

Reason: To allow the LPA to discharge its duties under s40 of the NERC Act 2006 (Priority habitats & species).

71. PRIOR TO COMMENCEMENT: SKYLARK MITIGATION STRATEGY

A Skylark Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed measures
- b) Detailed Methodology for measures to be delivered
- c) Location of the proposed measures by appropriate maps and/or plans
- d) Mechanism for implementation & Monitoring of delivery

The Skylark Mitigation Strategy shall be implemented in the first nesting season following commencement of the development and in accordance with the approved details, or any amendment as may be approved in writing pursuant to this condition, and all features shall be delivered for a minimum period of 10 years.

Reason: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

72. ACTION REQUIRED PRIOR TO COMMENCEMENT OF LANDSCAPING: LANDSCAPE MANAGEMENT PLAN.

No landscape planting or works shall commence until there has been submitted to and approved in writing by the Local Planning Authority a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and associated work schedule for a minimum of 5 years. Both new and existing planting will be required to be included in the plan, along with surface treatments, SuDS features and all other landscape assets (i.e. street furniture).

The landscape management plan shall be carried out entirely as approved in accordance with the details and timescales in the plan and thereafter retained.

Reason - To ensure the longevity of the landscaping scheme and protect the visual amenity and character of the area, in accordance with Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

73. PRIOR TO IMPLEMENTATION OF LANDSCAPING: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the implementation of any landscaping. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

74. ACTION REQUIRED PRIOR TO BENEFICIAL USE: IMPLEMENTATION OF LANDSCAPING

All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the hereby permitted development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development and ensure a satisfactory environment, in accordance with Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

75. CONCURRENT WITH RESERVED MATTERS: LIGHTING DESIGN SCHEME

Prior to installation of any lighting a lighting design scheme for all lighting other than Highways lighting including measures to reduce impacts on night-time light, wildlife/biodiversity and SMART features for that part or phase shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

Under no circumstances shall any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

76. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT:
ARCHAEOLOGICAL SCHEME OF INVESTIGATION

No development shall take place within areas B, C, D or E including the buffer zone areas marked in red on plan 'Mitigation Area Plan Buffer Zone' until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
- h. Mitigation details for the preservation in situ of archaeological features within areas C, D and E, and a management plan for the ongoing protection of these areas in perpetuity.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Core Strategy Objective SO 4 of Mid Suffolk District Council Core Strategy Development Plan Document (2008) and the National Planning Policy Framework (2019).

INFORMATIVE:

The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team. I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to Mid Suffolk District Council, the SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site.

In this case, the following will be required for the five archaeological areas:

Area A: Open area excavation has been undertaken in this area. The fieldwork has been completed. The excavation Post-excavation Assessment Report is currently being produced by the client's archaeological contractor for submission to SCCAS. We have no objections to groundworks commencing in Area A.

Area B: Open area excavation, including open area excavation area over medieval archaeological features identified in trench 67.

Area C: Trenched archaeological evaluation in order to establish the archaeological potential.

Decisions on the need for any further investigation (excavation before groundworks commence) will be made on the results of the evaluation.

Area D: Open area excavation on the areas threatened by the development.

Area E: Open area excavation on the areas threatened by the development.

In the areas B - E archaeological works will be required before any groundworks commence, this includes site preparation, infrastructure and landscaping works.

77. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: ARCHAEOLOGICAL ASSESSMENT

No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under part 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

REASON:

To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Core Strategy Objective SO 4 of Mid Suffolk District Council Core Strategy Development Plan Document (2008) and the National Planning Policy Framework (2019).

78. COMPLIANCE WITH ARBORICULTURAL REPORT

All works shall be undertaken in accordance with the measures outlined in the Arboricultural Report accompanying the application.

Reason: In order to help avoid harm being caused to the trees scheduled for retention.

79. ACTION REQUIRED; DUST ASSESSMENT AND MITIGATION

All works shall be undertaken in accordance with the measures outlined in the dust assessment in the BWB report MKA2107 and the mitigation proposals.

Reason: To protect neighbouring residential amenity from the impacts of construction.

80. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT: CONTROL OF POLLUTION

Prior to the commencement of development, if required by the Control of Pollution Act 1974 a S.61 prior consent application shall have been submitted, and details confirming the submission and conditions submitted to the Local Planning Authority. These conditions shall be adhered to throughout the development.

Reason: To protect against on site noise and vibration impacts.

