



Hampshire County Council

*Legal Services
Corporate Services
The Castle, Winchester
Hampshire SO23 8UJ*

Telephone 01962 841841
Fax 01962 840215
DX Winchester 2510
www.hants.gov.uk

Chief Planning Officer
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

<i>Enquiries to</i>	Ian Austin	<i>My reference</i>	101812/CIA
<i>Direct Line</i>	01962 847623	<i>Your reference</i>	
<i>Date</i>	20th October 2015	<i>E-mail</i>	Ian.Austin@hants.gov.uk

Dear Sir,

**Section 106A Deed of Variation – Land at Southleigh Landfill, Emsworth,
Common Road, Havant, Hampshire
Planning Application Number:- APP/15/00802**

Please find enclosed a certified copy of a completed Section 106A Deed of Variation in respect of Land at Southleigh Landfill, Emsworth, Common Road. I should be grateful if you could place a copy of this agreement on the Planning Register once this has been undertaken.

Yours faithfully

Principal Solicitor
for Head of Legal Services



Lexcel
Practice Management Standard
Law Society Accredited

Head of Legal Services
David Kelly BA Hons Solicitor

Chief Executive
Andrew Smith OBE MA DPA MBA

DATED

2 October

2015

HAMPSHIRE COUNTY COUNCIL

and

VEOLIA ES LANDFILL LIMITED

Deed of Variation in relation to
Southleigh Landfill, Emsworth,
Common Road, Havant,
Hampshire

I hereby certify that this
is a true copy:



Head of
Legal Services

File Ref:- 101812

David Kelly BA Hons Solicitor
Head of Legal Services
Hampshire County Council
The Castle
Winchester
Hampshire
SO23 8UJ

THIS DEED OF VARIATION is made this 2nd day of October 2015

BETWEEN

1. HAMPSHIRE COUNTY COUNCIL of the Castle Winchester Hampshire SO23 8UJ ("the County Council")
2. VEOLIA ES LANDFILL LIMITED (Company Registration Number 00997695) whose registered office is situated at 210 Pentonville Road London N1 9JY. ("the Developer")

WHEREAS

1. This Deed is supplemental to an Agreement made under Section 106 of the Town and County Planning Act 1990 as amended ("the Act") and Section 278 of the Highways Act 1980 made between (1) and the County Council and (2) Summerdown Limited ("the First Agreement") dated 5th September 1997 and a Deed of Variation made under S106A of the Act made between (1) the County Council and (2) the Developer ("the First Deed of Variation") dated 3rd February 2015, relating to land known as Southleigh Landfill Emsworth Common Road in Havant Hampshire ("the Original Land")
2. The Developer is now the registered proprietor of all of the Original Land with title registered at HM Land Registry under Title Number HP267298
3. The parties hereto now consent to vary their respective obligations contained within the First Agreement and the Deed of Variation as hereinafter provided relating to the Original Land

NOW THIS DEED WITNESSETH as follows:-

1. This Deed is made pursuant to Section 106A of the Act as amended and Section 111 of the Local Government Act 1972 and all other powers so enabling
2. In Recital 2 of the First Agreement the reference to 'the Planning Applications' shall be extended to include reference to Application Number 'APP/15/00802'
3. For the avoidance of doubt the remainder of Recital 2 of the First Agreement shall remain the same
4. Except as varied by this Deed of Variation and the First Deed of Variation the First Agreement is otherwise confirmed and remains in full force and effect
5. The Developer covenants with the County Council to pay on the date hereof the County Council's reasonable legal fees incurred in the preparation and completion of this Deed
6. The Developer hereby warrants that it is the owner of the freehold of the Original Land and that no other party has an interest in the Original Land save as disclosed in writing to the County Council's Head of Legal Services prior to completion of this Deed
7. Reference wherever it appears in this Deed to the Developer shall include any successor in title thereto
8. This Deed shall be registered as a Local Land Charge
9. Notwithstanding the provisions of the Contracts (Rights of Third Parties) Act 1999 nothing in this Deed confers or purports to confer any right to enforce any of the terms and provisions herein on any person who is not a party hereto or a successor in title to a party hereto
10. In accordance with the requirements of the Land Registration Act 2002 the Developer hereby CONSENTS to the noting of this Deed in the Charges Register of Title Number HP267298

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

EXECUTED AS A DEED by affixing the)
COMMON SEAL OF HAMPSHIRE)
COUNTY COUNCIL in the presence of:-)



Authorised Signatory

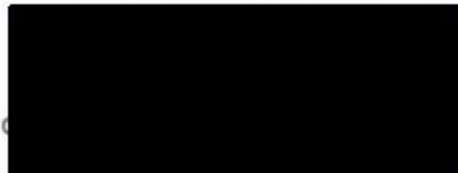


EXECUTED AS A DEED by)
VEOLIA ES LANDFILL LIMITED acting by:-)



Director

In the presence of



NAME OF WITNESS: JOANNE DEMETRIUS

ADDRESS OF WITNESS:



OCCUPATION OF WITNESS: SOLICITOR