



# Public Document Pack

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Committee Manager Carrie O'Connor, Committee Manager

12 February 2019

## Planning Policy Sub-Committee

A meeting of the Planning Policy Sub-Committee will be held in Committee Room 1, Arun Civic Centre on **Wednesday, 27th February, 2019 at 6.00 pm** and you are requested to attend.

Members: Councillors Bower (Chairman), Charles (Vice-Chair), Ambler, Mrs Bence, Mrs Brown, Chapman, Cooper, Elkins, Mrs Hall, Haymes, Oppler, Mrs Pendleton and Stanley

## AGENDA

### 1. APOLOGIES FOR ABSENCE

#### DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating  
:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

#### MINUTES

(Pages 1 - 8)

To agree as a correct record the Minutes of the meeting held on 5 December 2018 (attached).

4. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

GYPSY & TRAVELLERS - ISSUES & OPTIONS

(Pages 9 - 14)

This report updates the Subcommittee on the Gypsy & Traveller DPD (Development Plan Document) preparation process with a view to initiating an issues and options consultation under Regulation 18 in May 2019.

SECONDARY SCHOOL TO SUPPORT THE LOCAL PLAN STRATEGIC ALLOCATIONS

(Pages 15 - 28)

This report seeks approval for the Council to adopt the recommendation for a preferred option/site for location of a 10 Form of Entry Secondary School in the area of search based around the central part of the Arun District as per Policy INF SP2 New Secondary School in the adopted Arun Local Plan 2018.

CHICHESTER LOCAL PLAN REGULATION 18 (PREFERRED APPROACH) PUBLIC CONSULTATION

(Pages 29 - 36)

This report sets out a proposed response to the emerging Chichester District Council Local Plan 2016-2035. This consultation is Regulation 18 draft plan (Preferred Approach) stage and follows an 'Issues and Option' consultation in June 2017.

The public consultation ran from 13 December 2018 to 7 February 2019 and because of the closing date, a provisional response has been sent in consultation with the Portfolio Holder and will be subsequently confirmed by the Subcommittee with any amendments, if necessary.

BROWNFIELD LAND REGISTER 2018

(Pages 37 - 60)

The Subcommittee is requested to approve the Brownfield Land Register 2018.

HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT (UPDATE TO THE 2018 PUBLICATION)

(Pages 61 - 68)

The Council has already reviewed and updated its Housing and Economic Land Availability Assessment (HELAA) in December 2018. However, the HELAA document required a further update to include detailed proformas of the Potential Employment Sites and updated proformas of the strategic sites that had not been completed by that date. This update is also in order assist with an updated housing trajectory which

is to be reported as part of the Annual Monitoring Report being presented at this committee.

It is important to note that whilst the HELAA is a useful resource, it does not allocate sites, nor does it grant planning permission.

**AUTHORITY MONITORING REPORT 2017/18** (Pages 69 - 72)

This report presents the Arun Local Planning Authority's Monitoring Report 2017/18. The full report is provided as Background Paper 1 (published on the Council's web site on 20 February 2019).

**LYMINSTER & CROSSBUSH APPLICATION FOR DESIGNATION OF A NEIGHBOURHOOD AREA** (Pages 73 - 76)

Lyminster & Crossbush Parish Council applied to Arun District Council and the South Downs National Park Authority for designation of Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012-Regulation 5. Arun District Council publicised the area application as required under Part 2-Regulation 6 and the next stage is for the Council to agree and designate the neighbourhood area.

**CIL UPDATE REPORT** (Pages 77 - 124)

This report provides a summary of the responses received from the Preliminary Draft Charging Schedule consultation which ran from 10 December 2018 to 21 January 2019. The responses received have informed the preparation of a proposed Draft Charging Schedule which, together with a draft infrastructure list is presented to this Subcommittee for noting.

In addition, the officer response to the Government's technical consultation - Reforming Developer Contributions which includes proposed changes to the Community Infrastructure Regulations 2010 (as amended) - is provided for noting.

**PROVISION OF ACCOMMODATION SUITABLE FOR OLDER PEOPLE AND PEOPLE WITH DISABILITIES** (Pages 125 - 136)

This report seeks approval for the Council to adopt the interim guidance on the provision of accommodation suitable for older people and people with disabilities.

