

From: Simon Davis
Sent: 25 July 2017 11:47
To: 'Tim Rodway'
Subject: RE: WSCC S106/Infrastructure Response BE/63/17/OUT

Hi Tim,

The Landscape/POS response has just been received (attached). I have already emailed the officer to ask for details as to how the off-site contribution would be spent (on what & where).

I apologise re the Tree Officers response. I received it two weeks ago but managed to delete or misfile it. I asked on the 14th July for the Tree Officer to resend but have just realised that he had not yet done so. I have just chased.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
Location: 1st Floor, Arun Civic Centre, Maitravers Road, Littlehampton, BN17 5LF
Internal: 37874 | External: +44 (0) 1903 737874 | E-mail: simon.davis@arun.gov.uk

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From: Tim Rodway
Sent: 20 July 2017 10:05
To: Simon Davis
Subject: RE: WSCC S106/Infrastructure Response BE/63/17/OUT

Dear Simon,

Many thanks for your email, which helpfully clarifies all our queries in respect of the s106 agreement relating to the above Outline application.

When we last spoke you were expecting consultation responses from trees and open spaces; but neither have yet appeared online. When convenient for you, I would be most grateful if you could please update me on these, and also any other matters relating to this application?

Many thanks, and best regards,

TIM RODWAY



RODWAY PLANNING
CONSULTANCY

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From: Simon Davis [REDACTED]
Sent: Wednesday, July 19, 2017 5:48 PM
To: 'Tim Rodway'
Subject: RE: WSCC S106/Infrastructure Response BE/63/17/OUT

Dear Tim,

WSCC have commented that:

- Can WSCC confirm that there are not already 5 contributions in place towards the infrastructure items detailed?

There are less than 5 contributions allocated to each scheme named for this site, with exception to the library scheme where there are contributions from 5 sites (including this site) allocated to the provision of a Tier 7 library within a community space for Bersted.

- Has the District or County Council adopted any "viability review" drafting which allows the end-user to contest the formulas at Reserved Matters stage, on viability grounds?

We don't have any viability review documentation in place but you would be able to challenge the Section 106 at the Reserved Matters Stage and if agreement was obtained then you would be able to apply for a deed of variation. This would be a District matter.

- The education contribution is contingent on there actually being no spare capacity at primary/secondary/further secondary school level within the catchment area, so please can WSCC to substantiate its request?

The application falls within our education locality of Barnham and Westergate. This area is a strategic site in Arun's draft local plan policy and is currently programmed to have around 5000 new homes within the plan period. Capacity will be exceeded in this area and all residential developments are expected to mitigate against the impact of this that their pupils will be contributing towards.

- Finally, the payments crystallise on commencement; the need for schools/library facilities and fire services only arises on occupation. We therefore request whether the payment triggers can be deferred until first occupation of the new dwellings?

Ideally the mitigation needs to be in place prior to first occupation so that pupils can be accommodated as soon as they move in. However with smaller contributions, such as this, we can make temporary adjustments until the money is paid. The trigger points will be dealt with during the drafting of the legal agreement itself, but yes in principle we will accept if the payment triggers are set to First Occupation rather than Commencement.

Please advise if you have any further queries.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
Location: 1st Floor, Arun Civic Centre, Maitravers Road, Littlehampton, BN17 5LF
Internal: 37874 | External: +44 (0) 1903 737874 | E-mail: simon.davis@arun.gov.uk

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From: Tim Rodway [REDACTED]
Sent: 13 July 2017 13:16
To: Simon Davis
Subject: WSCC S106/Infrastructure Response BE/63/17/OUT

Dear Simon,

Further to our conversation of just now, we note that the contributions sought by WSCC will only be determined once the detailed layout and mix has been finalised at the Reserved Matters stage, and as such they suggest that the amounts due can be secured via the insertion of a formula into any legal Agreement in order that the contributions may be calculated at a later date. However at this stage I would be grateful if you could go back to the County Council and query the following matters with them in respect of the s106 contributions detailed:

- Can WSCC confirm that there are not already 5 contributions in place towards the infrastructure items detailed?
- Has the District or County Council adopted any "viability review" drafting which allows the end-user to contest the formulas at Reserved Matters stage, on viability grounds?
- The education contribution is contingent on there actually being no spare capacity at primary/secondary/further secondary school level within the catchment area, so please can WSCC to substantiate its request?
- Finally, the payments crystallise on commencement; the need for schools/library facilities and fire services only arises on occupation. We therefore request whether the payment triggers can be deferred until first occupation of the new dwellings?

I look forward to hearing from you on this matter once you have had the opportunity to re-consult with WSCC.

Best regards,

TIM RODWAY
PARTNER / M +44 (0)7818 061220



RODWAY PLANNING
CONSULTANCY

RODWAY PLANNING CONSULTANCY [REDACTED]

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