

DATED

21 January

2016 ~~2015~~

(1) TRUSTEES OF THE BRITISH MUSEUM

and

**(2) THE MAYOR AND BURGESSES OF
THE LONDON BOROUGH OF CAMDEN**

THIRD DEED OF VARIATION

Relating to the Section 106 Agreement dated 13 January 2010
and the subsequent First Deed of Variation dated 1 June 2012
and the Second Deed of Variation dated 5 April 2011
between the Mayor and the Burgesses of the London Borough of Camden
and the Trustees of the British Museum
under section 106 of the Town and Country Planning Act 1990 (as amended)
relating to development at premises known as

THE BRITISH MUSEUM

Andrew Maughan
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London Borough of Camden
Town Hall
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L/1685.1744
Third DOV FINAL 150914
2012/4920/P



THIS AGREEMENT is made on the 21 day of January 2016 ~~2015~~

BETWEEN

1. **TRUSTEES OF THE BRITISH MUSEUM** of British Museum Great Russell Street London WC1B 3DG (hereinafter called "the Owner") of the first part
2. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the second part

1. **WHEREAS:**

- 1.1 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.2 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Agreement.
- 1.3 The Council and the Owner entered into a Section 106 Agreement dated 13 January 2010 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.4 The Council and the Owner entered into a Section 106 Agreement First Deed of Variation dated 1 June 2010 pursuant to Section 106A of the Town and Country Planning Act 1990 (as amended).
- 1.5 The Council and the Owner entered into a Section 106 Agreement Second Deed of Variation dated 1 June 2010 in relation to planning application 2010/6530/P pursuant to Section 106A of the Town and Country Planning Act 1990 (as amended).
- 1.6 A Planning Application under section 96A of the Act in respect of the Property proposing non-material amendments to the Original Planning Permission was submitted to the Council by the Owner and validated on 17 September 2012 for

which the Council resolved to grant permission conditionally under reference 2012/4920/P subject to the conclusion of this Agreement.

1.7 This Agreement is made by virtue of the Town and Country Planning Act 1990 Section 106A (as amended) and is a planning obligation for the purposes of that section.

1.8 Without prejudice to the terms of the other covenants contained in the Existing Agreement the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.

2. **INTERPRETATION**

2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Agreement save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Agreement.

2.2 All reference in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.

2.3 In this Agreement the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.3.1 "Agreement" this Third Deed of Variation

2.3.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 13 January 2010 made between the Council and the Trustees of the British Museum as amended by the First Deed of Variation and the Second Deed of Variation

2.3.3. "the First Deed of Variation" the Section 106 Agreement Deed of Variation under s106A of the Town and Country Planning

Montagu Evans LLP
5 Bolton Street
London
W1J 8BA

Application Ref: **2012/4920/P**
Please ask for: **Bethany Arbery**
Telephone: 020 7974 2077

DRAFT

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)

**Grant of Non Material Amendments to planning permission subject to Section 106
Legal Agreement**

Address:
**British Museum
Great Russell Street
London
WC1B 3DG**

DECISION

Proposal:

Non-material amendment to planning permission granted 13/01/10 (Ref: 2009/4638/P) (as amended by non-material amendment dated 05/04/11 - Ref: 2010/6530/P) for the erection of 5-storey building (plus 3 basement levels) with roof level plant to provide a special exhibition gallery, logistics bay (accessed via new vehicular lift off Montague Place), collection storage facilities, conservation laboratories, associated offices and management facilities for the British Museum (Class D1), associated alterations to the facades of the North Range and King Edward Building, and hard and soft landscaping works (following demolition of Nos. 1 and 2 Montague Place, Book Bindery, EDF Sub-station, BMS Store, Stonemasons/Locksmiths workshops and portakabins) (Includes Environmental Impact Assessment), namely to revise setting out of building (Pavilion 1 repositioned 300mm north and Pavilions 2-4 repositioned 300mm south, Cores 1 repositioned 450mm north and Core 3 repositioned 450mm south) and reduction in size of refuse store.

Superseded plans/documents:

Drawing Nos: Superseded Drawings: 5370-FD-PL-01-0155M; and 5370-FD-PL-01-0156M.

Approved Drawings: 5370-FD-PL-01-0155O; and 5370-FD-PL-01-0165O.

Supporting Information: Report by Roger Stirk Harbour & Partners 'Application for Non-Material Amendments' dated August 2012.

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above **subject to** the conclusion of a Section 106 Legal Agreement.

