

18 September 2025

Our Ref: 25001/SS

F.A.O David Eaves

Planning and Development
Havant Borough Council
Public Sector Plaza
Civic Centre Road
Havant
PO9 2AX

Via Email (david.eaves@havant.gov.uk)

Dear David,

LANGSTONE PARK, 2B LANGSTONE ROAD, HAVANT, PO9 1SA
PROPOSED DEED OF VARIATION TO SECTION 106 AGREEMENT LINKED TO PLANNING
PERMISSION REF: APP/22/00172

We have been instructed by our client, XLB Property Ltd ('XLB') to seek a deed of variation to the section 106 Agreement ('s106') linked to Outline Planning Permission Ref: APP/22/00172 at Langstone Park, 2B Langstone Road, Havant, PO9 1SA ('the Site'), which permits the following development:

'Outline Planning Application for Phased demolition of existing buildings and the erection of new flexible use employment floorspace (Use Classes E(g)(i)-(iii)/B2/B8) and ancillary uses (Use Classes E(b), E(d) and E(f)); and associated works. All matters reserved except Access'.

Background

Planning permission was originally granted in July 2020 for what is referred to as the 'Phase 1' scheme relating to the provision of new industrial units on the south-western corner of the Site. This permission was subsequently amended in 2021 (Ref: APP/21/00405) and the scheme has subsequently been completed and is largely occupied.

The Phase 1 permission is subject to a s106 agreement dated 22 July 2022. As part of this s106 agreement, the following obligations have been met:

- **Schedule 2, Clause 2.1:** Payment of the Right Turn and Roundabout Signage Contribution (£25,000), defined as *'a contribution towards the cost of amendment of the Langstone Road right turn lane white lining and towards the cost of the Roundabout Signage Works'.*
- **Schedule 3, Clause 1:** Payment of the Footpath 51 Contribution (£67,500) for the Footpath Improvement Works defined as *'the improvement, enhancement and future maintenance works to be undertaken by the County Council to that part of Havant Footpath 51 between the A27 and the Langstone Technology Park from Langstone Road as shown indicatively coloured green on plan number 0173 B at Appendix Four of this Agreement'.*

On 22 December 2023, outline planning permission (Ref: APP/22/00172) was granted for what is referred to as the 'Masterplan' scheme which will see the phased re-development of Langstone Park (beyond what has already been delivered by Phase 1) over an anticipated 10-year period.

Masterplan Phase 1 (being the demolition of B6000) has been completed and Masterplan Phase 2 (hereafter referred to as 'Phase 2'), relating to the development of new employment buildings in the south-eastern corner of the Site, is currently under construction. This followed the approval of Reserved Matters for Phase 2 (Ref: APP/24/00274) in December 2024 alongside the discharge of relevant pre-commencement conditions attached to the outline permission.

The Phase 2 development is due to be completed during December 2025 and in order to allow for the timely occupation of these unit, additional approvals are presently being sought in relation to a number of pre-occupation conditions alongside a reserved matters application for Phases 2a and 2b which relate to the delivery of agreed highway works. For ease of reference, the following applications have been submitted:

- Reserved Matters Application for Phases 2A & 2B (highway works) — submitted 14 July 2025 (**pending validation**)
- Discharge of condition application relating to C5, C20, C21, C22, C40, C41 and C43 — submitted 08 July 2025 (**validated — pending determination**)
- Discharge of condition application relating to C23 (Pedestrian/Cycle Link) — submitted 14 July 2025 (**pending validation**)

The Masterplan scheme is subject to a s106 agreement dated 20 December 2023. This secured a number of obligations including, but not limited to, the following 'Highway Works':

- a) improvement works to Footpath 51 and the cycle improvement works at the site access road junction with Langstone Road;
- b) the Langstone Road turn right works and roundabout signage as shown in principle on Plan 2; and
- c) signage associated with the newly created cycleway.

The above works are required to be delivered and completed in accordance with a Highways Agreement to be entered into with Hampshire County Council (HCC), prior to occupation.

A Highways Agreement in respect of works listed under parts a) and c) above will be completed imminently. These works have subsequently commenced on site and are due to be completed by November 2025.

