Planning Application Reference:	**AB/187/06/**
Document Type:	**Section 106 Agreement**
Date of Agreement:	**26th July 2007**

NB: Text in bold to be included in free text field.

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Please return original to s106 Monitoring Officer

ARUN DISTRICT COUNCIL AB/187/06/

AB/187/06

Dated: 26 July 2007

Between:

[1] McCarthy & Stone (Developments) Limited [The Owner]

[2] Arun District Council [ADC]

AGREEMENT

under Section 106 of the Town & Country Planning Act 1990
and other powers
Land at Castle Service Station Queen Street Arundel West Sussex BN 18 9JG

Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF
DX 57406 LITTLEHAMPTON

ARUN DISTRICT COUNCIL AB/187/06/

This Agreement is dated 26 July 2007 and is made between:

[1] McCarthy & Stone (Developments) Limited (Company Registration Number 770529) whose registered office is at Homelife House 26/32 Oxford Road Bournemouth BH8 8EZ ["the Owner"]

[2] Arun District Council of Arun Civic Centre Maltravers Road Littlehampton West Sussex BN17 5LF ["ADC"]

1 Background

1.1 The Owner is the registered proprietor under title number SX11514 of the land at Castle Service Station Queen Street Arundel West Sussex BN 18 9JG shown for identification purposes only edged red on the attached plan [and hereinafter called "the Land"].

1.2 ADC is the local planning authority and shall be responsible for the enforcement of the obligations contained herein.

1.3 The Owner has by planning application ("the Application") number AB/187/06 dated 15 December 2006 applied to ADC for planning permission to develop the Land by the erection of 24 sheltered apartments for persons satisfying the criteria set out in Clause 5 including house manager's office communal facilities car parking and landscaping, and such Application is now the subject of the Appeal