Informative(s):

- 1 You are advised that this permission relates only to the changes highlighted on the plans and set out in the description and shall only be read in the context of the substantive permission granted on 13/01/10 under reference number 2009/4638/P, as amended by non-material amendments approved on 05/04/11 under reference 2010/6530/P, and is bound by all the conditions and obligations attached to that permission except as varied by the deed of variation entered into in connection with this application.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Director of Culture & Environment

DECISION

Act 1990 (as amended) in respect of the Property dated 1 June 2010 made between the Council and the Owner

2.3.4. "the Second Deed of Variation"

the Section 106 Agreement Deed of Variation under s106A of the Town and Country Planning Act 1990 (as amended) in respect of the Property dated 5 April 2011 made between the Council and the Owner

2.4 Where in this Agreement reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Agreement.

2.5 Headings are for ease of reference only and are not intended to be construed as part of this Agreement and shall not be construed as part of this Agreement and shall not effect the construction of this Agreement.

2.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa.

2.7 References in this Agreement to the Owner shall include its successors in title.

3. VARIATION TO THE EXISTING AGREEMENT

3.1 The following definitions contained in the Existing Agreement shall be varied as follows:

2.15 "Development"

"(i) Planning Permission

Non-material amendment to planning permission granted 13/01/10 (Ref: 2009/4638/P) (as amended by non-material amendment dated 05/04/11 - Ref: 2010/6530/P) for the erection of 5-storey building (plus 3 basement levels) with roof level plant to provide a special exhibition gallery, logistics bay (accessed via new vehicular lift off Montague Place), collection storage facilities, conservation

laboratories, associated offices and management facilities for the British Museum (Class D1), associated alterations to the facades of the North Range and King Edward Building, and hard and soft landscaping works (following demolition of Nos. 1 and 2 Montague Place, Book Bindery, EDF Sub-station, BMS Store, Stonemasons/Locksmiths workshops and portakabins) (Includes Environmental Impact Assessment), namely to revise setting out of building (Pavilion 1 repositioned 300mm north and Pavilions 2-4 repositioned 300mm south, Cores 1 repositioned 450mm north and Core 3 repositioned 450mm south) and reduction in size of refuse store as shown on the following plans:-

(2009/4638/P) 5370-PL-SITE(EX)-0001M; 5370-PL-SITE(EX)-0002M; 5370-PL-B1(EX)-0003M; 5370-PL-00(EX)-0004M; 5370-PL-01(EX)-0005M; 5370-PL-02(EX)-0006M; 5370-PL-03(EX)-0007M; 5370-PL-04(EX)-0008M; 5370-PL-05(EX)-0009M; 5370-PL-06(EX)-0010M; 5370-PL-06A(EX)-0011M; 5370-PL-RF(EX)-0012M; 5370-PL-SITE-0150M; 5370-PL-B2-0152M; 5370-PL-B1-0153M; 5370-PL-00-0154M; 5370-PL-02-0156M; 5370-PL-03-0157M; 5370-PL-05-0158M; 5370-PL-06-0159M; 5370-PL-06A-0160M; 5370-PL-RF-0161M; 5370-PL-KEY-0180M; 5370-FD-SE-AA(EX)-0220M; 5370-FD-SE-CC(EX)-0222M; 5370-FD-SE-DD(EX)-0223M; 5370-FD-SE-EE(EX)-0224M; 5370-FD-SE-FF(EX)-0225M; 5370-FD-SE-AA-0270M; 5370-FD-SE-CC-0272M; 5370-FD-SE-DD-0273M; 5370-FD-SE-EE-0274M; 5370-FD-SE-FF-0275M; 5370-FD-EL-N(EX)-0300M; 5370-FD-EL-W(EX)-0301M; 5370-FD-EL-W(EX)SITE-0302M; 5370-FD-EL-N(EX)-0310M; 5370-FD-EL-N(EX)SITE-0311M; 5370-FD-EL-S(EX)SITE-0312M; 5370-FD-EL-E(EX)SITE-0313M; 5370-FD-EL-W(EX)-0314M; 5370-FD-EL-W(EX)SITE-0315M; 5370-FD-EL-N-0350M; 5370-FD-EL-W-0351M; 5370-FD-EL-W(SITE)-0352M; 5370-FD-EL-N-0360M; 5370-FD-EL-N(SITE)-0361M; 5370-FD-EL-S(SITE)-0362M; 5370-FD-EL-E(SITE)-0363M; 5370-FD-EL-W-0364M; 5370-FD-EL-W(SITE)-0365M; 5370-FD-EL-COL-N-0380M; 5370-FD-EL-COL-W(SITE)-0381M; 5370-FD-PL-B1(EX)-0400M; 5370-FD-PL-00(EX)-0401M; 5370-FD-PL-01(EX)-0402M; 5370-FD-PL-02(EX)-0403M; 5370-FD-PL-03(EX)-0404M; 5370-FD-PL-04(EX)-0405M; 5370-FD-PL-05(EX)-0406M; 5370-FD-PL-06(EX)-0407M; 5370-FD-PL-06A(EX)-0408M; 5370-FD-EL(EX)-01-0450M; 5370-FD-EL(EX)-02-0451M; 5370-FD-EL(EX)-03-0452M; 5370-FD-EL(EX)-04-0453M; 5370-FD-EL(EX)-05-0454M; 5370-FD-EL(EX)-06-0455M; 5370-FD-EL(EX)-07-0456M; 5370-FD-DET-0471M; 5370-FD-DET-0472M; 5370-FD-DET-0473M; 5370-FD-DET-0474M; 5370-FD-DET-0475M; 5370-FD-EL(EX)-01-0480M; 5370-FD-