It is pertinent to this application, that parts a) and b) above overlap with the obligations already secured (and which have been met) by the Phase 1 s106 agreement (as outlined on p.1). HCC have subsequently confirmed that the works listed under part b) are required to be delivered under the provisions of the Masterplan s106 and a separate Highways Agreement will therefore need to be entered into in relation to these works.

Following a meeting on 12 August 2025, it was agreed that a Deed of Variation to the Masterplan s106 agreement would be appropriate in order to clarify the works to which part b) relate (noting that the existing reference to 'Plan 2' is erroneous) alongside an amendment to move out the trigger for the completion of these works to 'prior to the occupation of Phase 3'.

In parallel, HCC confirmed that the relevant contributions made pursuant to the Phase 1 s106 in relation to Footpath 51 and the right turn works and roundabout signage would need to be returned. We would welcome

a separate discussion as to how this may be facilitated and whether this can be progressed outside of a variation to the Phase 1 s106.

S106 Deed of Variation

Against the above context, the following amendments to the Masterplan s106 agreement are proposed:

- Definition of 'Highway Works' under the Operative Part to be amended as follows:
 - a) *improvement works to Footpath 51 and the cycle improvement works at the site access road junction with Langstone Road;*
 - b) *the Langstone Road turn right works and roundabout signage as shown in principle on Plan **2 3**; and*
 - c) *signage associated with the newly created cycleway.*
- Plan 3 to be appended and Schedule 3 amended to refer to '**Plan 3 — drawing number 2505047-0102 Rev PO2**'. Plan 3 to be added under Definitions also.
- Phase 2 and Phase 3 are to be defined by reference to the Phasing Plan (see below).
- Schedule 2, Part 1 to be amended as follows:
 - 1.1 ~~**Not to Commence nor permit Commencement**~~ **Not to Occupy nor permit Occupation of Phase 2 of the Development unless and until a Highways Agreement has been entered into with the County Council in respect of *parts a) and c)* of the Highway Works, or such later date as may be agreed in writing with the County Council.**
 - 1.2 **Not to Occupy nor permit Occupation of *Phase 2 of* the Development unless and until *parts a) and c)* of the Highway Works have been carried out and completed to Highways Works Completion Standard, or such later date as may be agreed in writing with the County Council.**
 - 1.3 **Not to Occupy nor permit Occupation of Phase 3 (or any subsequent Phases) of the Development unless and until a Highways Agreement has been entered into with the County Council in respect of part b) of the Highway Works, or such later date as may be agreed in writing with the County Council.**
 - 1.4 **Not to Occupy nor permit Occupation of Phase 3 (or any subsequent Phases) of the Development unless and until part b) of the Highway Works have been carried out and completed to Highways Works Completion Standard, , or such later date as may be agreed in writing with the County Council.**
 - 1.5 **To complete part b) of the Highway Works to Highways Works Completion Standard within 24 months following the date of this Deed , or such later date as may be agreed in writing with the County Council.**
- Phasing Plan to be appended and Schedule 3 amended to refer to '**Phase Plan - drawing reference 11629-PL-006 Rev B**'. Phasing Plan to be added under Definitions also.

Submission

This submission comprises the following documentation:

- Application Form, duly completed;
- Covering Letter, prepared by NWS (this document);
- Site Location Plan (Drawing Ref: 11392-PL-008);
- Right Hand Lane General Arrangement Plan (Drawing Ref: 2505047-0102 Rev P02); and
- Phasing Plan (Drawing Ref: 11629-PL-006 Rev B).

We note that there is an administrative fee of £293 per Head of Term in addition to legal charges which will be paid by agreement once the full extent of charges has been confirmed.

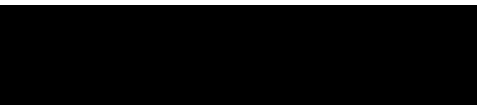
Next Steps

We trust this request will be duly considered and look forward to further dialogue on the matter. If, in the meantime, you require anything further, please do not hesitate to contact either myself or Paul Newton at this office.

Yours sincerely,



Susie Stephen
Director



NWS Planning Limited