

HERTFORDSHIRE COUNTY COUNCIL
SECTION 106 DEED OF AGREEMENT

Date: 26th October

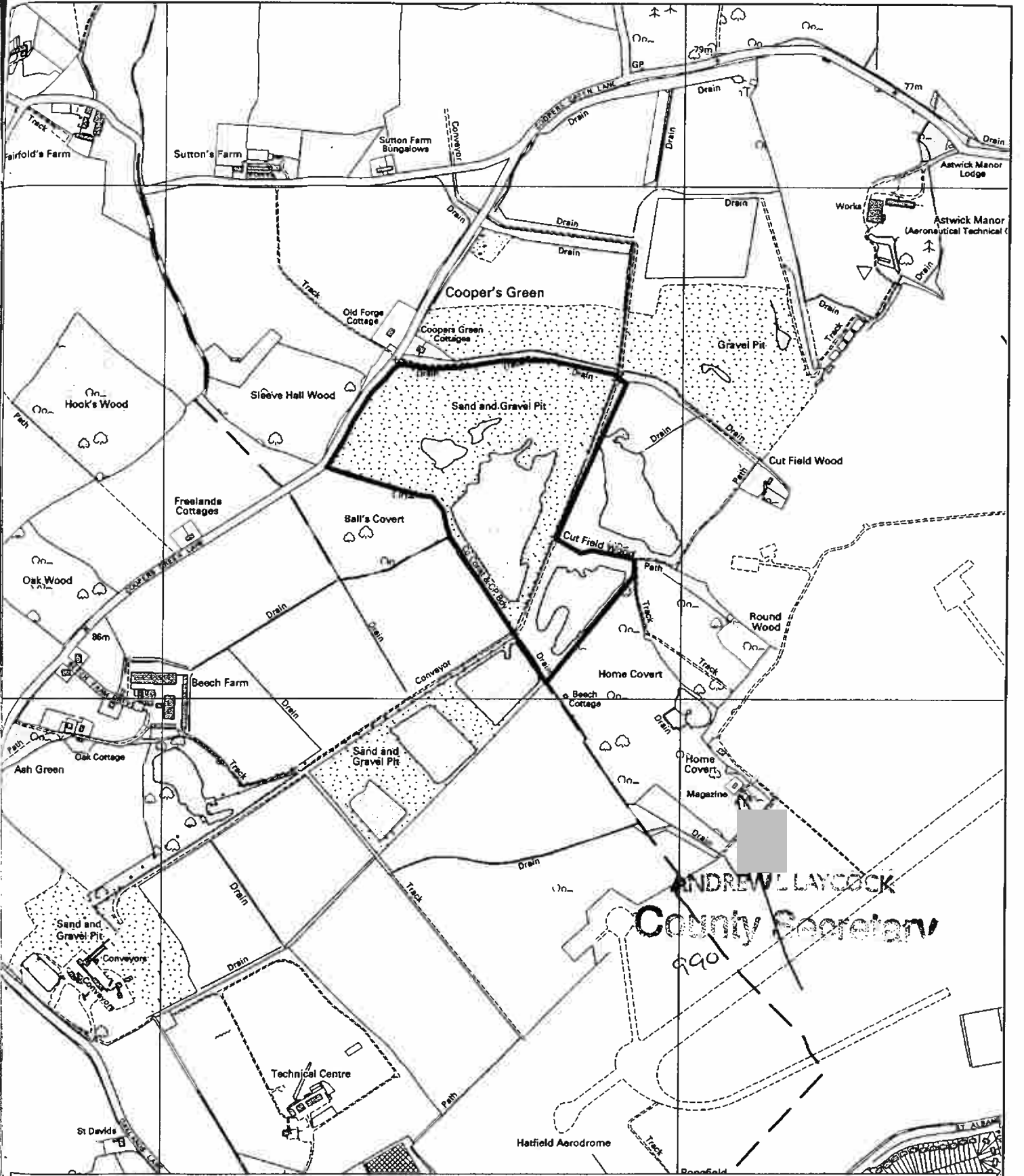
2004

PARTIES:

1. HERTFORDSHIRE COUNTY COUNCIL of County Hall Hertford Hertfordshire SG13 8DE("the County Council")
2. RMC AGGREGATES (GREATER LONDON) LIMITED (Co.Regn.No. 00246052) whose registered office is situate at RMC House Coldharbour Lane Thorpe Egham Surrey TW20 8TD ("the Developer")
3. RMC (UK) LIMITED (Co. Regn.No. 658390) whose registered office is situate at RMC House Coldharbour Lane Thorpe Egham Surrey TW20 8TD ("the Landowner")

WHEREAS

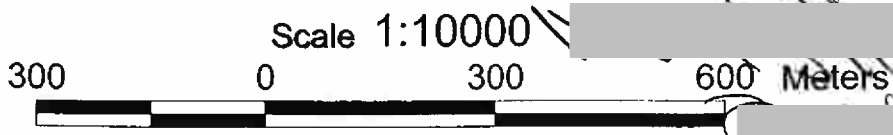
1. The County Council is the Minerals Planning Authority for Hertfordshire
2. The County Council is also a local planning authority for the purpose of Section 106 of the Town & Country Planning Act 1990 (as amended) ("the Act") for the area of land known as Cutfield Oaklands Lane Hatfield Hertfordshire which is for the purposes of identification only shown edged blue on the plan annexed to this Deed ("the Land") and as such is the local planning authority entitled to enforce the planning obligations hereinafter recited
3. The Landowner is registered as the unencumbered freehold owner of the Land under Title No HD94562
4. Planning Permission reference no. 6/0119-89 ("the Original Planning Permission ") was granted on 27 November 1989 for the development of the Land for the extraction of sand and gravel, refilling with non-hazardous commercial and industrial solid waste and restoration to agriculture ("the Development")



