

DATED 12 April

2018

HAMPSHIRE COUNTY COUNCIL

- and -

LINDEN WATES (LOVEDEAN) LIMITED

Minor Works Agreement for Highway Works at Woodcroft Farm Development Site
Woodcroft Lane Waterloo
Pursuant to (inter alia) S.278 Highways Act 1980

HCC Legal File Ref: 116726/NE
HCC Dev. Con. Ref: 6/3/13/147

Barbara Beardwell MA Solicitor
Head of Law and Governance and Monitoring Officer
Hampshire County Council
The Castle
Winchester
Hampshire SO23 8UJ

DEVELOPER/NO DEDICATION

DATED 12th DAY OF April 2018

SECTION 278 MINOR WORKS AGREEMENT

Hampshire County Council of The Castle Winchester SO23 8UJ ("**the County Council**") and Linden Wates (Lovedean) Limited (company registration no. 10883565) of Cowley Business Park Cowley Uxbridge UB8 2AL ("**the Developer**") have agreed that highway works comprising the provision of the removal of highway trees in advance of a temporary construction access ("**the Works**") as identified on drawing number figure 1 and 2668-A-1006-B ("**the Drawings**") and listed in the Helliwell assessment annexed in Schedule 1 required pursuant to planning permission APP/13/00804 ("**the Planning Permission**") granted by Havant Borough Council may be carried out by the Developer subject to the terms and conditions set out beneath which constitutes an agreement between the County Council and the Developer pursuant to Section 278 of the Highways Act 1980.

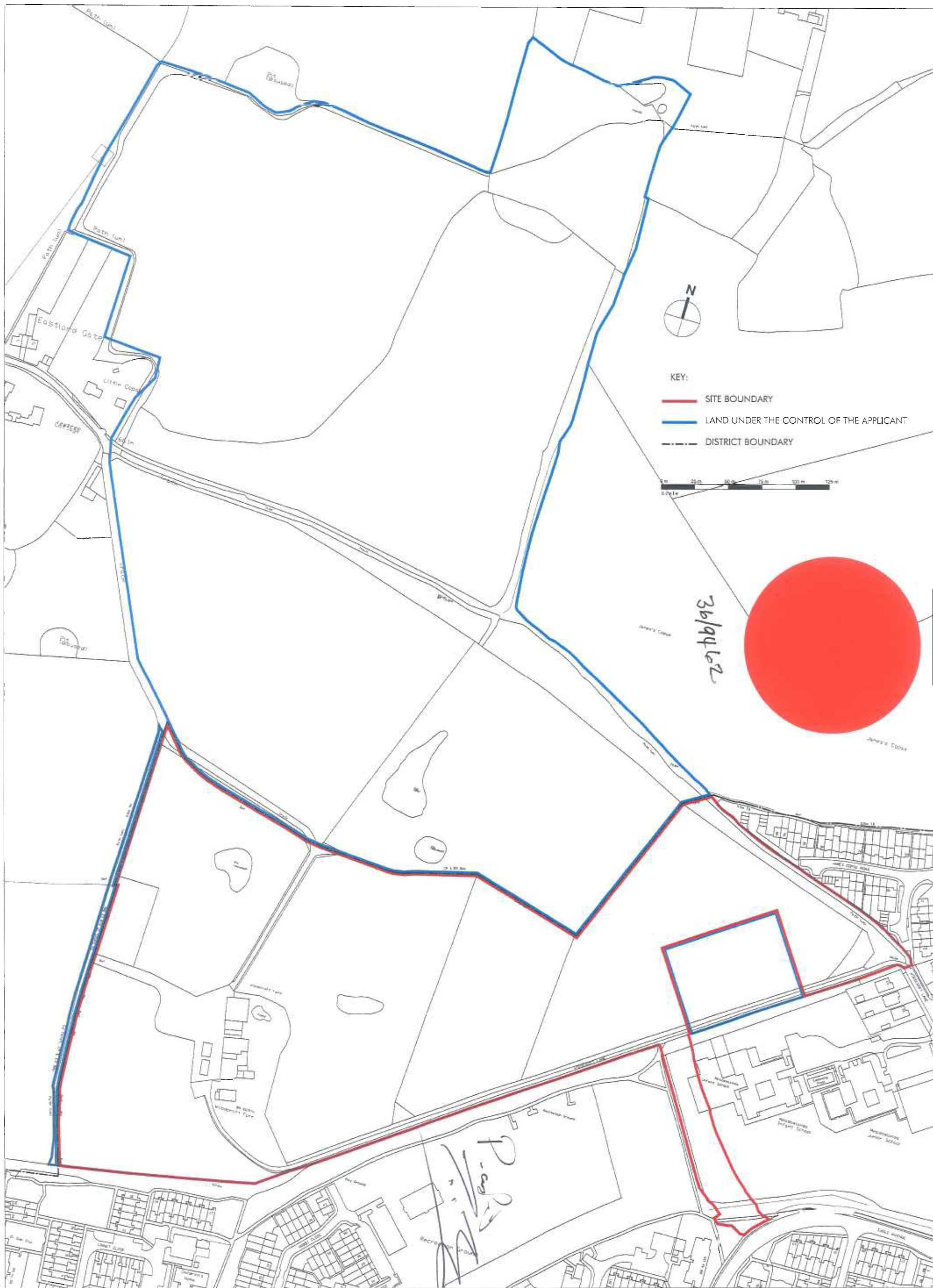
The County Council is satisfied pursuant to Section 278 of the Highways Act 1980 that it will be of benefit to the public for the County Council to enter this Agreement for the execution of the Works at the expense of the Developer which Works the County Council is authorised to execute pursuant to the Highways Act 1980 or are the subject of the Planning Permission.

