

[REDACTED]

From: Eloise Short [REDACTED]
Sent: 13 February 2019 09:35
To: Simon Davis <Simon.Davis@arun.gov.uk>

[REDACTED]

Subject: RE: Y/49/18/PL Development of 10No. residential properties & associated infrastructure – Land east of North End Road, Yapton

Hi Simon

Further to Elaine's email below, please find attached an updated consultation response with more specific wording for the schemes.

Kind regards,

Eloise Short
Assistant Planner | Planning Policy and Infrastructure | Economy, Planning, and Place
Ground Floor, Northleigh, County Hall, Chichester, PO19 1RH

[REDACTED]

From: Elaine Munns
Sent: 12 February 2019 21:58
To: 'Simon Davis'; Eloise Short
Cc: Laura Floodgate
Subject: RE: Y/49/18/PL Development of 10No. residential properties & associated infrastructure – Land east of North End Road, Yapton

Hi Simon

Our position still is that the Education contributions are CIL compliant, and having looked at other appeal decisions that we have had recently, our conclusion is that we disagree with the comments by the Inspector for the appeal at Land at Toddington Lane.

The comments by that inspector were that the calculation itself was sound but the money was being put into a general pot for spending. We had asked for the contribution to be used

for equipment at a specific school and it is this that was described as being a general pot. We disagree with this assessment but recognise that it is likely to have been borne as a result of not addressing the matter more clearly in our appeal justification statement. So in future appeal situations we will need to address that point more carefully so that it is clear how the money is being used, and that it's not a general pot.

We have other appeal results across the county which have supported the use of S106 money towards equipment in the local school to the development and the Toddington Lane appeal is at odds with the findings of other inspectors. In fact the loss of this contribution has not been replicated by any other appeals throughout West Sussex: we do not have another appeal where we have lost equipment for schools, or supports the comments by Toddington Lane in any way. We monitor all appeal decisions, to ensure our contributions are supported and compliant, and this particular decision is not supported by decisions elsewhere. In Mid Sussex, who are also not yet a CIL authority, they have actively requested that we do include Education contributions for their developments of 6-10 houses, for equipment, facilities, and other small-scale improvements at the local schools.

The inconsistency in appeal decisions can best be demonstrated with reference to our Fire contributions. For Y/19/16 the scheme for Fire was found not to be compliant, but in Y/80/16, which followed, the inspector was happy that the scheme was compliant. Consequently we have continued to request Fire contributions, without further challenges in appeals.

We have an appeal in Arun for the application Y/80/16, for 10 dwellings, towards equipment for the local school, and the contributions were stated to be CIL compliant.

So it is premature to change our policy on the basis of a single appeal decision which is at odds with other appeal decisions; it is not unheard of for an unusual decision to come through which is then not repeated by other inspectors in their appeals. A better course of action right now is simply to ensure our justification for our contributions contains as much information as possible, to address the point raised by the Inspector at Toddington Lane, and to continue to monitor our appeal decisions to establish whether this result is repeated, or if it's a one-off.

For the current application we can make the wording of the scheme slightly more specific, and Eloise will send this over to you, and which should be sufficient to address the concerns raised by that inspector.

The alternative is to simply give up these contributions towards equipment at schools when the schools themselves would benefit enormously by these contributions, and when the overall evidence at this stage suggests that this appeal decision is unlikely to be repeated. It would be unfortunate to make this decision at this stage and I hope you can agree with the logic to continue to ask for these contributions

Best Regards

[Redacted Signature]

Elaine Munns BSc, MSc AGI | Team Manager, Planning Services | Economy, Planning, and Place Directorate, West Sussex County Council

[Redacted Contact Information]

**PLANNING SERVICES DIVISION:
SECTION 106 CONSULTATION RESPONSE ON EDUCATION CONTRIBUTIONS ONLY**

DATE: 12th February 2019

FROM: Eloise Short, Monitoring and Records

DISTRICT/BOROUGH COUNCIL: Arun

Application Number: Y/49/18

**The Provision of Service Infrastructure Related to Development at Land East of,
North End Road, Yapton**

Planning Application details - Development of 10No. residential properties & associated infrastructure. This application is a Departure from the Development plan.

Summary of Density per Infrastructure Demands

Education			
Locality	Barnham/Westergate		
Population Adjustment	24.3		
	Primary	Secondary	6th Form
Child Product	0.3402	0.3402	0.1837
Total Places Required	2.3814	1.7010	0.3674

Summary of Contributions

S106 type	Monies Due
Education - Primary	£42,675
Education - Secondary	£45,927
Education - 6 th Form	£10,759
Total Contribution	£99,361

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the *National Planning Policy Framework, 2012*.

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

The calculations have been derived on the basis of an increase in 10 Net dwellings.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfF adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent on improved digital infrastructure for classrooms at Yapton Primary School.

The contributions generated by this proposal shall be spent on improved digital infrastructure for classrooms at Ormiston Six Villages Academy.

The contributions generated by this proposal shall be spent on improved digital infrastructure for classrooms at St Philip Howard Catholic High School Sixth Form.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus 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.

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.

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.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as **TPR- Total Places Required**). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (**cost multiplier**).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

TPR = (No of year groups) x (child product)

Year groups are as below:

- Primary school- **7** year groups (aged 4 to 11)
- Secondary School- **5** year groups (aged 11 to 16)
- Sixth Form School Places- **2** year groups (aged 16 to 18)

Child Product is the **adjusted education population** multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing and Social Rented Housing as a nil child product is assumed for these dwellings.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2018/2019, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- **£17,920 per child**
- Secondary Schools- **£27,000 per child**
- Sixth Form Schools- **£29,283 per child**

cc: **Tracey Dunn, WSCC Children and Young People's Services (via email)**