

THIS DEED is made on the 3 day of June 2016
BETWEEN

- 1 THE RYEDALE DISTRICT COUNCIL whose principal office is at Ryedale House Maiton in the County of North Yorkshire YO17 7HH ("the Council") and
- 2 FENDALE DEVELOPMENTS LLP of Ingram Road, Leeds, LS11 9RQ (LLP Reg No OC322658) ("the Owner")
- 3 DIARMAID KELLY of Linton Grange, Linton Common, Linton, Wetherby, LS22 4JE ("the Chargee")

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 Agreement" means the Section 106 Agreement dated the Nineteenth day of December 2013 made under Section 106 of the Town and Country Planning Act 1990 between Ryedale District Council (1) and Milner Farms Limited (2)
- 1.2 The Property means the property known as Rectory Farm, Scrayingham, York, North Yorkshire.
- 1.3 The Chargee consents to the terms of this Deed of Variation.
- 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 Property is vested in the Owner as the successors to the Original Owners, now registered at HM Land Registry Title Number NYK420127.
- 2.2 This deed is supplemental to the Agreement.
- 2.3 The parties desire to alter the terms of the Agreement as mentioned below.

3 Variation

It is mutually agreed that the 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 At the Definitions "Affordable Housing Commuted Sum", the sum of £240,000.00 two Hundred and Forty Thousand Pounds be removed and replaced with £75,000.00 Seventy Five Thousand Pounds.
- 3.2 At the "The Third Schedule" at paragraph 2 the sum of £80,000 (Eighty Thousand Pounds) be removed and replaced by the sum of £75,000 (Seventy Five Thousand Pounds)

3.3 At the "The Third Schedule" paragraphs 3 and 4 be removed.

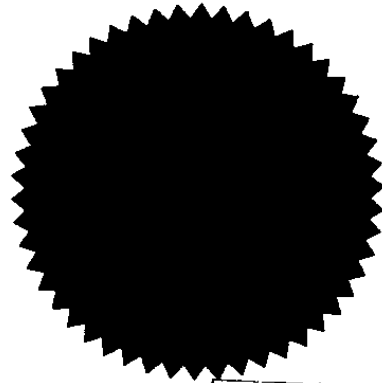
4 Confirmation of the Agreement

Save as modified by this deed the Agreement shall continue in full force and affect in all respects.

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)
)
)
)

K. N. [Signature]
Council Solicitor



EXECUTED as a DEED by
FENDALE DEVELOPMENTS LLP
in the presence of)
)

[Signature]

Misc 934/82
Reg No. 6908
Index 85

Witness *[Signature]*
Name DJ Evans

Address 44 Whitehill White
2 Riverside Way
Leeds LS1 6EH

EXECUTED as a DEED by
DIARMAID KELLY in the
presence of:

) * *Diarmaid Kelly*

Witness

[Handwritten Signature]

Name

D. J. Evans

Address

*64 Whitefield
2 Church Way
Lisakee WI 4EH*

DATED 3 June

2016

THE RYEDALE DISTRICT COUNCIL

and

FENDALE DEVELOPMENTS LLP

and

DIARMAID KELLY

DEED of VARIATION

Relating to a Section 106 Agreement dated 19 December 2013
and made between Ryedale District Council and Milner Farms Limited relating
to Rectory Farm, Scrayingham, York in the County of North Yorkshire

**K A WINSHIP
Council Solicitor
MALTON**