

FW: Section 106 Agreement dated 15 August 2014 - Land at 43 Portsdown Hill Road APP/14/00420

Weaver, Louise

Tue 30/01/2018 11:34

To: Havant CIL <cil@havant.gov.uk>;

Please can you redact/file this S106 correspondence/make publicly available.

Kind regards

Mrs Louise Weaver
Community Infrastructure Officer
Planning Services
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX
Direct Dial Telephone Number: (023) 9244 6545
e-mail: louise.weaver@havant.gov.uk

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From: Weaver, Louise
Sent: 30 January 2018 11:32
To: 'Stuart Barnett' [REDACTED]
Subject: RE: Section 106 Agreement dated 15 August 2014 - Land at 43 Portsdown Hill Road APP/14/00420

Good Morning Stuart

Thank you for your follow up email.

As discussed on the phone earlier today we will keep this email from Nick Leach, dated 29 July 2015, on the planning file for reference. Having discharged Clause 6.5 (which includes 6.5.3) in our recent Discharge Notice dated 8 January 2018, this correspondence confirms that there is no public access for this land.

Kind regards

Mrs Louise Weaver
Community Infrastructure Officer
Planning Services
Havant Borough Council
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From: Stuart Barnett [REDACTED]
Sent: 30 January 2018 11:04
To: Weaver, Louise <Louise.Weaver@havant.gov.uk>
Subject: FW: Section 106 Agreement dated 15 August 2014 - Land at 43 Portsdown Hill Road

Hi Louise ,
Thanks for phoning back.
Please see the following for your records .
Best regards
Stuart

From: Nick [REDACTED]
Sent: 29 July 2015 16:13
To: Stuart Barnett [REDACTED]
Subject: Section 106 Agreement dated 15 August 2014 - Land at 43 Portsdown Hill Road

Dear Stuart

I write further to our discussion about clause 6.5.3 of the above Agreement, which refers to the requirement for the owner of the land to supply proposals for arrangements to secure the future access for the public to the Open Space.

I have spoken to the Planning section about this and I confirm that this clause was wrongly drafted in that the Council never envisaged the public as being able to access the land. It is clear, however, that access is required for the occupiers of the new dwellings to be built on the land.

The best way to proceed would be for us to enter into a deed of variation (deleting the requirement for public access to the land) with all those who have an interest in the land (assuming you would wish to do this).

I understand that you may hoping to complete within the next 7-8 weeks. I do not envisage any problems in doing this within that time other than the fact that the deed would need to be signed by the current owner. Alternatively, this will not be necessary if completion of the deed is delayed after you become owner.

I would be grateful if you could let me know in due course how you wish to proceed.

Yours sincerely

Nick Leach
Solicitor
East Hampshire District Council and Havant Borough Council
Penns Place Petersfield GU31 4EX
Direct Tel: 01730 234088 Direct Fax: 01730 233935

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