81. ON GOING REQUIREMENT: RESTRICTION ON CONSTRUCTION OPERATION TIMES

The construction working hours in respect of any works undertaken for the hereby permitted development shall be limited to:

0800 to 1800 Mondays to Fridays and 0800 to 1300 Saturdays.

There shall be no working or deliveries outside of these hours or on public holidays.

In the event that working outside these times is necessary for a particular element of works (e.g. a concrete pour), 14 days advance notice must be given in writing to the Local Planning Authority along with contact details in the event of complaint.

Any construction working taking place in such circumstances must not exceed 55dB LA eq (1 hour) between 1900 and 2300 and 45dB LA eq (20 minutes) between 2300 and 0700 as measured 1m from the facade of the nearest noise sensitive premises.

Reason - To protect neighbouring noise sensitive premises from adverse impacts of noise and construction working.

82.

ACTION REQUIRED: USE OF MACHINERY

The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228-1: 2009+A1:2014.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity

83. ACTION REQUIRED DURING DEVELOPMENT: CONTAMINATION

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority.

The remediation strategy shall be implemented as approved.

Reason - To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v 1.1, 2013) position statements A4-A6, J1-J7 and N7.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework

NPPG-National Planning Policy Guidance

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC03 - Supply Of Employment Land
SB02 - Development appropriate to its setting
GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB13 - Protecting Ancient Monuments
HB14 - Ensuring archaeological remains are not destroyed
H16 - Protecting existing residential amenity
CL08 - Protecting wildlife habitats
CL09 - Recognised wildlife areas
CL11 - Retaining high quality agricultural land
CL12 - The effects of severance upon existing farms
E02 - Industrial uses on allocated sites
E03 - Warehousing, storage, distribution and haulage depots
E09 - Location of new businesses
E10 - New Industrial and commercial development in the countryside
New Industrial and commercial development in the countryside
E12 - General principles for location, design and layout
T02 - Minor Highway improvements
T04 - Planning Obligations and highway infrastructure
T07 - Provision of public car parking
T08 - Lorry parking facilities in towns
T09 - Parking Standards
T10 - Highway Considerations in Development
T11 - Facilities for pedestrians and cyclists
T12 - Designing for people with disabilities
T13 - Bus Service
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways
SC04 - Protection of groundwater supplies
SC06 - Recycling centres
SAAP - Stowmarket Area Action Plan

NOTES:

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. In this case the applicant took advantage of the Council's pre-application service prior to making the application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early

stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

2. NOTES The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. For further information go to <http://www.suffolkpublicrightsofway.org.uk> and www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk.

3. You should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Unless agreed with the Local Planning Authority, you must not carry out any development work (including demolition or site preparation) until the requirements of the condition have been met, or without the prior approval of the Local Planning Authority.

The developer shall ensure that any reports relating to site investigations and subsequent remediation strategies shall be forwarded for comment to the following bodies:

- o Local Planning Authority
- o Environmental Services
- o Building Inspector
- o Environment Agency

Any site investigations and remediation strategies in respect of site contamination (including ground gases, where appropriate) shall be carried out in accordance with current approved standards and codes of practice.

The applicant/developer is advised, in connection with the above condition(s) requiring the submission of a strategy to establish the presence of land contaminants and any necessary investigation and remediation measures, to contact the Council's Environmental Protection Team.

4. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- o Any discharge to a watercourse or groundwater needs to comply with the Water

Environment (Water Framework Directive) (England and Wales) Regulations 2017

- o Any discharge of surface water to a watercourse that drains into an Internal Drainage Board

district catchment may be is subject to payment of a surface water developer contribution

- o Any works to lay new surface water drainage pipes underneath the public highway will need

a licence under section 50 of the New Roads and Street Works Act

- o Any works to a main river may require an environmental permit

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/21/00407

Signed: Philip Isbell

Dated:

**Chief Planning Officer
Sustainable Communities**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practise refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

THIRD SCHEDULE

PART 1

The Skylark Landowner's Covenants with the District Council

The Skylark Landowner covenants with the District Council:

SKYLARK MITIGATION

1. to implement or procure the implementation of the approved Skylark Mitigation Scheme on the Skylark Mitigation Land (or part thereof) prior to Commencement of the Skylark Works.
2. to deliver and manage or to procure the delivery, management and maintenance of the approved Skylark Mitigation Scheme on the Skylark Mitigation Land on an annual basis for a period of not less than ten (10) years beginning with the date of the implementation of the Skylark Mitigation Scheme ("the Skylark Mitigation Period").
3. that during the Skylark Mitigation Period it shall allow the District Council reasonable access onto the Skylark Mitigation Land (such access to be limited to four visits per calendar year) solely for the purposes of monitoring the Skylark Mitigation Scheme subject to the District Council providing the Skylark Landowner with no less than 48 hours' notice in writing of their intention to enter onto the Skylark Mitigation Land and the District Council not causing any damage to the Skylark Mitigation Land.