EL(EX)-02-0481M; 5370-FD-EL(EX)-03-0482M; 5370-FD-EL(EX)-04-0483M; 5370-FD-EL(EX)-05-0484M; 5370-FD-EL(EX)-06-0485M; 5370-FD-EL(EX)-07-0486M; 5370-FD-DB-0700M; 5370-FD-DB-0701M; 5370-FD-DB-0702M; 5370-FD-DB-0703M; 5370-FD-DB-0704M; RSHP-05-DR-0151C; Design and Access Statement by Rogers Stirk Harbour + Partners dated October 2009; Environmental Statement Volume 1: Main Text and Figures by Waterman Energy, Environment and Design dated October 2009; Environmental Statement Volume 2: Townscape and Visual Impact Assessment by Francis Golding, Hayes Davidson and Purcell Miller Tritton dated October 2009; Environmental Statement Volume 3: Built Heritage Assessment by Purcell Miller Tritton dated October 2009; Environmental Statement Volume 4: Technical Appendices (Part 1) by Waterman Energy, Environment and Design dated October 2009; Transport Assessment by Steer Davies Gleave dated October 2009; Environmental Statement: Non-Technical Summary by Waterman Energy, Environment and Design dated October 2009; PPG 15 Statement (incorporating Rationale for Development and Conservation Plan) by Montagu Evans dated October 2009; Arboricultural Impact Report by Gillespies dated October 2009; Energy Statement by Arup dated October 2009; Sustainability Statement by Waterman Energy, Environment and Design dated October 2009; Consultation Statement by The British Museum/Montagu Evans dated October 2009; Planning Statement (incorporating the British Museum Masterplan) by Montagu Evans dated October 2009; Schedule of Gross Internal Areas dated 02/10/09 and Gross External Areas dated 02/12/09; Crime Prevention and Security Strategy Statement by The British Museum; and Statement on Light Pollution by Montagu Evans AND

(2010/6530/P) 5370-FD-PL-B3-0151N; 5370-FD-PL-B3-0152N; 5370-FD-PL-B3-0153N; 5370-FD-PL-B3-0154N; and 5370-FD-PL-B3-0155N: Supporting Information: Technical and operational justification for proposed dimensions of BM X-radiography enclosure; Report by ACS Consulting - Arboricultural Assessment of London Plane Tree (T1) Re. Impact of Revised Piling Location; and Report by ACS Consulting - Arboricultural Assessment of London Plane Tree (T1) Re. Implications on London Plane Tree from Piling Operation AND

(2012/4920/P) 5370-FD-PL-01-0155O; and 5370-FD-PL-01-0165O, Report by Roger Stirk Harbour & Partners 'Application for Non-Material Amendments' dated August 2012.

