From: **Stephen Cantwell** <stephen.cantwell@adur-worthing.gov.uk>
Date: Wed, 29 Nov 2023 at 13:36
Subject: Re: Howard Kent 106 - latest UU versions (WORD version please) [DJB_DMS-DJB-DMS.FID217216]. District Council Comments .
To: Reid, Daniel <Daniel.Reid@planninginspectorate.gov.uk>
Cc: Neil Holdsworth <neil.holdsworth@adur-worthing.gov.uk>, James Appleton <james.appleton@adur-worthing.gov.uk>

Dear Daniel

Thank you for the extended-time opportunity to comment on the two submitted and signed s106 Unilateral Undertakings (UU) dated 16th November, relating to each appeal.

The appellant has included changes previously requested by the District Council, notably the affordable housing definitions. The obligations concerning the footpaths and public right of way works now meet the requirements of both the District and the County Council, which is the Rights of Way Authority.

Our first observation is that it is important that ownership title is demonstrated, covering the date of the signed UUs, so that there is confidence in their enforceability. Presumably this is something which the Inspectorate could ask for and satisfy itself, and if so we would appreciate sight of this.

A second but relatively minor point is that the definition of Shared Equity Units in the UU for the second appeal (Council's reference AWDM/1962/22), refers to the retention of a legal charge by the Affordable Housing Provider, to protect the discounted element (reduced purchase value). The Council recommends that assurance be sought from the appellant that this charge would be registered with HM Registry in order to preserve this discount to subsequent occupiers. The Council does not propose that there is a need to amend the UU on this point or any other.

Thank you for your consideration

Yours sincerely

Stephen Cantwell
Principal Planning officer (Major Applications), Adur & Worthing Councils
Phone: 01903 221274
Email: stephen.cantwell@adur-worthing.gov.uk
Website: www.adur-worthing.gov.uk
Address: Planning and Development, Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS