

Dated..... 7 September 2022 2022

- (1) CALA MANAGEMENT LIMITED
- (2) ARUN DISTRICT COUNCIL
- (3) WEST SUSSEX COUNTY COUNCIL

Deed of Variation (Section 106A Town and Country Planning Act 1990)

to an agreement made under Section 106 of the Town and Country Planning Act 1990 dated 27 August 2019

in relation to land north of Water Lane, Angmering

Ref: A/248/21/PL

THIS DEED is made the 7 day of September 2022

BETWEEN

- (1) **CALA MANAGEMENT LIMITED** (Scot. Co. Regn. No. SC013655) of Adam House, 5 Mid New Cultins, Edinburgh EH11 4DU ("**Owner**"); and
- (2) **ARUN DISTRICT COUNCIL** of Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF ("**District Council**") and
- (3) **WEST SUSSEX COUNTY COUNCIL** of County Hall, West Street, Chichester, West Sussex PO19 1RQ ("**County Council**")

WHEREAS

1. The District Council is the local planning authority in respect of the area within which the Land is situated.
2. The County Council is the education authority and highway authority for the area within which the Land is situated.
3. Pursuant to four (4) separate deeds of transfer completed on 17 December 2021 the Owner became the freehold owner of all parts of the Land except that part described in recital 4 below. Registration of the Owner's freehold ownership of the said parts of the Land at HM Land Registry is pending as at the date hereof under the new title numbers WSX429755, WSX429760, WSX24818 and WSX429759 respectively.
4. The County Council is the registered freehold proprietor of that part of the Land which is registered with HM Land Registry under title number WSX32834, which is adopted public highway.
5. An agreement pursuant to section 106 of the 1990 Act was entered into between:
 - (i) Arun District Council;
 - (ii) West Sussex County Council;
 - (iii) James Stewart Hazel Grove and Steven Lindsay Cloran and Graham Robert Fuller;
 - (iv) Clement Charles Fitzroy Somerset and Sophie Elizabeth Pinnegar;
 - (v) Daryl Fedele Perilli and Sonja Browning-Page;
 - (vi) Amanda Karina Perrilli and Melinda Anne Perilli and Lisa Dinah Espezel and Maria Vanessa Thomas; and
 - (vii) Rydon Homes Limitedon 27 August 2019 in relation to planning application reference A/40/18/OUT (the "**Principal S106**").
6. Planning permission reference A/40/18/OUT was issued by the District Council on 27 August 2019 following completion of the Principal S106 (the "**Original Permission**").

7. On 22 November 2021 the Owner submitted an application pursuant to section 73 of the 1990 Act (allocated reference A/248/21/PL) to vary condition 4 of the Original Permission (approved plans) to vary the parameter plans listed therein.
8. The parties to this Deed agree and acknowledge that from the date hereof the Principal S106 as is to be read as further varied by this Deed.

NOW THIS DEED WITNESSES as follows:

1 INTERPRETATION

In this Deed where the context so admits all expressions shall have the meanings given to them by the Principal S106 save those which are expressly varied or introduced by this Deed, including the following:

"Replacement Plan 1" means the plan appended at the Annex hereto

2 LEGAL BASIS AND EFFECT

- 2.1 This Deed is made pursuant to all powers enabling the parties and in particular Section 106A of the Act, Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972.
- 2.2 The provisions of this Deed shall come into effect on the date hereof.

3 VARIATION OF THE PRINCIPAL S106 (AS VARIED BY THE FIRST DEED OF VARIATION)

- 3.1 The parties to this Deed agree that on and from the date hereof the Principal S106 is varied as described in this Clause 3.
- 3.2 The definition of "Development" at clause 2.1 (interpretation) is amended so that the words "pursuant to the Permission" are inserted after the word "Land".
- 3.3 The definition of "Highway Drawings" at clause 2.1.26 (interpretation) is amended so that the words "or such other drawings in substitution as may subsequently and from time to time be agreed between the Owner and the County Council" are inserted after the words "Appendix 2".
- 3.4 The definition of "Plan 1" at clause 2.1.46 (interpretation) shall be deemed from the date hereof to refer to Replacement Plan 1
- 3.5 In all other respects the Principal S106 will remain in full force and effect as originally drafted.

4 REGISTRATION

This Deed shall be registered as a local land charge in the Register of Local Land Charges maintained by the District Council.

5 CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999

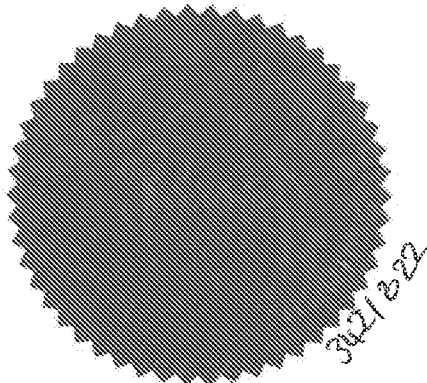
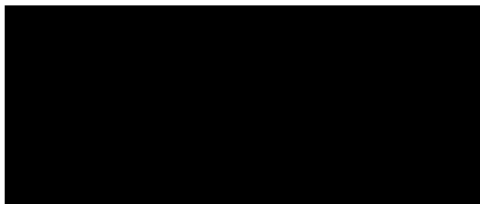
The parties to this Deed do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it.

6 COSTS

- 6.1 Upon completion of this Deed the Owner will pay the District Council's reasonable and properly incurred legal costs in connection with the completion of this Deed.
- 6.2 Upon completion of this Deed the Owner will pay the County Council's reasonable and properly incurred legal costs in connection with the completion of this Deed.

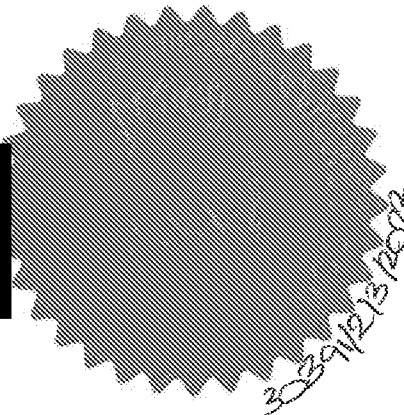
IN WITNESS whereof the District Council, the County Council and the Owner have executed this Deed as a deed the day and year first before written

The Common Seal
of the **ARUN DISTRICT COUNCIL**
was affixed in the presence of:



The Common Seal
of the **WEST SUSSEX COUNCIL**
was affixed in the presence of:

Auth



Executed as a Deed by

CALA MANAGEMENT LIMITED

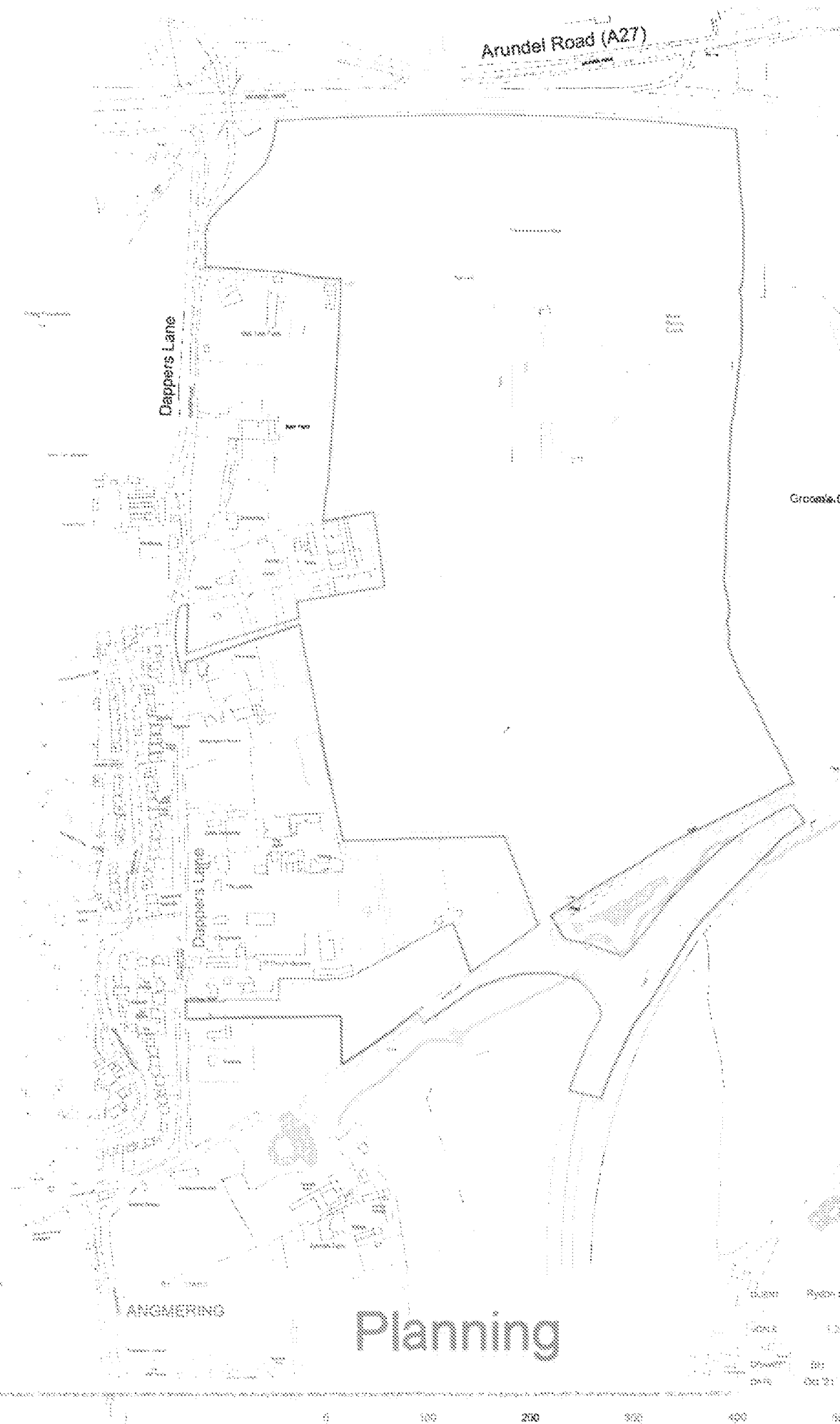
acting by:

.....
Director

.....
Director/Secretary



ANNEX
REPLACEMENT SITE PLAN 1



Planning

ANGERING

Byron: Kings of the Ocean Land

[illegible]

Long Supply of Water Long Abundant

Figure 1

2000

Abstract

19271

5101

 Site Location
Area 32.6 hectares

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