Save in respect of that part which is adopted, publicly maintainable highway land, the Developer is the proprietor of the land shown edged red ("**the Land**") on drawing 1924-A-1000-A attached hereto (part of which is registered under title number SH47860 and part of which is pending registration under new title number SH47858 at the date hereof) and agrees that the Works are for the benefit of the Land.

TERMS AND CONDITIONS

Prior to undertaking the Works

1. The Developer will need to have obtained prior approval for proposed dates to work on the highway from the County Council and complied with any statutory notices and notice periods. The Developer will also need to give the County Council unless otherwise agreed in writing 4 weeks written notice of intention to commence work on the highway and complete the Works within a period of 12 weeks from the commencement date on the said notice, using a contractor the County Council (acting reasonably) deems to be appropriately qualified.
2. Before commencement of construction of the Works the Developer will obtain such consents, licences or permissions as may be required for carrying out the



Works and shall comply with these. These include but are not limited to the usual requirements of the New Roads and Street Works Act 1991 and consulting with statutory undertakers.

3. The Developer shall not carry out any works except in accordance with the Drawing/s approved above.
4. The Developer shall on completion of the Agreement pay the County Council the sum of £38,027 ("**the Total Tree Compensation Sum**") by way of compensation for the removal of the highway trees pursuant to the Helliwell assessment as annexed to this agreement at schedule 1. For clarity this includes tree T159.
5. The Developer will prior to commencing construction of the Works pay the legal fees of the County Council of negotiating and agreeing this agreement.
6. The Developer shall indemnify the County Council in respect of any third parties actions claims fees charges expenses proceedings or demands which may arise out of or in connection with or incidental to the carrying out of the Works and until the County Council assumes responsibility for the Works following issue of the Certificate of Maintenance. The Developer shall also indemnify the County Council in respect of all costs associated with its responsibilities and all claims under the Land Compensation Act 1973 and regulations made thereunder (including claims the County Council determine should be met under the Noise Insulation Regulations 1975) arising out of the use of the Works.
7. The Developer shall be insured against public liability risks for a sum of at least £10 million in respect of any one claim and shall ensure that any person or persons carrying out the Works on its behalf is similarly insured against public liability risks and a copy of the insurance policy and receipts for the premiums paid should be included with this application.

