



Dated

9th April

2009

- (1) BROADLAND DISTRICT COUNCIL
- (2) NORFOLK COUNTY COUNCIL
- (3) LOVELL PARTNERSHIPS LIMITED
- (4) WHERRY HOUSING ASSOCIATION LIMITED

Deed of variation

relating to an Agreement under Section 106 of the Town and Country Planning Act 1990 dated 28th March 2008 made between Broadland District Council (1) Norfolk County Council (2) Lovell Partnerships Limited (3) relating to a development at Cawston Road, Reepham.

THIS DEED OF VARIATION is made on the 9th day of April

BETWEEN

- (1) **Broadland District Council** of the Thorpe Lodge, Yarmouth, Thorpe St Andrew, Norwich, Norfolk, NR7 0DU ("the Council");
- (2) **Norfolk County Council** of County Hall, Martineau Lane, Norwich, NR1 2DH ("the County Council");
- (3) **Lovell Partnerships Limited** (Company Registration Number 0238733) of Kent House, 14-17 Market Place, London, Greater London, W1W 8AJ ("The Owner");
- (4) **Wherry Housing Association Limited** (Industrial and Provident Society number 26622R) whose registered office is at Circle Anglia House, 1-3 Highbury Station Road, London, N1 1SE ("Wherry").

WHEREAS:

- (A) This Deed of Variation is supplemental to a Deed dated 28th March 2008 and made between the Council (1) the County Council (2) and the Owner (3) relating to a development at Cawston Road, Reepham ("the Principal Deed").
- (B) Wherry is now the registered proprietor of the land registered under title number NK383543 (being part of the area of the site capable of being affected by this Deed) and remains entitled to the benefit of the Principal Deed and has agreed to vary it on the terms set out in this Deed of Variation.
- (C) The Owner is the registered proprietor of the land registered under title numbers NK219094 and NK312178 (being the remainder of the area of the site capable of being affected by this Deed) and remains entitled to the benefit of the Principal Deed and has agreed to vary it on the terms set out in this Deed of Variation.
- (D) The parties wish to vary the Principal Deed in the manner hereinafter appearing.

OPERATIVE PROVISIONS

1. INTERPRETATION

1.1 This Deed

- 1.1.1 is made pursuant to Section 106 of the Town and Country Planning Act 1990 as amended ("the Act") and contains planning obligations for the purposes of Section 106 of the Act;
- 1.1.2 is enforceable by the Council and the County Council as local planning authorities under the Act;
- 1.1.3 is intended to bind the site.

1.2 Words and expressions defined in the Principal Deed have the same meanings in this Deed of Variation except to the extent that they are expressly varied by this Deed of Variation.

1.3 The provisions of the Principal Deed relating to its interpretation apply to this Deed of Variation except to the extent that they are expressly varied by this Deed of Variation.

This Deed is supplemental to the Principal Deed. A breach of this Deed is to be regarded as a breach of the Principal Deed

- 1.5 The parties to this Deed of Variation do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it.

2. NOW THIS DEED WITNESSES AS FOLLOWS:-

The Principal Deed is to be read and interpreted if:

- 2.1 The definition of "Affordable Housing" in paragraph 1 is amended so that the words and number "four (4)" are deleted and replaced with the words and number "three (3)".
- 2.2 The definition of "Shared Ownership Units" in paragraph 1 is amended so that the word "four" is deleted and replaced with the word "three".

3. EFFECTIVE DATE

- 3.1 The amendments to the Principal Deed made by this Deed of Variation are deemed to have taken effect from and including the date of this Deed.

4. CONTINUATION OF THE PRINCIPAL DEED

- 4.1 The terms of the Principal Deed continue in full force and effect save as amended by this Deed of Variation.
- 4.2 This Deed of Variation does not release any party to it from any breaches of the Principal Deed existing at the date of this Deed of Variation.

5. EXECUTION

Broadland, Norfolk, Lovell and Wherry have executed this Deed of Variation as a deed and it is delivered on the date first above written.

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

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HEAD OF CORPORATE SERVICES
& MONITORING OFFICER

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




authorised to sign
on behalf of HEAD OF LAW

THE COMMON SEAL of LOVELL
PARTNERSHIPS LIMITED was hereunto
affixed in the presence of:-






EXECUTED AS A DEED by affixing THE
COMMON SEAL of WHERRY HOUSING
LIMITED in the presence of:

Director




Director/Secretary

A. J. Firmer

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