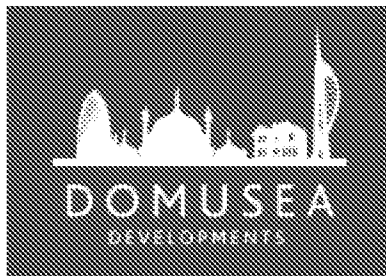


**ARUN DISTRICT COUNCIL
&
DOMUSEA DEVELOPMENTS**



**PLANNING OBLIGATIONS
STATEMENT OF COMMON GROUND**

TOWN AND COUNTRY PLANNING ACT 1990

**PINS Ref: APP/C3810/W/20/3246409
LPA Ref: EG/22/19/OUT**

***Prepared in response to the S78 Planning Appeal
held on 22 September 2020***

09 October 2020

1.0 Introduction and Background

- 1.1 This Planning Obligations Statement of Common Ground has been jointly prepared at the request of the Planning Inspectorate at the S78 Appeal APP/C3810/W/20/3246409.
- 1.2 On 29 November 2019 a refusal of planning permission was issued by Arun District Council.
- 1.3 The Appellant's submitted a Unilateral Undertaking dated 15 September 2020 which provided mitigation. The LPA had reviewed this and did not contest this UU.
- 1.4 Between 29 November 2019 when the LPA's decision notice was issued, and the sitting of the S78 Hearing on 22 September 2020, substantial work has been undertaken in the delivery of the wider SD5 BEW allocation.
- 1.5 Relevant to this Appeal is the ongoing discussions between the LPA and the landowners in respect of infrastructure delivery. Neither party sought to rely on these private and confidential discussions on the lead up to the Hearing.
- 1.6 At the Hearing evidence was presented by the Appellants which sought to draw upon the figures provided on a private and confidential basis; as indicated in the title of the document.
- 1.7 Notwithstanding the LPA's position on the principle of including this evidence within the discussion, both parties agreed that discussions between the LPA and landowners are shortly to be concluded throughout October/November 2020 on the matter of infrastructure contribution calculations.
- 1.8 The LPA has met with the landowners involved in the delivery of the BEW site on the 01 October 2020. The Appellants were also present at this meeting. Notwithstanding further detailed discussions, all landowners were in broad agreement that the scope of contributions were acceptable, on a without prejudice basis.
- 1.9 In agreement with the Appellant, the LPA considers that discussions with all bodies responsible for infrastructure delivery have significantly progressed. The LPA is happy to fully detail the BEW Infrastructure discussions. These have fed into the UU which is provided with this Statement.
- 1.10 Both parties agree that the submission of this UU which has been conjointly prepared by the LPA and Appellants supersedes the UU dated 15 September 2020 previously provided to the Inspector.
- 1.11 Both parties retain their positions discussed at the Hearing on 22 September 2020. However, the discussions that have taken place since the 22 September 2020 have allowed for an updated UU to be produced to the Inspector.
- 1.12 This document sets out:
 - 1) *Infrastructure items being sought*
 - 2) *Why infrastructure items are being sought*

- 3) *How financial contributions have been calculated*
- 4) *Points of agreement/disagreement in respect of each infrastructure item*

1.13 Both parties hope this document provides the Inspector with a robust basis upon which to conclude this Appeal.

2.0 Planning Policy Context

2.1 Both parties agree that the Arun District Council Community Infrastructure Levy charging schedule states in paragraph 5.9 that:

The consultants have also undertaken a more detailed viability assessment of the strategic housing allocations in the ALP, 2018 and have identified that infrastructure costs associated with these sites, to be delivered through S106 agreements, justify a separate charging zone (2).

2.2 Both parties agree that paragraph 11.24 of the above document states that *for developments which are not CIL liable (for example, Strategic Housing Allocations and any other zero rated development type) planning obligations will continue to be used, in accordance with Reg. 122 of the CIL Regulations 2010.*

2.3 Both parties agree that Arun Local Plan Policy H SP2c states that *development proposals must demonstrate compliance with the following key design and infrastructure requirements.*

2.4 This criteria includes:

b. the design of development and landscaping shall ensure that there is continuity between the existing landscape setting and villages;

e. A comprehensive strategy for surface water management will be developed in line with specific recommendations for this locality, in the Arun Strategy Surface Water Management Study;

f. Significant views to and from the South Downs shall be incorporated within the site;

g. Provide a Community Hub which has been designed and will include:

