



Telephone: 01246 231111

PLANNING DECISION NOTICE TCP4
(CONDITIONAL PERMISSION)

Council House, Saltergate,
Chesterfield, S40 1LF

Mr J Church
John Church Planning Consultancy
Victoria Buildings
117 High Street
Clay Cross
Chesterfield
S45 9DZ

NOTE: The applicant should note that this permission relates only to the submitted plans. Any deviation from them, however, small, may require further permission and should not be carried out without first finding out from this Council whether a further planning application is required.

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning General Development Order, 1995

In pursuance of powers vested in the North East Derbyshire District Council under the above Act and Order, and with reference to the development described on the application and shown on the accompanying plan(s) and drawing(s):-

Application No: 14/00763/OL

Proposal: Outline planning application (means of access submitted) for residential development (Major Development) (Departure from Development Plan)

Location: Hanging Banks, Derby Road, Wingerworth

Applicant: Ackroyd & Abbott Ltd

NOTICE IS HEREBY GIVEN that permission for the proposed development is **GRANTED** subject to a Legal Agreement and subject to the following conditions:-

Time Limit

- 1 Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of the approval of the last of the reserved matters to be approved.
- 2 Approval of the details of the layout, scale, appearance of the development and the landscaping of the site (called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is started.
- 3 The application site shall be developed with a maximum of 250 dwellings.



INVESTOR IN PEOPLE

Employment and Training:

- 4 Before the development hereby approved starts a scheme/schemes for the recruitment of employees for both the construction periods and post occupation of the development hereby approved including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the schemes shall be operated as part of the development in accordance with the approved details.

Sustainable Design, Character and Appearance

- 5 The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include a scheme for mitigating climate change through the sustainable design and construction of the dwellings including the provision of sources of renewable energy. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.
- 6 The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include an assessment of the reserved matters scheme against the Building for Life 12 criteria. Thereafter the details submitted as part of the Building for Life 12 assessment shall be implemented in full and retained as such thereafter.
- 7 Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - c) a schedule of proposed plant species, size and density and planting locations and
 - d) an implementation programme
- 8 All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 9 Before development starts on any dwelling hereby approved a plan shall be submitted to and approved in writing by the Local Planning Authority to show the proposed boundary treatments throughout the site. The boundary treatments scheme shall include a timetable for implementation, relative to the occupation of plot numbers. The scheme shall be implemented in full in accordance with the approved scheme and timetable and the boundary treatments shall be retained as such thereafter.

- 10 Before development starts, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 11 Before development starts details of the existing ground levels, proposed finished floor levels of the buildings and the proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 12 The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include a scheme for crime prevention to be integrated into the design of the development. The scheme shall include details of the crime prevention measures to be incorporated into the scheme as well as a timetable for implementation relative to the completion of the dwellings hereby approved. Thereafter the approved crime prevention measures shall be implemented in full in accordance with the approved timetable and shall be retained as such thereafter.
- 13 Before the development hereby approved starts, a scheme for the provision of public art on the site, including a timetable for implementation of the scheme, shall be submitted to and approved in writing by the Local Planning Authority. The public art shall thereafter be completed in full in accordance with the approved scheme and timetable and shall be retained as such thereafter.
- 14 No dwellings except single storey properties shall be constructed in Area 2 at the western side of the site as identified on the Indicative Masterplan.

Public Spaces, Recreation and Woodland Management

- 15 Notwithstanding the details shown on the submitted indicative plan, before development starts a scheme for the provision and management of the recreation & amenity facilities within the application site (outlined in red) and the adjacent woodland (as shown outlined blue) shall be submitted to and approved in writing by the LPA. This Scheme shall include the following details within the whole area;
 - Provision of children's play equipment
 - Provision of footpaths and access furniture in/adjacent to the woodland
 - Provision of cycle-ways
 - 10 year habitat management plan for the woodland (edged blue), based on an ecological survey report including details of;
 - Works required to trees including woodland management & thinning
 - Works to and impact assessment of vegetation removal/thinning required to implement and maintain footpaths & other access/amenity features
 - Proposed planting programme within the woodland and buffer to built development
 - Management of invasive and non-desirable species
 - Provision of bat & bird boxes and any other enhancements for fauna

- Management and maintenance details of all non private spaces throughout the application site (outlined in red) and adjoining woodland (blue land)

Thereafter the approved scheme shall be implemented in full prior to the first occupation of the 50th dwelling on the approved development and shall be managed thereafter in accordance with the approved management details.