**PROVISION OF CHANGING PLACE TOILETS** (Pages 137 - 150)

This report seeks approval for the Council to adopt the

recommendations contained therein as guidance on the provision of Changing Place Toilets in appropriate destinations and developments to assist with the needs of people with complex and multiple disabilities and impairments.

Note : \*Indicates report is attached for all Members of the Council only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager).

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

# Agenda Item 3

Subject to approval at the next Subcommittee meeting

## PLANNING POLICY S SUBCOMMITTEE

5 December 2018 at 6.00 p.m.

Present : Councillors Bower (Chairman), Charles (Vice-Chairman), Ambler, Mrs Bence, Mrs Brown, Chapman, Cooper, Elkins, Haymes, Oppler and Mrs Pendleton.

[Note: The following Councillors were absent from the meeting during consideration of the matters in the Minutes indicated:- Councillor Mrs Pendleton, Minutes 7 – 10; and Councillor Oppler, Minutes 9 – 10].

1. Apology for Absence

An apology for absence had been received from Councillor Mrs Hall.

2. Declarations of Interest

The following declaration of interest was made:-

Councillor Elkins – a personal interest as a member of West Sussex County Council.

3. Minutes

The Minutes of the meeting of the Community Infrastructure Levy Subcommittee held on 27 September 2018 were approved by the Subcommittee and signed by the Chairman as a correct record.

The Minutes of the meeting of the Local Plan Subcommittee held on 16 October 2018 were approved by the Subcommittee and signed by the Chairman as a correct record.

4. Arun Local Development Scheme

The Council was required to produce, and keep up to date, a Local Development Scheme (LDS), which provided a work programme for the production of Development Plan Documents to be prepared over the next three year period. With the adoption of the Arun Local Plan (2011-2031) on 28 July 2018 and further changes published to national planning policy in July 2018, it was now considered an appropriate time to update the LDS, taking into account any slippage, resources and future risks.

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The revised LDS, attached to the report, included the updated timescales for the production of the Non-Strategic Site Allocations Development Plan Document (NSS DPD), Gypsy & Traveller Site Allocation Development Plan Document (G&T DPD) and Community Infrastructure Levy Charging Schedule.

In presenting this report, the Planning Policy Team Leader explained the reasoning behind the need to adjust the work programme and emphasised that, although some slippage was signalled, the key submission dates for the DPD preparation would remain within 2020 – sufficient for the Council to defend its position on land supply for the purposes of the Local Plan 2018 and the NSS DPD and the G&T DPD.

The Planning Policy Team Leader advised a slight amendment to recommendation (2) to include the Portfolio Holder for Planning.

Following a brief discussion, the Subcommittee

RECOMMEND TO FULL COUNCIL – That

(1) the Local Development Scheme 2018/19, as amended and set out at Appendix 1 to the report, be adopted; and

(2) authority be delegated to the Group Head of Planning, in consultation with the Chairman and the Planning Portfolio Holder, to undertake minor updating and drafting of any amendments required to the Local Development Scheme prior to publication.

##### 5. Statement of Community Involvement

The Planning Policy Team Leader presented this report on behalf of the Principal Planning Officer and advised that, following consultation on the draft Statement of Community Involvement undertaken between 23 July and 17 August 2018, a small number of responses had been received resulting in further amendments to the SCI document or the need for some clarifications, as set out at Appendix 2 to the report.

In considering the matter, the Principal Planning Officer was commended for his inclusion of encouraging developers to undertake pre-application consultation to enable them to receive priority checking of their application.

In the course of discussion, it was agreed that a footnote would be added to stakeholder engagement to include all Parish and Town Councils.

The Subcommittee

Subject to approval at the next Subcommittee meeting

RECOMMEND TO FULL COUNCIL – That

(1) the Statement of Community Involvement, attached as Appendix 1 to the report, be adopted; and

(2) authority be delegated to the Group Head of Planning, in consultation with the Chairman and the Planning Portfolio Holder, to agree minor editorial changes prior to publication.

