

Rawlings, Sam

Subject: FW: ROMSEY AVE
Attachments: S106-UU Appellants Clean Version 18.8.21 BCA only.docx; Comparison - BCA UU 17.8-18.8.pdf; BCA UU Plan 1.pdf; BCA UU Plan 2.pdf; BCA UU Plan 3.pdf; Main UU Plan 1.pdf; Main UU Plan 2.pdf; 5611.002D - Proposed Site Access.pdf; 5611.025C - Proposed Access Arrangements Offsite Junction Footway Cycleway and Parking Improvements.pdf; S106-UU Appellants Clean Version 18.8.21 no BCA V2.docx; Main UU Comparison 18.8-18.8v2.pdf

From: Lee, Donna <Donna.Lee@hants.gov.uk>

Sent: 19 August 2021 10:11

To: Paul Weeks <paul.weeks@moorebarlow.com>

Cc: Steven Brown <S.brown@woolfbond.co.uk>; ned.helme@39essex.com; cboyle@landmarkchambers.co.uk; Wright, Richard <RWright@Fareham.Gov.UK>; Hudson, Hilary <Hilary.Hudson@southampton.gov.uk>; 'Steve Carrington' <Steve@foremanhomes.co.uk>; tim.salter@planninginspectorate.gov.uk

Subject: FW: ROMSEY AVE

Hi Paul

The proposed approach put forward for the calculation of the education contribution is accepted for this scheme.

Regards, Donna

Donna Lee

Solicitor

Senior Legal Adviser - Planning and Environment (Locum)
for Head of Law and Governance and Monitoring Officer
Hampshire Legal Services,
Hampshire County Council,
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Please note that I am now working from home until further notice. I am available via M/S Teams my new telephone number is detailed below.

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Email: donna.lee@hants.gov.uk

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From: Lee, Donna

Sent: 19 August 2021 09:32

To: Paul Weeks <paul.weeks@moorebarlow.com>

Cc: Steven Brown <S.brown@woolfbond.co.uk>; ned.helme@39essex.com; cboyle@landmarkchambers.co.uk; rwright@fareham.gov.uk; Hudson, Hilary <Hilary.Hudson@southampton.gov.uk>; 'Steve Carrington' <Steve@foremanhomes.co.uk>; tim.salter@planninginspectorate.gov.uk

Subject: FW: ROMSEY AVE

Hi Paul

I am taking instructions on the education contribution and methodology for calculation based on size of unit and either Richard Wright or I will come back to you (or Richard direct to the inspector during today's session?).

Clause 6.2.4 – Thank you for clearly setting out your position regarding the operation of clause 4 and 6.24, which I will note to the file.

clause 6.3 – the s106 is a deed that relates to the development being brought forward on the Site. The obligations under the schedules relate to the developer's land interest in the Site as defined in the 'Land' definition. Nothing in the s106 will affect any part of the Site save for any matter to be secured under the Permission.

Schedule 2 – 'NEAP'

– para 2.2.1 as set out obliges the Owner to “lay out, equip and complete the NEAP Land and the NEAP in accordance with the approved Scheme of Works and to the reasonable written satisfaction of the Borough Council”. This means that the Scheme of Works needs to describe the location of the NEAP.

Paras 2.2.2 and 2.2.3 simply deal with the transfer of either the NEAP or the NEAP Land to the Council [after it has been laid out, equipped and completed].

Schedule 3 – Bird Solent Contribution – the prior to 'Initiation' trigger for payment, syncs with the position now taken in the BCA only s106 proposal agreed (?) with FBC. Why is this still controversial, when the FBC position has clearly moved on?

Donna

Donna Lee

Planning and Environment

Solicitor (Locum)

For Head of Law and Governance and Monitoring Officer

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Please note that I am now working from home until further notice. I am available via M/S Teams, or email, rather than the office phone number.

From: Paul Weeks <paul.weeks@moorebarlow.com>

Sent: 18 August 2021 19:34

To: 'Steven Brown' <S.brown@woolfbond.co.uk>; Ned Helme <Ned.Helme@39essex.com>; Christopher Boyle <CBoyle@landmarkchambers.co.uk>; Wright, Richard <RWright@Fareham.Gov.UK>; Hudson, Hilary <Hilary.Hudson@southampton.gov.uk>; Lee, Donna <Donna.Lee@hants.gov.uk>; Steve Carrington

<Steve@foremanhomes.co.uk>

Subject: RE: ROMSEY AVE

Thank you Steven

Dear all

Further to the Inquiry session on the UUs earlier today, please find updated documents attached together with comparison versions and proposed plans.

Hilary – The revised BCA UU I think incorporates all of the amendments that you requested, I have removed some other redundant wording which I do not believe should be contentious. We have a space for a figure for the Monitoring fee you have requested. Please could you confirm what this will be?

Donna – Thank you for your comments sent earlier today. These are reproduced below with my comments in response. When the UU was discussed today with the Inspector we went through your points and my comments below summarise the reasons given to the Inspector why they are not agreed.

The Inspector considered the information put forward in support of the contributions sought and is still concerned in particular about the calculation of the Education Contribution. The chief concern is that the child yield used to calculate the contribution was too high because it seems to have included the 1 bedroom units. The Inspector has suggested that a formula based approach would be better so that the contribution can be calculated based on the units actually being provided and the revised draft attached contains a proposed formula which we understand has been used elsewhere.

- Plan 1 definition – typo (reference to deed should be ‘Deed’) **Agreed**
- Clause 6.2.4 as proposed in the appellant’s draft should be deleted for the reasons clearly stated in the attached draft (see comment at clause 4.1) **Not agreed – This deals with the deed lapsing if the PP is not granted, we don’t think there is any conflict with clause 4 and it is clear in 6.2.4 that the clauses requiring payment of legal fees will not be affected.**
- Clause 6.3 – the reference should be to “the Site” **Not agreed, the UU only relates to the Land so that is all that it can effect**
- Schedule 2 – the scheme of Works should show the location of the NEAP **Not agreed, the NEAP itself will be constructed on the NEAP Land, may be done by Council if they take a contribution or Developer. Sufficient to identify NEAP Land at that stage.**
- Schedule 3 – the timing for payment of the Bird Aware Solent Contribution should be linked to ‘Initiation’ of development rather than the later ‘Commencement of Development’ trigger as defined in the draft. The purpose of the contribution is to mitigate the environmental issues and there should be no risk to the Council of being unable to secure this payment post the developer beginning the build out on site. It should be safe and secure before the spade hits the ground. **Not agreed, Commencement of Development considered acceptable by FBC for the payment of this contribution.**
- General typos and formatting issues to be picked up in the appellant’s draft as highlighted in the attached.

Please note that these drafts are sent subject to final client approval.

I truly hope we are now just about there and that we can submit this to PINS during the course of tomorrow morning.

Kind regards

Paul

Paul Weeks
Senior Associate



For and on behalf of Moore Barlow LLP

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From: Steven Brown <S.brown@woolfbond.co.uk>

Sent: 18 August 2021 17:44

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Subject: ROMSEY AVE

Hi Paul

As discussed, when circulating the revised draft UUs this eve please issue to all on this thread.

Thanks

Steven Brown BSc Hons DipTP MRTPI

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