Ecology

16 The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include a full and detailed scheme for ecological mitigation and enhancement across the site based on ecological surveys. The mitigation and enhancement scheme shall include (but not exclusively relate to):

- Retention and management of hedgerows
- a development free buffer of a minimum of 10m to the southern boundary of the site where it abuts the woodland
- Planting of new native hedgerow
- Incorporation of biodiversity measures within the area of the dry retention basin
- Bird nesting boxes including swallow nesting within the buildings,
- Provision of bat boxes,
- Wildflower seeding and native tree planting

The scheme shall include a timetable for implementation relative to the completion of dwellings hereby approved. Thereafter the approved ecological mitigation and enhancement scheme shall be implemented in full in accordance with the approved timetable and be retained as such thereafter.

17 No removal of hedgerows, trees or other vegetation shall take place during the bird breeding season which extends from March to August inclusive, unless a check for the presence of nesting birds by a competent ecologist immediately prior to the commencement of the works has confirmed the absence of nesting birds and has provided written confirmation to the local planning authority.

18 The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include a scheme of tree works identifying any trees and hedgerows within the application site to be pruned, felled or planted and including measures to protect trees and hedgerows during the development works. Thereafter the approved tree works scheme shall thereafter be implemented in full and the tree and hedgerow protection measures shall be retained for the full duration of the construction period.

19 If the felling of any trees on site is agreed as part of any approved scheme of tree works, an overnight bat assessment of that tree shall be carried out no earlier than one week before the felling works commence in order to establish whether the felling of the tree is likely to impact on bats. In the event that bats are found, no tree works on that tree shall commence until the relevant license has been obtained. When any tree is felled, the felling shall be undertaken using a 'section

fell' approach under the supervision of a suitably qualified ecologist or forestry contractor.

- 20 Before development starts, details of all external lighting to be installed within the woodland buffer, and within 10m of the woodland buffer, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only the approved lighting shall be installed and retained in this area.
21. Any reserved matters application submitted for development of this site in accordance with the planning permission hereby granted shall be accompanied by an up to date badger survey. The proposed reserved matters scheme shall be informed by the findings of the badger survey and any necessary mitigation works, together with a timetable for implementation of those works, shall be identified therein. Thereafter any badger mitigation works shall be implemented in full in accordance with the approved scheme and timetable unless any subsequent badger survey identifies the need for alternative mitigation proposals.
22. Before any construction activity, earth moving, vegetation clearance or other enabling works take place in association with the planning permission hereby granted, a further pre-commencement badger survey shall be undertaken and a survey report shall be submitted to and approved in writing by the Local Planning Authority. The badger survey report shall identify any necessary mitigation works, together with a timetable for implementation of those works. Thereafter any badger mitigation works shall be implemented in full in accordance with the approved scheme and timetable unless any subsequent badger survey identifies the need for alternative mitigation proposals.

Drainage

- 23 The site shall be developed with separate systems of drainage for foul and surface water.
- 24 Before development starts, a scheme for the provision of surface water drainage works including a scheme for sustainable urban drainage and including details of a surface water regulation system and discharge of surface water shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use, and shall be retained as such thereafter.
- 25 Before development starts, a scheme for the provision of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.

Amenity

- 26 Construction works on site and deliveries to the site shall be undertaken only between the hours of 7.30am to 6pm Monday to Friday and 7.30am to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.

Highway & Pedestrian Safety

- 27 No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be permanently retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.
- 28 No development shall be commenced, excluding works in connection with the temporary construction access, until a scheme for the permanent closure of the existing field access to/from the A61 Derby Road to vehicular traffic including a timetable for implementation, has been submitted to and approved by the Local Planning Authority. The access closure scheme shall thereafter be implemented in accordance with the approved scheme and timetable.
- 29 Prior to the first occupation of any dwelling on the site the junction to the A61 Derby Road shall be implemented in full in accordance with detailed designs that shall be first submitted to and approved in writing by the Local Planning Authority.
- 30 The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include a detailed design for the new estate street(s) and accesses to them. No dwelling hereby approved shall be occupied until an approved access off A61 Derby Road and the estate street/driveway serving that dwelling has been constructed at least to base course level to adoptable standards and in full, strictly in accordance with the approved scheme. The access off the A61 and the estate streets shall be retained as such thereafter.
- 31 The details to be submitted to the Local Planning Authority for approval as part of the reserved matters shall include a scheme/schemes for the storage of refuse and recycling bins and access for refuse collection vehicles. No dwellings hereby approved shall be occupied until the refuse collection scheme relevant to that property has been implemented in full. The refuse collection scheme(s) shall then be retained as such thereafter.
- 32 Before development starts, a scheme shall be submitted for the site accommodation/storage of plant and materials/parking and manoeuvring of site operatives' and visitors' vehicles, loading/unloading and manoeuvring of goods vehicles, including wheel washing facilities and approved in writing by the Local Planning Authority. Thereafter, before any operations are commenced the scheme shall be implemented in accordance with the approved details, and retained as such for the duration of the works unless otherwise agreed in writing by the Local Planning Authority.
- 33 Before any dwelling hereby approved is occupied the private driveway and parking area(s) to serve that dwelling shall be constructed in accordance with a layout plan to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters submissions. The driveways and parking area(s) shall be no steeper than 1 in 14 for the first 5m from the nearside highway