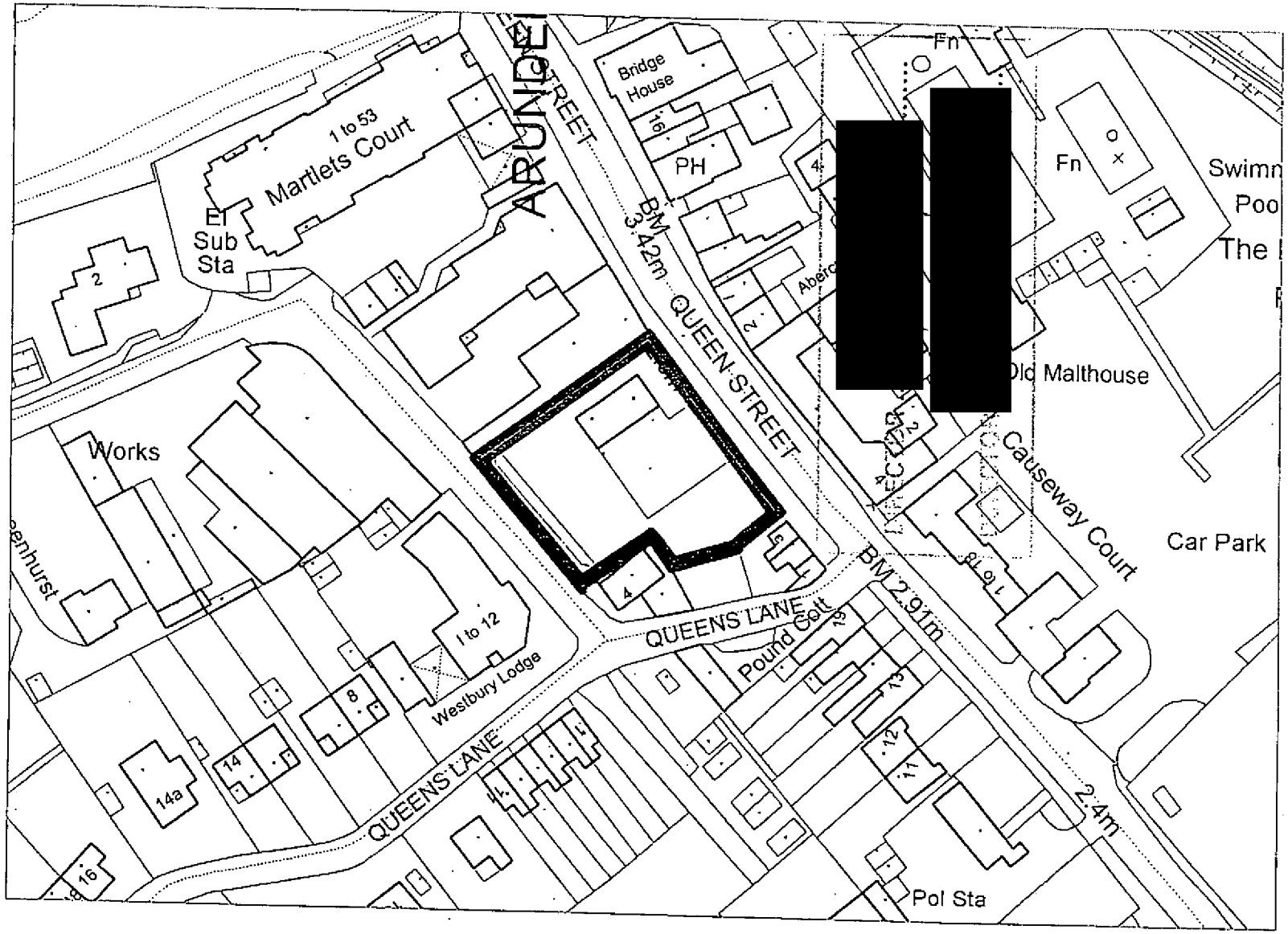
2. Interpretation

In this Agreement:

2.1 Words importing the masculine include the feminine and vice versa.

2.2 Words importing the singular include the plural and vice versa.

2.3 Words importing persons include companies and corporations and vice versa.



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2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually.

2.5 Any reference to a clause or schedule or plan is to one attached to this Agreement.

2.6 Any reference to a colour or letter is to be on the plans attached to this Agreement.

2.7 In the absence of contrary provision any reference to a statute includes any statutory modification or re-enactment of it and every statutory instrument, direction, specification made or issued under the statute or deriving validity from it.

2.8 References to any party to this Agreement shall include the successors in title to that party and to any deriving title through or under that party and in the case of the ADC the successors to their respective functions.

2.9 "the Act" means the Town & Country Planning Act 1990

2.10 "agreed" or "approved" means agreed or approved in writing and given for the purpose of this Agreement.

2.11 "the Appeal" means the appeal submitted by the Owner to the Secretary of State for the Environment under appeal reference number APP/C3810/A/o7/2041196/NWF

2.12 "the Development" means the development of the Land proposed by the Application or permitted by planning permission granted pursuant to the Appeal or carried out substantially in accordance with such planning permission.

2.13 "First Occupation" means the first occupation of a dwellinghouse at the Development

3. Enabling Provisions

This Agreement is made pursuant to Section 106 of the Act, Section 111 of the Local Government Act 1972, and all other enabling powers.

4. Commencement

4.1 This Agreement shall come into effect upon the grant of planning permission by the Inspector pursuant to the Appeal but the obligations in Clause 5 shall become

effective only on commencement of the Development in accordance with Section 56 of the Act.

4.2 On commencement of the Development the Owner will give to ADC notice in writing of that commencement in the form of the Commencement Notice annexed to this Deed at Schedule 1 addressed to ADC's Head of Planning Services.