Undertaking the Works

8. The Developer shall minimise obstruction to vehicle and pedestrian traffic and sign and guard the Works in accordance with chapter 8 of the Traffic Signs Manual 2006.
9. The Developer should provide a traffic management plan if required by the County Council.
10. The Developer shall not interfere with any drain, culvert, gully, bridge, wall or other highway structure without the consent of the County Council and shall not close any part of the highway unless the County Council have agreed previously.

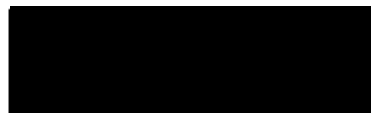
11. The Developer shall carry out the Works as agent for the County Council in a good and workman like manner and in accordance with the drawings and any agreed specification within the period specified and to the satisfaction of the County Council. The Developer shall comply with all relevant legislation.
12. The Developer shall, during the carrying out of the Works, give access at any time to the County Council and any authorised officer for the purposes of inspections.
13. The Developer shall remove tree T159 at a date which is to be agreed in writing by all parties and following approval from a qualified ecologist. A further licence or permission will be required from the County Council.

Completion of the Works

13. The Developer shall notify the County Council of completion of the Works (which for the avoidance of doubt shall include (but not be limited to) any necessary reinstatement of the highway) and if these have been completed to the County Council's satisfaction, the County Council will issue a Certificate of Maintenance and from that time the County Council will assume responsibility for maintenance of the Works.
14. Prior to issue of the Certificate of Maintenance the Developer shall ensure all outstanding fees have been paid including design check fees, project management and inspection and FURTHER provide to the County Council all necessary drawings, health and safety certificates, street lighting certificates, site road safety audits, CCTV Drain Survey, and any other documentation the County Council requires

IN WITNESS whereof the parties hereto have executed this Licence as a Deed delivered the day and year first before written

EXECUTED as a DEED by affixing the)
COMMON SEAL of HAMPSHIRE)
COUNTY COUNCIL in the presence of:-)



Authorised Signatory



36/9462

EXECUTED as a DEED by)
LINDEN WATES (LOVEDEAN))
LIMITED)
acting by two Directors:)

Director Signature:)



Director Signature:



SCHEDULE 1

Helliwell assessment dated 28 February 2018



Mr D Roberts
Linden Homes South
1a Guildford Business Park
Surrey
GU2 8XG

Date: 28th February 2018
Our reference: LIN21652

Dear Mr Roberts,

Re: Woodcroft Farm, Waterloooville. Helliwell valuation of s278 tree removals

Pursuant to instruction, I have now been to site and write to provide Helliwell valuations of the s278 tree removals, as agreed with HCC Arboricultural Officer Chris Coder. This assessment now includes 4No. additional tree removals following on from the footpath re-plan and proposed level details.

Values have been calculated for both the tree removals and the proposed planting. The tables are enclosed for reference.

In summary, the removed trees came in at £36783.36, and the new planting within the site at £34101.24.

Therefore, using this established valuation method, it is clear that the new planting will reasonably compensate for the s278 tree removals. And, what's more, the proposed tree calculations are only for the new planting for the initial phase of c25 houses. Therefore, it can be concluded that the values for the new tree planting for the whole site will far eclipse those removed for the s278 work. However, as the new planting is not directly in Highway owned land, and there is limited space within the s278 land for new trees, it might be quicker and easier to provide the remuneration instead of compensation planting.

Please feel free to submit this letter to the council as required.

Yours sincerely,



MARK VVLDY Tech Cert (ArborA), Dip Arb (RFS), FARborA
Director and Principal Arboriculturist

Enc.