- i. A new well connected local centre, with connections to the train station at Barnham*
- ii. The location and scale of the local centre shall support and respect the relationship with existing facilities within the six villages area;*
- iii. New retail, commercial and community facilities;*
- iv. New Tier 7 library facility; and*
- v. Healthcare facilities to serve BEW (SD5) and Fontwell (SD6)*

h. transport requirements including:

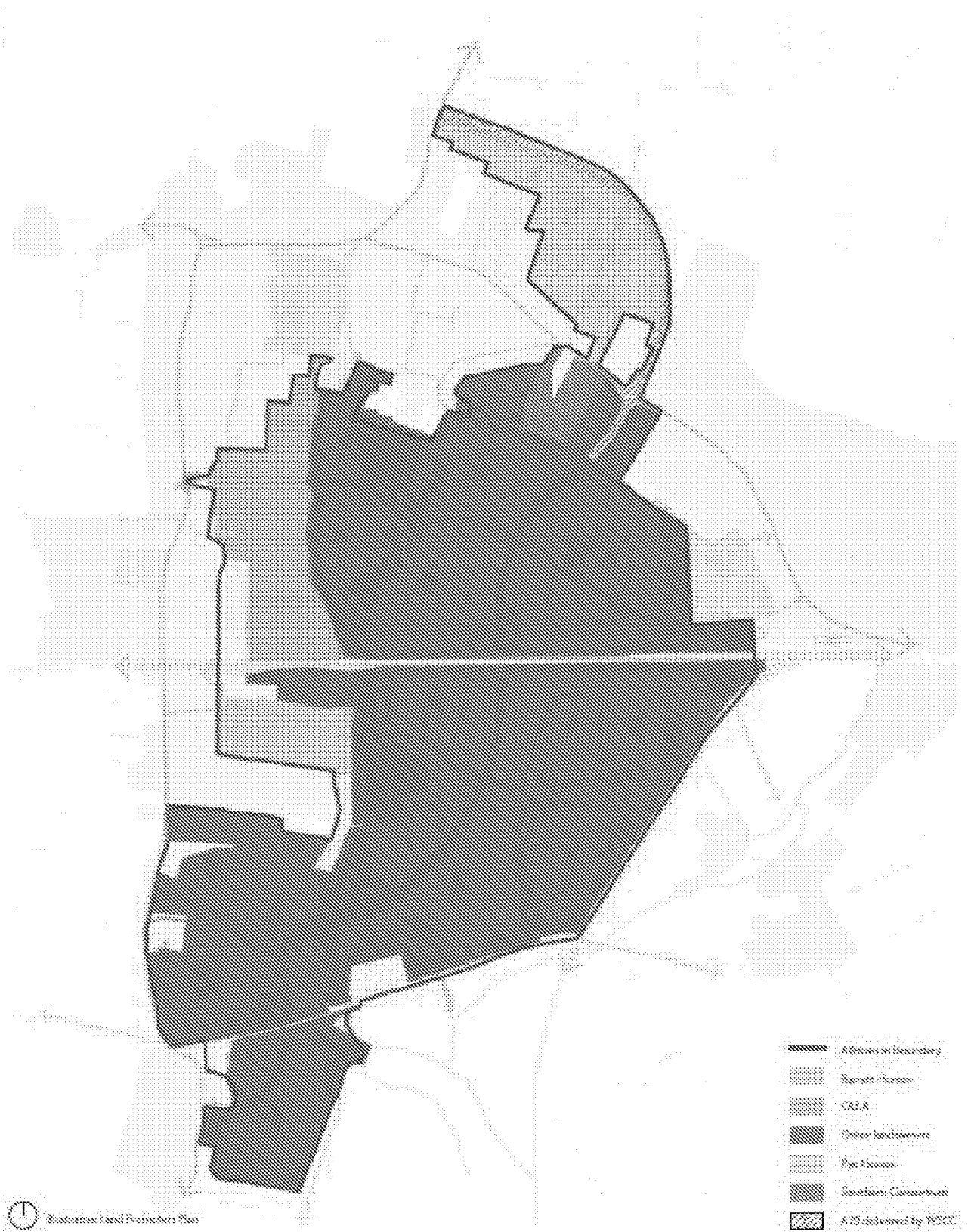
- i. A new A29 route through the allocation which provides all necessary linkages and routing between the A259 (Bognor Regis Relief Road) to the south and A27 to the north and includes a bridge over the railway to the east of the current Woodgate crossing. The construction of this new route will be regarded as not only mitigating the effect of additional development traffic from the strategic site, but also providing significant additional benefits to the primary local road network and reducing the potential for future congestion in*

the wider area. In the event that the any landowner delays the delivery of the route and/or does not reasonably make available part or all of the route then Arun District Council will utilise Compulsory Purchase Order powers to deliver the entire route of the road from the A29 Fontwell Avenue in the north to the A29 Lidsey Road in the south;

