

HATFIELD AERODROME

**DEED OF MODIFICATION UNDER SECTION 106A OF THE TOWN AND COUNTRY
PLANNING ACT 1990**

WELWYN HATFIELD DISTRICT COUNCIL (1)

- and -

HERTFORDSHIRE COUNTY COUNCIL (2)

- and -

**THE UNIVERSITY OF HERTFORDSHIRE
HIGHER EDUCATION CORPORATION (3)**

- and -

BAE SYSTEMS plc (4)

**DEED OF MODIFICATION
UNDER S106A TOWN AND COUNTRY PLANNING ACT 1990**

relating to land to the north of St Albans Road West
Hatfield Hertfordshire

DAVIES ARNOLD COOPER

6-8 Bouverie Street

London EC4Y 8DD

Tel: 020 7936 2222

Fax: 020 7936 2020

e-mail: daclon@dac.co.uk

THIS DEED OF MODIFICATION is made on the 3rd day of January 2002

BETWEEN

- (1) **WELWYN HATFIELD DISTRICT COUNCIL** of Council Offices, Welwyn Garden City ("the District Council")
- (2) **HERTFORDSHIRE COUNTY COUNCIL** of County Hall, Hertford AL8 6AE ("the County Council")
- (3) **THE UNIVERSITY OF HERTFORDSHIRE HIGHER EDUCATION CORPORATION** whose registered office is situate at Hatfield Campus College Lane Hatfield Hertfordshire AL10 9AB ("the University")
- (4) **BAE SYSTEMS plc** registered company number 1470151 (formerly known as British Aerospace Public Limited Company) whose registered office is situate at Sterling Square 6 Carlton Gardens London SW1Y 5AD ("BAES")

NOW THIS DEED WITNESSETH as follows:

1. DEFINITIONS AND INTERPRETATIONS

- 1.1 This Deed of Modification is made pursuant to the provisions of Section 106A of the Town and Country Planning Act 1990 and to the extent that it contains or may be construed to contain provisions relating to obligations of the District Council and the County Council pursuant to Section 111 of the Local Government Act 1972
- 1.2 This Deed varies the terms of a deed of planning obligation made between the District Council (1) the County Council (2) St Albans District Council (3) BAES (4) Arlington Property Developments Limited (5) the University (6) and Hatfield Business Park Limited (7) dated 29 December 2000 (hereinafter called "the

Principal Deed”) which related to the grant of outline planning permission under reference S6/1064/99/OP for the development of the Application Site as defined therein for mixed use development, including a new university campus (Use Class D1 and D2) and replacement De Havilland Sports and Social Club and associated playing fields (“the Outline Planning Permission”) insofar as it relates to the University Land

- 1.3 This Deed is enforceable by the District Council and the County Council as the local planning authorities for the area in which the University Land is situated against the University and BAES and their respective successors in title and assigns
- 1.4 In this Deed of Modification all words and expressions shall except where the context otherwise provides have the same meaning as those contained in the Principal Deed
- 1.5 For the purposes of Section 2 of the Law of Property (Miscellaneous Provisions) Act 1989 the terms conditions covenants and obligations contained in the Principal Deed shall (save as otherwise provided in this Deed of Modification) remain in full force and effect though the said terms of the Principal Deed were set out herein in extenso as
- 1.6 The University is registered at HM Land Registry under Title No. HD395551 as the freehold owner of the University Land. BAES has the benefit of an option and pre-emption deed dated 13 February 2001 in respect of the University Land
- 1.7 “Reserved Matters Application” means an application for the approval of reserved matters submitted to the District Council on behalf of the University under reference S6/2001/1026/DE for the siting design layout and means of access for

the development of 1600 units of student residential accommodation and associated facilities university sports centre sports pitches and outdoor changing facilities (hereinafter referred to as "the University Development")

- 1.8 "Reserved Matters Approval" means the approval of the Reserved Matters Application by the District Council in accordance with a resolution of the District Council's Planning Control Board meeting held on 27 September 2001 subject inter alia to the covenants restrictions and obligations contained in this Deed of Modification
- 1.9 The Outline Planning Permission was granted subject to the terms of the Principal Deed
- 1.10 The District Council the County Council the University and BAES agree that with effect from the date hereof the University Development shall be subject to and bound by the terms of the Principal Deed as modified by this Deed of Modification

2 MODIFICATIONS TO THE PRINCIPAL DEED

- 2.1 In the Principal Deed Clause 5.16 thereof shall be deleted and the following clause substituted in place thereof:-

