

**Instruction Form for S106 Agreements/Deed of Variations/Supplemental Agreements etc**  
This form should include the necessary Authority details/signature and will act as a heads of terms.

Once the S106 has been signed off/executed: This instruction will act as a Completion Statement and will be circulated to all relevant officers, along with a copy of the completed S106.

## INSTRUCTION AND AUTHORITY

|                                                                                                                                                                                                                                                                                                                                                                           |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |
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| Planning Application Ref:<br>Y/91/17/OUT                                                                                                                                                                                                                                                                                                                                  | Today's date:<br>03/04/2019 | Date of the Decision Notice, or Date that the Decision is to be considered if in the future (insert 'not known' if no date yet):<br>Not known                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Planning Officer:<br>Mr D Easton |
| <b>What Type of Agreement is it?</b><br>Please tick <u>one</u> of the following: <ul style="list-style-type: none"> <li>• S106 Agreement, or</li> <li>• <del>Pagham Harbour Agreement, or</del></li> <li>• <del>Unilateral Undertaking, or</del></li> <li>• <del>Deed of Variation, or</del></li> <li>• <del>Supplemental Agreement, or</del></li> <li>• Other</li> </ul> |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |
| <b>Who is responsible for this decision?</b>                                                                                                                                                                                                                                                                                                                              |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |
| (see notes opposite: <u>only complete this box and sign here if this is an OFFICER Decision</u> )<br><br>x <br>(signature of Officer with the power):<br><br>Print Name: Mr N Crowther<br><br><b>Constitution Issue 8: Part 4 Section 3 Paragraph 3.1.1.</b>                           |                             | <b>You need to tell Legal Services who is making the Decision on this S106.</b><br><br>(NB Pagham Agreements – The authority will not be known at validation stage so please note accordingly – Legal Officer to check later)<br><br><ul style="list-style-type: none"> <li>• If this is an OFFICER Decision, sign and print your name in the box opposite ➡, or</li> <li>• If this is a Development Control Decision that has already been made you will need to provide:<br/> <b>Date of Development Control Meeting: 23.01.2019</b><br/> <b>Minute Number: 294</b><br/><br/>           "(1) planning permission be granted as detailed in the report and officer report update, subject to completion of the S106 Agreement, and<br/>           (2) authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman to make amendments to the S106 Agreement which are substantially in accordance with the heads of terms."</li> </ul> |                                  |
| Full name(s) of Freeholders/Leaseholders:<br>(ideally the developer will have completed a recent land registry search which should be attached as well)                                                                                                                                                                                                                   |                             | Names: <ul style="list-style-type: none"> <li>• X</li> <li>• X</li> <li>• X</li> <li>• X</li> <li>• X</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                  |
| <ul style="list-style-type: none"> <li>• <b>Check!</b> Please attach a plan with the site <u>outlined in red</u> and complete a brief description of the development:</li> <li>• <b>Check!</b> Any land registry searches that have been provided by the Applicant/Agent should be sent with the plan and draft agreement.</li> </ul>                                     |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |

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## HEADS OF TERMS

**Planning Officer to set out the Heads of Terms below:**

| Financial obligation(s) summary or change | Trigger Point | Amount                                                                                                                                                          | Due to (ADC, WSCC, NHS, other) | Destination/ project                                                                                                   | 5% or £15,000 for related projects | Spend by restriction                                                           |
|-------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------------------------------------------------------------------------------------------------------------------|------------------------------------|--------------------------------------------------------------------------------|
| Education – Early Years                   | TBC by WSCC   | £329,786.82                                                                                                                                                     | WSCC                           | Contributions to 100 new nursery places as part of the Strategic Allocation at Ford to serve Yapton, Ford and Climping | N/A                                | Ten (10) years of the date of receipt of final instalment of the Contribution. |
| Education - Primary                       | TBC by WSCC   | £1,755,468                                                                                                                                                      | WSCC                           | Contribution towards 1.5FE expansion of Yapton Primary School.                                                         | N/A                                | Ten (10) years of the date of receipt of final instalment of the Contribution. |
| Education – Secondary                     | TBC by WSCC   | £33,538 per secondary aged child generated by the development.<br><br>Total contribution of £1,240,906 for a 250 unit scheme based upon indicative housing mix. | WSCC                           | Contribution towards new 10FE secondary school.                                                                        | N/A                                | Ten (10) years of the date of receipt of final instalment of the Contribution. |
| WSCC Fire & Rescue                        | TBC by WSCC   | Based upon WSCC Calculator                                                                                                                                      | WSCC                           | Contribution to be used towards the redevelopment of Littlehampton Fire Station.                                       | N/A                                | Ten (10) years of the date of receipt of final instalment of the Contribution. |
| WSCC Highways                             | TBC by WSCC   | £746,625                                                                                                                                                        | WSCC                           | £450,000 - Proportional contribution towards full delivery of WSCC Preferred Roundabout scheme at the Oyster           | N/A                                | Ten (10) years of the date of receipt of final instalment of the Contribution. |

