

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

Planning Application Ref: Y/92/17/OUT	Today's date: 30/04/2019	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): Not Known	Planning Officer: Mr D Easton
What Type of Agreement is it?: Please tick <u>one</u> of the following: • S106 Agreement, or • Pagham Harbour Agreement, or • Unilateral Undertaking, or • Deed of Variation, or • Supplemental Agreement, or • Other			
Who is responsible for this decision?			
(see notes opposite: <u>only complete this box and sign here if this is an OFFICER Decision</u>) (signature of Officer with the power): Print Name: Mr K Roberts Constitution Issue 8: Part 4 Section 3 Paragraph 3.1.1.		<u>You need to tell Legal Services who is making the Decision on this S106.</u> (NB Pagham Agreements – The authority will not be known at validation stage so please note accordingly – Legal Officer to check later) • If this is an OFFICER Decision, sign and print your name in the box opposite ➡, or • If this is a Development Control Decision that has already been made you will need to provide: Date of Development Control Meeting: 23/01/2019 Minute Number: 295 “(1) planning permission be granted as detailed in the report and officer report update, subject to completion of the S106 Agreement, and (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.”	
Full name(s) of Freeholders/Leaseholders: (ideally the developer will have completed a recent land registry search which should be attached as well)		Names: • David Winston Langmead • Sandra Ann Langmead • Denton & Co Trustees	
• Check! Please attach a plan with the site <u>outlined in red</u> and complete a brief description of the development: • Check! Any land registry searches that have been provided by the Applicant/Agent should be sent with the plan and draft agreement.			

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	Spend by restriction
Education – Early Years	Prior to the Occupation of the 1st (first) Dwelling Unit in the Development to pay to the County Council 33%. Prior to the Occupation of the 75th (seventy-fifth) Dwelling Unit in the Development to pay to the County Council a further 33%. Prior to the Occupation of the 150th (one hundred and fiftieth) Dwelling Unit in the Development to pay to the County Council the remaining 34%.	£395,744.18	WSCC	Contributions to 100 new nursery places as part of the Strategic Allocation at Ford to serve Yapton, Ford and Climping	Ten (10) years of the date of receipt of final instalment of the Contribution.
Education - Primary	Prior to the Occupation of the 1st (first) Dwelling Unit in the Development to pay to the County Council 33%. Prior to the Occupation of the 75th (seventy-fifth) Dwelling Unit in the Development to pay to the County Council a further 33%. Prior to the Occupation of the 150th (one hundred and fiftieth) Dwelling	£2,106,562	WSCC	Contribution towards 1.5FE expansion of Yapton Primary School.	Ten (10) years of the date of receipt of final instalment of the Contribution.

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	Unit in the Development to pay to the County Council the remaining 34%.				
Education – Secondary	Prior to the Occupation of the 1st (first) Dwelling Unit in the Development to pay to the County Council 33%. Prior to the Occupation of the 75th (seventy-fifth) Dwelling Unit in the Development to pay to the County Council a further 33%. Prior to the Occupation of the 150th (one hundred and fiftieth) Dwelling Unit in the Development to pay to the County Council the remaining 34%.	£33,538 per secondary aged child generated by the development. Total contribution of £1,475,672 for a 300 unit scheme based upon indicative housing mix	WSCC	Contribution towards new 10FE secondary school.	Ten (10) years of the date of receipt of final instalment of the Contribution.
Education – Sixth Form	Prior to the Occupation of the 1st (first) Dwelling Unit in the Development to pay to the County Council 100% (one hundred per cent) of the Sixth Form Education Contribution.	Based upon WSCC Calculator	WSCC	To be used towards phase 2 of the new sixth form serving Arun or a restructure of the sixth form to cater for the additional student population at St Phillip Howard Catholic High School Sixth Form.	Ten (10) years of the date of receipt of final instalment of the Contribution.
WSCC Fire & Rescue	Prior to the Occupation of the 1st (first) Dwelling Unit in the Development to pay to the County Council 100% (one hundred per cent) of the Fire and Rescue Contribution.	Based upon WSCC Calculator	WSCC	Contribution to be used towards the redevelopment of Littlehampton Fire Station.	Ten (10) years of the date of receipt of final instalment of the Contribution.
WSCC Highways	Prior to the Occupation of the 1st (first) Dwelling Unit in the Development to pay to the County Council 50% (fifty per cent) of the Highways	£895,952	WSCC	£550,000 - Proportional contribution towards full delivery of WSCC Preferred Roundabout scheme at the Oyster Catcher Junction. £345,952 - Proportional contribution towards full delivery of proposed	Ten (10) years of the date of receipt of final instalment of the Contribution.

