

DATED

2nd April

2014

Ribble Valley Borough Council (1)

and

Miller Homes Limited (2)

and

Royal Bank of Scotland Plc (3)

DEED OF VARIATION

Pursuant to a Deed dated 24 March 2010 under Section 106 of
the Town and Country Planning Act 1990 (as amended)
relating to land situate at Primrose Mill, Woone Lane,
Clitheroe

DEED OF VARIATION made the 2nd day of April 2014

1. Particulars

1.1 The Landowner **Miller Homes Limited** (Scot Company No. 255429) whose registered office is at Miller House 2 Lochside View, Edinburgh Park Edinburgh, EH12 9DH

1.2 The Mortgagee **The Royal Bank of Scotland Plc** (Scot Company No. 90312) whose registered office is at 36 St Andrew Square EH2 2YB, as agent and Security Agent

1.3 The Council **Ribble Valley Borough Council** of Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

1.4 The Section 106 Agreement A Section 106 Agreement dated 24 March 2010 made by the Council (1) and the former landowners (2) and former mortgagees of the Land/Property

1.5 The Land That land which is now registered at the Land Registry with freehold absolute title under Title Number LAN114405

1.6 The Initial Permission The planning permission dated 24 March 2010 numbered 3/2008/0526

1.7 The Parties mean together the Landowner, the Mortgagee and the Council

2. Definitions and Interpretation

In this Deed:

2.1 The words and expressions in clause 1 shall have the meanings specified.

2.2 Unless the context otherwise requires the terms and expressions used shall have the meanings prescribed by the Section 106 Agreement.

3. Background

- 3.1 This Deed is supplemental to the Section 106 Agreement.
- 3.2 The Landowner is the owner of the freehold estate in the Land and the Mortgagee pursuant to a legal charge dated 28 September 2012 is the Mortgagee over the Land and the Council remains the local planning authority for the area in which the Land is situated.
- 3.3 The Landowner has made an application referenced 3/2012/0379 for full planning consent ("the New Application") in addition to the Initial Permission granted as an outline consent and the Parties agree that the Section 106 Agreement shall be amended to refer to the New Permission that will be granted pursuant to the New Application ("the New Permission").
- 3.4 This Deed is made pursuant to the provisions of Section 106 and Section 106A of the Town and Country Planning Act 1990 (as amended) and the obligations in this Deed are planning obligations enforceable by the Council.

4. Variation

- 4.1 The Landowner and the Mortgagee and the Council agree that the Section 106 Agreement is varied as follows: the Section 106 Agreement shall henceforth take effect and be read and construed as if it relates to both the Initial Permission and the New Permission.
- 4.2 To the extent that any covenants and obligations in the Section 106 Agreement have already been satisfied such covenants and obligations shall be deemed to be satisfied under the terms of this Deed.

5. Registration

The Council shall register this Deed in its register of Local Land Charges.

6. Confirmation of the Section 106 Agreement

Save as set out in this Deed the Parties affirm the provisions of the Section 106 Agreement.

7. Contracts (Rights of Third Parties) Act 1999

Unless expressly stated nothing in this Deed will create any rights in favour of any person pursuant to the Contracts (Rights of Third Parties) Act 1999.

IN WITNESS whereof the Parties hereto have executed this Deed the day and year above written

EXECUTED as a DEED by)
RIBBLE VALLEY BOROUGH)
COUNCIL by the affixing)
of its Common Seal in the)
presence of:-)



1442

Mayor *R. E. Shum*

Chief Executive *M. H. Scott*

SIGNED as a DEED by)
MILLER HOMES LIMITED)
in the presence of:-)

Authorised Signatory *Im Ian Murdoch*

Authorised Signatory *JJ [Signature]*

EXECUTED AND DELIVERED as a DEED by)
THE ROYAL BANK OF SCOTLAND PLC as security agent acting by)
An Attorney of the Bank

Name *PAUL FLETCHER*

[Signature of Paul Fletcher]

Witness *B R G [Signature]*

Syndicated Loans Agency
The Royal Bank of Scotland plc
2 1/2 Devonshire Square
London
EC2M 4BA