- ii. Provision of an east-west route north of the railway line that will join the existing A29 route to the new A29 route and continue eastwards to Barnham railway station;*
 - iii. Access to Barnham railway station shall be maximised through the provision of direct and attractive routes for all transport modes including additional car parkin to serve facilities in Barnham's centre including at the railway station;*
 - iv. Regular bus services linking BEW with Bognor Regis (A29 route) and local facilities and employment; and*
 - v. Westergate Link cycle scheme, in addition to further cycle routes to/from Bognor Regis and linkages*
- i. Provide a new two-form entry primary school, a new one-form (expandable to two-form) entry primary school and nursery places*
- j. Incorporate two new sports pitches and changing facilities, and*
- k. Incorporate planned new employment provision.*

3.0 Parties Subject to the Delivery of SD5 Barnham, Eastergate and Westergate (BEW)

- 3.1 The parties with land interests in the SD5 BEW allocation are detailed in the Site Location Plan provided below.
- 3.2 The parties that are collectively responsible for delivering infrastructure across the BEW site under Policies H SP2 and H SP2c comprise, but are not limited, to the following:
- *Southern Consortium incorporating Church Commissioners for England and Hanbury Estates*
 - *Cala Homes*
 - *Pye Homes*
 - *Landacre Developments*
 - *Domusea Developments*
 - *Bexstone House*
- 3.3 The location of the parcels to which these person's interests relate are detailed in the land ownership plan below.



Site Location Plan showing Land Ownership

4.0 Apportionment of Infrastructure Calculations

- 4.1 Both parties agree that the SD5 Barnham, Eastergate and Westergate development will yield a total of 4,300 dwellings throughout the site's delivery period. This is an increase beyond the allocated 3,000 dwellings in policy H SP2c.
- 4.2 Both parties acknowledge that the intention is for the additional dwelling yield to be provided on land under ownership by the Church Commissioners as detailed in Section 3 of this Statement.
- 4.3 The evidence work undertaken within the detailed documents below has been formulated on the basis of a 3,000 dwelling yield.
- 4.4 Both parties agree that the figures below have been adjusted *as accurately as possible*, without having had the opportunity to undertake further evidence based assessments. Both parties agree that this evidence base will likely be updated to reflect the 4,300 dwelling yield should this capacity be deemed acceptable by Arun District Council's Development Control Committee on 30 October 2020.
- 4.5 Both parties agree that neither party, nor any future planning application in relation to BEW, shall be prejudiced as a result of this position provided in this document.
- 4.6 Delivery of units will be broadly delivered through the below percentage yields:

Southern Consortium on behalf of Church Commissioners

Total dwelling delivery:	3,200 dwellings
Percentage dwelling delivery:	74.4%

Barratt Homes

Total dwelling delivery:	510 dwellings
Percentage dwelling delivery:	11.9%

Cala Homes

Total dwelling delivery:	350 dwellings
Percentage dwelling delivery:	8.1%

Pye Homes

Total dwelling delivery:	165 dwellings
Percentage dwelling delivery:	3.8%

Landacre

Total dwelling delivery:	45 dwellings
Percentage dwelling delivery:	1%

Boweries

Total dwelling delivery:	28 or 30 dwellings
Percentage dwelling delivery:	0.65% or 0.7%

- 4.7 Both parties subject to this agreement agree that the above breakdowns of dwelling yields provide the most accurate apportionment of infrastructure costs.
- 4.8 For the purposes of clarity the following costs are calculated on a total dwelling yield of 28 units representing a 0.65% share of the total BEW allocation; in accordance with the description of development.

5.0 Infrastructure Projects for the SD5 BEW Development

5.1 This section details how contributions have been calculated based on current BEW discussions, why they are being sought by the LPA, the contribution amounts which the LPA and Appellant's consider reasonable and accordance with Regulation 122 tests.

