

[REDACTED]

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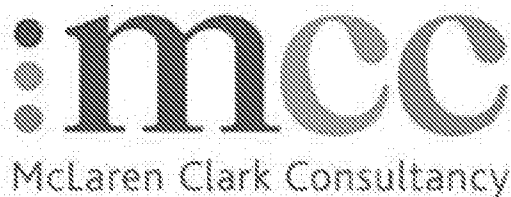
**From:** [REDACTED]  
**Sent:** 05 September 2018 11:47  
**To:** Simon Davis  
**Cc:** [REDACTED]  
**Subject:** Land to the Foreground Orchard Business Pk, North End Road, Yapton Y/49/18/PL

Dear Simon,

For your information, please see correspondence sent from the applicants planning lawyer to WSCC.

With Kind Regards,

Ellie White MRTPI CIHCM  
Planning Director



The McLaren Clark Consultancy  
4 Park Farm, Chichester Road, Arundel, West Sussex BN18 0AG

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**From:** [REDACTED]  
**Sent:** 05 September 2018 09:54

[REDACTED]

**Subject:** FW: Land to the Foreground Orchard Business Pk, North End Road, Yapton Y/49/18/PL

Dear Ms Short

We act for Crayfern Homes Limited, the developer in relation to the above and have reviewed correspondence in relation to a requested contribution from it for education which is addressed in the email below.

We have identified at least two issues with the justification that has been provided to support the contribution.

1. The tariff approach. In your email below you have accepted in line with the relevant planning guidance/policy that tariff based contributions should not be sought on developments similar to our client's that are 10 units or less and total less than 1000sqm. Calculating the number of children that may be produced as a result of a residential development and multiplying that number by a fixed sum is a tariff by any definition. On that basis alone the education contribution should not be required as requiring one tariff but not others is illogical.
2. Compliance with regulation 122 (and possibly regulation 123 as it does not seem plausible that there are not other related s106 planning obligations from between 6 April 2010 and 2017 that have not been mentioned in Simon Davis's email to our client's planning consultant of 20 August) of the CIL Regulations 2010. We suggest that the contribution requirement fails the test for lawfulness within regulation 122 as it is clearly not necessary and consequently not related to the development or fairly related in scale.

The three schools identified in the email below reveal via <https://get-information-schools.service.gov.uk/> that there is more than sufficient capacity to absorb the impact of child production from our client's development (such as it might be). Specifically:

- a. Yapton CE Primary School has 268 students currently enrolled. It has capacity for 315. Our client's development will not produce more than 47 primary school aged children.
- b. Ormiston Six Villages Academy has 549 students currently enrolled. It has capacity for 816. Our client's development will not produce more than 267 school aged children.
- c. St Philip Howard Catholic High School Sixth Form has 200 students currently enrolled and is not beyond capacity.

Given 1 and 2 above, the WSCC requirement for an education contribution is not justifiable in planning terms as there is no impact on education in the vicinity of the development and would therefore not be acceptable to a Planning Inspector on appeal.

As you may know, the LPA will make the final decision in relation to what contributions should be sought and we will insist that no education contribution be sought for our client's development due to it i) offending the relevant regulation/s within the CIL Regulations and ii) because relevant policy and guidance precludes the payment of tariff based contributions on developments that are 10 units or less and total less than 1000sqm.

I appreciate that you may not be the appropriate officer to deal with this and withdraw the requirement for an education contribution. In the event that you are not, can you please pass this email on to the appropriate officer?

Please contact me if you have any queries.

Kind regards,

Bernard

**Bernard Ralph**  
Partner  
Head of Planning

**M O O R E   B L A T C H**

Address: Gateway House, Tollgate, Chandlers Ford, Eastleigh SO53 3TG

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**From:** [REDACTED]

**Sent:** Monday 20 August 2018 10:23

**To:** Simon Davis

**Subject:** RE: Y/49/18 Land east of, North End Road, Yapton, Arundel - Section 106

Hi Simon

I can confirm that we have only asked for Education contributions for this site because they are not a tariff contribution. Ordinarily we would have also requested Library, Fire and TAD contributions but these are based on a tariff and we agree with the assertion that you can't request tariff contributions for a development of 10 units.

The education contributions are not tariff in style because they are based on the actual number of pupils per school year that their development will produce. This figure is then multiplied by the cost of educating schoolchildren and primary/secondary and sixth form level. This method produces the true figure to educating the children moving into the development in question and is therefore not a tariff contribution.