5. **Age Restriction for Occupiers of Development**

Unless otherwise approved in writing by ADC the Owner agrees with ADC: -

5.1 Not to permit any unit of residential accommodation forming part of the Development (other than any guest suite) to be occupied by any person or persons other than :-

5.2 a single resident who has attained the age of 55 years unless the survivor of persons mentioned at 5.3

5.3 joint residents one of whom has attained the age of 55 years

6. **Flood Risk Management Plan**

The Owner shall prior to First Occupation implement a flood risk management plan in accordance with the draft Flood Risk Management Plan annexed to this Deed at Schedule 2

7. **Costs**

The Owner agrees to pay to ADC its reasonable legal costs incurred in preparing and entering into this Agreement

8. **General**

The parties agree that:

8.1 nothing in this Agreement constitutes or constitutes an obligation to grant planning permission

8.2 nothing in this Agreement grants planning permission or any other approval consent or permission required from ADC in the exercise of any other statutory function

8.3 nothing in this Agreement fetters or restricts the exercise by ADC of any of their powers

8.4 the obligations contained in Clause 5 are planning obligations for the purpose of Section 106 of the Act

8.5 this Agreement constitutes a deed

8.6 this Agreement is enforceable by ADC

8.7 nothing in this Agreement confers or is intended to confer a benefit on a third party under the Contracts [Rights of Third Parties] Act 1999

8.8 This Agreement shall apply to the Development as authorised by the planning permission issued pursuant to the planning application or to the Development after variation or renewal of the planning permission from time to time

8.9 This Agreement is a Local Land Charge and shall be registered as such

SCHEDULE 1

Commencement Notice

Pursuant to Planning Obligation Described Below

I advise you that the Development described below was commenced on the Start Date stated in this Notice.

Dated this _____ day of _____ 200

Signed _____

On Behalf Of: _____

TO:	[1] Head of Planning Services, Arun District Council, Arun Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5LF [DX: 57406] Littlehampton
FROM:	
DEVELOPMENT AT:	
NATURE OF DEVELOPMENT:	
PLANNING PERMISSION DATE & REFERENCE	
PLANNING OBLIGATION DATE & PARTIES	
START DATE:	

SCHEDULE 2

Flood Risk Management Plan

Queen Street, Arundel

Flood Risk Management Plan

Project Ref: 18199

June, 2007

CONSULTATION DRAFT





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PBA Document Control Sheet

Project Title : Queen Street, Arundel

Project Ref : 18199

Report Title : Flood Risk Management Plan

Date : 22 June 2007

	Name	Position	Signature	Date
Prepared by	Ian Pate MEng	Graduate Engineer		22 June 2007
Checked by	Richard M Fisher BEng(Hons)	Senior Engineer		22 June 2007
Authorised for issue by	Andy Robertson BSc CEng MICE MCIWEM	Senior Associate		22 June 2007
For and on behalf of Peter Brett Associates				

*Issue	Revision	Description	Date	Signed
	-	Draft issue for consultation	22/06/2007	

*Delete as appropriate

Peter Brett Associates disclaims any responsibility to the Client and others in respect of any matters outside the scope of this report. This report has been prepared with reasonable skill, care and diligence within the terms of the Contract with the Client and generally in accordance with ACE Short Form Conditions of Engagement and taking account of the manpower, resources, investigations and testing devoted to it by agreement with the Client. This report is confidential to the Client and Peter Brett Associates accepts no responsibility of whatsoever nature to third parties to whom this report or any part thereof is made known. Any such party relies upon the report at their own risk.

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1 Introduction

This Flood Risk Management Plan (FRMP) has been prepared for McCarthy & Stone (Developments) Ltd in relation to the proposals for the construction of sheltered housing at a disused petrol station on Queen Street, Arundel, West Sussex.

The FRMP sets out flood data relevant to the site, identifies the roles and responsibility of the appointed Flood Wardens, provides details of proposed flood actions and sets out the roles and responsibilities of other bodies as well as providing contact details.

The advice of the emergency services should be followed at all times and on the ground decisions will supersede plans within the report. Where information is not available from the relevant authorities this report is intended to provide action points to protect property and provide advice for residents sheltering during a flood event the area.

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2 Flood Data

The site is located within an area identified as susceptible to flooding. However, the site benefits from the presence of flood defences along the coast and on the River Arun, which is tidally influenced at Arundel and flows past the site to discharge into the sea. All of the defences are operated and maintained by the Environment Agency.

Despite the presence of the defences, there are extreme events which could result in defences being breached or overtopped. The maximum flood levels predicted from such situations are summarised below. The full details are included in the site specific Flood Risk Assessment

Table 2—1: Modelled Flood Data at Site

Condition	Maximum Predicted Flood Level (m AOD)	Predicted Depth of Standing Water at Pedestrian Entrance
Flooding from River Arun 1 in 100 annual probability, worst combination of river flow and tide level to 2060 (modelled by the Environment Agency).	3.3[1]	Flow contained in banks
Flooding from River Arun 1 in 100 annual probability, worst combination of river flow and tide level in 2110 (modelled by Monson Engineering Ltd)	3.97[2,3]	Pavement above flood level
Tidal flooding from River Arun 1 in 200 annual probability to 2060 (modelled by the Environment Agency)	3.4[1]	Flow contained in banks
Tidal flooding from River Arun 200 year in 2056 (modelled by Monson Engineering Ltd)	5.27[2,4]	Approx 1 m[2]

[1] If the tidal embankments are maintained at the design level, there should be no flooding under this condition. Survey data suggests that at present, the defences are between 3.7 and 4.2m AOD.

[2] Assumes tidal defences are not raised in the interim.

[3] Results in a flood level of 3.0m AOD at the site

[4] Results in a flood level of 4.0m AOD at the site

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The mechanism of flooding will vary depending on whether the flooding occurs from a tidal or fluvial event on the River Arun.

Tidal flooding could occur as a result of overtopping or breaching of the existing defences. If the defences were overtopped or significantly breached, rapid inundation of the surrounding area could occur. It should be noted that flooding of surrounding areas will be of relatively short duration (a few hours) around the peak tide level. When tide levels drop from their peak, the flood water will drain back into the River Arun.

For a fluvial flood event, rising water levels in the river channel adjacent to the site would become evident with overspilling from the river channel at various locations, potentially both upstream and downstream of the site. Given the relatively flat gradients and the flow routes involved, it is likely that flow velocities will be relatively slow on the roads associated during a fluvial flood.

The ground floor level of the building is set at 4.1m AOD which is 100mm above the 1 in 200 modelled flood level at the site in the year 2110 (ie in excess of the assumed 100 year lifespan of the development) and 700mm above the present day condition. External levels of the car parking and landscaping are also generally raised above the predicted fluvial flood levels.

Predicted depths for each of the flood scenarios are set out in Table 2—1.

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3 The Role & Responsibilities of the Flood Wardens

Management of the completed development will be undertaken by Peverel Management Services Ltd who specialise in the estate management of sheltered homes for the elderly. At least two staff members at the Queen Street complex (the House Manager and the Duty House Manager) are to receive training as, and carry out the role of, Flood Wardens.

3.1 Flood Warden Training

The training for the Flood Wardens will be arranged in liaison with the Environment Agency. Subsequent refresher training sessions should be repeated on a regular basis.

This training will include:

- Flood warning codes and their meaning
- Actions to take at each flood warning.

3.2 Responsibilities of the Flood Wardens

Key responsibilities of the Flood Wardens are as follows:

- Inform residents of the existence of the FRMP and ensure that they are updated on an annual basis and provided with an information pack.
- Ensure that they are registered with Flood Warnings Direct (see Section 4.1).
- Keep a check on flood warnings and be ready to notify the residents.
- Ensure that flood protection equipment, if required, is installed and maintained as required.
- Co-ordinate with the emergency services.
- Identify equipment or possessions that require special protective measures, and co-ordinate the action required to prevent their damage in the event of a flood.
- Monitor flood levels and keep residents informed.
- Review of the FRMP annually.

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4 Flood Action Points

4.1 Flood Warnings

The Environment Agency (EA) issue general flood warnings as follows:



Means flooding is possible. Be aware! Be prepared. Watch out!



