

4 CONDITIONALITY

This Deed is conditional upon:

- (i) the grant of the Planning Permission; and
- (ii) the Commencement of Development;

save for the provisions of Clauses 6.2, 8.1, 15 and 16 (commencement of development, legal costs, jurisdiction and delivery) fees and any other provisions which shall come into effect immediately upon completion of this

5. RELEASE

- 5.1 If and only if Commencement of Development occurs in relation to the Permission, and in consideration of the Owners covenants set out here, the Council in its capacity as Local Planning Authority **HEREBY RELEASES** the Owner from the Original S106 Agreement

6 THE OWNER'S COVENANTS

- 6.1 The Owner covenants with the Council as set out in the Second Schedule.
- 6.2 The Owner shall serve on the Council a notice of Commencement of Development not less than two days before Commencement of Development.

7 THE COUNCIL'S COVENANTS

- 7.1 The Council covenants with the Owner as set out in the Third Schedule.

8 MISCELLANEOUS

- 8.1 The Owner shall pay the Council on completion of this deed the reasonable costs of the Council incurred in the negotiation, preparation and execution of this Deed in the sum of £1000.00.
- 8.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 8.3 This Deed shall be registrable as a local land charge by the Council.
- 8.4 Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement, approval, consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement, consent, approval or expression of satisfaction shall be given on behalf of the Council by the Head of Community Wellbeing. All notices of Commencement of Development and any notices shall be deemed to have been properly served if served by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.
- 8.5 Following the performance and satisfaction of all the obligations contained in this Deed the Council shall forthwith effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.