

DATED

9<sup>th</sup> February

2004

5<sup>th</sup> Biller

BROADLAND DISTRICT COUNCIL

- AND -

JARK RESOURCING PLC

- AND -

BARCLAYS BANK PLC

---

AGREEMENT

Made pursuant to Section 106 and 106A  
of the Town and Country Planning Act  
(as amended) 1990 and any other  
enabling power relating to the  
development of land at the development  
of land at Keeling Hall Farm Keeling Hall  
Lane Foulsham Norwich Norfolk

steeles(law)llp  
3 The Norwich Business Park  
Whiting Road  
Norwich NR4 6DJ



THIS AGREEMENT is made the <sup>Ninth</sup> day of <sup>February</sup> Two thousand and <sup>Five</sup> ~~Four~~ 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 and JARK RESOURCING PLC of 89 High Street Hadleigh Ipswich Suffolk IP7 5EA (hereinafter called "the Owner ") of the second part and Barclays Bank PLC of Barclays Loan Servicing Centre P O Box 299 Birmingham B1 3PF (hereinafter called "the Mortgagee") of the third part

#### RECITALS

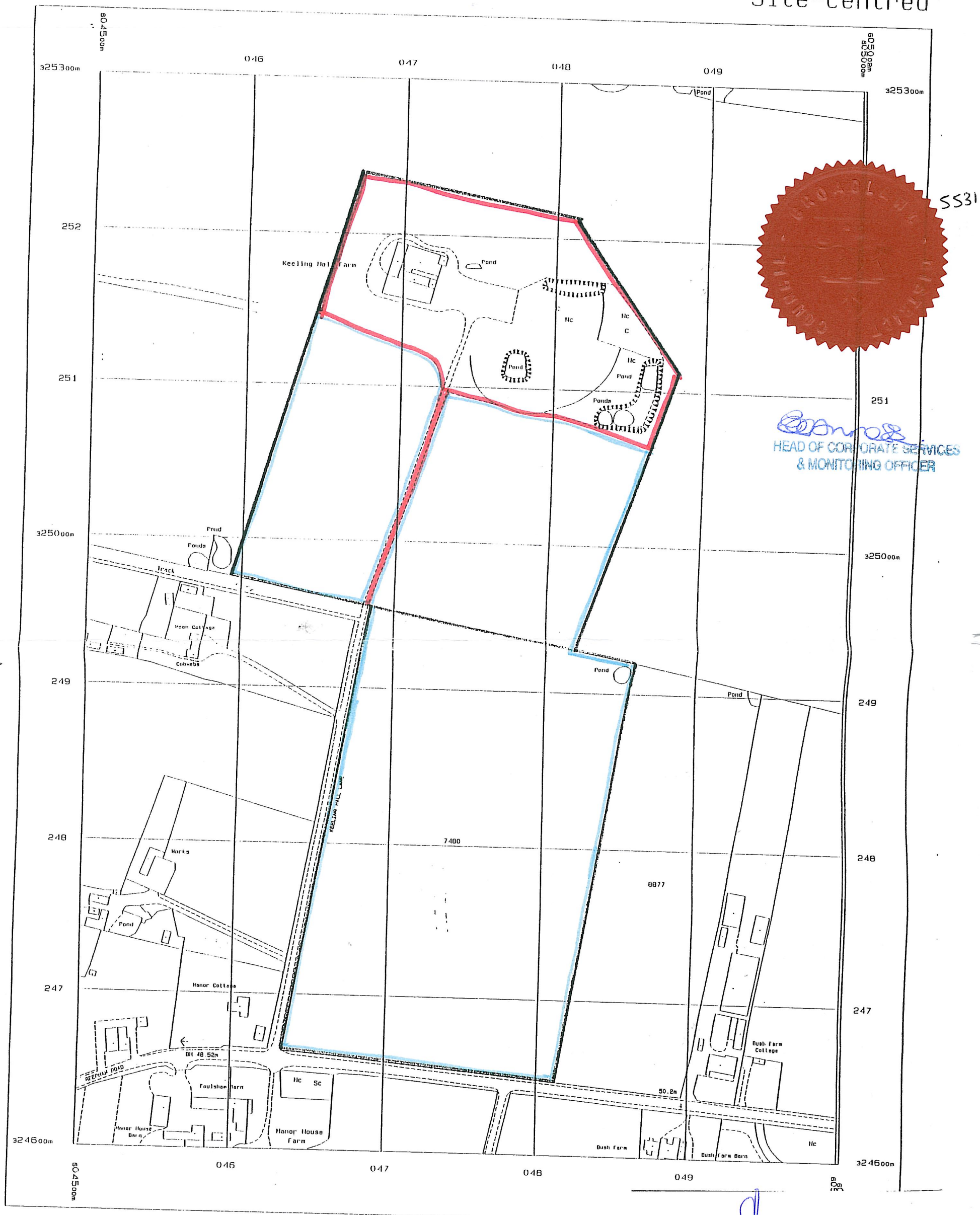
- (A) (1) In this Agreement unless the context otherwise requires the following words shall have the following meanings:-

