

THIS DEED is made on the 23rd day of August 2018
BETWEEN

- 1 THE RYEDALE DISTRICT COUNCIL whose principal office is at Ryedale House Malton in the County of North Yorkshire YO17 7HH ("the Council") and
- 2 PALLADIAN (YORK) LIMITED Registered Office 6 Middlethorpe Business Park, Sim Balk Lane, Bishopthorpe, York. YO23 2BD ("the Owner")
- 3 NEAL INVESTMENTS LIMITED (CRN09339470) Registered Office Ogleforth House, Ogleforth, York. YO1 7JG ("the Mortgagee")

NOW THIS DEED WITNESSES as follows:

1 Definitions and Interpretations

In this Deed the following words and expressions have the following meanings:

- 1.1 "the Section 106 Agreement" means an Agreement dated the 3rd of February 2016 made under Section 106 of the Town and Country Planning Act 1990 between
 - (1) RYEDALE DISTRICT COUNCIL of Ryedale House, Malton, North Yorkshire, YO17 7HH ("the Council"); and
 - (2) SARA ANN LANDERS, PETER CARL MAXWELL LANDERS and JEREMY JOHN LANDERS all of Appletree Cottage, Barrie Barn Lane, Robin Hoods Bay, Whitby, North Yorkshire. YO22 4PD and JEREMY WILLIAM WISKER of 79 High Street, Hampton-in-Arden, Solihull, West Midlands. B92 0AE; and
 - (3) NEIL DOUGLAS LANDERS and SARA ANN LANDERS of Appletree Cottage, Barrie Barn Lane, Robin Hoods Bay, Whitby, North Yorkshire. YO22 4PD
 - 1.2 The Land means the land at Mount Farm, Westow, York. YO60 7NE shown for the purposes of identification only edged red on the Plan
 - 1.3 The Plan is the plan attached to this Agreement and marked "Plan"
 - 1.4 The clause headings do not form part of this Deed and shall not be taken into account in its construction or interpretation.
- 2 Recitals**
- 2.1 The Land is now vested in the Owner as the successors in title to the original owners

2.2 The Mortgagee acknowledges and declares that this Deed has been entered into by the Owner with its consent and that the Land shall be bound by the obligations contained in this Deed and that the security of the mortgage over the Land shall take effect subject to this Agreement PROVIDED THAT the Mortgagee shall have no liability under this Deed unless it takes possession of the Land, in which case it too will be bound by the obligations as if it were a person deriving title in the Land from the Owner

2.3 Without prejudice to the covenants in the Section 106 Agreement, the Owner covenants with the Mortgagee to observe, perform and comply with the obligations and covenants in the Section 106 Agreement which the Owner covenants to perform and to indemnify and keep the Mortgagee indemnified against all Losses arising out of or in connection with the Owner's breach or non-observance of such obligations and covenants

2.4 This Deed is supplemental to the Section 106 Agreement

2.5 The parties desire to alter the terms of the Section 106 Agreement as mentioned below

3 Variation

It is mutually agreed that the Section 106 Agreement shall be varied as follows:-

The following amendments shall be made as though they had been contained in the Agreement at the date of execution:

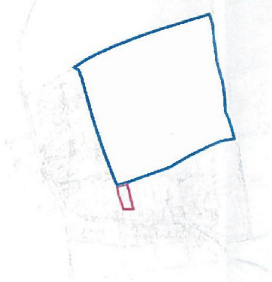
3.1 Definitions

3.1.1 "Application"

At the end of the definition add 'and application made 4 December 2017 for variation of Conditions 13, 19, 21 and 27 of approval 13/00885/FUL Substitution of approved plans to amend house design and layout 17/01257/73'

4 Confirmation of the Agreement

Save as modified by this Deed the Section 106 Agreement shall continue in full force and effect in all respects.



Location Plan Extents

9.8.18
 NEAL INVESTMENTS LTD
 9/8/18
 PALLADIAN (TACK) LTD

Date Valid: 24/11/2017

17434 25/11/17 Planning 624 PDC

IN WITNESS whereof the parties hereto have executed this Deed the day and year first before written

THE COMMON SEAL of THE)
RYEDALE DISTRICT COUNCIL)
was hereunto affixed and is)
authenticated by)

KAW
Council Solicitor

Minute 934/82
Reg No. 7006
Initials KAW



EXECUTED as a DEED by)
PALLADIAN (YORK) LIMITED)
Acting by two directors/OR)
One director in the presence of)

[Signature]

Witness *[Signature]*

Name CHRISTOPHER EWENS

Address 79 MILLFIELD ROAD, YORK, YO23 1NH

EXECUTED as a DEED by)
NEAL INVESTMENTS LIMITED)
Acting by two directors/OR)
One director in the presence of)

[Signature]

Witness *[Signature]*

Name BRENDA GIBSONS

Address 6 MILNERTHORPE BUSINESS PARK
YORK YO23 2SA

DATED

23rd August

2018

- (1) RYEDALE DISTRICT COUNCIL
and
- (2) PALLADIAN (YORK) LIMITED
and
- (3) NEAL INVESTMENTS LIMITED

DEED of VARIATION

Relating to a Section 106 Agreement dated 3 February 2016 in relation to
Land at Mount Farm, Westow
in the County of North Yorkshire

K A WINSHIP
Council Solicitor
MALTON