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	Contribution. Prior to the Occupation of the 150th Dwelling Unit in the Development to pay to the County Council the remaining 50% (fifty per cent) of the Highways Contribution.			improvement scheme in lieu of any other details.	
WSSC Cycleway	Prior to the Occupation of the 1st (first) Dwelling Unit in the Proposed Development to pay 100% (one hundred per cent) of the Cycleway Contribution to the County Council.	£40,500	WSSC	Contribution towards a pedestrian/cycle link between Yapton and Barnham	Ten (10) years of the date of receipt of final instalment of the Contribution.
NHS	Staged 20% payments on occupation of the 51 st , 101 st , 151 st , 201 st and 251 st dwellings.	£329,013	ADC	Contribution towards creation of a central hub at thecroft practice or creation of new health care provision as part of the strategic allocation at Ford.	Ten (10) years of the date of receipt of final instalment of the Contribution.
Sussex Police	Staged 20% payments on occupation of the 1st, 51st, 101st, 151st and 201st dwellings.	£36,439.37	ADC	• Yapton NPT – Officer start-up equipment, recruitment and training - £7,227.82 • Bognor Regis – Start up Equipment, recruitment and training cost - £1,510.08 • Bognor Regis – Premises - £17,006.47 • Bognor Regis – Fleet - £10,290 • ANPR – B2233 Barnham Road - £405	Ten (10) years of the date of receipt of final instalment of the Contribution.
Affordable Housing		30% of the total number of dwellings to created. For 300 dwellings this equates to 90 affordable units.	ADC	Cascade agreement: Option 1: Onsite delivery Option 2: Onsite Delivery to a different provider. Option 3: Commuted sum	Ten (10) years of the date of receipt of final instalment of the Contribution.
Sports Halls	Staged 20% payments on occupation of the 51 st , 101 st , 151 st , 201 st and 251 st dwellings.	£134,679	ADC	Contributions will be put towards the provision of additional multi use health & fitness/studio space and dry side changing to increase capacity and improve overall customer experience at Arun Leisure Centre.	Ten (10) years of the date of receipt of final instalment of the Contribution.

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3G Pitch	Staged 20% payments on occupation of the 51 st , 101 st , 151 st , 201 st and 251 st dwellings.	£19,818	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.	Ten (10) years of the date of receipt of final instalment of the Contribution.
Playing Pitch Contribution	Staged 20% payments on occupation of the 51 st , 101 st , 151 st , 201 st and 251 st dwellings.	£82,093	ADC	Towards the provision of enhanced sport facilities as part of the Ford Strategic Allocation to accommodate demand from Yapton.	Ten (10) years of the date of receipt of final instalment of the Contribution.
Off-site Neighbourhood Equipped Area of Play Contribution	Staged 20% payments on occupation of the 51 st , 101 st , 151 st , 201 st and 251 st dwellings.	£32,727.27	ADC	Enhancement, improvement and repair of existing NEAP facilities situated at King George V Playing Field, Yapton.	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 of any phase in which open space is to be provided.	ADC	Planning/Greenspace
Play Areas - Submit to the Council a Play Area Scheme for the Play Areas within the Housing Phase.	Prior to Commencement of any phase in which a play area is to be provided.	ADC	Planning/Greenspace
Highway Improvements – Local improvements including pedestrian crossing facilities in Yapton and the new site access which are to be delivered via a s278 agreement as part of the access works to main road.	Prior to commencement	WSCC	WSCC
Cycle Route – The developer will enter into a s25 agreement under the Highways Act 1980 to set aside and protect the alignment of all four potential route options of the pedestrian/cycle route which crosses land within Landlink's control.	Prior to commencement	WSCC	WSCC

COMPLETION REPORT

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

Legal Ref: «oppo_customerref»

Seal Register Number:	Date of Agreement (or <u>original deed/agreement</u> if this is a variation/supplemental):
187/2019	30 MAY 2019
Statement completed by: (Legal Officer)	
	

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

Legal Ref: «**oppo_customerref**»

ARUN DISTRICT COUNCIL
DECISION TAKEN UNDER OFFICER SCHEME OF DELEGATION

To be completed for decisions taken in accordance with Part 4, Officer Scheme of Delegation, paragraph 5.2.