"the Revised Permission" means the Permission issued pursuant to Application Number 20041096

#### WHEREAS

- (1) The obligations imposed by this Agreement are planning obligations for the purpose of Section 106 of the Town and Country Planning Act 1990 (hereinafter called "The 1990 Act") as amended by Section 12 of the Planning and Compensation Act 1991
- (2) The Council is the Local Planning Authority by whom these obligations are enforceable
- (3) The Owner is registered as proprietor with absolute title of the land (hereinafter called "the Land") shown for the purpose of identification only edged red on the plan annexed ("the Plan") as

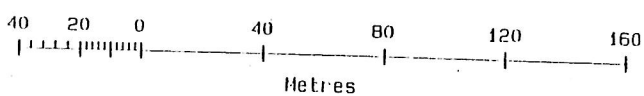




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Scale 1: 2500

*[Handwritten signatures]*



the same is registered with Title Number NK271730 subject to the matters contained in the Charges Register for that Title Number but otherwise free from encumbrances

- (4) The Land is charged by way of a legal mortgage by a registered charge dated the 4<sup>th</sup> day of May 2004 in favour of Barclays Bank PLC
- (5) This Agreement is supplemental to an Agreement dated 11<sup>th</sup> November 2003 (hereinafter referred to as "the Main Agreement") made between the Council (1)Mr A H B Stimpson and Mrs E L Stimpson (2) who now wish to amend the terms of that Agreement
- (6) The Owner has made an application to vary the terms of the Permission as defined in the Main Agreement under reference number 20041096
- (7) The Council has resolved to permit the variation requested by the Owner

NOW THIS DEED WITNESSETH as follows:-

- 1 The Owner covenants with the Council not to implement the Revised Permission other than in accordance with the terms of the Main Agreement which shall apply to the Permission and the Revised Permission to the extent that each is implemented
- 2 The Mortgagee hereby consents to the giving of the covenants on the part of the Owner and hereby agrees to be bound by the said covenants only in the event that it becomes a mortgagee in possession



and that such liability will cease once it has parted with its interest in the land

3. This Agreement is a local land charge and upon completion shall be registered by the Council as such

IN WITNESS whereof this Agreement has been executed and delivered as a Deed on the date first written above

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

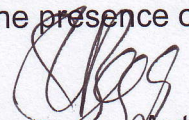
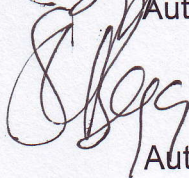


5531

  
Head of Corporate Services and Monitoring Officer

SIGNED AS A DEED BY  
JARK RESORCING PLC

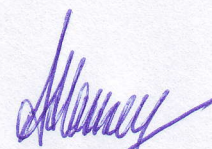
In the presence of

Authorised Signature

Authorised Signature





**RODNEY CLIVE FURNELL**

SIGNED FOR AND ON BEHALF OF  
BARCLAYS BANK PLC

BY ITS DULY APPOINTED ATTORNEY UNDER A POWER OF ATTORNEY  
DATED.....7/12/04

QC	INITIALS C256 JC	DATE
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BY THIS POWER OF ATTORNEY dated 7 December 2004 BARCLAYS BANK PLC of 54 Lombard Street, London, EC3P 3AH (the "Bank") hereby appoints for a period of one year from the date of this deed

Rodney Clive Furnell  
Senior Manager Specialist Support  
Barclays Bank PLC  
Specialist Support  
Camden House East  
Summer Row  
Birmingham  
B1 3QA

as its true and lawful attorney (the "Attorney") for and on behalf of the Bank (but without prejudice to or in any way limiting the actual or ostensible authority of the said Attorney), to do and execute the following acts and deeds

1. To sign all forms of written documents except acceptances and endorsements of bills of exchange.
2. To accept and endorse bills of exchange jointly with some other person duly authorised by the Bank for that purpose.
3. To sign, execute and deliver all deeds including, without limitation, guarantees, bonds, deeds of easement and indemnities, deeds regulating the priority of mortgages, releases, discharges, transfers of mortgages, reconveyances and re-assignments of real or personal property, mortgaged, charged or assigned by way of security to the Bank.
4. To make any declaration, affidavit or proof of any debt due or claimed to be due to the Bank in any proceedings taken or hereafter to be taken by or against any person, firm or company under any act for the time being in force in relation to the bankruptcy, insolvency or liquidation of debtors, firms or companies of whatever nature.

This Power of Attorney replaces any previous Power of Attorney issued to the Attorney save for any specific power issued.

This Power of Attorney shall be construed under and governed by the laws of England and Wales, to the jurisdiction of whose courts do hereby submit.

In witness whereof, this Power of Attorney has been executed as a deed on the date first written above.

Executed as a deed

by Barclays Bank PLC

by the affixing of its Common

Seal in the presence of:

I certify that this is a true  
and complete copy of the  
original

*On 10/12/04*

FOR BARCLAYS BANK PLC

Name *Jane Moore*

Job Title *Bank Official*

Date *9/12/04*

ASSISTANT SECRETARY  
Authorised Sealing Officer

Seal Number

GCS/PA/04/378