

From: Rosalind Bentley
Sent: 07 September 2018 11:48
To: Technical Support Unit Staff
Cc: Michael Eastham
Subject: FW: *EXTERNAL: RE: Kingley Gate s.106

Please register the attached PO application for amending obligation(s) – Michael Eastham is the case officer and has already sent the legal to them for sorting out the deed of variation.

Thanks

Ros

Rosalind Bentley | Planning Contributions & Data Analysis Officer, Arun District Council | Location: First Floor, Arun Civic Centre,
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Visit Arun's web site at www.arun.gov.uk



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From: Thomas, Colin [REDACTED]
Sent: 07 September 2018 11:21
To: Rosalind Bentley
Cc: Michael Eastham; Blowers, Kim; Kenny, Darren; Fatima Evernden; [REDACTED] Noton, Mark A.
Subject: RE: *EXTERNAL: RE: Kingley Gate s.106

Dear Ros,

Please find attached modification application, red line plan and the central square landscaping plan for Kingley Gate on behalf of Bellway and Barratt David Wilson.

I trust I have interpreted the requirements correctly but please do come back to me if you require any alterations or additions.

Regards

Colin

Colin Thomas

Senior Development Manager
BARRATT DAVID WILSON HOMES

BDW Southern Counties

Walnut Tree Close, Guildford, Surrey, GU1 4SW

bdwhomes.co.uk

From: Noton, Mark A.

Sent: 06 September 2018 14:33

To: Rosalind Bentley

Cc: Michael Eastham

Blowers, Kim

Kenny,

Darren

Fatima Evernden

Thomas, Colin

Subject: RE: *EXTERNAL: RE: Kingley Gate s.106

Dear Ros

Thanks the reply.

We will get the forms back to you tomorrow.

A colleague of mine will start work on them this afternoon as I have to leave for a meeting.

Going forward Colin (cc'd) will make sure the legal work is dealt with in a timely fashion.

Regards

Mark

Mark Noton
Development Director



BARRATT
HOMES



DAVID WILSON HOMES
WHERE QUALITY LIVES

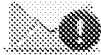
BARRATT DAVID WILSON HOMES

BDW House, Guildford, Surrey, GU1 4SW

bdwhomes.co.uk

From: Rosalind Bentley [REDACTED]
Sent: 06 September 2018 13:58
To: Noton, Mark A. [REDACTED]
Cc: Michael Eastham [REDACTED]; Blowers, Kim [REDACTED]; Kenny, Darren [REDACTED]; Fatima Evernden [REDACTED]
Subject: *EXTERNAL: RE: Kingley Gate s.106

EXTERNAL EMAIL WARNING



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Hi Mark,

Thanks for this, having discussed with Michael all seems acceptable in principle. We do require the submission to be made by 4pm tomorrow. Forms are attached. We won't be removing 'pending enforcement action' from the search until the deed of variation and application (you are about to submit) is completed or the obligations are actually satisfied whichever comes first.

Kind Regards

Ros Bentley

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Save the environment - think before you print.

From: Noton, Mark A. [REDACTED]
Sent: 06 September 2018 12:47
To: Rosalind Bentley
Cc: Michael Eastham; Blowers, Kim; Kenny, Darren
Subject: Kingley Gate s.106

Dear Ros

Further to our conversation last week, I have now been able to review the s.106 (22/3/2012) in further detail.

I believe the revision to the s.106 should pick up the following outstanding matters:-

1. Revision of Plan 2 to reflect new location of LEAP and NEAP.
2. Amendment to Schedule 2 Para 17 to adjust trigger (500 dwellings) to an *agreed new trigger*.
3. Amendment to Schedule 2 Para 11 to adjust trigger (450 dwellings) to an *agreed new trigger*. I understand that the allotments have been laid out but due to the hot summer, we need to go back and undertake maintenance and I am not sure if the Certificate has been issued.
4. Proposed amendment of Plan 2 removing LEAP 2 and introducing 'Central Square' – Linda Oak Landscape Design drawing 972/07 Rev E – and trigger for delivery
5. Amendment to Clause 2 and 3 under Schedule 1 to replace with a clause to say, "No provision of this deed shall be enforceable against individual owner occupiers of the dwellings or their mortgagee."

For delivery of the outstanding items can we suggest a trigger of 590 units or 31st March 2019, whichever is earlier? We anticipate being finished on site by June 2019 (our year-end) and we have 34 units to sell plus 8 units on what was Courtwick Park Cottages.

On the latter point above (point 5), I agree it adds clarity to the current position but I would like to discuss whether the notice of pending enforcement can be removed. The items we believe are outstanding relate to what is classed as "Landscaped Areas" under the s.106.

The definition of Landscaped Area is:-

- (i) the Western Parkland;
- (ii) the Allotments;
- (iii) the NEAP;
- (iv) the A259 Landscape Area;
- (v) the Playing Fields;
- (vi) the Changing Facilities;
- (vii) LEAP 1;
- (viii) LEAP 2; and
- (ix) Western Amenity Area

and under Clause 3 Schedule 1 it states:-

"For the avoidance of doubt no individual owner or occupier of the Dwellings or their mortgagee shall be responsible for any financial obligations payable under this Deed or for constructing the Affordable Housing Units or for the carrying out of any Highway Works or for the provision of any Amenity Space or Landscaped Area or for marketing the Employment Land."

From the information I have been able to collate, I am not aware of any outstanding items which do not fall under "Amenity Land" Works. I understand all our financial obligations have been satisfied (other than the commuted sum payments which are attached to the LEAP/NEAP and playing fields which fall due on Transfer).

On this basis the only interested parties conducting local searches will be people likely to purchase properties at Kingley Gate (both first and second time buyers). Can I ask that the notice be removed as it does not affect incoming buyers, but it is causing a huge amount of disquiet?

Once you have had an opportunity to review, please come back to me with any comments you have.

If the above principles can be agreed, I will ask our solicitor to prepare the amendments for submission to your solicitors. We would provide an undertaking for their costs in this matter.

Kind regards

Mark



Mark Noton
Development Director
BARRATT DAVID WILSON HOMES

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bdwhomes.co.uk

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