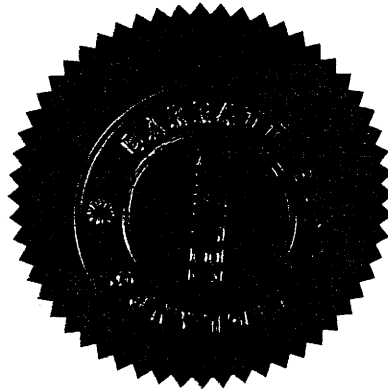


Nicholas Hancox

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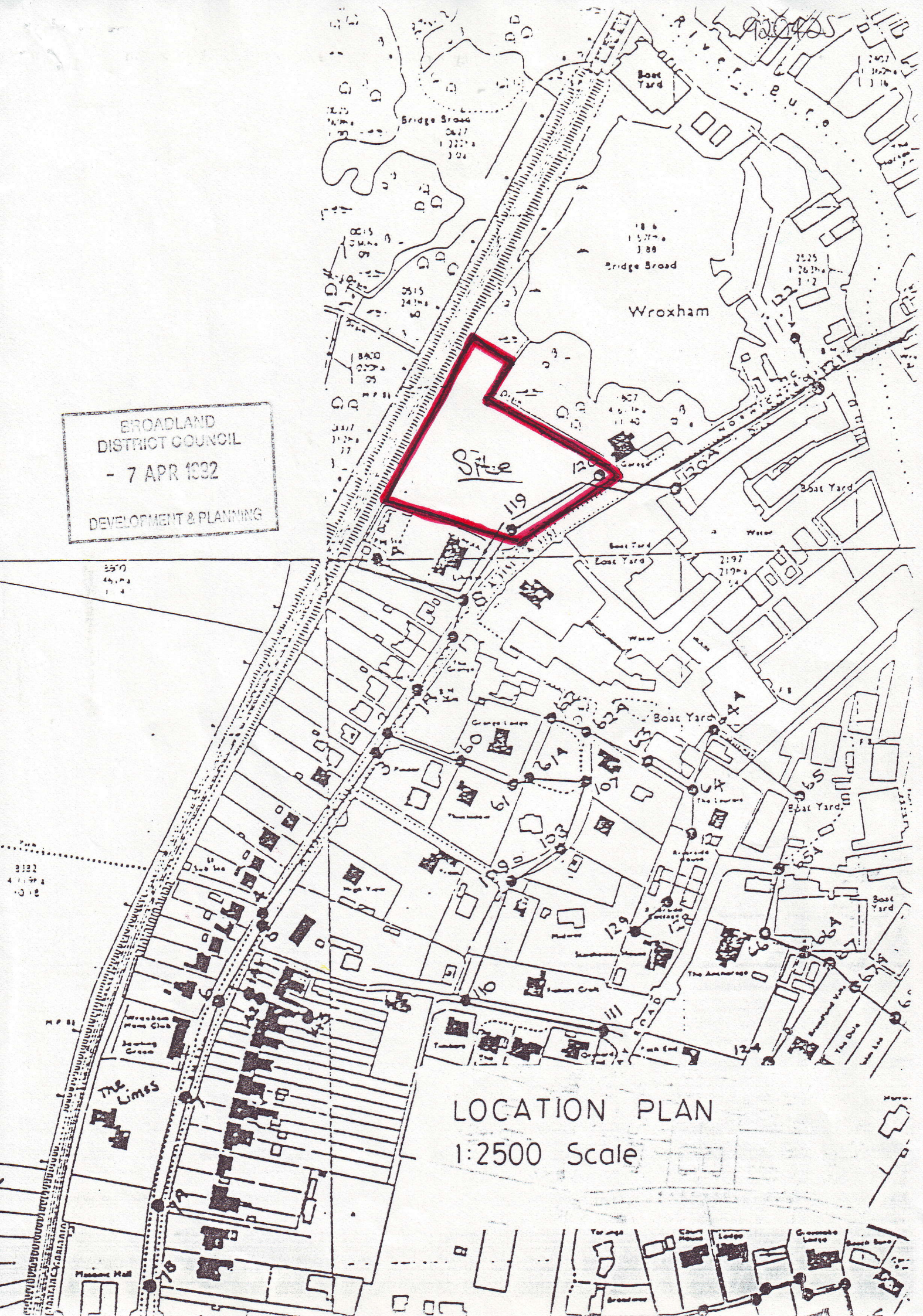
Solicitor to the Broads Authority