DATE DECISION TAKEN	29.05.2019
SUBJECT	Amendments to the S106 agreement substantially in accordance with the heads of terms considered by members at Development Control Committee on the 23 rd January 2019 under reference Y/92/17/OUT.
DECISION TAKEN	To amend the wording of the trigger points for the financial contribution to Sussex Police. This would see the wording amended from; “Staged 20% payments on occupation of the 51st, 101st, 151st, 201st and 251st dwellings.” To read; “Staged 20% payments on occupation of the 1st, 51st, 101st, 151st and 201st dwellings.” This change in the trigger point wording will result in the contributions coming forward earlier in the implementation of the development and as such it is not considered to substantially deviate from the triggers as originally agreed by the Development Control Committee. The triggers for the ‘non-financial contributions towards’ Open Space and Play Areas have also been amended to read: “Not to commence development on a Phase in which Public Open Space is to be provided.” And “Not to commence development on a Phase in which a Play Area is to be provided.” Until an Open Space Scheme and Play Areas Scheme have been submitted to the Council.

*This record to be maintained for six years or such period as statute requires
with the relevant subject file*

ARUN DISTRICT COUNCIL
DECISION TAKEN UNDER OFFICER SCHEME OF DELEGATION

REASON FOR THE DECISION	The amendments to the trigger is considered acceptable and will generate the full contributions at an earlier stage of the developments implementation.
ALTERNATIVE OPTIONS CONSIDERED OR REJECTED	To retain the triggers in the original format but this was not deemed necessary.
ANY CONFLICT OF INTEREST DECLARED BY ANY MEMBER OF THE COUNCIL <i>Only needed if the decision is under an express authorisation</i>	N/A
NAME OF THE DECISION TAKER	Mr Neil Crowther
SIGNATURE	

*This record to be maintained for six years or such period as statute requires
with the relevant subject file*

David Easton

From: Cllr. Jamie Bennett
Sent: 29 May 2019 09:11
To: David Easton; Cllr. Isabel Thurston
Subject: Re: Y/92/17/OUT - S106 Delegated Authority

Hi David

That's fine with me thank you for confirming the information

Kind Regards
Jamie

Cllr Jamie Bennett
Arun District Councillor - Rustington West
[REDACTED]

From: David Easton
Sent: Wednesday, May 29, 2019 9:09:51 AM
To: Cllr. Jamie Bennett; Cllr. Isabel Thurston
Subject: RE: Y/92/17/OUT - S106 Delegated Authority

Dear Cllr. Bennett,

I would be grateful if you could please advise if you accept the proposed amendment to the trigger as soon as possible to enable us to complete the s106 agreement and issue a decision for this application. We only have an extension of time for the determination of this application until the 31st May and failure to determine by this date may result in us having to refund the planning fee.

Please do not hesitate to contact me should you wish to discuss this further.

Kind regards,
David Easton

David Easton | Principal Planning Officer, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37619 | External: +44 (0) 1903 737619 | E-mail: David.Easton@arun.gov.uk

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From: David Easton
Sent: 28 May 2019 09:39
To: Cllr. Jamie Bennett <Cllr.Jamie.Bennett@arun.gov.uk>; Cllr. Isabel Thurston <Cllr.Isabel.Thurston@arun.gov.uk>
Subject: RE: Y/92/17/OUT - S106 Delegated Authority

Dear Cllr. Bennett,

The Police contribution is based upon a methodology prepared and justified by Sussex Police themselves. The contribution is towards a number of separate projects but in this case the financial contribution is as follows;

Total Contribution - £36,439.37

Yapton Neighbourhood Policing Team – Officer start-up equipment, recruitment and training - £7,227.82
Support Staff – Start up Equipment, recruitment and training cost - £1,510.08
Bognor Regis – Premises - £17,006.47
Bognor Regis – Fleet - £10,290
ANPR – B2233 Barnham Road - £405

The full consultation responses from Sussex Police can be found through the Arun District Council website using reference Y/92/17/OUT.

