

[REDACTED]

From: Elaine Munns [REDACTED]

Sent: 17 September 2018 14:01
[REDACTED]

Cc: Eloise Short; Simon Davis

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

Dear Bernard

Eloise has referred your email to me for a response in order to provide an explanation of how our contributions meet all the CIL tests in relation to our education requirements.

I have numbered my responses in line with your questions:

- 1 The calculation for the education requirement is not based on a tariff approach. We use Census data which gives us accurate occupancy rates of houses (and flats) to establish the actual number of children who will be moving into the development in question. I've provided a spreadsheet here which demonstrates how the sums we've requested are arrived at, using your housing mix. The calculator method of this approach provides us with actual occupancy of the new development. This then is multiplied by the actual cost of schooling a child, the base multiplier being taken from Department for Education statistics on this factor. So we have an accurate picture of the cost of schooling the children who will arise from any specific development and it is therefore not a tariff approach.
- 2 I haven't seen Simon Davis's email so I can't comment on that. However I note you refer to capacity levels at the nearest schools and there are two things to explain here. Firstly we look at all the local schools, not just the nearest one, in order to

account for parental preference and changing local circumstances, and these areas are known as our "localities". The locality approach to considering education in a local area has been supported in appeal as reasonable in order to take a holistic approach to education in any given area. The locality as a whole will be over-capacity although the money will be spent on the schools you have listed, in line with the CIL regulations.

However, that's a side note. The main consideration here is that the local schools have capacity now, but not once all known and committed development has taken place across the area (locality). Yapton has other developments which have either been given planning permission or are identified in Arun District Council's Local Plan (and therefore are considered committed housing) and once the child numbers are added together from all of these then the schools will be heavily over-capacity. So all developments will need to contribute to the cost of schooling the additional children.

The above explanation then demonstrates that the contributions meet the three CIL tests.

Consequently, our education requirements are sound and the methodology has been thoroughly tested in Appeal. The Education requirements will need to remain

Best Regards

Elaine.

Elaine Munns BSc, MSc AGI | Team Manager, Planning Services, Economy, Planning and Place
Directorate, West Sussex County Council
Location: Ground Floor Northleigh, County Hall, Chichester PO19 1QT

From: Bernard Ralph [REDACTED]
Sent: 05 September 2018 09:54
To: Eloise Short
Cc: 'Kevin Wawman'; Daniel Clark; Stephen Ball
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

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From: Eloise Short [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

[REDACTED]

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

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

Visit Arun's web site at www.arun.gov.uk



Save the environment - think before you print.

From: Ellie White [REDACTED]
Sent: 15 August 2018 15:38
To: Simon Davis
Cc: Alastair Dineen [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

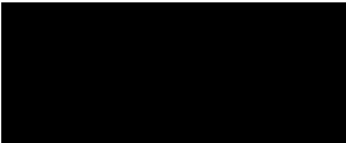
Ellie White MRTPI CHCM
Planning Director



McLaren Clark Consultancy

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>

Sent: 15 August 2018 12:07

To: Ellie White 

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?

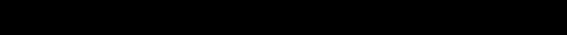
Kind Regards

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

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From: Alison Meeus 

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

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

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Infrastructure Contributions towards West Sussex County Council Services

NOTE - Always refer to WSCC for the latest spreadsheet

[Last Template Revision - 24.05.18]

DC ref:	Y/49/18	WSCC Code	
Address	Land East of North End Road, Yapton		
Residential details from application	Development of 10No. residential properties & associated infrastructure. This application is a Departure from the Development plan		
Any comments			

Table below contains TOTAL housing mix. Contributions are determined by the NET dwellings increase

ADUR, ARUN, CHICHESTER, CRAWLEY AND WORTHING SITES HERE:

