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Date	29 November 2013	Email	stephen.jenkins@hants.gov.uk

For the attention of David Ball

Dear Sir

Dunsbury Hill Farm Section 106 Agreement Schedule 4

Thank you for your letter of 18th November 2013.

I do understand the issues around unknown costs and achieving the approval of the Highways Agency but must maintain my view that the provision a simple but safe pedestrian / cycle access at a point near to the main access is necessary to make this major employment development acceptable in planning terms.

As discussed at our meeting I am prepared to accept some flexibility in terms of the timing and delivery of such a facility but I am not able to agree to wording that could lead to the eventual removal of all requirements for it to be provided.

Turning to the detail of your proposed wording:

Definition of Off Site works

Agreed.

New definition of A3(M) Crossing

It is agreed that the development is required to provide a basic link from Sapphire Ridge to the site in the locations shown in the attached Figure 1.

Clause 1.1.1

It is not envisaged that all of the sections of the Act (38, 4, 6 and 8) will be needed but for simplicity we can agree to reinstate Sara's drafting.

Director of Economy, Transport and Environment
Stuart Jarvis BSc DipTP FCIHT MRTPI

Clause 1.1.2

The Off Site Highway Works are now limited to just the site access roundabout and integral Hulbert Road replacement lay-by. These works are required to be completed before the site can be safely occupied.

Clause 1.1.3

This is the key issue between us. Our view is that a simple but safe pedestrian / cycle access at the main access is necessary to make this development acceptable in planning terms. We consider that this is the clear within the planning advice we have provided and clear within the Havant Committee resolution. We do understand that because the design of this access has still not yet been finalised there are risks in relation to cost and approvals, however your suggestions of 'reasonable endeavours' and 'capped contributions' give us no certainty that the infrastructure which we consider is necessary will ever be provided.

The use the Park Lane bridleway is not considered an acceptable fall back.

Clause 1.1.4, 1.1.4.1 and 1.1.4.2

Our drafting represents increased flexibility but it still retains certainty that a scheme will be, at the very least identified and agreed prior to occupation. Your counter proposals remove any certainty of a getting to an agreed scheme before first occupation and instead seek to occupy 60% of the development before an agreement is reached. This is not agreed.

Clause 1.1.5

A cap on the cost of a scheme cannot be agreed as it is the scheme that is required not a sum of money which may not deliver the scheme. Should a scheme be agreed and costed then it would be possible to agree a commensurate contribution to allow swifter occupation. This was the intention of our drafting in 1.1.5.

Clause 1.1.6

It is agreed that we can jointly determine the method of implementation of the scheme but the fall back of upgrading bridleway 123 is not agreed.

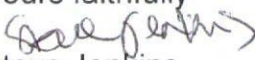
Temporary Access Provisions

Agreed.

Summary

As discussed on the telephone earlier today the matter between us is now almost singularly focused on the implementation of the pedestrian and cycle access at the main access. I would be grateful if you could consider the points raised above and revert to me in due course.

Yours faithfully


Steve Jenkins

Team Leader - Highways Development Planning South & East

cc: HBC, Planning, FAO – Stephen Cantwell

cc: Highways Agency, London Road, Federated House, Dorking – Helen Batty

