

DATED

16th December

1997

NORFOLK COUNTY COUNCIL

and

EASTERN ELECTRICITY plc

AGREEMENT

relating to a Section 106 Agreement
concerned with land at Boundary Road, Hellesdon

EVERSHEDS

Solicitors

Paston House



40196-6407500-01.wpd

THIS AGREEMENT is made the 16th day of December One thousand nine hundred and ninety seven

BETWEEN NORFOLK COUNTY COUNCIL ("the County Council") of County Hall Martineau Lane Norwich NR1 2DH of the first part and EASTERN ELECTRICITY plc ("the Owners") whose registered office is situate at Wherstead Park Wherstead Ipswich Suffolk IP9 2AQ of the second part

WHEREAS:-

1. This Deed is supplemental to an Agreement ("the Agreement") dated 11 June 1997 and made between the County Council and the Owners
2. The County Council is a local planning authority within the meaning of the Town and Country Planning Act 1990 and the Local Highway Authority within the meaning of the Highways Act 1980 for the area within which the Land is situated
3. The Owners previously submitted a planning application to develop the land shown for the purposed of identification only edged red on the annexed plan ("the Land") by demolishing existing properties and building a retail warehouse including a garden centre and covered storage area together with the creation of open space a new access and estate road car park and landscaping

4. The Owners want to ensure that in the event that they part with ownership of all of the Land they do not remain bound by the Agreement and that in the event that they reacquire an interest in the land edged green on the annexed plan ("the Sub-station Site") they do not remain bound by any breach of the Agreement taking place elsewhere within the Land
5. The County Council has no objection to the matters referred to in the fourth recital and the parties hereto have agreed to vary the provisions of the Agreement in the manner hereinafter appearing

NOW THIS DEED WITNESSETH as follows:-

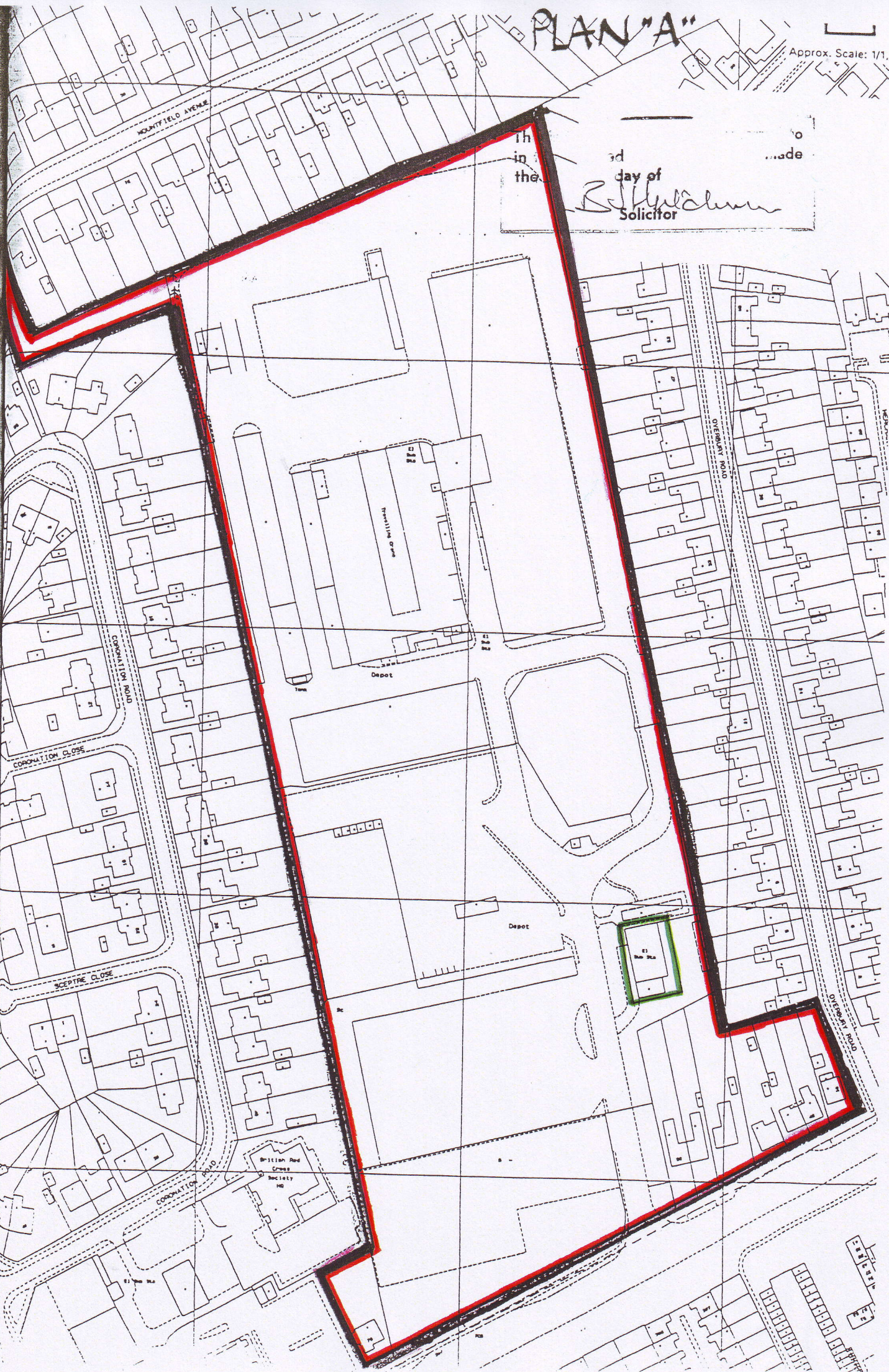
- 1 From the date hereof the Agreement shall at all time be read construed and take effect as though:-
 - 1.1 the annexed plan is plan "A" referred to in the Agreement
 - 1.2 the following words are added to Clause 14 of the Agreement:-

"...but subject to the provisions of this Clause the County Council covenants not to enforce any breach of the terms and conditions of this Deed against the owner lessee or licensee for the time being of the land edged green on plan "A""
 - 1.3 the following words are added to Clause 18 of the Agreement:-

PLAN "A"

Approx. Scale: 1/1,2

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in the
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day of
made
B. H. Schum
Solicitor



"PROVIDED THAT no person shall be liable for any breach of the covenants restrictions or obligations contained in this Deed occurring during such period as he ceases to have an interest in the Land or the part of the Land in respect of which such breach occurs"

1.4 the following Clause is added to the Agreement:-

"19 The covenants on the part of the Owners contained in this Agreement shall not be enforceable against statutory undertakers in relation to any part of the Land acquired by them for electricity sub-stations gas governor stations or pumping stations"

2 Except as varied aforesaid the Agreement and every clause thereof shall continue to be of full effect and to be binding on the respective parties thereto

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

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



Director of Law & Administration



THE COMMON SEAL of)
EASTERN ELECTRICITY plc)
was hereunto affixed in the)
presence of:)

R J Hatcher

Company Solicitor

