

ANNEX 1 TO SKYGARDEN VISITOR MANAGEMENT PLAN

COVENANTS IN SECTION 106 AGREEMENT DATED 6 OCTOBER 2009 (AS AMENDED ON 1 JULY 2011)

Skygarden

The Company shall provide and thereafter retain at all times when the Main Building remains in place the Skygarden as illustrated on the Skygarden Drawings and a dedicated lift to the Skygarden from an entrance on Fenchurch Street in accordance with this Deed or as approved pursuant to the Planning Permission or any subsequent planning permission. The provision of the Skygarden pursuant to this paragraph shall occur on the earliest of the following:

immediately upon Completion

prior to Occupation

not more than 18 months following completion of construction of the Main Building

Not less than six months prior to Occupation the Company shall submit for approval by the City a visitor management plan for the Skygarden which shall include details of the following:

entrance security arrangements;

access/ticketing and pre-booking system which shall permit no less than 250 members of the public to access the Skygarden at any one time who have not pre-booked any of the catering facilities;

public facilities in the Skygarden, i.e. toilets; and

security in the Skygarden

(the "Skygarden Visitor Management Plan");

The Company shall allow public access to the public lift to the Skygarden at all times when the Skygarden is open to the public.

The Company shall cleanse maintain and keep in good repair and good working order the surface of and the lighting and drainage to the Skygarden together with any furniture and hard and soft landscaping and the dedicated lift to the Skygarden;

The Company shall keep the Skygarden open to the public for access on foot and in wheelchairs and as a viewing area for recreation and viewing purposes (to which access may be gained by members of the public free of charge) at all times and in accordance with the Skygarden Visitor Management Plan save as provided for in this Deed or as may be approved by the City;

- (a) public access to the Skygarden shall be provided at all times save in the following circumstances:

Force Majeure;

the requirement to carry out maintenance, cleaning, renewal and necessary or required works, including works associated with the landscaping to be provided within the Skygarden and works of restaurant and café fitting or other structural or non-structural alteration, except that any works under this sub-paragraph shall be undertaken in such a way as to cause minimum disruption to the public, and in any event shall not continue for more than 48 hours in any eight week period without the written approval of the City (not to be unreasonably withheld or delayed) save in the case of Force Majeure;

closure outside the hours 1000 – 1800 on weekdays and the hours 1100 – 2100 on Saturdays, Sundays, Public Holidays and Bank Holidays;

with the prior approval of the City from time to time, the use of areas for tables, chairs and other features including planters which are intended to enhance the enjoyment of the space in the Skygarden by members of the public;

closure for the holding of private events, exhibitions or similar functions (to which the public at large are not admitted) PROVIDED THAT the total duration of such private events, exhibitions or other similar functions shall not exceed 14 days in any calendar year. FOR THE AVOIDANCE OF DOUBT the closure of the Skygarden for private events, exhibitions or similar functions during the hours of 1000-1800 on weekdays and 1100 – 2100 on Saturdays, Sundays, Public Holidays and Bank Holidays outside the aforementioned parameters shall not be permitted without the City's prior written approval.

Save insofar as the same is insured by the landlord of the Main Building, to keep the Skygarden properly insured and in the event of damage to pay out any insurance payments on making good such damage.

At all times when the Skygarden is open to the public, access shall be permitted to no less than 420 members of the public at one time; and

At all times when the Skygarden is open to the public no more than 828 square metres of the Skygarden (as shown for illustrative purposes edged red on the Skygarden Plan) shall be used for Class A purposes or ancillary purposes and the area shown for illustrative purposes edged and shaded blue on the Skygarden Plan shall be kept free and unobstructed for recreation and viewing by the public.

definition of “Skygarden”

“Skygarden” means those parts of the Main Building at Level 35 and above constructed and made available (with landscaping as approved pursuant to the planning permission) for use for public access and viewing and for Class D1 and Class A3/A4 purposes being shown for the purpose of identification only in the Skygarden Drawings”

