

Section 106 Deed of Variation 2

Berewood, Waterlooville

Berewood – Section 106 Agreement Deed of Variation 2 Summary

This summary note has been prepared to support ongoing discussions with Grainger Plc/West of Waterlooville Developments Ltd, in relation to the proposed amendments to the second Deed of Variation amendment to the Section 106 Agreement of the Berewood Major Development Area secured through planning consents 10/02862/OUT and APP/10/00828.

The proposed amendments can be seen in the table below.

This document was last updated and issued on 26 July 2024.

	S106 Obligation(s)	Considerations	DoV 2 Proposals	Action
1	Phased Area Strategy Definition	Add wording that allows for Phased Area Strategy relating to sub-phases within Berewood to be agreed upon before submitting a reserved matters application. I understand that the detail for each sub-phase is to be the same as submitted for phases that have not been sub-phased. Therefore, it may be simply enough to add in 'or sub-phase' to the definition.	Amend the definition of Phased Area Strategy to include ' <i>in respect of each Phased Area <u>or sub-phased area</u> in accordance with clause 7.1.1'</i>	To be included within the DOV 2.
2	Phased Area and Phased Area Plan Definitions	If Grainger is certain that each phase is required to be sub-phases, to align with Phased Area Strategy with each phase/sub-phase it may be beneficial to amend the phased area plan drawing (for which allowance is made in the S106) and subsequently update the wording of the 'phased area' definition to reflect the additional phases.	1. Phased Area definition to be amended to include each additional sub-phase. 2. Phased Area Plan drawing to be updated and drawing reference amended in the description accordingly.	To be included within the DOV 2.
3	Clause 9.69 and 9.70 – Phase 5 informal kick-about area	Amend the trigger requirement to align with the delivery of the Town Park	9.69 – remove as development has commenced on phase 5. 9.70 – amend to 1,650 occupations to align with the delivery of the MUSA	To be included in DOV 2.
4	Clause 19.17 and 19.18 – River Restoration landscape works	Amend the trigger requirement to reflect timescales associated with the outstanding planting works (assuming this is the completion of the River Wallington Nature Reserve on 05/06/25 as stated within line 496	19.17 – amend to 'occupation of 1,587' 19.18 – remove as seventh anniversary has passed	To be included in DOV 2.

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		of the Development Programme dated 18/06/24).		
5	Clause 23.1 and 23.20 - Multi-use greenway highways agreement	It was agreed in discussion with HCC that Grainger can maintain the route subject to a legal memorandum of understanding being issued confirming this position.	Remove wording relating to the highways agreement.	To be included in the DOV 2. Shoosmiths to suggest appropriate wording. NB: Grainger to progress memorandum of understanding.
6	Clauses 10.40 and 10.80	The current S106 refers to 'Winchester' taking on the allotments. This needs to be amended to ensure flexibility and to align with the open space transfer wording.	Add in wording such as 'or relevant authority'.	*Grainger to confirm inclusion within DOV2.
7	Clause 10.2 (of the current DOV)	Requires delivery of the Northern allotments by 1,260 units. Based on current forecasting this will be met in November 2024 which is head of the programme which has completion in March 2025, circa 1,319 occupations.	Amend the completion trigger to reflect programme. Occupation 1,319.	To include in DOV 2.
8	Clause 20.33	Requires the developer to enter into a highways agreement for the London Road Toucan Crossing before the commencement of Phase 8. The programme has this as one year away 24.06.25.	Amendment to wording to require the crossing to be in place prior to the first occupation of phase 8.	*Grainger to consult with the housebuilder for Phase 8 to understand the timescales for commencement. Confirm inclusion within DOV2.
9	Clause 9.82 and 9.88 Open space ancillary facilities	The ancillary facilities, which include the Pavilion, are to be provided before 1,550 units or two years after the completion notice of the cricket pitch. The completion notice is dated 11.11.2022. The programme shows the cricket pitch as being completed in 02.10.2026 which is circa 1,652 units based on current forecasting.	Remove the requirement for the ancillary facilities to be provided within two years of the cricket pitch completion certificate and amend the occupation trigger for completion to 1,652.	To be included in the DOV 2.