The contributions we have requested are also CIL Regulation 122 compliant;

1. Necessary to make the development acceptable in planning terms – an increase in child population as a result of the development will increase the pressure on existing schools within the locality of the development. Therefore monetary contributions are required to accommodate the additional children moving into the development that will be attending local schools.
2. Is directly related to the development - the contributions generated from this development will be spent on additional equipment at Yapton Primary School, additional equipment at Ormiston Six Villages Academy, and classroom infrastructure at St Philip Howard Catholic High School Sixth Form. These schemes will be located at the catchment schools for the development and will accommodate the additional children attending the schools as a result of the development, and is therefore site specific to the development.
3. Fairly and reasonably related in scale and kind – the contribution is calculated based on the additional child population that would arise as a result of the development,

based on Census data, and the DFE costs of educating these children from primary through to sixth form.

Therefore, the contribution is CIL compliant. I would also add that our approach is routinely accepted by Inspectors in appeals as sound.

I hope this provides enough information for the developer, if you need anything else please get back to me.

Kind regards  
Eloise

Eloise Short | Technician | Monitoring and Records | Planning Services | Economy, Planning and Place  
West Sussex County Council  
Location: Ground Floor, Northleigh, Chichester, PO19 1RH

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**From:** Simon Davis [<mailto:Simon.Davis@arun.gov.uk>]  
**Sent:** 15 August 2018 16:57  
**To:** Eloise Short  
**Subject:** FW: Y/49/18 Land east of, North End Road, Yapton, Arundel - Section 106

Dear Eloise,

Please see the agents submissions below in response to your S.106 response. Please can you provide comment to me.

Kind Regards

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

Visit Arun's web site at [www.arun.gov.uk](http://www.arun.gov.uk)



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**From:** [REDACTED]  
**Sent:** 15 August 2018 15:38  
**To:** Simon Davis  
**Cc:** [REDACTED]  
**Subject:** RE: Y/49/18 Land east of, North End Road, Yapton, Arundel - Section 106

Hi Simon,

Thank you for forwarding over the response.  
I have spoken with the applicant and we would like to query the request for education contributions.

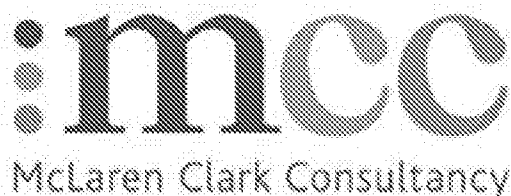
The application is for 10 dwellings and an increase of less than 1000sqm of C3 floorspace.  
National Planning Policy Guidance (NPPG) Paragraph: 031 Reference ID: 23b-031-20161116 notes that tariff style planning obligations should not be sought from small scale development; *'contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)'*.

If WSCC are going down the specific contribution route then please can we be provided with further information in relation to NPPG Paragraph: 009 Reference ID: 23b-009-20160519. We would question whether the contributions meet the three tests as set out in the CIL Regulations 2010 and NPPF. We would also query the fact that obligations should not be sought to contribute to pooled funding pots intended to fund the provision of general infrastructure; we do not believe that this is site specific infrastructure that is needed to make an application of 10 units acceptable in planning terms.

I look forward to hearing from you.

With Kind Regards,  
Ellie

Ellie White MRTPI CIHCM  
Planning Director



The McLaren Clark Consultancy  
4 Park Farm, Chichester Road, Arundel, West Sussex BN18 0AG

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**From:** Simon Davis <[Simon.Davis@arun.gov.uk](mailto:Simon.Davis@arun.gov.uk)>

**Sent:** 15 August 2018 12:07

**To:** [REDACTED]

**Subject:** FW: Y/49/18 Land east of, North End Road, Yapton, Arundel - Section 106

Dear Ellie,

Please see attached advice from WSCC re infrastructure contributions. Can you advise whether these will be agreeable in principle to your client?

Kind Regards

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

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**From:** [REDACTED]  
**Sent:** 15 August 2018 11:31  
**To:** Simon Davis  
**Cc:** Jacky Pendleton  
**Subject:** FW: Y/49/18 Land east of, North End Road, Yapton, Arundel - Section 106

Dear Simon – please find attached the S106 response from WSCC for the above development, apologies for the delay. Kind rgds Alison

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**From:** Eloise Short  
**Sent:** 23 July 2018 10:53  
**To:** Alison Meeus  
**Cc:** Tracey Dunn  
**Subject:** Y/49/18 Land east of, North End Road, Yapton, Arundel

Hi Ali

Please find attached the S106 consultation response for the above site.

Eloise

Eloise Short | Technician | Monitoring and Records | Planning Services | Economy, Planning and Place  
West Sussex County Council  
Location: Ground Floor, Northleigh, Chichester, PO19 1RH

[REDACTED]

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