Private Houses				Social Rented Houses			Other Social Houses - Shared Equity etc			Houses demolished		
Dwelling Size	Occupancy rate	Number	Persons	Dwelling Size	Number	Persons	Dwelling Size	Number	Persons	Dwelling Size	Number	Persons
1 bed	1.5		0	1 bed		0	1 bed		0	1 bed		0
2 bed	1.9	2	3.8	2 bed		0	2 bed		0	2 bed		0
3 bed	2.5	7	17.5	3 bed		0	3 bed		0	3 bed		0
4+ bed	3.0	1	3	4 bed		0	4 bed		0	4 bed		0
Totals		10	24.3	Totals	0	0	Totals	0	0	Totals	0	0

Private Flats				Social Rented Flats			Other Social Flats - Shared Equity etc			Flats demolished		
Dwelling Size	Occupancy rate	Number	Persons	Dwelling Size	Number	Persons	Dwelling Size	Number	Persons	Dwelling Size	Number	Persons
1 bed	1.3		0	1 bed		0	1 bed		0	1 bed		0
2 bed	1.9		0	2 bed		0	2 bed		0	2 bed		0
3 bed	2.4		0	3 bed		0	3 bed		0	3 bed		0
4+ bed	2.8		0	4 bed		0	4 bed		0	4 bed		0
Totals		0	0	Totals	0	0	Totals	0	0	Totals	0	0

Worksheet completed by: ES
on: 23.7.18

page 1 of 3

HORSHAM AND MID SUSSEX SITES HERE:

Private Houses

Dwelling Size	Occupancy Rates	Number	Persons
1 bed	1.5		0
2 bed	1.9		0
3 bed	2.5		0
4+ bed	3.0		0
Totals		0	0

All Affordable Houses

Dwelling Size	Number	Persons
1 bed		0
2 bed		0
3 bed		0
4 bed		0
Totals	0	0

Houses demolished

Dwelling Size	Number	Persons
1 bed		0
2 bed		0
3 bed		0
4 bed		0
Totals	0	0

Private Flats

Dwelling Size	Occupancy Rates	Number	Persons
1 bed	1.3		0
2 bed	1.9		0
3 bed	2.4		0
4+ bed	2.8		0
Totals		0	0

All Affordable Flats

Dwelling Size	Number	Persons
1 bed		0
2 bed		0
3 bed		0
4 bed		0
Totals	0	0

Flats demolished

Dwelling Size	Number	Persons
1 bed		0
2 bed		0
3 bed		0
4 bed		0
Totals	0	0

Dwellings Proposed	10
Dwellings Demolished	0
NET Dwellings Proposed	10

WSCC SERVICES

Net Population Increase	24.3
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EDUCATION

Adjusted Population	24.3
*Child Product	0.3402

Education Locality	Barnham/Westergate
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Worksheet completed by: ES

on: 23/07/2018

page 2 of 3

The calculations above allow for deductions as applicable for :

EDUCATION

Adjusted Population - 1 Bed dwellings deleted as assuming no children living there

Social Rented Housing - population (excluding shared equity schemes) to be excluded as future occupants are assumed to be living locally and already service users

1 Bed dwellings - NIL child product for those not already excluded as social rented;

NB Sheltered and 55+ Age Restricted Housing - Calculations ignored - Nil child product assumed

***Child Product** - Adjusted population (taking account of above discounts) multiplied by average child product for houses of 14 children per year of age per 1000 persons and for flats of 5 children per year of age per 1000 persons

NET Population Increase - Population Increase in dwellings proposed minus population in Dwellings Demolished

Education contribution

	Year Groups	Ages	Cost Multiplier see note (i)	Child Product	Places Required	Per Year	Total
Primary	7	4 to 11	£17,920	0.3402	2.3814	6096	£42,675
Secondary	5	11 to 16	£27,000	0.3402	1.7010	9185	£48,927
6th Form see note (ii)	2	16 to 18	£29,283	0.1837	0.3674	5380	£10,759

Notes:

(i) West Sussex regionally adjusted DfE school building costs per pupil place for 2018/19, adjusted by RICS BCIS All-In TPI Index

(ii) WSCC Average progression from year 11 to 12&13 - 54% x child product

Worksheet completed by: ES
on: 23/07/2018

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