6. Community Infrastructure Levy (CIL) Evidence Base and Preliminary Draft Charging Schedule

The Planning Policy Team Leader presented this report on behalf of the Principal Planner and reaffirmed that the current regulations required Councils to strike an appropriate balance between the desirability of funding the total cost of infrastructure required to support development of its area and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development. In setting the Council's CIL rate it was important that the level was set at a point that would allow the majority of sites to come forward.

Due to the complexity of the subject, a Members' briefing had been arranged for 4 December 2018 and the feedback given at this meeting in respect of the contribution made by the Council's consultant was extremely positive. Members who had attended the briefing expressed views that it was informative, interesting and that their concerns and questions had been satisfactorily addressed.

The Subcommittee was being requested to note the findings of the CIL Viability Update Report 2018 and to agree that the Preliminary Draft Charging Schedule be published for public consultation and, as such, was not required to be recommended to Full Council.

In opening up the debate, the Chairman stated that one of the things he had picked up from the briefing was the change in respect of S106 contributions and how far away from a development site these could be applied. Such contributions towards necessary infrastructure had to address site specific impacts which could also include off site strategic infrastructure, provided that there were not more than 5 pooled S106 contributions coming from separate developments towards any particular piece of infrastructure or type of infrastructure. However, CIL was still needed to come out of available sites in order to top up S106 money for infrastructure. Further Member comment was made that the S106 pooling restriction of 5 such contributions from developments might be removed by the Government in the near future as part of an ongoing review of the CIL regulations

The Planning Policy Team Leader advised that CIL could address site and the cumulative impact of development but that it was essential not to double count contributions. S106 obligations would therefore remain

alongside CIL but would be restricted to that infrastructure required to directly mitigate the impact of a proposal. The regulations restricted the use of planning obligations to ensure that individual developments were not charges for the same items of infrastructure through both planning obligations under S106 and CIL.

A question was asked relating to the predicting of future CIL income and the potential funding gap based on known infrastructure costs and whether there were other funding streams that could be used to bridge that gap. A response was given that the predicted CIL income was based on a number of assumptions about eligible development coming forward over the plan period and that might be greater or lower depending on the balance between costs and values, economic cycle and development delivery achieved over the plan period. It was evident that without CIL the funding gap would be significantly greater. Some of the funding gap infrastructure was aspirational or could be managed by re-prioritising schemes and by securing other funding streams, including Government monies secured through grant funding. For example, the Local Growth Fund (sourced through the Local Enterprise Partnerships towards eligible strategic infrastructure schemes) was a funding stream that the Council could bid against for grant funding. Similarly, there was the Housing Infrastructure Fund (HIF) which could be used to top up sites with marginal viability and towards forward funding infrastructure to get sites moving. Member comment was made that the HIF fund sustained a level of applications to it that were significantly higher than what was available – £4m had been set aside but £14m had been applied for!

In the course of discussion, comment was made that there was room to increase charges to maximise CIL charge rates, including for the Strategic allocation sites. However, the Planning Policy Team Leader cautioned that the CIL making regulations 2010 (as amended) specifically qualified that CIL charge rates should not be set at the maxima such that they would risk making development unviable and undermine the overall economic performance of the District – that would undermine housing delivery and the adopted plan development strategy, as well as severely impacting on the Council's ability to maintain its 5 year housing land supply (HSL). One of the first issues an independent examiner would consider would be whether an appropriate balance had been struck in accordance with the CIL regulations on achieving a viable levy.

A question was asked in relation to Exemptions and whether householders who wished to extend their homes would face a CIL charge. It was confirmed that residential annexes or extensions would be exempt. The Planning Team Leader said he would clarify the position and update Members following the meeting.

Further points were raised regarding infrastructure funding gaps, particularly in relation to a shortfall for social and leisure facilities and green infrastructure and habitats (table 5.1 refers) rather than necessarily transport schemes. The Planning Team Leader responded by advising that the Infrastructure Capacity Study Delivery Plan 2017 (ICSDP) supported the



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delivery of the adopted Local Plan and listed such social and community based infrastructure required to ensure that not only critical transport infrastructure requirements were met. In addition, the Non-Strategic Sites Allocations Development Plan Document preparation process would also update the ICSDP to identify further additional infrastructure needed to support development within the local communities that could be funded from CIL.