(ii) Listed Building Consent

Demolition of Nos. 1 & 2 Montague Place and Book Bindery, alterations to the facades of the North Range and King Edward Building, internal alterations to the North Range and Great Court, and hard and soft landscaping works all in connection with the erection of 5-storey building (plus 3 basement levels) with roof level plant to provide a special exhibition gallery, logistics bay (accessed via new vehicular lift off Montague Place), collection storage facilities, conservation laboratories, associated offices and management facilities for the British Museum (Class D1) as shown on drawing numbers: 5370-PL-SITE(EX)-0001M; 5370-PL-SITE(EX)-0002M; 5370-PL-B1(EX)-0003M; 5370-PL-00(EX)-0004M; 5370-PL-01(EX)-0005M; 5370-PL-02(EX)-0006M; 5370-PL-03(EX)-0007M; 5370-PL-04(EX)-0008M; 5370-PL-05(EX)-0009M; 5370-PL-06(EX)-0010M; 5370-PL-06A(EX)-0011M; 5370-PL-RF(EX)-0012M; 5370-PL-SITE-0150M; 5370-PL-B3-0151M; 5370-PL-B2-0152M; 5370-PL-B1-0153M; 5370-PL-00-0154M; 5370-PL-01-0155M; 5370-PL-02-0156M; 5370-PL-03-0157M; 5370-PL-05-0158M; 5370-PL-06-0159M; 5370-PL-06A-0160M; 5370-PL-RF-0161M; 5370-PL-KEY-0180M; 5370-FD-SE-AA(EX)-0220M; 5370-FD-SE-CC(EX)-0222M; 5370-FD-SE-DD(EX)-0223M; 5370-FD-SE-EE(EX)-0224M; 5370-FD-SE-FF(EX)-0225M; 5370-FD-SE-AA-0270M; 5370-FD-SE-CC-0272M; 5370-FD-SE-DD-0273M; 5370-FD-SE-EE-0274M; 5370-FD-SE-FF-0275M; 5370-FD-EL-N(EX)-0300M; 5370-FD-EL-W(EX)-0301M; 5370-FD-EL-W(EX)SITE-0302M; 5370-FD-EL-N(EX)-0310M; 5370-FD-EL-N(EX)SITE-0311M; 5370-FD-EL-S(EX)SITE-0312M; 5370-FD-EL-E(EX)SITE-0313M; 5370-FD-EL-W(EX)-0314M; 5370-FD-EL-W(EX)SITE-0315M; 5370-FD-EL-N-0350M; 5370-FD-EL-W-0351M; 5370-FD-EL-W(SITE)-0352M; 5370-FD-EL-N-0360M; 5370-FD-EL-N(SITE)-0361M; 5370-FD-EL-S(SITE)-0362M; 5370-FD-EL-E(SITE)-0363M; 5370-FD-EL-W-0364M; 5370-FD-EL-W(SITE)-0365M; 5370-FD-EL-COL-N-0380M; 5370-FD-EL-COL-W(SITE)-0381M; 5370-FD-PL-B1(EX)-0400M; 5370-FD-PL-00(EX)-0401M; 5370-FD-PL-01(EX)-0402M; 5370-FD-PL-02(EX)-0403M; 5370-FD-PL-03(EX)-0404M; 5370-FD-PL-04(EX)-0405M; 5370-FD-PL-05(EX)-0406M; 5370-FD-PL-06(EX)-0407M; 5370-FD-PL-06A(EX)-0408M; 5370-FD-PL&EL(EX)-0430M; 5370-FD-PL&EL(EX)-0431M; 5370-FD-PL&EL(EX)-0432M; 5370-FD-PL&EL(EX)-0433M; 5370-FD-PL&EL(EX)-0434M; 5370-FD-PL&EL-0441M; 5370-FD-PL&EL-0442M; 5370-FD-PL&EL-0443M; 5370-FD-PL&EL-0444M; 5370-FD-EL(EX)-01-0450M; 5370-FD-EL(EX)-02-0451M; 5370-FD-EL(EX)-03-0452M; 5370-FD-EL(EX)-04-0453M; 5370-FD-EL(EX)-05-0454M; 5370-FD-EL(EX)-06-0455M; 5370-FD-EL(EX)-07-0456M; 5370-FD-DET-0471M; 5370-FD-DET-0472M;