Tree Reference Plans

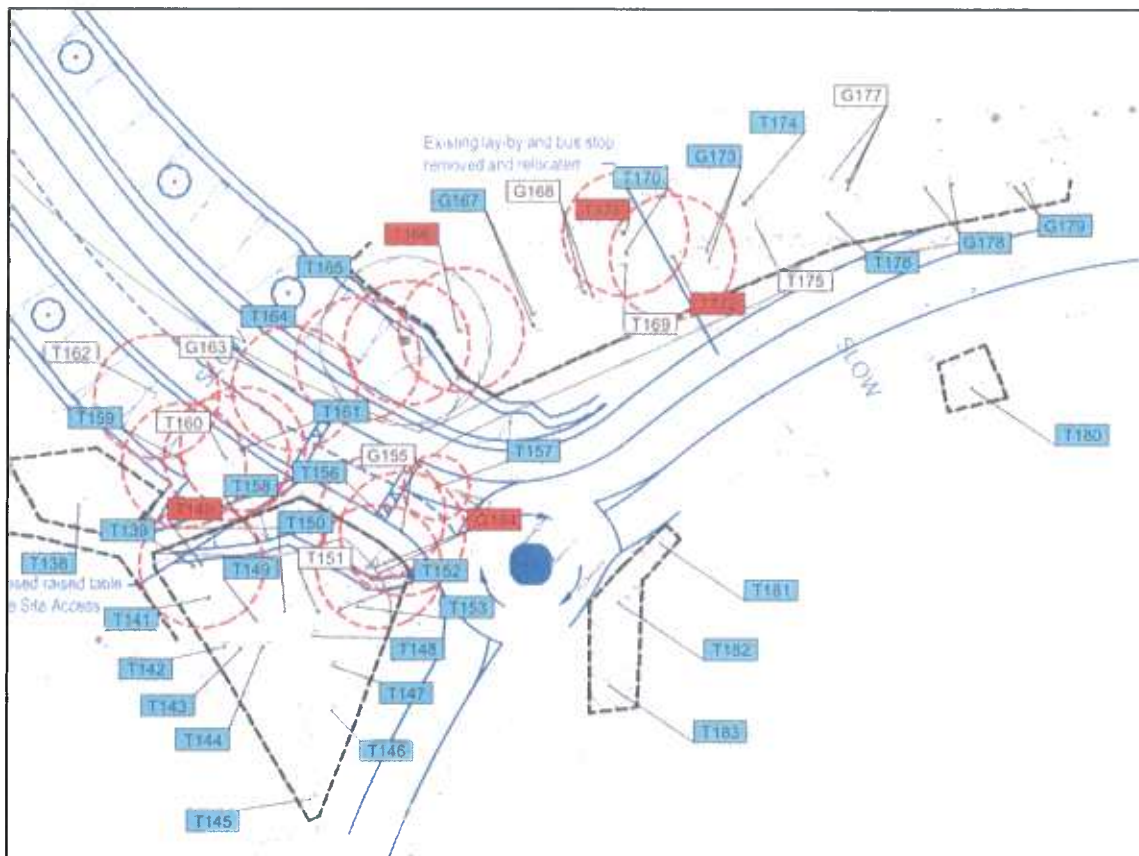


Figure 1: Extract from EcoUrban AIA dated 12 July 2013 (submitted with outline application).
Subject trees (to be removed) shown with red dashed outline.

