

This Guarantee Bond is made as a Deed this 10th day of JAN 20 between

The "Developer" **BELLWAY HOMES LIMITED** a company registered and incorporated under the laws of England under registered number 00670176 whose registered office is at Seaton Burn House Dudley Lane Seaton Burn Newcastle upon Tyne NE13 6BE

The "Surety" **ZURICH INSURANCE PUBLIC LIMITED COMPANY** a public limited company incorporated in Ireland (Registration No. 13460) whose registered office is at Zurich House Ballsbridge Park Dublin 4 Ireland UK branch registered in England and Wales Registration No. BR7985 and whose address for service for the purposes of this Guarantee Bond is Zurich Surety of 2nd Floor Norfolk House 7 Norfolk Street Manchester M2 1ZU England or such other address as shall be notified in writing from time to time, and

The "Council" **HAVANT BOROUGH COUNCIL** of Public Service Plaza Civic Centre Road Havant P09 2AX in the County of Hampshire

WHEREAS

The Developer and the Council have entered into an agreement (the "Section 106 Agreement" dated 23rd November 2016) in connection with the construction of a Sustainable Drainage System (SuDs) relating to land South of Bartons Road Havant (Phase 3) in Hampshire.

Pursuant to the Section 106 Agreement the Developer has agreed to procure the issue of a Bond in the form and tenor of this instrument in favour of the Council.

The Surety has agreed to execute and deliver this Guarantee Bond as the Compensation Bond.

In this Guarantee Bond words and expressions shall bear the meanings (unless otherwise stated) set out in the Section 106 Agreement.

NOW THIS DEED WITNESSES as follows:-

The Developer as principal and the Surety as guarantor are held and firmly bound unto the Council in the sum of **Eight Hundred and Twenty One Thousand Eight Hundred and Eighty Four Pounds (£821,884.00)** in accordance with the Section 106 Agreement and the maximum aggregate liability of the Surety under this Guarantee Bond shall not exceed the sum of **Eight Hundred and Twenty One Thousand Eight Hundred and Eighty Four Pounds (£821,884.00)** (the "Bond Amount") for the due performance and discharge by the Developer of its obligations under the Section 106 Agreement (the "Compensation Obligations").

If the Developer shall fail to comply with its obligations under clause 1 of this Guarantee Bond the Council shall be entitled to serve a Default Notice upon the Surety specifying the nature of such default and demanding payment of such sum not exceeding the Bond Amount as the Council shall set out in such Default Notice and the Surety shall within fourteen days of the receipt of the Default Notice pay to the Council the amount set out in such demand.

If the Surety shall pay any sum to the Council in accordance with the provisions of clause 2 of this Guarantee Bond the Council shall hold and apply the same for the purpose of discharging the obligations of the Developer in relation to the Compensation Obligations and subject thereto shall repay any unexpended balance to the Surety.

The obligations and liabilities of the Surety under this Guarantee Bond shall not be released or discharged by any indulgence forbearance or forgiveness granted to the Developer under or in respect of the Section 106 Agreement nor by any variation or amendment thereto (whether or not made with the consent of the Surety) nor by the liquidation or dissolution of the Developer.

The obligations and liabilities of the Developer and the Surety under this Guarantee Bond shall be released and discharged absolutely upon whichever shall be the earlier of i) payment of the Bond Amount ii) discharge of the Bond in accordance with clause 3.6 of Schedule 1 of the Section 106 Agreement iii) 01 August 2021.

IN WITNESS whereof the Guarantor and the Contractor have executed and delivered this Guarantee Bond as a Deed the day and year first before written.

EXECUTED AND DELIVERED as a deed by
BELLWAY HOMES LIMITED

in the presence of

Director

SHAUN PETTITT
REGIONAL DIRECTOR
BELLWAY HOMES WESSEX

Director

SANDY BARNES
TECHNICAL DIRECTOR
BELLWAY HOMES WESSEX

Signed and delivered as a Deed by
Kim Katherine Ashworth as
Attorney for **Zurich Insurance Public
Limited Company** in the presence
of:

Signature of witness

Name of witness

Address of witness

Occupation of witness

Claire Gozen

Norfolk House, Manchester

Senior Bond Administrator