5370-FD-DET-0473M; 5370-FD-DET-0474M; 5370-FD-DET-0475M; 5370-FD-EL(EX)-01-0480M; 5370-FD-EL(EX)-02-0481M; 5370-FD-EL(EX)-03-0482M; 5370-FD-EL(EX)-04-0483M; 5370-FD-EL(EX)-05-0484M; 5370-FD-EL(EX)-06-0485M; 5370-FD-EL(EX)-07-0486M; 5370-FD-EL-GC-0490M; BM_SK_512M; 5370-FD-DB-700M; 5370-FD-DB-701M; 5370-FD-DB-702M; 5370-FD-DB-703M; 5370-FD-DB-704M; RSHP-05-DR-0151C; Design and Access Statement by Rogers Stirk Harbour + Partners dated October 2009; Environmental Statement Volume 1: Main Text and Figures by Waterman Energy, Environment and Design dated October 2009; Environmental Statement Volume 2: Townscape and Visual Impact Assessment by Francis Golding, Hayes Davidson and Purcell Miller Tritton dated October 2009; Environmental Statement Volume 3: Built Heritage Assessment by Purcell Miller Tritton dated October 2009; Environmental Statement Volume 4: Technical Appendices (Part 1) by Waterman Energy, Environment and Design dated April 2009; Environmental Statement: Non-Technical Summary by Waterman Energy, Environment and Design dated October 2009; PPG 15 Statement (incorporating Rationale for Development and Conservation Plan) by Montagu Evans dated October 2009; Consultation Statement by The British Museum/Montagu Evans dated October 2009; Planning Statement (incorporating the British Museum Masterplan) by Montagu Evans dated October 2009; Study of the Great Court Connections by Rogers Stirk Harbour + Partners dated October 2009; Daylight Impact of the WCEC on Existing Rooms by Purcell Miller Tritton dated October 2009 and Arched Room Improvements by Purcell Miller Tritton dated October 2009

(iii) Conservation Area Consent

Demolition of existing EDF Sub-station, BMS Store, Stonemasons/Locksmiths workshops and portakabins in connection with the erection of 5-storey building (plus 3 basement levels) with roof level plant to provide a special exhibition gallery, logistics bay (accessed via new vehicular lift off Montague Place), collection storage facilities, conservation laboratories, associated offices and management facilities for the British Museum (Class D1) as shown on drawing numbers: 5370-FD-PL-B1(EX)-0400M; 5370-FD-PL-00(EX)-0401M; 5370-FD-PL-01(EX)-0402M; 5370-FD-PL-02(EX)-0403M; 5370-FD-PL-03(EX)-0404M; 5370-FD-PL-04(EX)-0405M; 5370-FD-PL-05(EX)-0406M; 5370-FD-PL-06(EX)-0407M; 5370-FD-PL-06A(EX)-0408M; 5370-FD-EL(EX)-01-0450M; 5370-FD-EL(EX)-02-0451M; 5370-FD-EL(EX)-03-0452M; 5370-FD-EL(EX)-04-0453M; 5370-FD-EL(EX)-05-0454M; 5370-FD-EL(EX)-06-

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2.34 "Planning Application" the application for Planning Permission under section 96A of the Act for non material amendments to the Original Planning Permission in respect of the Property submitted to the Council by the Owner and validated on 17 September 2012 for which the Council resolved to grant permission conditionally under reference number 2012/4920/P

3.1.2 "Planning Permission" the planning permission under reference number 2012/4920/P to be issued by the Council in the form of the draft annexed hereto

3.2 In all other respects the Existing Agreement shall continue in full force and effect.

4. **REGISTRATION AS LOCAL LAND CHARGE**

4.1 This Agreement shall be registered as a Local Land Charge

5. PAYMENT OF THE COUNCIL'S LEGAL COSTS

5.1 The Owner agrees to pay the Council (on or prior to completion of this Agreement) its reasonable legal costs incurred in preparing this Agreement

IN WITNESS WHEREOF the Council and the Owner has caused their respective Common Seals to be affixed the day and year first above written

THE COMMON SEAL OF THE)
TRUSTEES OF THE BRITISH MUSEUM)
was hereunto affixed)
in the presence of :-)

Neil MacGregor
.....
Director/Deputy Director

Nicola Llewellyn
.....
Trustee

THE COMMON SEAL OF THE MAYOR)
AND BURGESSES OF THE LONDON)
BOROUGH OF CAMDEN)
was hereunto affixed by Order:-)

APB
.....
Duly Authorised Signatory



DATED

~~21~~ 21 January

2016
~~2015~~

(1) TRUSTEES OF THE BRITISH MUSEUM

and

**(2) THE MAYOR AND BURGESSES OF
THE LONDON BOROUGH OF CAMDEN**

THIRD DEED OF VARIATION

Relating to the Section 106 Agreement dated 13 January 2010
and the subsequent First Deed of Variation dated 1 June 2012
and the Second Deed of Variation dated 5 April 2011
between the Mayor and the Burgesses of the London Borough of Camden
and the Trustees of the British Museum
under section 106 of the Town and Country Planning Act 1990 (as amended)
relating to development at premises known as

THE BRITISH MUSEUM

Andrew Maughan
Head of Legal Services
London Borough of Camden
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