- boundary and 1 in 10 thereafter. The driveway and parking areas shall be retained as such thereafter.
- 34 Before any dwelling hereby approved is occupied, the private driveway to serve that dwelling shall be surfaced in a solid bound material and there shall be no gates across the vehicular access/driveway within 5m of the highway boundary. The driveways shall be retained as such thereafter.
- 35 The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include a scheme/schemes for the provision of footpaths and cycle-ways across the site. The scheme shall include details of the width and surfacing of new routes, lighting (where appropriate) and shall include details of the drainage of all pedestrian and cycle routes. The scheme shall include a timetable for the implementation of the works relative to the completion of the dwellings hereby approved. Thereafter the approved footpath and cycleway works shall be implemented in full in accordance with the approved timetable and shall be retained as such thereafter.
- 36 No dwelling hereby approved shall be occupied until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals, including a timetable for its implementation, for the promotion of travel by sustainable modes. Thereafter the approved Travel Plan shall be implemented in full and in accordance with the timetable set out therein.

Ground Conditions

- 37 If any unexpected, visibly contaminated, or odorous material is encountered during redevelopment (given any previous desk study, site investigation and/or remediation work), works shall cease and remediation proposals for the material shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the remediation works shall be implemented in full and works recommenced
- 38 In the event of contamination remediation works being required, prior to the occupation of the development hereby approved, an Independent Validation Report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the contamination remediation works have been carried out satisfactorily, and remediation targets have been achieved. This report shall be produced by a suitably qualified and accredited independent body (independent of the developer). The report shall provide verification that the remediation works have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met

Archaeology

- 39 No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has

been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

Thereafter no development shall take place other than in accordance with the approved archaeological Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Affordable Housing

40. Before development starts, a scheme for the provision of a minimum of 40 percent of the total number of dwellings as affordable housing units (including a timetable for their provision) shall be submitted to and approved in writing by the Local Planning Authority.

The affordable housing shall be provided in full in accordance with the approved scheme and timetable and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance or policy that replaces it. The scheme shall include:

- i the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40 percent of the housing units hereby approved
- ii the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing if there is no affordable housing provider);
- iv the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reasons for Conditions

- 1 To comply with the provision of Section 92 (as amended) of the Town and Country Planning Act 1990.

- 2 The application is in outline only and not accompanied by detailed plans.
- 3 This is the basis on which the application has been considered in terms of the capacity of the site to accommodate dwellings, impact on the character and appearance of the area, highway safety and ecological interests and in accordance with Policies GS6, H12, T2, T9, NE3, NE6 and NE9 of the North East Derbyshire Local Plan.
- 4 In the interests of providing training and employment opportunities in accordance with the Developer Contributions SPD
- 5 In the interests of mitigating climate change in accordance with the Council's Interim Sustainable Buildings Policy
- 6 In the interests of achieving good design in accordance with Policy BE1 of the North East Derbyshire Local Plan.
- 7 In the interests of the appearance of the area and in accordance with Policies BE1, NE7 and H12 of the North East Derbyshire Local Plan.
- 8 In the interests of the appearance of the area and in accordance with Policies BE1, NE7 and H12 of the North East Derbyshire Local Plan.
- 9 In the interests of the appearance of the area and the privacy and amenity of neighbours and future residents and in accordance with Policies BE1, GS6 and H12 of the North East Derbyshire Local Plan.
- 10 In the interests of the appearance of the area and in accordance with Policies BE1, GS6 and H12 of the North East Derbyshire Local Plan.
- 11 In the interests of the appearance of the area and the amenity of neighbours and in accordance with Policies BE1, GS6 and H12 of the North East Derbyshire Local Plan.
- 12 In the interests of designing out crime and in accordance with Policies BE1 and GS10 of the North East Derbyshire Local Plan.
- 13 In the interests of delivering public art in accordance with Local Plan Policy BE5.
- 14 In the interests of the impact of the development on the landscape and in accordance with Policies GS1 and BE1 of the North East Derbyshire Local Plan.
- 15 In the interests of delivering recreation facilities and to ensure appropriate management of the adjacent woodland in accordance with Policies R3 and R5 of the North East Derbyshire Local Plan.
- 16 In the interests of ecological mitigation and enhancement and in accordance with Policies NE3 and NE6 of the North East Derbyshire Local Plan.

