

DATED

30 JUNE

2011

WREXHAM COUNTY BOROUGH COUNCIL (1)

- and -

LORD KENYON

A G R E E M E N T

**Pursuant to Section 106 of the Town and Country Planning Act 1990
in respect of a contribution to education provision arising from residential
development at Home Farm Buildings, Gredington Estate, Wrexham
in the County Borough of Wrexham**

Trevor Coxon
Chief Legal and Democratic Services Officer
Wrexham County Borough Council
Guildhall
Wrexham
LL11 1AY

Ref. LP/CLJ/10001126

THIS DEED is made the 30TH day of JUNE Two thousand and eleven **BETWEEN WREXHAM COUNTY BOROUGH COUNCIL** of Guildhall Wrexham LL11 1AY (hereinafter called "the Council") of the one part and **THE RIGHT HONOURABLE LLOYD SIXTH LORD KENYON BARON OF GREDINGTON** of Gredington Hall, Gredington, Hanmer, Whitchurch, Shropshire, SY13 3DQ (hereinafter called "the Owner") of the other part

WHEREAS

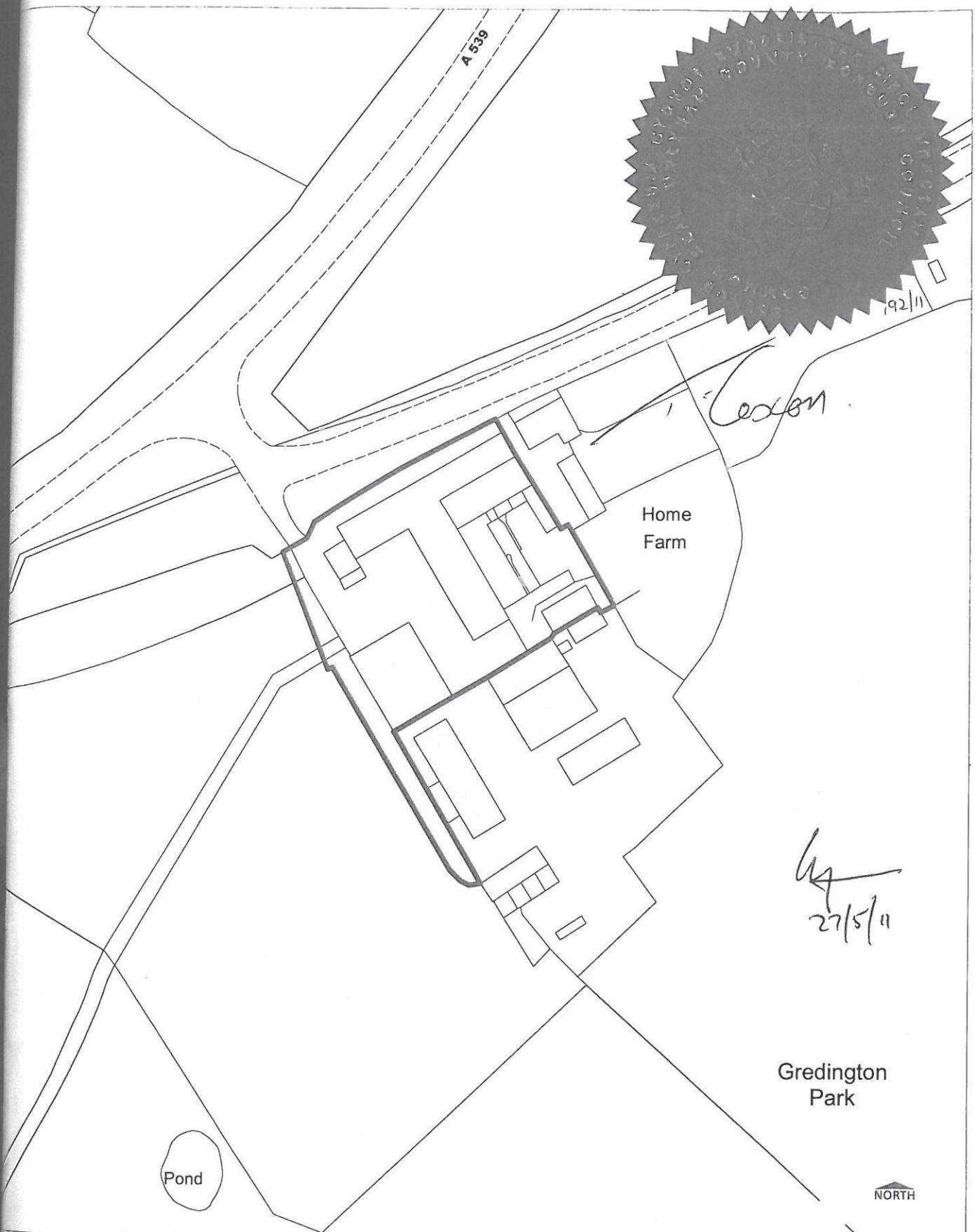
- (1) The Council is the local planning authority within the meaning of the Town and Country Planning Act 1990 (hereinafter called "the Act") for the area in which the land described in the First Schedule hereto (hereinafter called "the Land") is situate and by whom the Obligation (hereinafter defined) is enforceable.
- (2) The Owner is the owner of the Land in fee simple in possession free from incumbrances.
- (3) By an application dated 24 October 2008 which has been allocated code number P/2008/1146 (hereinafter called "the Application") application has been made to the Council for planning permission for the development specified in the Second Schedule hereto (hereinafter called "the Development") on the Land.
- (4) The Council has decided to grant planning permission for the Development subject to conditions (hereinafter called "the Planning Permission") in accordance with the Application subject to the execution of this Deed without which planning permission for the Development would not have been granted.