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|                       |                                                                                                                                                                                         |                                                                                                                              |      | Catcher Junction.<br>£296,625 -<br>Proportional<br>contribution towards<br>full delivery of<br>proposed<br>improvement<br>scheme in lieu of any<br>other details.                                                                                                                                                                                                                                                                                                     |     |                                                                                                  |
| WSCC<br>Cycleway      | TBC by WSCC                                                                                                                                                                             | £46,250                                                                                                                      | WSCC | Contribution towards<br>a pedestrian/cycle<br>link between Yapton<br>and Barnham                                                                                                                                                                                                                                                                                                                                                                                      | N/A | Ten (10)<br>years of the<br>date of receipt<br>of final<br>instalment of<br>the<br>Contribution. |
| NHS                   | Staged<br>payments of<br>33%, 33% and<br>34% of the total<br>contribution for<br>each phase<br>prior to<br>occupations of<br>33%, 66% and<br>100% of the<br>dwellings in<br>that phase. | £273,965                                                                                                                     | ADC  | Contribution towards<br>creation of a central<br>hub at thecroft<br>practice or creation<br>of new health care<br>provision as part of<br>the strategic<br>allocation at Ford.                                                                                                                                                                                                                                                                                        | N/A | Ten (10)<br>years of the<br>date of receipt<br>of final<br>instalment of<br>the<br>Contribution. |
| Sussex Police         | Staged<br>payments of<br>33%, 33% and<br>34% of the total<br>contribution for<br>each phase<br>prior to<br>occupations of<br>33%, 66% and<br>100% of the<br>dwellings in<br>that phase. | £30,512.66                                                                                                                   | ADC  | <ul style="list-style-type: none"> <li>• Officer start-up<br/>equipment,<br/>recruitment and<br/>training - £2,670.54</li> <li>• Start-up equipment,<br/>recruitment and<br/>training cost -<br/>£3,385.20</li> <li>• Staff start up<br/>equipment cost -<br/>£834.40</li> <li>• Staff start-up<br/>recruitment and<br/>training - £424</li> <li>• Bognor Regis<br/>Premises -<br/>£14,218.52</li> <li>• Fleet - £8,575</li> <li>• ANPR – B2233 -<br/>£405</li> </ul> | N/A | Ten (10)<br>years of the<br>date of receipt<br>of final<br>instalment of<br>the<br>Contribution. |
| Affordable<br>Housing |                                                                                                                                                                                         | 30% of the total<br>number of<br>dwellings to<br>created. For<br>250 dwellings<br>this equates to<br>75 affordable<br>units. | ADC  | Cascade<br>agreement:<br>Option 1: Onsite<br>delivery<br>Option 2: Onsite<br>Delivery to a different<br>provider. Option 3:<br>Commuted sum                                                                                                                                                                                                                                                                                                                           | N/A | Ten (10)<br>years of the<br>date of receipt<br>of final<br>instalment of<br>the<br>Contribution. |
| Sports Halls          | Staged<br>payments of<br>33%, 33% and                                                                                                                                                   | £112,232                                                                                                                     | ADC  | Contributions will be<br>put towards the<br>provision of                                                                                                                                                                                                                                                                                                                                                                                                              | N/A | Ten (10)<br>years of the<br>date of receipt                                                      |

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|                                                           | 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.                                 |            |     | additional multi use health & fitness/studio space and dry side changing to increase capacity and improve overall customer experience at Arun Leisure Centre.                                                      |     | of final instalment of the Contribution.                                       |
| 3G Pitch                                                  | Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase. | £16,515    | ADC | Contributions will go towards the provision of a new 3G pitch facility in the West Analysis Area of the District. The contributions will specifically go towards funding fencing and lighting at the new facility. | N/A | Ten (10) years of the date of receipt of final instalment of the Contribution. |
| Playing Pitch Contribution                                | Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase. | £68,411    | ADC | Towards the provision of enhanced sport facilities as part of the Ford Strategic Allocation to accommodate demand from Yapton.                                                                                     | N/A | Ten (10) years of the date of receipt of final instalment of the Contribution. |
| Off-site Neighbourhood Equipped Area of Play Contribution | Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase. | £27,272.73 | ADC | Enhancement, improvement and repair of existing NEAP facilities situated at King George V Playing Field, Yapton.                                                                                                   | N/A | Ten (10) years of the date of receipt of final instalment of the Contribution. |

| NON-FINANCIAL Obligation Summary                                                                                                                                            | Trigger Point         | Due To (ADC, WSCC, Other) | Department/Officer to Confirm Compliance |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------|------------------------------------------|
| Open Space - Submit to the Council an Open Space Scheme for the Open Space to be provided on site.                                                                          | Prior to Commencement | ADC                       | Planning/Greenspace                      |
| Play Areas - Submit to the Council a Play Area Scheme for the Play Areas within the Housing Phase.                                                                          | Prior to Commencement | ADC                       | Planning/Greenspace                      |
| Highway Improvements – Local improvements including the extension of the footway on Bilsham Road, new site access and uncontrolled crossings along B2132 Bilsham Road to be | Prior to commencement | WSCC                      | WSCC                                     |

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| secured via s278 agreement. |  |  |  |
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## COMPLETION REPORT

To be completed by Legal Services when the Agreement has been registered and finalised, then circulated to interested parties:

|                                                                                                                               |                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Seal Register Number:<br><i>145/2019</i>                                                                                      | Date of Agreement (or <u>original deed/agreement</u> if this is a variation/supplemental):<br><i>3<sup>rd</sup> APRIL 2019</i> |
| Statement completed by: (Legal Officer)<br> |                                                                                                                                |

Please distribute completed statement to: The Planning Officer, Sue Dudley (Deed Store), Ros Bentley (S106 Monitoring Officer), Nicola Spencer (Planning) and [landcharges@arun.gov.uk](mailto:landcharges@arun.gov.uk)

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