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Your Ref:

Please ask for:

Nikki Smith

My Ref: NS/JR-P&T/25804

Direct Dialling Number:

(01603) 223922

3 June 2009

Direct Fax Number:

(01603) 222899

The Land Charges Department
Broadland District Council
DX 134740
Norwich 4

Dear Sirs

Re: Section 106 Deed of Variation - Spixworth, Grange Farm

I refer to my letter of 7th May 2009 enclosing a Deed of Variation in respect of the Section 106 dated 30th July 2003 at Grange Farm, Spixworth. Unfortunately, the Agreement has been misdated and showed the date of 28th April 2008 rather than 28th April 2009. Please accept my apologies in this regard and update your records accordingly. I enclose an updated copy of the Deed.

Many thanks.

Yours faithfully

Nikki Smith
Legal Officer

Enc

LLC updated 5/6/09.

THIS DEED OF VARIATION is made the 28th day of APRIL 2008/9

BETWEEN:-

- (1) **NORFOLK COUNTY COUNCIL** ("the County Council") of County Hall
Martineau Lane Norwich Norfolk NR1 2DH
- (2) **LAFARGE AGGREGATES LIMITED** ("the Developer") of Granite House
Granite Way Syston Leicestershire LE7 1PL
- (3) **PATRICK DOUGLAS COOK and ALFRED PETER MALCOLM COOK** ("the Owner") of Grange Farm Buxton Road Spixworth Norwich Norfolk NR10 3BR

WHEREAS:-

- (1) This Deed is intended to be supplemental to a Deed dated 30th July 2003 and made under Section 106 of the Town and Country Planning Act 1990 (as amended) between the parties hereto ("the Original Agreement")
- (2) The County Council is a Local Planning Authority for the purposes of the Town and Country Planning Act 1990 (as amended) ("the Act") for the area within which the Land is located
- (3) The Owner is the freehold owner of the land shown edged red on the plan annexed to the Original Agreement ("the Land")
- (4) The Land has the benefit Planning Permission for the construction of a sand and gravel processing plant together with sand and gravel extraction and restoration by infilling to agricultural use under reference C/5/1999/5008 ("the Original Permission").
- (5) The Developer has now made application under reference C/5/2008/5001 to the County Council to vary conditions under the Original Permission ("the Second Application").

(6) The County Council has decided to grant planning permission in accordance with the Second Application subject to the Developer entering into this Agreement ("the Second Permission")

(7) the Parties are entering into this Agreement to ensure that the planning obligations contained in the Original Agreement continue to bind the Land following commencement of development under the Second Permission.

NOW THIS DEED WITNESSES as follows:

- 1 This Deed is supplemental to the Original Agreement
- 2 The terms and conditions of the Original Agreement shall remain in full force and effect except as varied by this Deed
- 3 The parties hereto agree to vary the Original Agreement as follows:
 - 3.1 The expression "the Application" in the Original Agreement shall be amended to include the Second Application
 - 3.2 The expression "the Planning Permission" in the Original Agreement shall be amended to include the Second Permission
 - 3.3 The expression "the Development" in the Original Agreement shall be amended to include the development authorised by the Second Permission.
- 4 This Deed is a Local Land Charge and shall be registered as such.

IN WITNESS whereof the parties hereto have executed this Deed the day and year first before written

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

Victor M

Head of Law

THE COMMON SEAL of
LAFARGE AGGREGATES LIMITED
Was hereunto affixed in the presence of:-

Director

Ja

Secretary

Therrell

SEAL N° 603

SIGNED as a Deed by
PATRICK DOUGLAS COOK
in the presence of:-

PD Cook

CSA (C. J. SMITH)
31 CHRISTINE ROAD
SPIXWORTH,
NORWICH
NR10 3PH

SIGNED as a Deed by
ALFRED PETER MALCOLM COOK
in the presence of:-

APM Cook

CSA

AS ABOVE