5.2 The SD5 BEW Infrastructure package seeks contributions towards the following items:

Highways Contributions

- A27 Fontwell West Roundabout (in full delivered by S106)
- A29 realignment project
- Barnham Village Centre
- A259 Oystercatcher
- A29 Realignment
- A29 Corridor Improvement Bognor Regis to Littlehampton

Rail Contributions

- Upgrading to 2 x existing crossing points of east to west railway line
- Provision towards additional car parking at Barnham railway station

Cycle Contributions

- Eastergate to Barnham Cycle Route

Bus Service Contributions

- Bus services linking BEW to Bognor and Chichester
- Associated infrastructure including stops and information boards

Education Contributions

- Provision of 3FE primary school (initially delivered as 2FE with further expansion in line with population increase)
- Provision of 2.8 ha of land to facilitate delivery of 3FE primary school (land equalisation)
- Provision of 215 early year places
- Provision of secondary places at new secondary school at Ford

Green Infrastructure

- Creation of new accessible green spaces for recreation within or adjacent to development site (public open space)
- Allotment contribution
- Public Open Space maintenance contribution
- On-site playspace contribution
- Play maintenance contribution

Library

- Provision of new Tier 7 library facility (part of community centre)

Community Facilities/Sport Hub Building

- Provision Community/Sports Hub building

Sports/Health & Fitness

- Provision of 2 no. outdoor grass sport pitches
- Provision of 1 no. 3G sports pitch
- Contribution to 3G sports pitch maintenance
- Provision of 1 no. cricket pitch

- Provision of indoor sport and leisure
- Contribution towards swimming pool provision/expansion within District

NHS Clinical Care Commissioning Group (CCG)

- Expansion of existing facilities at The Croft Surgery, Barnham Road, Barnham, Eastergate, Chichester, PO20 3RP

Fire & Rescue

- Financial contributions to additional smoke alarms and capacity at fire stations across the District

Police Services

- Financial contributions to additional services, patrols and equipment within the District

Flood and Off-Site Water Supply

- Contributions to off-site storage solution at the confluence of rife
- Contributions to off-site reinforcements to mains water supply

Public Art

- Provision of public art throughout development

6.0 Infrastructure Projects for Contributions and Methodology

- 6.1 In delivering Policies H SP2 and H SP2c of the Arun Local Plan, both parties agree that all sites within the SD5 BEW allocation should pay a proportionate contribution towards infrastructure. Their individual proportions are set out in Section 4 of this document.
- 6.2 On the basis of the 28 unit scheme, both parties agree that this comprises 0.65% of each infrastructure item; subject to Regulation 122 compliance.
- 6.3 These matters are addressed in detail below.

7.0 Infrastructure Items subject of this S78 Appeal

Highways Contributions

- 7.1 Both parties agree that the highways contributions set out in Section 5 of this Statement are identified in the WSCC/ADC Local Plan Transport Mitigation Apportionment Study (June 2020) found at the following link:
- <https://www.arun.gov.uk/download.cfm?doc=docm93jijm4n15799.pdf&ver=16302>
- 7.2 Both parties agree that the development, in accordance with the Arun Local Plan policies set out above, should contribute 0.65% towards the total infrastructure costs.
- 7.3 The Apportionment Study details funding across the entirety of the BEW allocation of £25,150,000 towards highways works. This takes into account the cumulative impact of 3,000 dwellings.

- 7.4 Applying the apportionment yield of 0.65% set out in Section 4 of this Statement, a contribution of **£163,475.00** is generated.
- 7.5 This figure does not take account of additional mitigation measures that will be required for the additional 1,300 dwellings. The LPA is unable to state what form, or cost, this may take at this time. Ongoing discussions with Highways England and the LPA identify that this package of mitigation for highways will need to be more robust to deliver the total of 4,300 dwellings.
- 7.6 Both parties agree that the increase of 1,300 dwellings has not yet been endorsed by Members. This increased capacity can only be confirmed after 30 October 2020 when the Masterplan will go before the Development Control Committee for consideration.
- 7.7 This figure is therefore provided on a without prejudice basis to future planning applications.

Rail Contributions

- 7.8 Both parties agree that the highways contributions are set out in Section 5 of this Statement are identified in Section 7, page 28 of the Arun District Council Infrastructure Capacity Study and Delivery Plan (Phase 2 – Infrastructure Delivery Schedule and Phasing Plan) (February 2017), found at the following link:

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n10184.pdf&ver=10105>

- 7.9 The LPA submits that the development, in accordance with the Arun Local Plan policies set out above, should contribute 0.65% towards the total infrastructure costs.
- 7.10 On the date of producing this Obligations Statement of Common Ground, the LPA is unable to attribute a cost to this infrastructure item due to reliance upon Network Rail.
- 7.11 Both the Appellant and LPA are happy that the UU allows for such a contribution to be calculated at Reserved Matters stage when the Framework Masterplan should be endorsed; and a contribution can thereafter be calculated.