PART 2

The Owner's Covenants with the District Council

The Owner covenants with the District Council:

EMPLOYEE SPORTS FACILITY

1. To pay the Employee Sports Facility Contribution to the District Council prior to the Commencement of Development and not to Commence the Development until the Employee Sports Facility Contribution has been paid to the District Council.

ESTATE MANAGEMENT

2. Not to Occupy or allow any Occupation within each Phase unless and until the Estate Management Scheme in relation to that Phase has been approved in writing by the District Council and the Estate Management Company is operational.

3. To complete the laying out of the Managed Areas within a Phase in accordance with approved Estate Management Scheme for such Phase prior to the Occupation of that Phase.
4. Following the completion of the laying out of the Managed Areas within a Phase:
 - a. to serve upon the District Council a Certificate of Practical Completion confirming that the Managed Areas within such Phase have been completed in accordance with the approved Estate Management Scheme for that Phase and the landscaping conditions included within the Planning Permission or reserved matters approvals for such Phase; and
 - b. to maintain the Managed Areas within a Phase in accordance with the approved Estate Management Scheme for such Phase to the reasonable satisfaction of the District Council throughout the Maintenance Period.
5. On the expiration of the Maintenance Period for a Phase to serve upon the District Council a Certificate of Final Completion in respect of the Managed Areas within such Phase.
6. Following the issue of the Certificate of Final Completion for the Managed Areas within a Phase to maintain the Managed Areas within that Phase in accordance with the approved Estate Management Scheme until such time as the land comprising the Managed Areas within such Phase have been transferred to the Estate Management Company.
7. To manage or procure the maintenance of the Managed Areas within a Phase in accordance with the approved Estate Management Scheme for such Phase in perpetuity.

SKYLARK MITIGATION SCHEME

8. With effect from the date hereof until the expiry of the Skylark Mitigation Period the Owner covenants that it shall use best endeavours to notify the District Council in writing with immediate effect if it becomes aware that the chargee of the Skylark Mitigation Land has taken possession of the Skylark Mitigation Land and that as a result the Skylark Mitigation Scheme may not be delivered on the Skylark Mitigation Land during the Skylark Mitigation Period.
9. In the event that the chargee of the Skylark Mitigation Land does take possession of the Skylark Land the Owner shall within 20 Working Days of provision of notice pursuant to paragraph 8 of Part 2 of this Third Schedule submit to the District Council for approval a proposal of alternative land for the delivery of the Skylark Mitigation Scheme and following receipt of such approval it shall enter into an agreement made pursuant to section 106 of the Act which secures the delivery of the Skylark Mitigation Scheme on the alternative land for remainder of the Skylark Mitigation Period plus an additional twelve (12) months.

10. In the event that the Owner is unable to secure alternative land for the delivery of the Skylark Mitigation Scheme within 3 months of the approval of the alternative proposals in accordance with paragraph 9 of this Part 2 of this Third Schedule the Owner shall within 10 Working Days of receipt of a written demand pay to the District Council all of its reasonable costs in securing appropriate alternative mitigation to secure the delivery of the Skylark Mitigation Scheme including but not limited to the District Council's costs in locating alternative skylark plots, securing the necessary land or rights to deliver such plots, delivery of the Skylark Mitigation Scheme and maintenance of the same for the remainder of the Skylark Mitigation period plus twelve (12) months.
11. Any dispute in relation to the calculation of the costs demanded by the District Council pursuant to paragraph 10 of Part 2 of this Third Schedule shall be referred to Expert Determination in accordance with Clause 16 of this Deed.

PART 3

The Owner's covenants with the County Council

The Owner covenants with the County Council:

PUBLIC RIGHTS OF WAY IMPROVEMENTS

1. To pay the PROW Contribution (Index Linked to 18 August 2021) to the County Council prior to the Commencement of Development and not to Commence Development prior to paying the PROW Contribution to the County Council.