NOW THIS DEED which is made in pursuance of Section 106 of the Town and Country Planning Act 1990 **WITNESSETH** as follows:-

1 **THE** Owner hereby covenants with the Council to perform the obligation (hereinafter called "the Obligation") set out in the Third Schedule hereto

2 **IT IS AGREED** and declared as follows:-

- (i) the Obligation is a planning obligation for the purposes of Section 106 of the Act
- (ii) the Obligation relates to the Land
- (iii) the Obligation is enforceable by the Council as Local Planning Authority
- (iv) the Council will issue the Planning Permission on completion of this Deed
- (v) the expressions "the Council" and "the Owner" shall include their respective successors in title and assigns and if any successor in title to the Owner shall comprise more than one person all obligations contained herein on the part of the Owner shall be the joint and several liability of such persons.
- (vi) no party hereto shall be liable for a breach of the Obligation after they shall have parted with all interest in the Land but this provision shall not affect any liability of such party in respect of any antecedent breach of the Obligation in existence at the time such party disposes of such interest.
- (vii) the Obligation shall take effect upon a date which shall be specified by the party intending to implement the Planning Permission in a written notice served upon the Council as being the date upon which the



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Planning Officer
 Street, Wrexham LL11 1AR
 Phone 01978 292017.
 planning@wrexham.gov.uk

Town and Country Planning Act 1990
Section 106 Obligation

P/2008/1146 - Home Farm Buildings,
Gredington Estate, Hanmer, Wrexham

1250 SJ4439

4/03/11



Development is to be commenced (such notice to be served not less than 7 days before such date)

- (viii) if the party intending to implement the Planning Permission fails to serve the notice referred to in (vii) above before commencement of the Development the Obligation shall take effect upon the actual date upon which the Development is begun within the meaning of Section 56 of the Act (as amended)
- (ix) the Obligation is a local land charge and shall be registered as such
- (x) this Deed will not prevent the Council from exercising its statutory powers under any legislation
- (xi) the Owners will pay to the Council on completion of this Deed the sum of One thousand pounds (£1,000) representing the Council's legal costs of and incidental to its preparation

3 IF THE SUM payable pursuant to the Obligation remains unspent or uncommitted for expenditure by the Council in whole or in part at any time after the tenth anniversary of the date of the payment of such sum to the Council it shall (if required by the Owner) repay to the Owner the whole or such part of the said sum which has not been so expended or committed for expenditure together with any interest actually earned thereon by the Council (the Council being under no obligation to obtain the best interest rate available)

IN WITNESS WHEREOF the Council has executed this Deed as a deed by the affixation of its Common Seal and the Owner has executed this Deed as a deed the day and year first before written

FIRST SCHEDULE
(“the Land”)

Home Farm Buildings, Gredington Estate, Hanmer in the County Borough of Wrexham shown edged red on the plan annexed hereto and being part of the land at the date hereof comprised in Title Number CYM500278 registered at H M Land Registry in the name of the Owner with title absolute.