"5.16 Not to permit or cause to permit any unit of student residential accommodation provided on the University Land pursuant to the Reserved Matters Approval to be occupied during the course of each term in each academic year (details of which the University shall notify to the District Council prior to the start of each academic year) other than in accordance with the terms and conditions of an individual tenancy agreement between each student and the

University in a form to be approved in writing by the District Council that inter alia

- (a) prohibits each tenant other than disabled persons from parking any private motor vehicle on any part of the University Land or in any location within the town of Hatfield (including any private or public car park facility) SAVE ONLY FOR those times when they are first moving into or leaving the said student residential accommodation
- (b) requires each tenant to provide the University with details of any private motor vehicle that they use during their tenancy of the student residential accommodation and details of where the said vehicle is normally parked
- (c) provides for the termination of any tenancy where the University is satisfied that the terms and conditions of the tenancy agreement relating to the parking of private motor vehicles have been contravened"

2.2 The covenants given by the University under the provisions of Clause 5 of the Principal Deed shall be modified to include the following additional covenants:-

"5.33 Not to permit or cause to permit the sports centre and sports pitches and associated facilities provided on the University Land pursuant to the Reserved Matters Approval and shown hatched green for identification purposes only on the attached plan (the "Sports Facilities") to be used by any other persons bodies clubs or organisations other than the University until such time as a detailed scheme for the management and use thereof by any such third parties and for the monitoring and review of use thereof by any such third parties has been submitted to and approved in writing by the District Council"

"5.34 Not to permit or cause to permit the Sports Facilities to be used by any third parties otherwise than in accordance with a detailed management scheme approved in writing by the District Council"

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

THE COMMON SEAL of
WELWYN HATFIELD DISTRICT
COUNCIL was hereunto affixed in
the presence of:-



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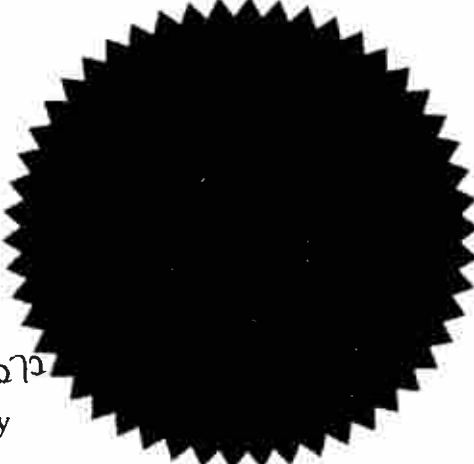
Chairman.

Authorised Signatory

THE COMMON SEAL of
HERTFORDSHIRE COUNTY
COUNCIL was hereunto affixed in
the presence of:-



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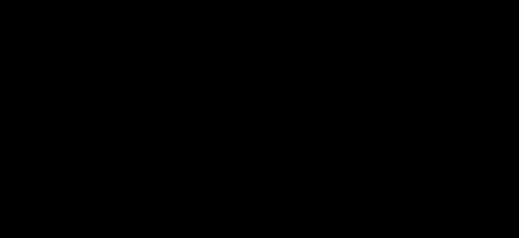


Chairman

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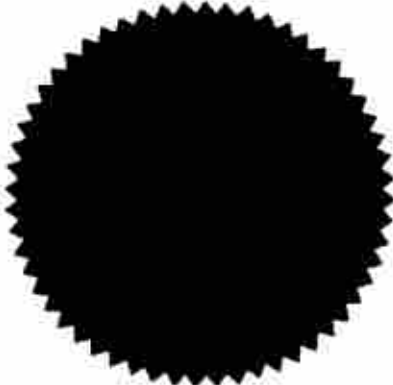
Authorised Signatory

THE COMMON SEAL of
THE UNIVERSITY OF
HERTFORDSHIRE HIGHER
EDUCATION CORPORATION
was hereunto affixed in the presence of:-

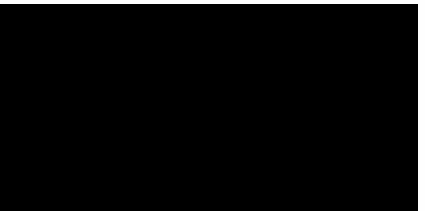


Authorised Officer

Authorised Officer



EXECUTED AS A DEED by
BAE SYSTEMS plc
acting by two Directors or a
Director and the Secretary



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Director

Director/Secretary

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COUNTY SECRETARY

2272

Student Accommodation.

209,999 sq ft
1214 Heclres

University Sports Field.

SPORT BUILDING

ST. ALBANS ROAD WEST

UNIVERSITY SITE
LOCATION PLAN
1:2000