TRAVEL PLAN EVALUATION AND SUPPORT CONTRIBUTION

2. To pay the Travel Plan Evaluation and Support Contribution (Index Linked to 18 August 2021) prior to the Commencement of Development and not to Commence Development prior to paying the Travel Plan Evaluation and Support Contribution to the County Council.

FOURTH SCHEDULE

District Council's Covenants with the Owner

Use of the Employee Sports Facility Contribution

1. To only use the Employee Sports Facility Contribution received under the terms of this Deed towards community facilities, recreational amenity, sports facilities or active travel, in the vicinity of the Development whereby the District Council will consult with Creeping St Peter Parish Council and Stowmarket Town Council (and if an active travel project is being funded also the County Council) to identify a suitable project prior to expending the Employee Sports Facility Contribution.

Repayment provisions

2. That it will pay to the payer such amount of any payment under this Deed which has not been expended in accordance with paragraph 1 of this Fourth Schedule (and money shall be deemed to be expended if the District Council has properly entered into a contract for the expenditure of the money for the purpose for which it is paid which is reasonably likely to result in the fulfilment of that purpose) within ten (10) years of the date of receipt by the District Council of such payment together with the interest which has been paid on the account since it was paid to the District Council' for the period from the date of the payments were made to the District Council to the date of any refund to provide the payer with such evidence, as the payer shall reasonably require in order to` confirm the expenditure of the sums paid to the District Council under this Deed.

Planning Permission

3. To issue the Planning Permission on completion of this Deed.

FIFTH SCHEDULE

County Council's Covenants with the Owner

1. To only use the PROW Contribution received under the terms of this Deed for the provision of the PROW Works.
2. The County Council shall if requested to do so in writing after the expiry of ten (10) years of the date of either the PROW Contribution or the Travel Plan Evaluation and Support Contribution pay to any person such amount of the relevant contribution as paid by that person in accordance with the provisions of this Deed which has not been committed or expended by the County Council in accordance with the provisions of this Deed, less any deduction for the County Council's reasonable administrative costs associated with holding administering and refunding any part of the relevant contribution, such payment to be made within twenty eight (28) Working Days of such request.

THE COMMON SEAL OF
MID SUFFOLK DISTRICT COUNCIL

was affixed in the presence of:

)
)
)



Authorised Officer



THE COMMON SEAL OF
SUFFOLK COUNTY COUNCIL

was affixed in the presence of:

)
)
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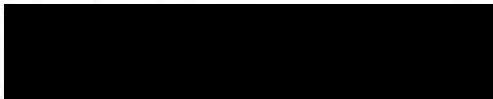


Authorised Signatory



SIGNED as a deed by
GATEWAY 14 LIMITED
acting by a director
in the presence of:

)
)
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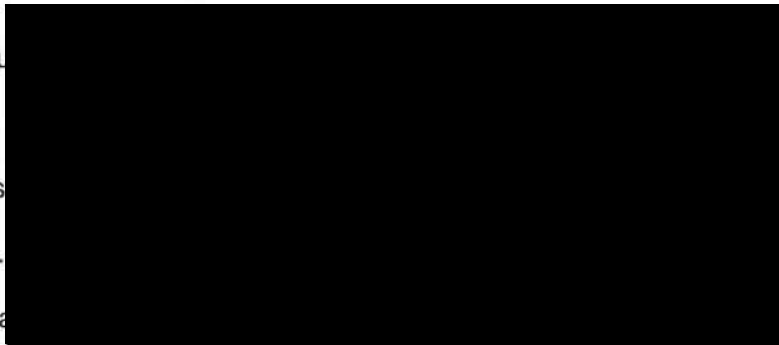
Witness Signature

Witness Name:

Witness Address

.....

Witness Occupation



SIGNED as a deed by
**PHILIP ROBERT CHARLES
WESTROPE** in the presence of:



Witness Signature

Witness Name: ..

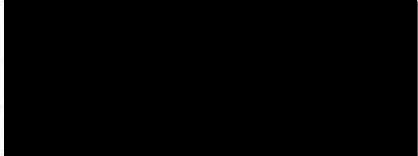
Witness Address:

.....

Witness Occupati



SIGNED as a deed by)
CAROLYN MARIE WESTROPE)
in the presence of:)



Witness Signature

Witness Name: ..

Witness Address:

bul
.....

Witness Occupati