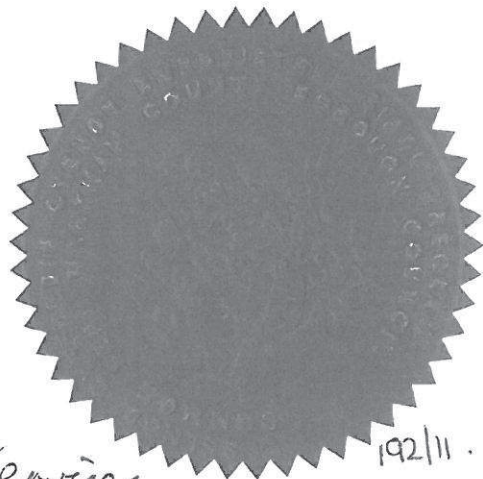
SECOND SCHEDULE
(“the Development”)

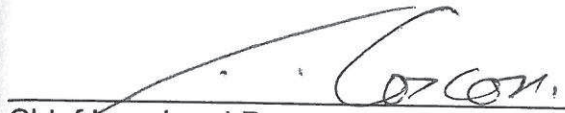
“Conversion and demolition (in part) of existing farm buildings to create 7 no. dwellings with associated parking and landscaping.”

THIRD SCHEDULE
(“the Obligation”)

To pay to the Council within a period of 14 days from the first date upon which any of the dwellings created by the Development is occupied the sum of Seventeen Thousand Eight Hundred and Fifty Six Pounds (£17,856) the said sum being payable to the Council as a contribution towards the provision of secondary education facilities within the Penley Maelor catchment area pursuant to the requirements of the Council’s published Local Planning Guidance Note No. 27 entitled “Developer Contributions to Schools” (and having been calculated in accordance therewith) the same to be expended by the Council within the said catchment area and in the manner set out in the said Local Planning Guidance Note

EXECUTED as a DEED by the affixation
of the **COMMON SEAL** of **WREXHAM**
COUNTY BOROUGH COUNCIL in the
presence of:-



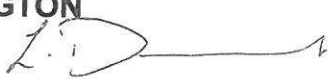

Chief Legal and Democratic Services Officer

Head of Corporate + Customer Services

192/11

EXECUTED as a DEED
by **THE RIGHT HONOURABLE**
LLOYD SIXTH LORD KENYON
BARON OF GREDINGTON

in the presence of:-


LAURA DAVENPORT, LAND AGENT
STRUTT AND PARKER
PARK HOUSE
37 LOWER BRIDGE ST
CHESTER

CERTIFICATE

As solicitors for the Owner (as defined in the within written deed) we hereby certify
that Recital (2) thereof is correct

Signed SEE ATTACHED LETTER Dated 30 JUNE 2011

Bowcock Cuerden LLP
South Cheshire House
Manor Road
Nantwich
CW5 5LX

Date: 30 June 2011
Our Ref: NP/L/KEN4/1
E-Mail: nparkin@bowcockcuerden.co.uk
Your Ref:
Your letter/fax of:

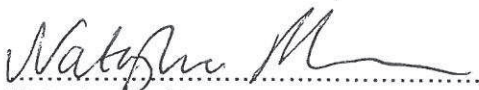
Dear Sirs

**S.106 Agreement between Wrexham County Borough Council (1)
Lord Kenyon (2)
Home Farm Buildings, Gredington Estate, Wrexham**

The Right Honourable Lloyd Sixth Lord Kenyon Baron of Gredington is the current registered proprietor of the land registered under Title Number CYM500278.

The land is subject to the encumbrances set out in the Property and Charges Register of the official copy register entries dated 07.01.2011.

As far as we are aware, the title is not subject to any other financial encumbrances. However, we have not carried out any searches or enquiries other than the Land Registry OS3 search dated 23.06.2011, which indicates that there were no changes to the Register or plan to Title Number CYM500278 as at that date.


Natasha Parkin
Solicitor

Bowcock Cuerden LLP



bowcock cuerden LLP
COMMERCIAL LAWYERS

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Private Client Team

Fax: 01270 610085:

Commercial Department

Litigation Department

Employment Department

The person dealing with
this matter is:

Miss N Parkin

Regulated by the
Solicitors Regulation Authority

No 419650

Bowcock Cuerden LLP is registered in
England and Wales as a Limited
Liability Partnership No. OC311589.

A list of Members is available
at the Registered Office

We do not accept service
of documents by facsimile
or electronic means.



Lexcel
THE LAW SOCIETY



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The Guildhall
Wrexham
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