Cycle Contributions

- 7.12 Both parties agree that Policy H SP2(h)(ii) requires *the provision of an east-west route north of the railway line that will join the existing A29 route to the A29 route and continue eastwards to Barnham railway station*. The full wording of Policy H SP2c can be found at the following link:

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n12844.pdf&ver=12984>

- 7.13 Both parties agree that the development, in accordance with the Arun Local Plan policies set out above, should contribute 0.65% towards the total infrastructure costs associated in the delivery of this policy requirement.
- 7.14 Both parties agree that the BEW development will generate off-site cycle connections to allow for cycle connectivity to the secondary school facility at Ford.
- 7.15 On the date of producing this Obligations Statement of Common Ground, the LPA is unable to attribute a cost to cycle based infrastructure items due to reliance upon third parties and the absence of an endorsed Framework Masterplan. However, the LPA is

aware of ongoing work undertaken by West Sussex County Council which will attribute a cost to this on and off-site infrastructure item.

- 7.16 Both the Appellant and LPA are happy that the UU allows for such a contribution to be calculated at Reserved Matters stage when the Framework Masterplan should be endorsed; and a contribution can thereafter be calculated.

Bus Service Contributions

- 7.17 Both parties agree that Policy H SP2(h)(iv) requires *regular bus services linking BEW with Bognor Regis (A29 route) and local facilities and employment*. The full wording of Policy H SP2c can be found at the following link:

<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12844.pdf&ver=12984>

- 7.18 The LPA submits that the development, in accordance with the Arun Local Plan policies set out above, should contribute 0.65% towards the total infrastructure costs associated in the delivery of this policy requirement.
- 7.19 On the date of producing this Obligations Statement of Common Ground, the LPA is unable to obtain definitive costings from Stagecoach regarding contributions, as evidenced in Appendix 1 of this Statement.
- 7.20 The LPA is aware of ongoing work being undertaken by Stagecoach which will attribute a cost to this on and off-site infrastructure item. These have been requested.
- 7.21 Both the Appellant and LPA are happy that the UU allows for such a contribution to be calculated at Reserved Matters stage when the Framework Masterplan should be endorsed; and a contribution can thereafter be calculated. In the event that the Framework Masterplan were not endorsed then a contribution could be calculated to support existing bus routes. The provided UU allows for this approach.

Education Contributions

- 7.22 Education contributions are set out in Section 5 of this Statement are identified in Section 7, page 28 of the Arun District Council Infrastructure Capacity Study and Delivery Plan (Phase 2 – Infrastructure Delivery Schedule and Phasing Plan) (February 2017), found at the following link:

<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n10184.pdf&ver=10105>

- 7.23 The LPA submits that the development, in accordance with the Arun Local Plan policies set out above, should contribute 0.65% towards the total infrastructure costs.
- 7.24 The ICSDP requires funding across the entirety of the BEW allocation of £29,345,800 towards Contributions towards education. This is based on a delivery of 3,000 dwellings. This comprises:
- Primary Education: £16,600,000
 - Secondary School: £10,110,800
 - Nursery Place Provision: £2,635,000
- 7.25 The LPA submits that the population increase would incur further expenses in the additional 1,300 persons.

- 7.26 The LPA considers applying a simple multiplying factor would not provide a reasonable and accurate cost, given much of the population increase would comprise places and not physical premises, which a significant proportion of the above costs will comprise.
- 7.27 As the additional 1,300 dwellings are not yet endorsed, the LPA are willing to take a balanced approach to this matter, without prejudice to future applications.
- 7.28 Applying the apportionment yield of 0.65% set out in Section 4 of this Statement, a contribution of **£190,747.70** is generated.
- 7.29 Both parties agree that the above amounts do not take into account RPI indexation which has been included within the wording of the provided UU.
- 7.30 The provision of the secondary school requires 10 ha of land to deliver. The provision of the primary school requires 2 ha of land to deliver.
- 7.31 Both parties agree, in accordance with the ICSDP, that land equalisation is required.
- 7.32 Based on the cost of £100,000 per acre for the then D1 uses set out in the WSCC/ADC Developer Obligations regarding the 10FE Secondary School Requirement in Arun District Council (Agreed by ADC and WSCC March 2019) found at (<https://www.arun.gov.uk/download.cfm?doc=docm93ijjm4n14714.pdf&ver=15070>), a total of 12 ha of land is required (29.65 acres).
- 7.33 Based on the cost of £100,000 per acre verified by the District Valuer in paragraph 6.3 of the above document, and applying the apportionment yield of 0.65% set out in Section 4 of this Statement, the LPA consider the development subject of this appeal should contribute **£19,272.50** towards land equalisation.
- 7.34 Both parties acknowledge that this figure will require review/updating throughout the delivery of the BEW development. The cost of £100,000 per acre is therefore provided on a without prejudice basis to future planning applications.