The Subcommittee

RESOLVED - That

(1) the findings of the CIL Viability Update Report 2018 be noted; and

(2) the Preliminary Draft Charging Schedule be published for public consultation (under Reg 15 of the CIL Regulations 2010) from 10 December 2018 until 5 pm on 21 January 2019.

7. Housing & Economic Land Availability Assessment (Update 2018)

The Planning Policy Team Leader presented this report on behalf of the Principal Planning Officer which provided an update on the work the Council was undertaking to plan positively to ensure that the development needs of the District were met in a sustainable way. An assessment of land availability was an essential part of the evidence base in preparing the Local Plan and other Development Plan Documents and would help to identify a future supply of land which was deliverable and developable for both housing and employment land uses.

In respect of taking the HELAA (Housing & Economic Land Availability Assessment) forward, the HELAA had been prepared consistent with the existing methodology and adopted Local Plan, although it should be noted for the reasons outlined in the report that :-

- The HELAA has not yet been prepared to fully address the new specific 'deliverable' definition introduced by the National Planning Policy Framework 2018;
- the windfall calculation had not been included but would be reported as part of the Authorities Monitoring Report (AMR) in February 2019 to ensure that a monitoring approach would be developed for smaller site allocations via the Non-strategic Sites Allocations Development Plan Document or Neighbourhood Plans to avoid double counting;
- the 5 year housing land supply had not been included but would be reported as part of the AMR;
- no new employment site had been identified via the call for sites and the status of existing HELAA employment sites remained to be updated and reported in February 2019

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Arun had a recently adopted Plan - on which basis para 74 of the NPPF provided that an authority could defend a 5 year housing land supply for a year (being until October 2019 for Arun) It would take intensive resource and time to work with development stakeholders to meet the new 'deliverable' definition, on which further guidance was awaited following a recent Government technical consultation. Going forward, it was intended that all of the landowners and developers with HELAA sites would be written to in order to help address the new definition,

It was reiterated that, whilst the HELAA was a useful resource for identifying the best available sites to contribute towards potential land supply, it did not allocate sites, nor did it grant planning permission as all other planning considerations had to be satisfied.

With respect to paragraphs 1.23 and 1.24 of the report, the Planning Policy Team Leader advised that, because of the need to accommodate two omission sites, the current supply of 50 deliverable sites had now been updated to 52, with a housing yield of 2,439. There was no change to the 49 developable sites.

The Subcommittee was requested to consider an additional recommendation to delegate authority to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to approve minor amendments and publication of the final version of the HELAA.

In debating the matter, the question was asked as to the location of the two omission sites mentioned above. A response was given that they were in Kingston and the Nursery Site at Littlehampton. There was also a question regarding whether a site (Reference: 32 Wings Nursery in Aldingbourne) was also included within the deliverable status list? The Planning Policy Team Leader agreed to check this and make any necessary revisions/clarification within the draft document prior to publication to the website and Members would be circulated with the updated tabled information and updated figures in the cover report via email following the meeting.

Following a short discussion, the Subcommittee

RESOLVED – That

(1) the Housing & Employment Land Availability Assessment be noted as part of the evidence base for the Local Plan and any future Development Plan Document preparation; and

(2) authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to approve publication of the final version of the HELAA.

8. Arun District Council Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document

On behalf of the Senior Planning Officer, the Planning Policy Team Leader presented this report which outlined the proposed approach and timetable for the preparation of the Arun District Council Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document (DPD) covering the period 2018-2036. Members were reminded that the DPD only encompassed the Local Planning Authority and not the South Downs National Park Authority.

Following comments with regard to pitches and the 'Nil' response from Worthing Borough Council, the Subcommittee

RESOLVED

That the proposed approach and timetable be noted for the preparation of the Arun District Council Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document (DPD) covering the period 2018-2036, including the key outputs of the Joint Gypsy and Traveller Accommodation Assessment (GTAA) Final Report October 2018.

