

THIS AGREEMENT is made the 22nd day of August One Thousand Nine Hundred and Ninety-One BETWEEN BROADLAND DISTRICT COUNCIL of Thorpe Lodge Yarmouth Road Thorpe St. Andrew Norwich in the County of Norfolk (hereinafter called "the Council") of the first part PEEL DEVELOPMENTS (NORTH) LIMITED Stock Exchange Buildings 4 Norfolk Street Manchester M2 1DP (hereinafter called "the Owner") of the second part CASPIAN HOMES LIMITED of Peel House Falmouth Avenue Newmarket Cambridgeshire (hereinafter called "Caspian") of the third part and BARCLAYS BANK PLC of 15 Benet Street Cambridge CB2 3PZ (hereinafter called "the Mortgagee") of the fourth part

WHEREAS:-

- (1) The Council is the Local Planning Authority for the purpose of this Agreement
- (2) The Owner is seised of the Property (hereinafter called "the Property") registered with Title Absolute at H.M. Land Registry under Title Number NK73217 subject as hereinafter recited but otherwise free from incumbrances
- (3) By virtue of a Lease dated the 1st February 1991 and made between the Owner of the one part and Caspian of the other part the Property is leased to Caspian for a term of forty-five years from the Twenty-Fifth December One Thousand Nine Hundred and Ninety ("The Lease")
- (4) By virtue of a Legal Charge dated the 1st February, 1991 made between Caspian of the one part and the Mortgagee of the other part the Property is charged to the Mortgagee to secure the repayment of all monies and liabilities mentioned in the said Legal Charge
- (5) Application has been made to the Council under reference

number 90.1132 for planning permission for development to be carried out on the Property

(6) The Council the Owner Caspian and the Mortgagee have agreed subject to planning permission being granted in consequence of that application to enter into this Agreement pursuant to Section 106 of the Town and Country Planning Act 1990
NOW THIS DEED WITNESSETH as follows:-

1. SUBJECT to planning permission being granted in consequence of application number 90.1132 and pursuant to Section 106 of the said Act the Owner Caspian with the consent of the Mortgagee and the Mortgagee HEREBY AGREE DECLARE AND COVENANT with the Council that from the date on which that planning permission shall be granted the Property shall be permanently subject to the conditions restricting or regulating development or use of the Property specified in the Schedule hereto and Caspian hereby covenants with the Owner and the Council and the Mortgagee to indemnify the Owner from and against any breach or non-observance of the condition specified in the Schedule hereto for so long as Caspian has an interest in any part or parts of the Property
PROVIDED THAT the Owner shall only be personally liable hereunder when it is in occupation of the Property and the Mortgagee shall only be ~~personally~~ liable hereunder when it is a Mortgagee in possession of the Property

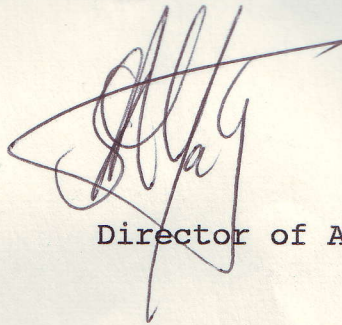
2. THE expression "the Council" "the Owner" "Caspian" and "the Mortgagee" shall where the context so admits include their respective successors in title and assigns

IN WITNESS whereof the Council the Owner Caspian and the Mortgagee have executed this document as a Deed the day and year first before written

THE SCHEDULE

Not at any time after the grant of planning permission reference number 90.1132 to implement either in whole or in part the development authorised by planning permission reference number 88.0880 issued by the Council on the Ninth day of August One Thousand Nine Hundred and Eighty-Nine

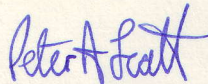
THE COMMON SEAL of BROADLAND)
DISTRICT COUNCIL was hereunto)
affixed in the presence of:-)



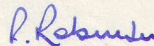
Director of Administration



THE COMMON SEAL of PEEL DEVELOPMENTS)
(NORTH) LIMITED was hereunto affixed)
in the presence of:-)



Director



~~Secretary~~

Authorised Signatory

THE COMMON SEAL of CASPIAN HOMES)
LIMITED was hereunto affixed in)
the presence of:-)



Director

Secretary



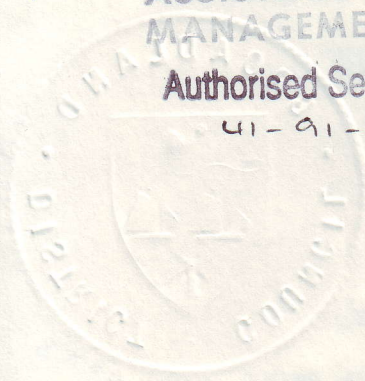
THE COMMON SEAL of BARCLAYS BANK
PLC was hereunto affixed in the
presence of:-



[Signature]
**ASSISTANT RISK
MANAGEMENT DIRECTOR**

Authorised Sealing Officer

41-91-95



[Signature]

DATED

22nd August

1991

BROADLAND DISTRICT COUNCIL

- and -

PEEL DEVELOPMENTS (NORTH) LIMITED

- and -

CASPIAN HOMES LIMITED

- and -

BARCLAYS BANK PLC

SECTION 106 AGREEMENT

Relating to Land at Old Road,
Acle in the County of Norfolk.

B.A.Yates,
Director of Administration,
Broadland District Council,
Thorpe Lodge, Yarmouth Road,
Thorpe St. Andrew,
Norwich, NR7 ODU.

031S106.DEL