Green Infrastructure

- 7.35 Both parties agree that green infrastructure contributions are set out in Section 5 of this Statement are identified in Section 7, page 28 of the Arun District Council Infrastructure Capacity Study and Delivery Plan (Phase 2 – Infrastructure Delivery Schedule and Phasing Plan) (February 2017), found at the following link:

<https://www.arun.gov.uk/download.cfm?doc=docm93ijjm4n10184.pdf&ver=10105>
- 7.36 Both parties agree that the form which the *creation of new accessible green spaces for recreation within or adjacent to the development site* shall take is informed by Arun District Council Open Space & Play Calculator, found at the following link:

<https://www.arun.gov.uk/supplementary-planning-documents-spds/#openspaces>
- 7.37 Both parties agree that the Appeal scheme does not generate allotment provision in its own entity. However, the overall BEW development, which this scheme comprises part of, does trigger allotment provision. The above SPD sets out a financial contribution of £19.25 per dwelling which requires funding across the entirety of the BEW allocation of £82,775 towards allotment provision.

- 7.38 Both parties agree that the development should, in accordance with the Arun Local Plan policies set out above, should contribute 0.65% towards the allotment provision costs.
- 7.39 Applying the apportionment yield of 0.65% set out in Section 4 of this Statement, the LPA consider the development subject of this appeal should contribute **£538.03** towards allotment provision.
- 7.40 Both parties agree that both public open space maintenance and on-site play maintenance will be undertaken by private management company. Therefore, no contributions will be sought.
- 7.41 Both parties agree that the development will provide for on-site playspace within the reserved matters applications. Therefore, no contributions will be sought towards off-site provision.
- 7.42 The indicative layout provided by the Appellant details policy compliant open space provision. However, considering the ambiguity regarding the provision of SUDS raised at the Hearing, there is disagreement that a policy compliant level of public open space can be provided on site.
- 7.43 This Statement and the according UU assumes that policy compliant levels of public open space can be delivered at Reserved Matters stage. In the eventuality that this does not, the UU provides for a mechanism to allow for financial contributions towards off-site delivery on the wider BEW site.

Library

- 7.44 Both parties agree that library contributions as set out in Section 5 of this Statement are identified in Section 7, page 28 of the Arun District Council Infrastructure Capacity Study and Delivery Plan (Phase 2 – Infrastructure Delivery Schedule and Phasing Plan) (February 2017), found at the following link:
- <https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n10184.pdf&ver=10105>
- 7.45 The LPA submits that the development, in accordance with the Arun Local Plan policies set out above, should contribute 0.65% towards the total infrastructure costs.
- 7.46 The ICSDP requires funding across the entirety of the BEW allocation of £100,000 towards library contributions. This is predicated on a 3,000 dwelling yield. Both parties agree that the nature of this provision may require updating throughout the lifetime of the development, should a total delivery of 4,300 dwellings be endorsed by Members on 30 October 2020. This figure is therefore provided on a without prejudice basis which shall not be binding upon the determination of any future applications.
- 7.47 Applying the apportionment yield of 0.65% set out in Section 4 of this Statement, both parties agree that a contribution of **£650.00** is generated.
- 7.48 The ICSDP requires land equalisation. However, the Tier 7 library will be encompassed within the Community/Sports Hub. Both parties agree that the calculations set out below will take into account equalisation. Therefore, inclusion of land equalisation here would comprise double counting.

Community Facilities/Sport Hub Building

- 7.49 Both parties agree that Policy H SP2(g) requires a *Community Hub which has been designed and will include (iii) new retail, commercial and community facilities and (iv) new Tier 7 library facility*. Both parties agree that Policy H SP2(j) requires *changing facilities*. The full wording of Policy H SP2c can be found at the following link:

<https://www.arun.gov.uk/download.cfm?doc=docm93ijm4n12844.pdf&ver=12984>

- 7.50 The LPA submits that the development, in accordance with the Arun Local Plan policies set out above, should contribute 0.65% towards the total infrastructure costs associated in the delivery of this policy requirement.
- 7.51 The LPA submits that the costs associated with the provision of this infrastructure requirement are advised by the Sport England published Leisure and Local model¹. This model and these costs are not based on population increase and therefore the increase between 3,000 and 4,300 dwellings would not implicate upon this contribution.
- 7.52 This model indicates a building of 1,170 sqm in total. The LPA does not require provision of a swimming pool as this is covered in sports contributions off-site. The LPA require the provision of this quantum of floorspace to allow for a mix of E, F1 and F2 uses.
- 7.53 The LPA submits that the development, in accordance with the Arun Local Plan policies set out above, should contribute 0.65% towards the total infrastructure costs.
- 7.54 The LPA considers the costs detailed in the Leisure and Local model of £3,500,000; which is based on construction costs of 4Q2019, to be accurate.
- 7.55 Applying the apportionment yield of 0.65% set out in Section 4 of this Statement, both parties agree that a contribution of **£22,750.00** is generated.
- 7.56 Given land is required to deliver this infrastructure item, both parties agree that a contribution towards land equalisation is acceptable.
- 7.57 At this stage the LPA does not have any valuations for land falling within an E, F1 and F2 uses. The wording of the UU allows for this land equalisation to be calculated at reserved matters stage.
- 7.58 In the event that BEW is not endorsed and not delivered then both parties agree that this contribution should be directed to nearby facilities in Barnham, Eastergate and Westergate, as agreed with the LPA.

Sports/Health & Fitness

- 7.59 Both parties agree that sports and health & fitness contributions as set out in Section 5 of this Statement are identified in Section 7, page 28 of the Arun District Council Infrastructure Capacity Study and Delivery Plan (Phase 2 – Infrastructure Delivery Schedule and Phasing Plan) (February 2017), found at the following link:

<https://www.arun.gov.uk/download.cfm?doc=docm93ijm4n10184.pdf&ver=10105>

¹ Sport England/Swim England, March 2020, Leisure Local: Designing for Physical Activity

- 7.60 Both parties agree there is a difference between the costs provided in the ICSDP and the ADC Open Space & Play Calculator. Both parties agree the principle of these contributions is acceptable.
- 7.61 The ADC Calculator post-dates the ICSDP. Both parties agree the updated evidence base should be used given its greater level of accuracy.
- 7.62 The LPA submit that financial contributions should be informed by the Arun District Council Open Space & Play Calculator, found at the following link:
- <https://www.arun.gov.uk/supplementary-planning-documents-spds/#openspaces>
- 7.63 Both parties agree the development should contribute 0.65% towards the total infrastructure costs.
- 7.64 The Open Space SPD requires funding across the entirety of the BEW allocation of £1,222,207.65 towards sports/health and fitness. This takes into account the 4,300 population which dictates sports provision. This comprises:
- Cricket Pitch: £367,391
 - 3G Pitch: £220,078
 - 3G Pitch Maintenance: £57.65
 - 2 x Grass Pitch: £634,681
 - Changing Facilities: *Included in Community Hub Building*
- 7.65 Applying the apportionment yield of 0.65% set out in Section 4 of this Statement, both parties agree that a contribution of **£7,944.35** towards sports/health & fitness is generated.
- 7.66 Both parties agree that the above amounts do not include RPI indexation; though provision for its application within the provided UU has been made.
- 7.67 The LPA submit the provision of the grass pitches, 3G pitch and cricket pitch will require land equalisation to be considered.
- 7.68 Both parties agree that this is accordant with Section 7, page 28 of the Arun District Council ICSDP.
- 7.69 The LPA submits that the ADC SPG requires contributions towards swimming pool provision/expansion within the District. The provided UU makes provision for a contribution at a rate of **£426.93** per dwelling as detailed in the Sport England Calculator. Both parties agree this is an acceptable contribution.
- 7.70 Both parties agree that the above amounts do not include RPI indexation; though provision for its application within the provided UU has been made.

NHS Healthcare Contributions

- 7.71 Both parties agree that Policy H SP2c(g)(v) requires *healthcare facilities to serve BEW (SD5) and Fontwell (SD6)*. Both parties agree that NHS healthcare contributions are set out in Section 7, page 29 of the Arun District Council Infrastructure Capacity Study and Delivery Plan (Phase 2 – Infrastructure Delivery Schedule and Phasing Plan) (February 2017), found at the following link:

<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n10184.pdf&ver=10105>

- 7.72 Since the publication of the above ICSDP the NHS have changed their position. Instead of requiring provision of a new GP Surgery as detailed in the ICSDP, they are now seeking expansion of existing facilities. This is confirmed in the consultation responses received from the NHS CCG throughout the application period.
- 7.73 Both agree that a contribution towards healthcare which equates to **£38,000** is acceptable. Both parties agree that the above amount does not include RPI indexation; though provision for its application within the provided UU has been made.

Fire & Rescue

- 7.74 The LPA submitted a formula based approach comprising $Y \times (Z / M)$ which will generate the required contribution at reserved matters stage.
- 7.75 Both parties agree to this approach to contributing to fire & rescue.
- 7.76 Both parties consider the contributions towards supply and installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire and Rescue Services Southern Area serving BEW to be Regulation 122 compliant.

