PLANNING SERVICES DIVISION: SECTION 106 CONSULTATION RESPONSE

DATE: 18th July 2023

FROM: Naomi Hoyland

DISTRICT/BOROUGH COUNCIL: Adur

Application Number: AWDM/1315/22

The Provision of Service Infrastructure Related to Development at Free Wharf, Brighton Road, Shoreham-by-Sea, West Sussex

Planning Application details - Application to vary condition 1, 23, 26 and 34 of previously approved AWDM/1497/17 to incorporate: i) 39 additional homes (together with 8no subject of previous application AWDM/2037/20) to give a new total of 587 homes ii) associated changes to profiles of riverside blocks A-F (heights unchanged); iii) reduce commercial space (Class E a, b, c and g) to 2,163sqm; iv) reduce the level of car parking to 381 residential spaces and 24 commercial spaces, with provision of car club v) re-use of existing sheet piling to support riverside walkway (omitting need for approved posts) vi) revised energy strategy. Also, design amendments to blocks G and H, increasing overall height of block G by 1.08m (previously subject of applications AWDM/2037/20 and AWDM/1952/20). ORIGINAL DESCRIPTION: REDEVELOPMENT OF THE SITE TO PROVIDE TEN BUILDINGS, CONTAINING 540 NEW HOMES (OF WHICH TWO WILL BE STUDIOS, 179 X ONE BED, 323 X TWO BED AND 38 X THREE BED), 2,707SQM OF COMMERCIAL FLOORSPACE AT GROUND FLOOR LEVEL WITHIN USE CLASSES, A1 (RETAIL), A3 (CAFES AND RESTAURANTS), B1 (BUSINESS) AND D1 (NON-RESIDENTIAL INSTITUTIONS). THE DEVELOPMENT ALSO INCLUDES 512 PARKING SPACES, OF WHICH 438 WILL BE FOR RESIDENTS AND 74 WILL BE FOR THE COMMERCIAL SPACE/VISITORS, RECONSTRUCTION OF THE RIVER WALL, CONSTRUCTION OF MOORING PONTOONS AND OBSERVATION PLATFORM AT THE END OF HUMPHREY'S GAP, PROVISION OF A RIVERSIDE PEDESTRIAN/CYCLE ROUTE, AREAS OF SEMI-PRIVATE AND PUBLICLY ACCESSIBLE OPEN SPACE, INTERNAL ACCESS ROADS, 596 CYCLE PARKING SPACES AND ASSOCIATED ANCILLARY AREAS. THE APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT.

Summary of Contributions:

Education			
School Planning Area	0		
Population Adjustment	43.7		
	Primary	Secondary	6th Form
Child Product	0.2185	0.2185	0.1180
Total Places Required	1.5295	1.0925	0.2360
Library			
Locality	Shoreham		
Contributions towards Lancing	£0		
Contributions towards Shoreham / Southwick	£0		
Population Adjustment	63.2		
Sqm per population	30		
Sqm Required	0.00		
Waste			
Adjusted Net. Households	38		
Fire			
No. Hydrants	TBC		

Population Adjustment	63.2
£/head of additional population	£18
TAD- Transport	
Net Population Increase	76.1
Net Parking Spaces	0
Net Commercial Floor Space sqm	0
Total Access (commercial only)	0.0000

Summary of Contributions

S106 type	Monies Due
Education - Primary	£31,457
Education - Secondary	£33,855
Education - 6th Form	£7,931
Libraries	£13,332
Waste	No contribution required
Fire & Rescue	£1,138
No. of Hydrants	To be secured under Condition
TAD	HWiL
Total Contribution	**£87,713**

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 in the *National Planning Policy Framework, 2019*.

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2023 West Sussex County Council will increase the S106 monitoring fee to £240 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £720 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1440.

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".

All TAD (Total Access Demand) contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 47 net dwellings in addition to the baseline 540 dwellings approved under previous application AWDM/1497/17.

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 West 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 2024. 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 DfE 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.**

e) **Review of the contribution towards the provision of fire service infrastructure (fire stations) should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

As set out in the Submission Adur Local Plan 2016, the primary contributions generated by this proposal shall either be spent on expansion of existing primary schools, or innovative solutions to address the need.

The secondary contributions generated by this proposal shall be spent on expansion at either Sir Robert Woodard Academy or Shoreham Academy.

The further secondary contributions generated by this proposal shall be spent on expansion at either Sir Robert Woodard Academy Sixth Form or Shoreham Academy Sixth Form.

The library contributions generated by this proposal shall be spent on a new library facility for Shoreham.

Fire and Rescue Service Contribution to be used towards the re-development or re-location of fire stations and associated vehicles and equipment in West Sussex Fire Rescue Services Southern Area serving Shoreham/Southwick.

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 include indexation arrangements whereby all financial contributions will be index linked from the date of this consultation response to the date the contributions become due.

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.

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

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 2023/2024 updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- **£20,567 per child**

- Secondary Schools- **£30,989 per child**
- Sixth Form Schools- **£33,608 per child**

2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand
The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The **local floorspace demand (LFD)** figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

Square Metre Demand = (Adjusted Population x LFD) / 1000

b) Cost Multiplier- Library Infrastructure
WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£6,027** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2023/2024 period.

3. Fire & Rescue Service Infrastructure

The Fire and Rescue Services infrastructure contribution is determined by the population adjustment multiplied by the relevant cost multiplier for the provision of services.

Fire and Rescue Contributions = Adjusted Population x Cost Multiplier

a) Adjusted Population
This is the sum of the occupancy rates for the net dwelling increase with the exclusion of social housing increase.

b) Cost Multiplier- Fire Rescue
There are two cost multipliers for WSCC which relate to the Southern Division and the Northern Division. The cost multiplier is calculated by dividing the total cost of necessary fire and rescue infrastructure within the division by the projected population for 2016. The cost multipliers are as below:

Southern Division (Chichester, Arun, Worthing and Adur): £18 per person

Northern Division (Horsham, Crawley, Mid Sussex): £64 per person in Horsham, £118 per person in Crawley

Note: The installation costs of fire hydrants are excluded from the above and will continue to be required on developments as a direct cost to the developer as required under the Fire Services Act 2004

4. TAD- Total Access Demand

The methodology is based on total access to and from a development. An **Infrastructure Contribution** is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The **Sustainable Transport Contribution** is required in respect of each occupant or employee not provided with a parking space which would be likely to reply on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution
Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2023/2024 is £1,575 per parking space.

Infrastructure contributions = Car parking spaces x £1,575

b) Sustainable Transport Contribution
This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£786).

Sustainable transport contribution = (net car parking – occupancy) x 786

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

cc: **Molly Luckett, James McGrath, WSCC Fire Services (via email)**
Russell Allen, WSCC Library Services (via email)
Tracey Dunn, WSCC Children and Young People's Services (via email)