

**WEST SUSSEX COUNTY COUNCIL
PLANNING SERVICES DIVISION: SECTION 106 CONSULTATION RESPONSE
(excluding Transport (known as TAD) contributions)**

DATE: 25th March 2024

FROM: Naomi Hoyland

DISTRICT COUNCIL: Arun

Application Number: AL/11/24/OUT

**The Provision of Service Infrastructure Related to: Land East of Westergate,
Westergate**

Planning Application details – Hybrid application consisting of: 1) Outline permission for all matters reserved (except access) for up to 400 No dwellings and associated works and 2) Full planning permission for alterations to site access off Westergate Street and through Pine Close and east-west link road including a bridge over the Lidsey Rife. This application also lies within the parish of Barnham, falls within Strategic Site SD5, CIL Zone 1 (Zero Rated), affects the setting of listed buildings, affects the character and appearance of the Eastergate Church Lane Conservation Area, affects public rights of way. This application is the subject of an Environmental Statement.

Without prejudice to the informal representations of the County Council in respect of the above planning proposal, I am writing to advise you as to the likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed development.

The basis for my advice is contained in the adopted Supplementary Planning Guidance document "The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the *National Planning Policy Framework, 2019*.

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2023 West Sussex County Council will increase the S106 monitoring fee to £240 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £720 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1440.

The advice is as follows:

1. School Infrastructure Contribution

The Education Authority for West Sussex County Council are objecting to this application because of the lack of availability of local pupil places. However, if the LPA is minded to grant planning permission for the site then the following obligations are required:

1.1 The Director for Children and Young People's Services advises that it appears that at present primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested.

1.2 Early Years, Primary and SEND/SSC Financial Contribution

The financial contribution sought by the county council would be based on: the provision of two 3FE primary schools, the provision of 215 nursery places and a new 10FE secondary school to serve Arun District, as set out in the updated Arun Infrastructure Delivery Plan (November 2020).

We will require **£576,744** towards a new early years facility serving BEW, based on the provision of 400 dwellings (£6,200,000 / 4300 x 400), plus a pro-rata proportion of 2 x 0.2 Ha / 2,000 sqm of land.

We will require **£2,790,698** towards a new primary school serving BEW, based on the provision of 400 dwellings (£30,000,000 / 4300 x 400), plus a pro-rata proportion of 2 x 2.8 Ha / 28,000 sqm of land.

We will require **£223,256** towards a new SSC facility serving BEW, based on the provision of 400 dwellings (£2,400,000 / 4300 x 400) plus a pro-rata proportion of 2 x 0.03 Ha / 300 sqm of land.

In summary the total site requirement being 3.1 Ha for the Primary, SSC and Early Years facilities.

1.3 Secondary Financial Contribution

The secondary financial contribution sought by the County Council would be based on:

The estimated additional secondary aged pupil population that would be generated by the proposed development, and the cost of providing a 10FE secondary school for Arun plus land costs. This equates to a cost of £37,549 per secondary aged pupil generated as a result of the development, as stated in the Developer Obligations for Secondary Contributions in Arun Document 2019, which is a supporting document for the IDP.

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the School Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$£37,549 \times \text{ACP} = \text{Secondary Education Contribution where:}$

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of Housing Units, as approved by a subsequent reserved matters planning application. The current occupancy rates are as follows:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

Using the latest published occupancy rates from the census statistics published by the Office for National Statistics to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 5 year groups for secondary (years 7 to 11).

The secondary contributions generated by this proposal shall be spent on a new secondary school serving Arun.

1.4 Further Secondary Financial Contribution

The Arun Infrastructure Delivery Plan 2017 does not specify the infrastructure requirement needed as a solution to the additional pupils requiring Sixth Form education; consequently we adopt our standard approach to calculating requirements. This utilises our standard cost multiplier and discount for Social Rented dwellings, and differs from the approach adopted above for secondary education in which we require new infrastructure.

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace.

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the School Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

DfE figure (Further Secondary) x ACP = Further Secondary Education Contribution where:

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of Housing Units, less any allowance for Affordable Housing Units (which for Arun District is 100% for Social Rented but for all other forms of affordable housing units there is no discount), as approved by a subsequent reserved matters planning application. The current occupancy rates are as follows:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

Using the latest published occupancy rates from the census statistics published by the Office for National Statistics to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) Secondary/Further Secondary school building costs per pupil place) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2023/2024 is £33,608 for Further Secondary, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

The further secondary contributions generated by this proposal shall be spent on classroom infrastructure at St Philip Howard Catholic High School Sixth Form or Sixth Form provision at the new school serving Arun.

1.5 School Transport Contribution

Until such time that a new secondary school to meet Arun requirements is built and open to pupils, transport costs are required to mitigate the additional costs to transport pupils from Arun District who were unsuccessful in securing a place at one of their preferred schools or catchment school, to access education places at an alternative secondary school within West Sussex. West Sussex County Council will seek a contribution from proposed developments towards funding the provision of home to school transport in accordance with the West Sussex home to school transport policy. This contribution seeks to cover the cost of providing new or additional transport, based upon a calculation of the number of pupils generated by the development that require secondary school places before a new secondary school in Arun is delivered. The costs will be calculated on a case-by-case basis but will be based on occupancy rates for secondary school aged children moving into the development. Calculation of the contribution required is dependent on the housing trajectory for the site and based on the following formula:

$D \times (E \times G) \times F$ = Secondary School Transport Contribution

Where:

A – actual cost of transport per day in West Sussex for bus/coach travel to school, at the time of the signing of the legal agreement. Which for 2023/24 is £400 per day, with costs revised annually

B – coach capacity (53)

C - number of academic days in a year (190)

D - Cost per pupil per year (400 per day / 53 = £7.54 x 190 = £1434 per pupil per year for 2023/24; costs are reviewed annually in April)

E – number of children generated by the development aged 0-16 (the Child Product)

F – 5 years of Secondary Education

G - Number of years that school transport is provided being a total of 16 years but can be phased to allow for instalment payments of 5 years, 5 years and 6 years (or less depending on the number of years until the secondary school is provided at the time of the relevant review).

Costs are incurred upon occupation of the first dwelling with the cost increasing incrementally during the completion of dwellings through the development. The costs are payable annually for up to 16 years or from a new secondary school becoming operational in the district of Arun.

2. Library Infrastructure Contribution

- 2.1 The County Librarian advises that the proposed development would be within the area served by a proposed Tier 7 Library for BEW and that the library would not currently be able to adequately serve the additional needs that the development would generate.

However, a scheme is approved to provide additional floorspace or facilities at the library. In the circumstances, a financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

2.2 Financial Contribution

The financial contribution sought by the County Council will be based on: the housing allocation at BEW providing a Tier 7 facility, to include shelving and self-service facilities, at a cost of £100,000. A pro-rata share of this cost will be divided between developments at BEW, based on dwelling numbers.

We will require **£13,333** towards new equipment for a new Tier 7 facility for BEW, to include shelving and self-service facilities, or allocation to the nearest library should a Tier 7 facility not be provided, based on the provision of 400 dwellings (£100,000 / 3,000 x 400).

3. Fire & Rescue Service Infrastructure

3.1 Fire Stations

The County Fire Officer advises that a financial contribution from the proposed development towards the cost of fire and rescue infrastructure, principally fire stations and services serving the area within which the proposal stands, would be required. This is necessary due to proposed development in the Southern division and the resultant need to improve service provision across the area. The proposed development should proportionately contribute towards the cost of necessary infrastructure needed to support development.

3.2 Financial Contribution (excluding provision of fire hydrants)

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the fire service provision area; the County Council's adopted standards of fire service cover provision; and the estimated costs of providing additional fire stations.

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Fire and Rescue Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$Y \times Z$ = Fire and Rescue Service Contribution where:

Note: x = multiplied by.

Y = The estimated adjusted increase in population generated by the Development, calculated by reference to the total number of Housing Units, less any allowance for Affordable Housing Units as approved by a subsequent reserved matters approval. Using the latest published occupancy rates from census statistics published by the Office for National Statistics, with the current occupancy rates given as a guideline:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

Z = the estimated costs of providing additional Fire and Rescue Infrastructure per head in the Southern Service Division of West Sussex at the time of payment (which, for information, for 2023/2024 is £18 for Southern Division)

Fire and Rescue Service Contribution to be used towards expansion of fire and rescue capacity which could be built infrastructure or investment in new technology/ equipment.

Transport Infrastructure Contribution

To be dealt with by the West Sussex Highways Case Officer. Further information to follow.

General points

Please ensure that the applicants and their agents are advised that any alteration to the housing mix, either size, nature or tenure, may generate a different population and require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Review of the contribution towards the provision of additional County Council services should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

Appropriate occupancy rates using the latest available Census data will be used.

Should you require further general information or assistance in relation to the requirements for contributions towards the provision of County Council service infrastructure please contact, in the first instance, the Planning Applications Team officer, named above.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or ourselves.

cc: Russell Allen, WSCC Library Services (via email),
Tracey Dunn, WSCC Children and Young People's Services (via email),
Molly Lockett, James McGrath, WSCC Fire Services (via email),

Davina Bowley

From: Nicola Oktay on behalf of Planning.Responses
Sent: 26 March 2024 10:54
To: Planning Scanning
Subject: FW: AL/11/24 - Land East of Westergate, Westergate
Attachments: AL 11 24.docx

WSCC Highways response

Nikki Oktay
Planning Receptionist, Planning Department

T: 01903 737965
E: Nicola.Oktay@arun.gov.uk

Arun District Council, Civic Centre, Maltravers Rd
Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

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<https://www1.arun.gov.uk/planning-application-finder>



From: Naomi Hoyland [REDACTED]
Sent: Monday, March 25, 2024 1:11 PM
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Cc: David Easton <David.Easton@arun.gov.uk>; [REDACTED]
[REDACTED]
[REDACTED]

Subject: AL/11/24 - Land East of Westergate, Westergate

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Dear David,

Please find attached our S106 consultation response for the above application. Please do not hesitate to contact me if you have any questions.

Kind regards,
Naomi

Naomi Hovland

Internal

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