Means flooding of homes, businesses and main roads is expected. Act Now!



Means serious flooding is expected. There is imminent danger to life and property. Act now!



Will be issued when there are no longer flood watches or flood warnings in force. Flood water levels receding. Check all is safe to return. Seek advice.

The general warnings are found on the EA's 24-hour 7-day Flood Line service, on 0845 988 1188. For the River Arun through Arundel the specific code number is 0123223, which should be entered at the prompt.

The Flood Wardens must contact the Environment Agency Flood Warning Service on 0845 988 1188 to register to receive flood alerts through the EA Flood Warnings Direct service. This is a free service which provides vital information in the event of a flood.

In addition Arun District Council have a 24 hour, seven day a week emergency line on 01208 893131.

The EA has a 'Flood Warning Service Strategy' document. The latest version of this document can be found on the EA website http://www.environment-agency.gov.uk/commondata/acrobat/126696. The document also details in Annex 2, the roles and responsibilities of those organisations involved in flood defence emergency response.

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4.2 Action Required

The ground floor building levels (at 4.1m AOD) have a freeboard above the modelled 1 in 200 tidal flood event with climate change to the year 2110. Other parts of Arundel, including the surrounding roads and properties, may nonetheless be flooded for short durations at and near the peak of the tide.

Arun District Council, the Environment Agency and West Sussex Fire and Rescue were consulted during the preparation of this report. West Sussex Fire and Rescue indicated that a 'sheltering strategy' would be preferred for the development.

Discussions with Emergency Planning Officers at Arun District Council have also confirmed a preference for residents not to be evacuated if a dry and safe environment can be maintained.

It is therefore recommended that no evacuation of the building takes place as long as the building provides a safe environment.

By optimising the security of service supplies, the building will remain functional throughout the flood duration. Given that the car parking area is also raised there should be no requirement to move cars; they should be left in place.

The River Arun is not subject to significant flash flooding but could respond quickly to intense storms. Local knowledge and a general awareness of the river levels will suggest when there is a potential flood risk, and therefore indicate the need to listen to the radio or contact the Environment Agency. Country wide *'flood watch'* warnings will be given in advance of flooding conditions.

If a flood event greater than the design event happens then evacuation may be necessary. The relevant emergency service personnel won the ground will make the decision as to whether this is necessary and their advice should be followed in the event that evacuation is required.

Actions required are outlined below.

- Advise residents of EA specific warnings for the Arundel area so that they are aware of possible flooding in the town which may affect local movements. Ensure that the House Manager is available and remains on site until the flood risk is over.

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- Provide advice to residents that in circumstances where they are away from the building (but in Arundel) and floodwaters start to rise, they should not seek to return but should immediately move to higher ground, following instruction from emergency services (if present) and seek temporary refuge for the short duration until floods subside. Report back to the House Manager by phone if possible.
- The House Manager to maintain a list of temporary accommodation sites (temporary refuges as above) including care and nursing homes, together with lists of local taxi companies.
- For residents in the building, consider collecting them together, perhaps in a first floor communal room, and consider moving valuable goods to higher areas of the building where practicable.

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5 The Role of Other Bodies

The response to a major flood event will involve a number of organisations working together at a local level, including the emergency services, the local authority, utilities companies and the Environment Agency. Other bodies which may play a major role in the response are communications media, voluntary organisations and the public.

The roles and responsibilities of these bodies is detailed in the Environment Agency report 'Flood Warning Service Strategy for England and Wales', a copy of which is appended. The roles of the main bodies in relation to a major flood event, as detailed in the report, are summarised as follows:

Police

- Co-ordination of the emergency services at a major flood event, as well as helping to save lives and protect property.
- Establish cordons where practicable to facilitate the work of the other emergency services in saving lives, protecting the public and caring for the vulnerable.