- 17 In the interests of protecting nesting birds and in accordance with Policy NE3 of the North East Derbyshire Local Plan.
- 18 In the interests of the protection of trees and hedgerows and in accordance with Policy NE7 of the North East Derbyshire Local Plan.
- 19 In the interests of protecting bats and in accordance with Policy NE3 of the North East Derbyshire Local Plan.
- 20 In the interests of protecting ecological interests and in accordance with Policy NE3 of the North East Derbyshire Local Plan.
- 21 In the interests of protecting badgers and in accordance with Policy NE3 of the North East Derbyshire Local Plan.
- 22 In the interests of protecting badgers and in accordance with Policy NE3 of the North East Derbyshire Local Plan.
- 23 In the interests of sustainable drainage and in accordance with Policy CSU4 of the North East Derbyshire Local Plan.
- 24 In the interests of the satisfactory drainage of the site and in accordance with Policy CSU4 of the North East Derbyshire Local Plan.
- 25 To protect ground water and surface water from likely pollution and in accordance with Policy CSU4 of the North East Derbyshire Local Plan.
- 26 In the interests of the amenity of the area in accordance with Policies GS6 & H12 of the North East Derbyshire Local Plan.
- 27 In the interests of highway safety and in accordance with Policy T2 of the North East Derbyshire Local Plan.
- 28 In the interest of highway safety and in accordance with Policy T2 of the North East Derbyshire Local Plan.
- 29 In the interests of highway safety and in accordance with Policy T2 of the North East Derbyshire Local Plan.
- 30 In the interests of highway safety and in accordance with Policy T2 of the North East Derbyshire Local Plan.
- 31 In the interests of delivering a sustainable refuse collection service and in the interest of the amenity of the area and highway safety and in accordance with Policies GS1 and T2 of the North East Derbyshire Local Plan.
- 32 In the interests of highway safety and the amenity of the area and in accordance with Policies T2 and H12 of the North East Derbyshire Local Plan.

- 33 In the interest of highway safety and in accordance with Policy T2 of the North East Derbyshire Local Plan.
- 34 In the interests of highway safety, access for all and the appearance of the area and in accordance with Policies GS5, BE1, H12 and T2 of the North East Derbyshire Local Plan.
- 35 In the interests of encouraging permeability of the development, walking and cycling in accordance with Policy T5 of the North East Derbyshire Local Plan.
- 36 In the interests of encouraging the use of sustainable modes of transport in accordance with Policy T4 of the North East Derbyshire Local Plan.
- 37 In the interests of addressing contamination issues in accordance with paragraphs 120 and 121 of the National Planning Policy Framework
- 38 In the interests of addressing contamination issues in accordance with paragraphs 120 and 121 of the National Planning Policy Framework.
- 39 In the interests of addressing archaeological issues in accordance with Policy BE6 of the North East Derbyshire Local Plan.
- 40 In the interests of delivering affordable housing in accordance with Policy H6 of the North East Derbyshire Local Plan and the National Planning Policy Framework.

Statement in accordance with The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and Paragraphs 186 & 187 of the National Planning Policy Framework

In determining this application the Local Planning Authority has worked proactively with the applicant(s) to secure a development that would improve the economic, social and environmental conditions of the area (as appropriate to the specific case). This is in accordance with paragraphs 186 & 187 of the National Planning Policy Framework.

Note

1. In accordance with the Town & Country Planning (fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 a fee is payable to discharge any condition(s) on this planning permissions. The fees are as follows:
 - (a) £28 for each request to discharge condition(s) where the planning permission relates to a householder development (domestic extension, domestic outbuilding etc)
 - (b) £97 for each request to discharge condition(s) where the planning permission relates to any type of development other than a householder proposal

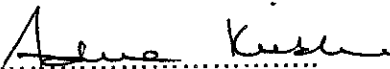
The fee is payable for each individual request made to the Local Planning Authority.

2. In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £28/£195 would be required) or the submission of a full planning application for a revised scheme. Please discuss any proposed amendments with the Planning Officer.
3. You are advised that the Council will not provide refuse recycling and composting bins for the development hereby approved. The developer will be expected to either provide the bins under guidance from the Council or to underwrite the cost of providing the bins and their delivery. If further advice on this issue is needed you should contact the Council's Waste Collection Service on 01246 217610.
4. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Highway Authority reserves the right to take any necessary action against the householder.
5. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Area Development Manager [name and contact number]). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
6. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Area Development Manager [name and contact number]).
7. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.
8. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits

occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

9. Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Transportation Section).
10. The developer is advised to ensure that fibre optic cabling is fully integrated into the new development in order to enable the provision of high speed broadband services.

Dated: 21 April 2015

Signed: 
Authorised Officer of the Council

ATTENTION IS DRAWN TO THE ATTACHED NOTES