In terms of monitoring we have Rosalind Bentley (Planning Contributions & Data Analysis Officer) who monitors the s106 contributions in conjunction with Karen Garner (Post Approval Implementation and Monitoring Officer) to ensure that developments are being implemented in accordance with planning conditions and s106 obligations.

I hope that the above information is of assistance. But do let me know if you require further information.

Kind regards,
David

David Easton | Principal Planning Officer, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37619 | External: +44 (0) 1903 737619 | E-mail: David.Easton@arun.gov.uk

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From: Cllr. Jamie Bennett <Cllr.Jamie.Bennett@arun.gov.uk>

Sent: 24 May 2019 16:05

To: David Easton <David.Easton@arun.gov.uk>; Cllr. Isabel Thurston <Cllr.Isabel.Thurston@arun.gov.uk>

Subject: Re: Y/92/17/OUT - S106 Delegated Authority

Hi David

Thank you for your email

I have just a of questions:

What is the S106 money to be spent on and how will this me monitored?

Kind Regards
Jamie

Cllr Jamie Bennett
Arun District Councillor - Rustington West


From: David Easton

Sent: Friday, May 24, 2019 3:24:19 PM

To: Cllr. Isabel Thurston; Cllr. Jamie Bennett

Subject: Y/92/17/OUT - S106 Delegated Authority

Dear Cllr. Bennett and Cllr. Mrs Thurston,

We have been progressing the S106 for Y/92/17/OUT and following the determination of the application by committee the triggers points for the police contribution have been amended to secure early payment of the

contribution. When the application was originally determined by the Development Control Committee on the 23rd January 2019 delegated authority was granted to the Group Head of Planning in Consultation with the Chairman and Vice-Chairman of the Development Control Committee for amendments to the S106 agreement substantially in accordance with the heads of terms.

The variation in this case concerns an alteration to the triggers points for the financial contribution to Sussex Police. This would see the wording amended from;

"Staged 20% payments on occupation of the 51st, 101st, 151st, 201st and 251st dwellings."

To read;

"Staged 20% payments on occupation of the 1st, 51st, 101st, 151st and 201st dwellings."

This change in the trigger point wording will result in the contributions coming forward earlier in the implementation of the development and as such it is not considered to substantially deviate from the triggers as originally agreed by the Development Control Committee.

The other change to the S106 consists of non-financial obligations concerning Open Space and Play Areas with the trigger points amended to read;

"Not to commence development on a Phase in which Public Open Space is to be provided."

"Not to commence development on a Phase in which a Play Area is to be provided."

I would be grateful if you could please let me know if you have any objections to the proposed amendment to the s106 for planning application Y/92/17/OUT.

Please do not hesitate to contact me should you have any questions or wish to discuss any of the above in greater detail.

Kind regards,
David

David Easton | Principal Planning Officer, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road,
Littlehampton, BN17 5LF

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David Easton

From: Cllr. Isabel Thurston
Sent: 24 May 2019 19:41
To: Cllr. Jamie Bennett; David Easton
Subject: Re: Y/92/17/OUT - S106 Delegated Authority

Thank you for your email. I expect I will find out at my training next week (since I missed the previous date) but is there an easy way to link straight to the planning application? I'm still finding my way around the system! I will have a look via the long-winded way over the weekend and get back to you, but since this is a matter of timing I would imagine there is no reason not to agree with the change.

Kind regards
Isabel

Get Outlook for iOS

From: Cllr. Jamie Bennett
Sent: Friday, May 24, 2019 4:04:32 PM
To: David Easton; Cllr. Isabel Thurston
Subject: Re: Y/92/17/OUT - S106 Delegated Authority

Hi David

Thank you for your email

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What is the S106 money to be spent on and how will this be monitored?

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Arun District Councillor - Rustington West


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Please do not hesitate to contact me should you have any questions or wish to discuss any of the above in greater detail.

Kind regards,
David

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