

DATED

19th December

1997

BROADLAND DISTRICT COUNCIL

and

EASTERN ELECTRICITY plc

AGREEMENT

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

EVERSHEDS

Solicitors

Paston House

Norwich

NR3 1BD

40196-640/5071d01.wpd

THIS AGREEMENT is made the

10th

day of

December

One thousand nine

hundred and ninety seven

BETWEEN BROADLAND DISTRICT COUNCIL ("the Council") of Thorpe Lodge 1

Yarmouth Road Thorpe St Andrew Norwich NR7 0DU of the first part and EASTERN

ELECTRICITY plc ("the Landowner") 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 27 May 1997 and made between the Council and the Landowner
2. The Council is a local planning authority within the meaning of the Town and Country Planning Act 1990
3. The Landowner previously submitted a planning application to develop the land shown for the purposes 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 Landowner wishes to ensure that in the event that it acquires the freehold or takes a lease over the land edged green on the annexed plan ("the Sub-station

Site") it does not remain bound by any breach of the Agreement taking place elsewhere within the Land

5. The 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 definition is added to the Agreement:-

"1.10 "the Sub-Station Site" the land shown for the purposes of identification only edged green on Plan A"

1.3 the following Clause is added to the Agreement:-

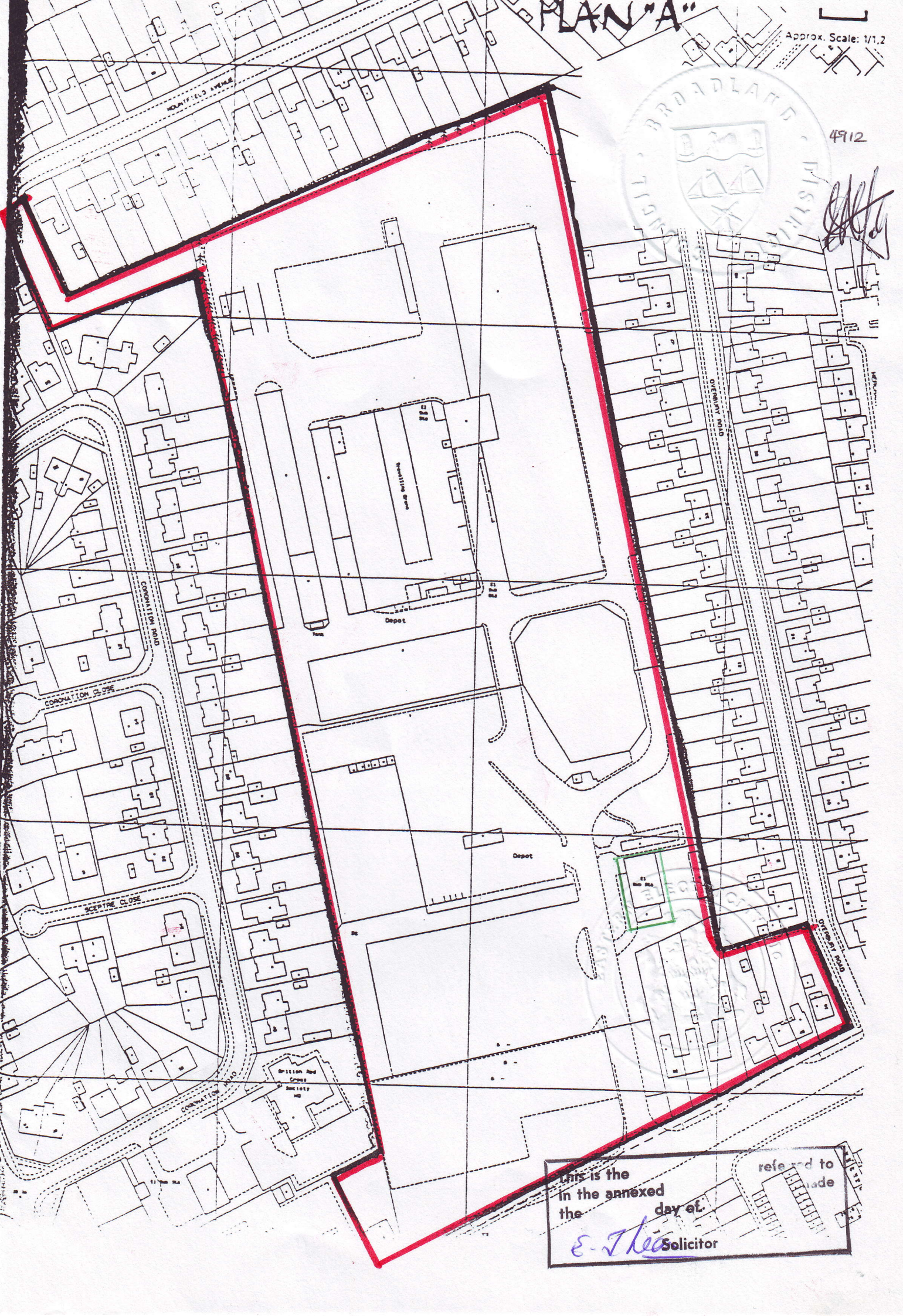
"9 The Council covenants not to enforce any breach of the terms and conditions of this Deed against an owner lessee or licensee for the time being of the Sub-Station Site who has no interest in any other part of the Land"

PLAN "A"

Approx. Scale: 1/1.2

4912

[Handwritten signature]



This is the
in the annexed
the day of
E. The Solicitor
referred to
made

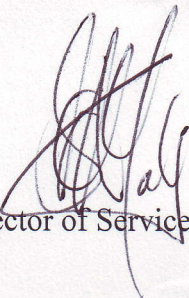
1.4 the following further Clause is added to the Agreement:-

"10 The covenants on the part of the Landowner 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 Council and the Landowner have affixed their Common Seals the day and year first before written

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



Director of Services and Solicitor to the Council



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

E. J. Leam

Group
Company Solicitor