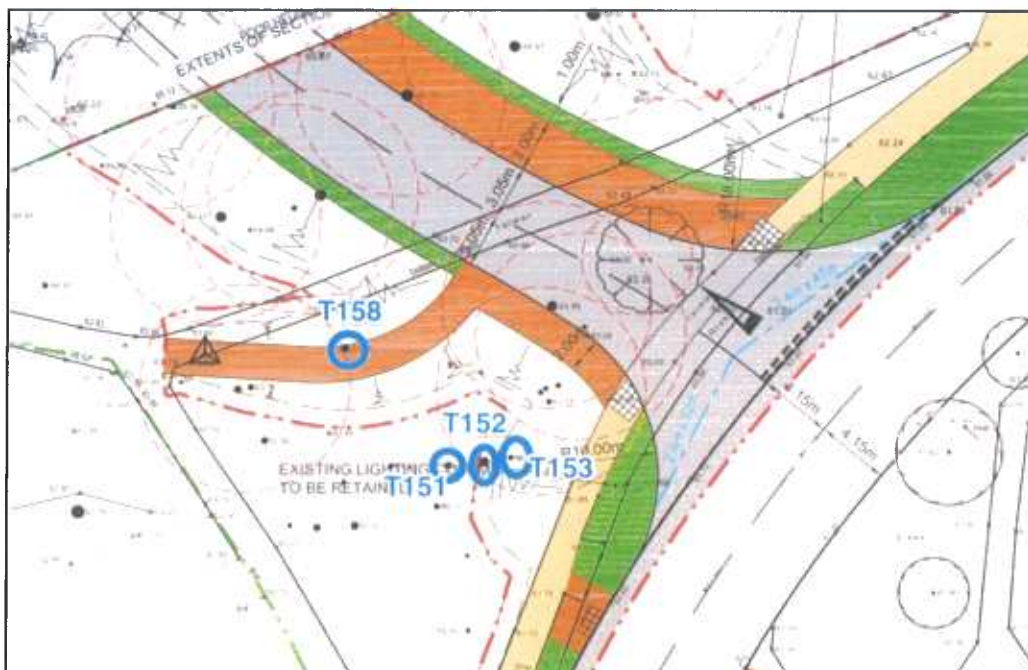


Figure 2: Footpath re-plan additional tree removals

Helliwell Calculations for Trees Removed and Proposed

Woodcroft Farm, Waterlooville s278 Tree Removals

VISUAL AMENITY VALUATION OF TREES, USING THE HELLIWELL SYSTEM (Arboricultural Association Guidance Note 4)

Assessment by Mark Welby Tech Cert (ArborA), Dip Arb (RFS), FArborA Arboricultural Association Registered Consultant

Planning approved removals

Footpath replan and levels impact removals

Category	G155	T155	T157	T159	T160	T161	T162	G163	T164	T165	T151	T152	T153	T158
1) Size (crown size, m2) 0 less than 2 0.5 very small 2-5 1 small 5-10 2 10-20 3 20-30 4 medium 30-50 5 50-100 6 large 100-150 7 150-200														
2) Life Expectancy (years) 0 0-2 1 2-5 2 5-40 3 40-100 4 100+														
3) Position <i>Either: Private Assessment</i> 0 no importance: trees not visible from any public vantage point 0.25 little importance: trees on remote parts of country estates 0.5 some importance: garden trees in groups of no particular importance 0.75 considerable importance: prominent garden trees 1.0 great importance: main feature or focal point <i>Or: Public Assessment</i> 0 no importance: trees not visible from any public vantage point 0.5 very little importance: trees only seen with difficulty, or by a very small no. of people 1 little importance: most trees in woodlands, back gardens, or in groups of trees, etc 2 some importance: individual roadside trees. Trees close to busy roads or footpaths/in public parks, in grounds of hospitals/colleges, etc. 3 considerable importance: prominent individual trees in well-frequented places, such as town/ shopping centres, etc														
4) Presence of other trees 0.5 woodland: more than 70% of the visual area covered by trees, and at least 100 trees in total 1 many: more than 30% of the visual area covered by trees, and at least 10 trees in total 2 some: more than 10% of the visual area covered by trees, and at least 4 trees in total 3 few: less than 10% of the visual area covered by trees, but at least one other tree present 4 none: no other trees present in the area under consideration														
5) Relation of species to setting 0 totally unsuitable 0.5 moderately unsuitable 1 just suitable 2 fairly suitable 3 very suitable 4 particularly suitable														
6) Form, or shape 0.5 trees which are poor form or which are ugly 1 trees of average/indifferent form 2 trees of good form														
7) Special factors (Always score 1, then add from list if applicable) 1 great rarity 1 historical association 1 exceptional landscape value 1 screening unpleasant view 1 important in larger composition														
Total score	24	54	54	120	12	288	30	12	120	144	60	90	72	72
Value (From 2017 value calculated as £31.93 per unit x Score)	£766.32	£1,724.22	£1,724.22	£3,831.60	£383.16	£9,195.84	£957.90	£383.16	£3,831.60	£ 4,597.92	£1,915.80	£ 2,873.70	£2,298.96	£ 2,298.96