Fire Service

- Saving life and rescuing trapped persons.
- Provide monitoring procedures in respect of health and safety of those persons operating within an established cordon.
- Carry out essential damage control measures, including pumping out flood water and salvage work.
- Assist other relevant agencies, particularly the local authority, to minimise the effects of major flooding on the community.

Local Authority

- Emergency care, if necessary, including feeding, accommodation and welfare.
- Emergency transport for people, equipment and material such as sandbags, and if necessary evacuation.
- Information services for liaison with the media on the local authority response and for information to the public and to relatives of evacuees.

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- Flood alleviation – for flood prevention, such as the issuing of sandbags at their discretion and clearing blocked culverts, for dealing with flooded roads and diversions and for other assistance to the public such as drying-out facilities.
- Emergency environmental health advice for action relating to environmental problems caused by flooding.
- Co-ordination of the voluntary response.

Environment Agency

- Responsibility for maintenance and operation of flood defences in the Arundel area. Checking defences and undertake essential repairs and maintenance as required.
- Monitor water levels, assessing the risk and advising the emergency services and local authority.
- Monitor and clear blockages of culverts and breaches of defences.
- Support police and local authority by providing materials, equipment and manpower as far as resources and other duties permit.

Utility Companies

- In the event of a flood, will secure their services and equipment to ensure continuity of supply.
- Repair services disrupted by flood.
- Provide alternative means of supply during service disruption if life and health risks are identified.

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6 Building Design

The ground finished floor level (4.1m AOD) of the building is set above the 1 in 200 year tidal flood level at the site, projected forward to the year 2110.

The building has been designed so that potential flood damage would be minimised in the event of an extremely rare flood (in excess of 1 in 200 year event). Such measures include:

- Concrete floor with waterproof membrane
- Sealed service ducts
- Locate electrical and other plant on first floor
- High level electrical sockets
- Optimise security of supplies
- Anti-slip surfaces on walkways
- Emergency lighting with power source above flood level

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7 Contacts

The following are the main points of contact:

Table 7—1: Main Points of Contact

Body	Name	Number	Contact Hours
Environment Agency	Flood Line	0845 988 1188	24 hours
	General Incident	0800 80 70 60	24 hours
Local Authority	Arun District Council	01208 893333	working hours, Monday to Friday
		01208 893131	24 hrs emergency
Fire	West Sussex Fire and Rescue	01872 273117	working hours
Medical	Sussex Ambulance Service NHS Trust EMERGENCY ONLY	999	24 Hour
	NHS Direct NON-EMERGENCY	0845 46 47	24 Hours
Police	Sussex Police NON-EMERGENCY	0845 60 70 999	24 Hours
	Sussex Police EMERGENCY ONLY	999	24 Hours
Updates on Local Radio and TV	Updates on local radio: Capital Gold Sussex, Southern FM, Spirit Fm, Virgin (AM) Updates on local TV: BBC South, ITV Meridian - South	-	broadcast hours
County Council	West Sussex County Council	01243 777100	working hours

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8 Updating

This plan should be reviewed at least annually, and the updated plan circulated to all contacts.

The Chief Planning Officer of Arun District Council, and through him also the Environment Agency, shall be kept informed of the outcome of the annual review and any changes that are made.

Table 8—1: Plan Reviews

Date of Review	Changes to Plan	Issued To

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Appendix A: Figures

APPENDIX

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Appendix A: Figures and Environment Agency Information Sheets

Figure 1: Development Location Map

EA Flood Warning Information Extract from www.environment-agency.gov.uk/

Environment Agency document 'Flooding: be prepared, a guide for older people'

Floodline document 'Damage Limitation'

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EXECUTED AS A DEED BY

McCARTHY & STONE (DEVELOPMENTS) LIMITED

Acting by two Directors or a Director and its Secretary:

Director [redacted]

Director/~~Secretary~~ [redacted]

SEALED with the COMMON SEAL [redacted]

of ARUN DISTRICT COUN

in the presence of:

Seal Book No: 142/2007.

Authorised Signatory