THE COMMON SEAL of)
BARRATT EAST MIDLANDS)
LIMITED was hereunto)
affixed in the)
presence of:-)

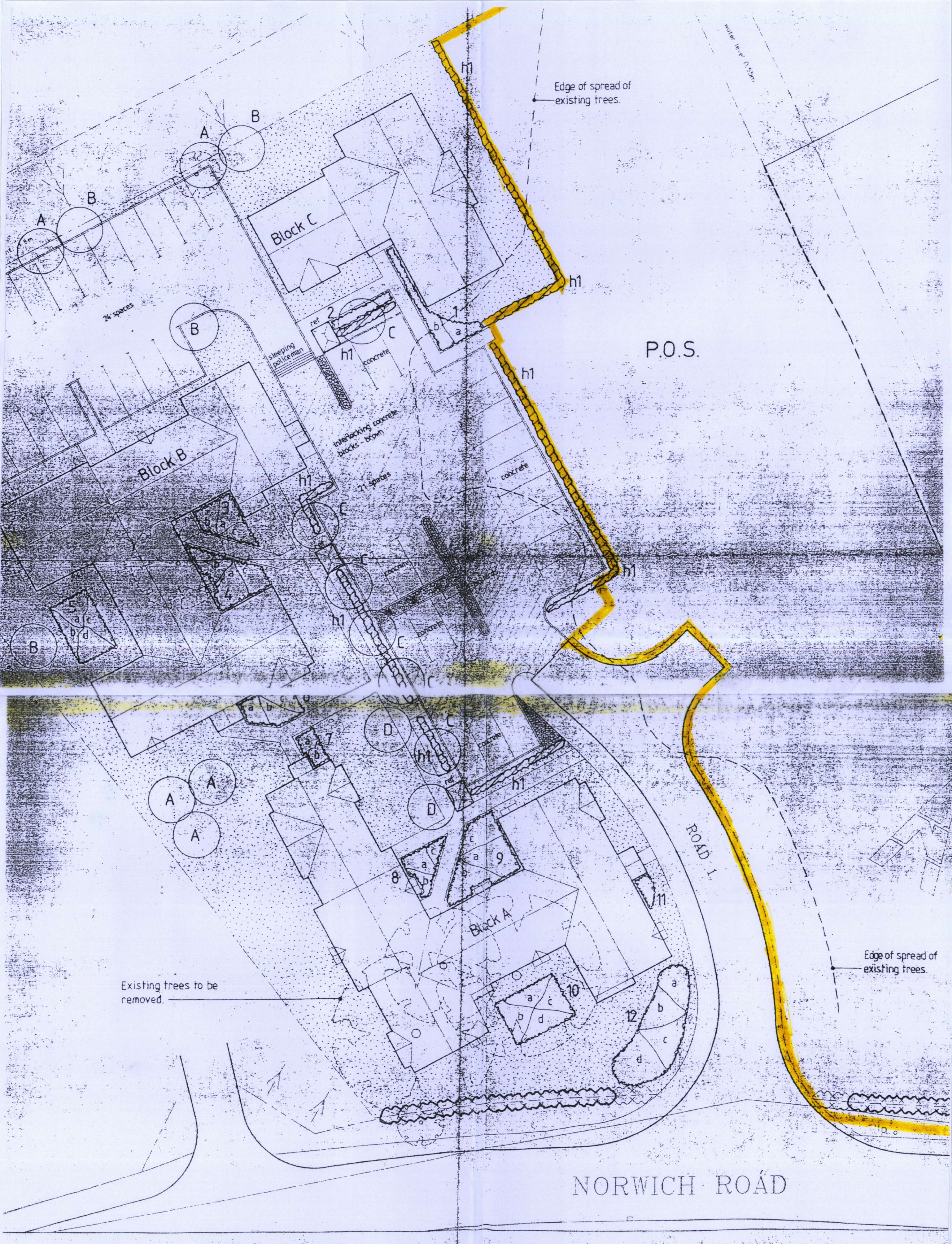


Robert J. L.

BROADLAND
DISTRICT COUNCIL
- 7 APR 1992
DEVELOPMENT & PLANNING



LOCATION PLAN
1:2500 Scale



DATED 25TH FEBRUARY 1993

THE BROADS AUTHORITY

- and -

BARRATT EAST MIDLANDS LIMITED

A G R E E M E N T

under Section 106 of the Town
and Country Planning Act 1990
relating to land at Wroxham

Solicitor to the Broads Authority
County Hall
Martineau Lane
Norwich
NR1 2DH

JCB/SMA Legal Disk