Police Contribution

- 7.77 The LPA did not require a financial contribution towards policing as the position of Sussex Constabulary is to not seek contributions of less than 100 dwellings.
- 7.78 Both parties agree that the Appellant is willing to contribute the sum of **£5,059.18** which the LPA is willing to accept in support of provision of additional services, staff and equipment within the District, given the cumulative impact of BEW.

Flood and Off-Site Water Supply

- 7.79 Both parties agree that contributions to off-site reinforcements to mains water supply to support development is set out in Section 7, page 29 of the Arun District Council Infrastructure Capacity Study and Delivery Plan (Phase 2 – Infrastructure Delivery Schedule and Phasing Plan) (February 2017), found at the following link:

<https://www.arun.gov.uk/download.cfm?doc=docm93ijjm4n10184.pdf&ver=10105>

- 7.80 The ICSDP assumes a dwelling yield of 3,000 dwellings which requires a total contribution of £1,150,750. Applying a multiplying factor the provision of 4,300 dwellings would generate a total contribution of £1,649,408.33.
- 7.81 Applying the apportionment yield of 0.65% set out in Section 4 of this Statement, the LPA consider the development subject of this appeal should contribute **£10,721.15** towards off-site reinforcements to mains water supply.
- 7.82 Both parties agree that contributions to off-site storage solutions at the confluence of rife is set out in Section 7, page 29 of the Arun District Council Infrastructure Capacity Study and Delivery Plan (Phase 2 – Infrastructure Delivery Schedule and Phasing Plan) (February 2017), found at the following link:

<https://www.arun.gov.uk/download.cfm?doc=docm93ijjm4n10184.pdf&ver=10105>

- 7.83 The ICSDP assumes a dwelling yield of 3,000 dwellings which requires a total contribution of £4,937,900. Applying a multiplying factor the provision of 4,300 dwellings would generate a total contribution of £7,077,656.67.
- 7.84 Applying the apportionment yield of 0.65% set out in Section 4 of this Statement, a contribution of **£46,004.76** towards off-site storage solution at the confluence of rife is generated.
- 7.85 Both parties agree this is an acceptable level of contribution and the UU makes provision for this delivery.

Public Art

- 7.86 Policy D DM1 of the Arun Local Plan requires the provision of public art in developments. The Appellants are willing to contribute the sum of **£1,159** towards the provision of public art within BEW.

Affordable Housing

- 7.87 The provided UU makes provision for the delivery of 30% on site affordable housing which is compliant with the Arun Local Plan policies. Both parties agree that this provision is acceptable, subject to the terms set out in the UU.

Monitoring Fee

- 7.88 The provided UU makes provision for a contribution of **£6,600** for monitoring of the obligations. Both parties agree that the monitoring fee is acceptable, subject to the terms set out in the UU.

8.0 Summary of Obligations

- 8.1 The above Obligations Statement of Common Ground sets out the detailed methodology which underpins the package of infrastructure contributions that will be sought as part of the BEW infrastructure delivery. Both parties agree this is the methodology which can now be used and supersedes the Unilateral Undertaking originally provided to the Inspector on 15 September 2020. This Statement updates these figures for the Inspector's consideration.
- 8.2 However, both parties agree that these figures are not conclusive in perpetuity and will change throughout the delivery of the development. Both parties acknowledge this wider nuance.
- 8.3 The Statement provided for the benefit of the Inspector details the basis upon which contributions are sought and where these amounts derive.
- 8.4 Both the Appellants and the LPA maintain their positions as set out in the evidence provided at the Hearing on the 22 September 2020. However, both parties hope this Statement provides the Inspector with a robust, evidence led basis, from which to conclude this Appeal.

8.0 Party Signatories

Arun District Council

Domusea Developments Ltd



Mr James Cross

Mr Edward Rees

-- End --

Appendix 1: Correspondence with Stagecoach Bus Provider

James Cross

From: Rob Vince <rob.Vince@stagecoachbus.com>
Sent: 23 September 2020 12:15
To: James Cross
Subject: Re: S106 Cost Update

Hi James

Sorry for the delay in responding. Things are tad manic at the moment. I have spoken to my colleagues who suggest the costings haven't got that far yet. But as a benchmark, I would suggest it would be c£300,000 in the first two years and double that in subsequent years. Obviously as the development progresses, we would expect a gradual increase in patronage which would offset some of the expenditure. At the moment it is very difficult to estimate what those numbers might be and further complicated by the fact we have less certainty about how our existing network might look like in the future.

I will attempt to make some further progress with this to give a better idea. Apologies for being so vague at the moment.

Regards
Rob