Total £ 27,395.94

Total £ 9,387.42

Combined total £36,783.36

Woodcroft Farm, Waterloooville s278 Tree Removals
 VISUAL AMENITY VALUATION OF TREES, USING THE HELLIWELL SYSTEM (Arboricultural Association Guidance Note 4)

Assessment by Mark Welby Tech Cert (ArborA), Dip Arb (RFS), FArborA Arboricultural Association Registered Consultant

Current landscape proposals for phase 1

Category	Malus Sylvestris	Prunus padus	Acer campestre	Prunus avium	Amelanchier	Sorbus aucuparis	Malus sylvestris	Carpinus betulus	Quercus robur	Betula pendula	Carpinus betulus	Pyrus calleryana
No of trees proposed	99	2	10	3	1	3	2	2	1	3	4	4
1) Size (crown size, m2) 0 less than 2 0.5 very small 2-5 1 small 5-10 2 10-20 3 20-30 4 medium 30-50 5 50-100 6 large 100-150 7 150-200 8 200+	0	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
2) Life Expectancy (years) 0 0-2 1 2-5 2 5-40 3 40-100 4 100+	2	2	2	2	2	2	2	2	2	2	2	2
3) Position <i>Either: Private Assessment</i> 0 no importance: trees not visible from any public vantage point 0.25 little importance: trees on remote parts of country estates 0.5 some importance: garden trees in groups of no particular importance 0.75 considerable importance: prominent garden trees 1.0 great importance: main feature or focal point <i>Or: Public Assessment</i> 0 no importance: trees not visible from any public vantage point 0.5 very little importance: trees only seen with difficulty, or by a very small no. of people 1 little importance: most trees in woodlands, back gardens, or in groups of trees, etc 2 some importance: individual roadside trees. Trees close to busy roads or footpaths/in public parks, in grounds of hospitals/colleges, etc. 3 considerable importance: prominent individual trees in well frequented places, such as town/ shopping centres, etc	1	1	1	1	1	1	1	1	1	1	1	1
4) Presence of other trees 0.5 woodland: more than 70% of the visual area covered by trees, and at least 100 trees in total 1 many: more than 30% of the visual area covered by trees, and at least 10 trees in total 2 some: more than 10% of the visual area covered by trees, and at least 4 trees in total 3 few: less than 10% of the visual area covered by trees, but at least one other tree present 4 none or other trees present in the area under consideration	2	2	2	2	2	2	2	2	2	2	2	2
5) Relation of species to setting 0 totally unsuitable 0.5 moderately unsuitable 1 just suitable 2 fairly suitable 3 very suitable 4 particularly suitable	3	3	3	3	3	3	3	3	3	3	3	3
6) Form, or shape 0.5 trees which are poor form or which are ugly 1 trees of average/indifferent form 2 trees of good form	1	1	1	1	1	2	0.5	0.5	1	1	1	1
7) Special factors (Always score 1, then add from list if applicable) 1 great rarity 1 historical association 1 exceptional landscape value 1 screening unpleasant view 1 important in larger composition	1	1	1	1	1	1	1	1	1	1	1	1
Total score	0	12	60	18	6	36	6	6	6	18	24	24
Value (From 2017 value calculated as £31.93 per unit X Score)	£ -	£766.32	£ 19,158.00	£1,724.22	£ 191.58	£ 3,448.44	£ 383.16	£ 383.16	£191.58	£ 1,724.22	£3,065.28	£ 3,065.28

Total £ 34,101.24

