

DATED

17 August

2012

**DEED OF VARIATION AN AGREEMENT MADE PURSUANT TO S.106
TOWN AND COUNTRY PLANNING ACT 1990**

between

ARUN DISTRICT COUNCIL (1)

and

WEST SUSSEX COUNTY COUNCIL (2)

and

KINGSOAK HOMES LIMITED (3)

**Site at Felpham
Bognor Regis
West Sussex**

MOORE BLATCH
solicitors

11 The Avenue
Southampton
Hampshire
SO17 1XF

T. +44 (0)23 8071 8029
F. +44 (0)23 8033 2205

www.mooreblatch.com
EJB 14582.1678

Moore Blatch is the trading name of Moore Blatch LLP, which is a limited liability partnership registered in England and Wales, registration number OC335180. The registered office is 11 The Avenue, Southampton SO17 1XF.

THIS DEED OF VARIATION is made this

day of

17 September

2012

BETWEEN:

- (1) **ARUN DISTRICT COUNCIL** of Arun Civic Centre Maltravers Road Littlehampton West Sussex BN17 5LF (the "Council")
- (2) **WEST SUSSEX COUNTY COUNCIL** of County Hall West Street Chichester West Sussex PO19 1RQ (the "County Council"); and
- (3) **KINGSOAK HOMES LIMITED** (Company Registration Number 01993976) whose registered office is at Barratt House, Cartwright Way, Forest Business Park, Bardon Hill, Coalville, Leicestershire, LE67 1UF ("Kingsoak")

WHEREAS

- (A) The Council is the local planning authority for the purposes of the 1990 Act for the administrative area within which the Site is situated by whom the obligations contained in this Deed are enforceable
- (B) The Council the County Council and Kingsoak together with their predecessors in title have entered into various Agreements pursuant to S.106 of the Town and Country Planning Act 1990 (the "Section 106 Agreement") relating to the Site and listed in the annexed Schedule.
- (C) Kingsoak is now the registered proprietor of the Site
- (D) Kingsoak has submitted an application (reference FP/118/12) in respect of the Site and the Council is minded to grant planning permission
- (E) The Council the County Council and Kingsoak have agreed to vary the Section 106 Agreement as hereinafter provided

NOW THIS DEED is made in pursuance of the powers contained in Section 106A of the 1990 Act and is a planning obligation for the purposes of Section 106 of the 1990 Act and WITNESSES as follows:

1. Definitions and Interpretations

- 1.1. Expressions in this Deed shall save as otherwise stated in this Deed have the meanings given in clause 1 of the Section 106 Agreement
- 1.2. Where the context so admits words in this Deed shall be interpreted in accordance with the provisions of Clause 2 of the Section 106 Agreement

2. Variation

- 2.1. The parties to this Deed hereby agree that on and from the date of this deed the Section 106 Agreement shall be varied and supplemented as follows:
- 2.2. Clause 1 of the Section 106 Agreement shall be varied by the deletion of the existing definition of "Planning Application" as stated in the Section 106 Agreement and its replacement by the definition appearing below so far only as the land affected by Planning Permission References FP/166/09, FP/151/11 and FP/92/04, are concerned:

"Planning Application"

Means the application made by the Applicant to the Council for alterations to 22 units within Area A at the Site, Ref: FP/118/12

3. Confirmation

3.1. It is hereby agreed and declared by the Council and Kingsoak that saving and excepting for as is expressly provided for by the provisions of this Deed the covenants and provisions contained in the Section 106 Agreement shall continue to have full force and effect

4. **Costs**

4.1. Kingsoak agrees with the Council and the County Council to pay on completion of this Agreement to the Council and County Council their respective legal costs incurred in entering into this Agreement.

IN WITNESS whereof the Council, the County Council and Kingsoak have executed this document as a Deed and delivered it the day and year first above written

The COMMON SEAL of

was affixed in the presence of

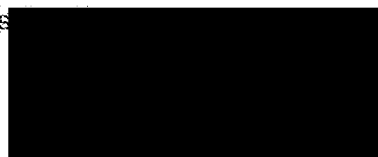


THE COMMON SEAL of

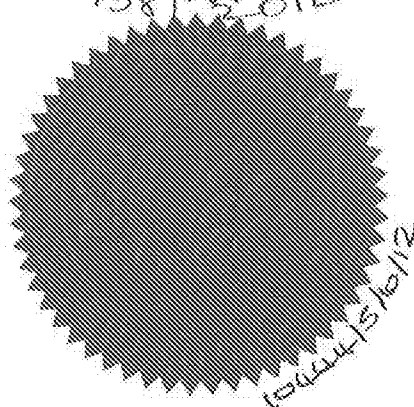
WEST SUSSEX COUNTY COUNCIL

was hereunto affixed to this

the presence of:)



Authorised Signatory



EXECUTED AS A DEED on behalf of

KINGSOAK HOMES LIMITED

by *JAMES DUNN*

and *James Dunne*

in exercise of the powers conferred on them

by a Power of Attorney dated 1 May 2012



THE SCHEDULE

Section 106 Agreements

- (a) the deed dated 5 August 2005 and made between the County Council, Felpham Consortium Limited and Hallam Land Management Limited pursuant to s106 of the 1990 Act;
- (b) the deed dated 11 August 2005 and made between the G Money & Sons Limited, Peter Wilbraham and Phyllis Alice Wilbraham, CC Trading Limited, Rowan Properties Limited and the County Council pursuant to s106 of the 1990 Act;
- (c) the deed dated 19 December 2005 and made between the Owners (as defined therein), Felpham Consortium Limited, Hallam Land Management Limited and the County Council pursuant to s106 of the 1990 Act;
- (d) the deed dated 18 September 2006 and made between the Council, the Owners (as defined therein), Hallam Land Management Limited and Felpham Consortium Limited
- (e) the deed dated 10 March 2010 and made between Kingsoak Homes the County Council and the Council
- (f) the deed dated 31 January 2012 and made between the Council and Kingsoak Homes Limited