

DATED

22 September

2017

ARUN DISTRICT COUNCIL

- and -

WEST SUSSEX COUNTY COUNCIL

- and -

WEST SUSSEX COUNTY COUNCIL

DEED OF VARIATION

under Section 106A of the Town & Country Planning Act 1990 relating to Land
known as Angel's Nursery, on the South West side of Yapton Road, Barnham
in the County of West Sussex

Arun District Council
Arun Civic Centre
Maltravers Road
LITTLEHAMPTON
West Sussex
BN17 5LF
[☎ 01903 737737]
Ref: BN/43/16/PL

FINAL

22 September

THIS DEED OF VARIATION is made the _____ day of _____ 2017

BETWEEN:

- (1) "the Council" Arun District Council of the Arun Civic Centre Maltravers Road Littlehampton West Sussex BN17 5LF and
- (2) "the Owner" West Sussex County Council of County Hall West Street Chichester PO19 1RQ
- (3) "the County Council" West Sussex County Council of County Hall West Street Chichester PO19 1RQ

NOW THIS DEED WITNESSETH: as follows:-

1. Definitions

In this Deed:-

- 1.1. "the Land" means Land known as Angel's Nursery, on the South West side of Yapton Road Barnham, West Sussex
- 1.2. "the Original Deed " means the Deed made by way of unilateral undertaking given pursuant to Section 106 Town & Country Planning Act 1990 on 12 April 2017 given by the Owner to the Council and the County Council and attached to this Deed at Appendix 1 for ease of reference

2. Recitals

- 2.1 This Deed is supplemental to the Original Deed
- 2.2 The Owner is still the Owner of the Land as specified in the Original Deed.
- 2.3 The Planning Permission was granted by the Council pursuant to the completion of the Original Deed on 3 May 2017.
- 2.4 The Council is the Local Planning Authority as defined in the Act for the area within which the Land is situated for the purposes of this Deed and for the purposes of Section 106 and 106A of the Act and agrees to the Original Deed being varied.2.5 The County Council is a planning authority as defined in the Act for the area within which the Land is situated for the purposes of this Deed and for the purposes of Section 106 and 106A and agrees to the Original Deed being varied.
- 2.4 This Deed is intended to vary the Original Deed as set out herein. Save where it is specifically varied herein, the Original Deed shall continue in full force and effect and shall continue to be enforceable by both the Council and the County Council against the Owner or their successors in title to the Land.

3. Operative powers

The Council the County Council and the Owner enter into this Deed under the powers contained in S.106A of the Town and Country Planning Act 1990, S.111 of the Local Government Act 1972 and S.1 of the Localism Act 2011 and all other powers so enabling

4. Variation

4.1 The Council the County Council and the Owner AGREE that the Original Deed shall be varied as follows:

4.1.1 The existing definition of "**Community Facility Contribution**" shall be deleted and replaced as follows:

"Community Facilities Contribution" means the financial contribution of £147,354.50 being £1551.10 per dwelling as a sum payable in accordance with paragraph 1 of Schedule 3 of this Unilateral Undertaking to be used for the purpose of the following works at Murrells Field, indicated on the plan attached to this Deed:-

1. Installation of sub-soil drainage system draining to existing surface water drainage and pipework systems
2. Grading and levelling across the whole field (3 – 4 ha)
3. Re-seeding with sports grass mix
4. Setting out pitches, goalposts etc to provide facilities for a wide range of sports
5. Creating access from the Land to Murrell's Field to enable the new residents to access the playground, trim trail, MUGA and hall"

4.2 The Original Deed shall otherwise continue in full force and shall have the same legal effect as before this amendment or variation.

5. Local Land Charge

The Original Deed is registered as a local land charge and this Deed shall be entered in the relevant register so as to record the variation

IN WITNESS whereof the Council the County Council and the Owner have hereunto caused their respective Common Seals to be affixed as a Deed the day and year first before written.

THE COMMON SEAL OF
ARUN DISTRICT COUNCIL

was hereunto affixed in the presence of:

AUTHORISED SIGNATORY:

NAM E

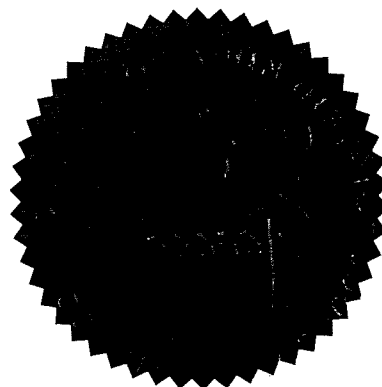
JOB TITLE

SEAL BOOK NO

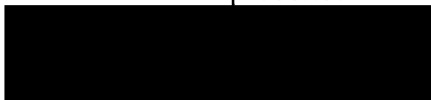
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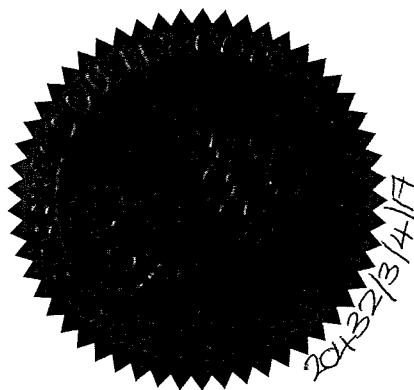
Seal book



THE COMMON SEAL OF
WEST SUSSEX COUNTY COUNCIL
as Owner
was hereunto affixed in the presence of:



AUTHORISED SIGNATORY:



THE COMMON SEAL OF
WEST SUSSEX COUNTY COUNCIL
as County Planning Authority
was hereunto affixed in the presence of:



AUTHORISED SIGNATORY

