



Mill Lane, Alton Highway Works & s.278s - Lessons Learnt Review

1. We have been asked by Hargreaves Properties Limited ("Hargreaves") to prepare a summary of its 'lessons learnt' from the experience of negotiating the phased Highway Works, the related s.278 Agreements and s.106 Deed of Variation for the Mill Lane, Alton site.
2. This lessons learnt review has been invited by the County Council ("HCC") and will be subject to further discussion between Hargreaves and HCC. The intention if possible is to reflect these 'lessons learnt' into future s.106 and s.278 Agreements negotiated between the parties.
3. In terms of future Agreements, it is considered by Hargreaves that the following points are critical following experience on Alton:
 - a) Early review and engagement from HCC (for example through Matt Scott and Derek Osborne).
 - b) That under the s.106 and s.278 Agreements the ability to start the Highway Works early (i.e. potentially before other pre-start condition discharges) should be provided to allow for contingency and early ordering of materials.
 - c) That the identification of works phases is undertaken and taken into account (e.g. those not key to the development opening (such as Network Rail on Alton), to reflect anticipated constraints or risks.
 - d) A formal mechanism to review programme is included and seek revisions/EOTs and pre-occupation completion variations to reflect major delivery issues, which in respect of Alton included:
 - i) No road space availability;
 - ii) Major design issues requiring changes to HCC approved plans e.g. junction design (re sheet piling) and Mill Lane drainage (utilities and EA approval of drainage design);
 - iii) Lead in items in procurement e.g. HCC supplier of streetlights – columns, lamps and lanterns;
 - iv) Unexpected delivery issues beyond the developer's reasonable control e.g. utility finds;
 - v) Poor weather e.g. ability to lay HRA after early October; and
 - vi) Delays in securing HCC departures from HCC approved designs in response to RSA3.

4. It should also be recognised that the effect of delays caused by statutory suppliers whose timescales and programmes are outside Hargreaves control and influence.
5. It would also assist in making HCC departmental approval processes and timescales more determinant and transparent.

DWF Law LLP

12 January 2024