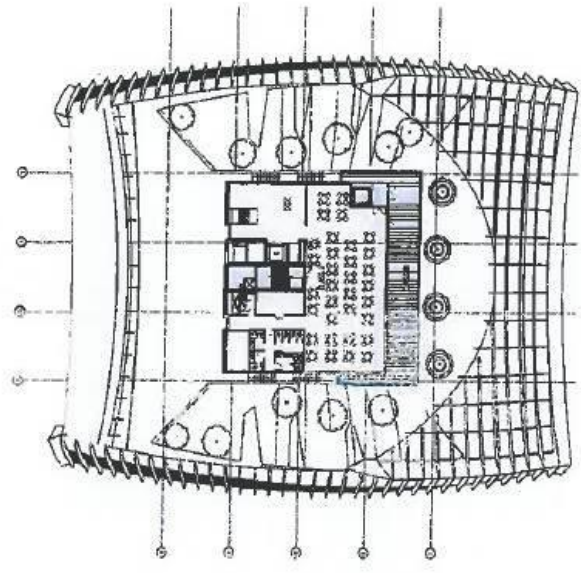
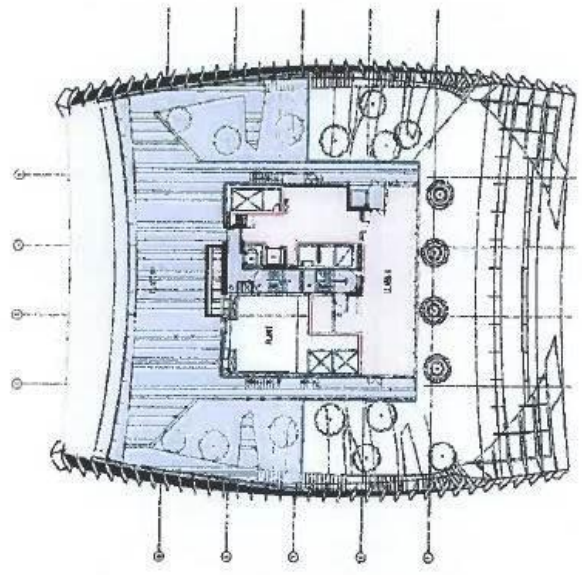
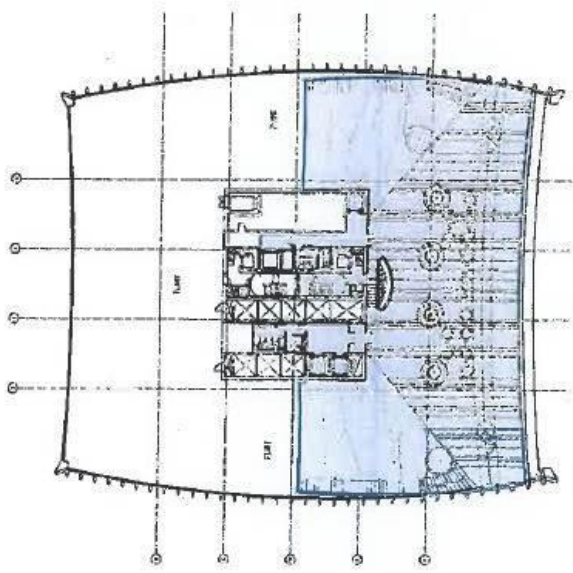
PUBLIC SPACE - SKY GARDEN

CO'S
SKY

SKY GARDEN LEVEL 35
CLASS D1 CIRCA 1540m²
CLASS A CIRCA 23m²

SKY GARDEN LEVEL 36
CLASS D1 CIRCA 1125m²
CLASS A CIRCA 580m²

SKY GARDEN LEVEL 37
CLASS D1 CIRCA 245m²
CLASS A CIRCA 465m²



PUBLICLY ACCESSIBLE OPEN SPACE - CLASS D1
 CLASS A

TOTAL AREAS
CLASS D1 CIRCA 3630m²
(INCLUDES 720m² FOR SKY GARDEN LIFT SHAFT)
CLASS A CIRCA 928m²