ANDREW LAYCOCK
 County Secretary
 990



Section 106 Agreement
 "Land edged blue"
 Cutfield, Oaklands Lane,
 Hatfield, Hertfordshire



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5. The Developer applied to the County Council under Section 73 of the Act under Application number 6/0596-03 to vary a number of conditions of the Original Planning Permission to extend the time for completion and final restoration scheme on the Land
6. Planning Permission 6/0596-03 ("the New Planning Permission") was granted by the County Council on 21 October 2003
7. The Developer and the Landowner have agreed to enter into this Deed with the County Council restricting how the Development is to be carried out

NOW THIS DEED WITNESSETH as follows:

1. This Deed is made pursuant to Section 106 of the Act and Section 111 of the Local Government Act 1972 and contains planning obligations pursuant to Section 106 of the Act relating to the Land which are enforceable by the County Council
2. Unless otherwise specified where any agreement certificate or approval is to be given by the County Council under the terms of this Deed then the same shall not be unreasonably withheld or delayed

Developer's and Landowner's Covenants

3. The Developer and the Landowner for themselves and their successors in title hereby covenant with the County Council in respect of the Land on the basis that such covenants may be enforced by the County Council either jointly and severally as follows:
 - (a) they will submit to the County Council for its written approval (such approval not to be unreasonably withheld or delayed) a long term management scheme ("the Scheme") in respect of the Land not later than December 2006 which shall deliver long term nature conservation and enhancement and shall include:
 - (i) a clear understanding of the Land by the collation of all available relevant physical and biological information in

respect of the Land

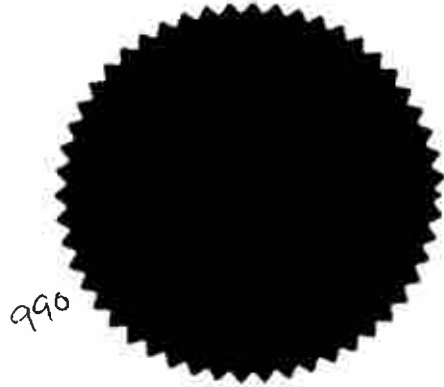
- (ii) the identification of goals and management objectives and provisions to ensure that all proposed work on the Land is linked to the management objectives and ensures provisions are included for the review and refinement of the management objectives
 - (iii) the identification of the monitoring and methodology required to achieve the management objectives so that the objectives are met from the chosen management approach
 - (iv) provision for the installation of monitoring systems to ensure that project results are systematically recorded
 - (v) the organisation of resources and funding to ensure the continuity of the management objectives over a prescribed period referred to in the Scheme including funding to ensure that management is effective in delivering the wetland nature conservation after use as proposed for in the New Planning Permission
- (b) they will implement and carry out the approved Scheme in full immediately upon the expiry of the five year aftercare period provided for at Condition 20 of the New Planning Permission
- (c) they will pay to the County Council on the date hereof its reasonable costs incurred in the preparation of this Deed

4. This Deed shall be registered as a Local Land Charge

5. 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 or provisions herein on any person who is not a party hereto or a successor in title to a party hereto

IN WITNESS whereof the parties hereto have caused their respective Common Seals to be hereunto affixed to this Deed the day and year first before written

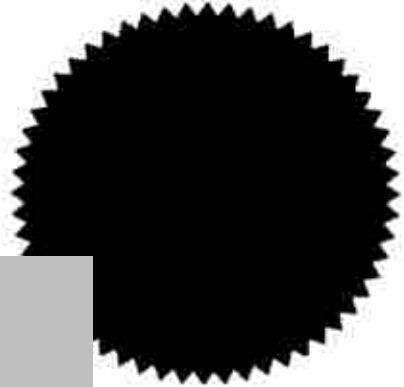
The COMMON SEAL of)
HERTFORDSHIRE COUNTY)
COUNCIL)
affixed in the presence of:-)
ANDREW [REDACTED] CK
County Seal



The COMMON SEAL of RMC)
AGGREGATES (GREATER)
LONDON) LIMITED was)
hereunto affixed to this Deed in)
the presence of:-

Director

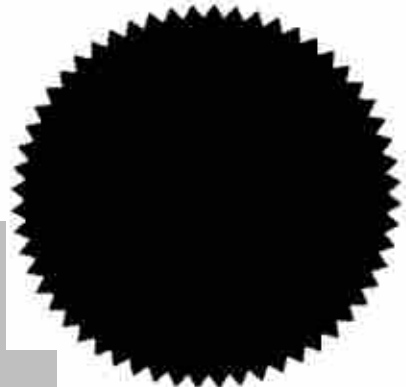
Assistant
Director/Secretary



The COMMON SEAL of RMC)
(UK) LIMITED was hereunto)
affixed to this Deed in the)
presence of:-

Authorized
Director
Signatory

Assistant
Director/Secretary



Date 26th October 2004

HERTFORDSHIRE COUNTY COUNCIL

- and -

RMC AGGREGATES (GREATER
LONDON) LIMITED

- and -

RMC (UK) LIMITED

Planning Obligation pursuant to S.106
Town and Country Planning Act 1990
in relation to land at Cutfield Oaklands Lane
Hatfield Hertfordshire

ANDREW L LAYCOCK
County Secretary
County Hall
Hertford
SG13 8DE

REF: RN/DU 394