9. Response to Draft Local Plan for Worthing Borough Council

The Planning Policy Team Leader presented this report which provided a response to the consultation being undertaken by Worthing Borough Council on its Draft Local Plan. To be clear on this Council's objection to the Plan and the reasons for the objection, an additional recommendation was being proposed to read:-

"Arun considers that it has no choice but to object to the draft Local Plan as proposed because it leaves a significant unmet need unresolved."

The report highlighted that Worthing had a significant shortfall of 8,600 dwellings and the Subcommittee was advised that, in preparing their Local Plan, Worthing must address a number of action/points listed in the covering report to try to resolve Arun's objections in order to protect its communities and environment by ensuring that Worthing could accommodate more of their own need. This could include working jointly with Arun under the Duty to Cooperate on any evidence preparation to look at opportunities to review land supply – such as employment land – where this was older industrial sites which, whilst well occupied, might benefit from regeneration proposals.

In discussing the matter, disappointment was expressed at what Worthing was putting forward. The housing density being worked to was felt to be extremely low at 35 dwellings per hectare for family housing and up to

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50 dwellings per hectare within the town centre and on previously developed land compared to what Arun District had included in its own Local Plan. Officers were commended for their proposed response and comment was made paragraphs 1.15 and 1.16 could even in fact be emphasised more, i.e. that Arun had no choice but to object because Worthing's proposed plan left a significant unmet need unresolved, which would adversely affect Arun and prejudice Arun's own plan making under the Duty to Cooperate and revised National Planning Policy Framework 2018 requirements. These matters needed to be dealt with at the start of the process via 'Memoranda of Understanding' or 'Statements of Common Ground'.

Following further comment regarding the issue of coalescence and the Ferring and Lancing Gaps, which could be recognised as a potential issue, nevertheless, a formal proposal was made that the additional recommendation be agreed and, having been duly seconded, the Subcommittee

RESOLVED – That

(1) the conclusions set out at paragraphs 1.14 to 1.16 (inclusive) in the report be agreed as Arun District Council's formal response to the Worthing draft Local Plan Regulation 18 consultation; and

(2) Arun considers that it has no choice but to object to the Worthing Draft Local Plan, as proposed, because it leaves a significant unmet need unresolved

(The meeting concluded at 7.50 pm)

## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUB-COMMITTEE ON 27 FEBRUARY 2019

#### PART A : REPORT

**SUBJECT: Gypsy and Travellers – Issues and Options**

**REPORT AUTHOR:** Donna Moles, Senior Planning Officer

**DATE:** 4 February 2019

**EXTN:** 37697

**PORTFOLIO AREA:** Planning

#### EXECUTIVE SUMMARY:

The Sub-Committee will be updated on the Gypsy & Traveller DPD preparation process with a view to initiating an Issues and Options consultation under Regulation 18 in May 2019.

#### RECOMMENDATIONS:

The following action is recommended:

1. That the Planning Policy Sub-Committee notes the proposed approach and evidence progress for the preparation of the Arun District Council Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document (DPD) covering the period 2018-2036, and
2. Agrees an Issues & Options consultation be undertaken in May 2019 on 8 potential site options being assessed, and that the Group Head of Planning in conjunction with the Planning portfolio holder and Chairman of the Planning Policy Sub-Committee be granted delegated authority to finalise the options for consultation from within this list, including from any potential HELAA sites should they be suitable and become available.

#### 1 BACKGROUND

1.1 The Planning Policy sub-committee of 5<sup>th</sup> December 2018 was presented with the Coastal West Sussex Authorities Gypsy and Traveller Accommodation Assessment Final Report October 2018. It is commonly known as a Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA will form part of the evidence base and will inform the development of policy and future allocation of sites through the Arun District Council Gypsy and Traveller and Travelling Showpeople Site Allocations DPD (G&T DPD).

1.2 One of the main considerations of this study is to provide evidence to support the provision of pitches and plots to meet the current and future accommodation needs of Gypsies, Travellers and Travelling Showpeople according to the planning

definition set out in national policy (Planning Policy for Travellers Sites publication August 2015).

- 1.3 A pitch is an area normally occupied by one household, which typically contains enough space for one or two caravans but can vary in size<sup>1</sup>. A site is a collection of pitches occupied by Gypsies and Travellers. For Travelling Showpeople, the most common descriptions used are ‘a plot’ for the space occupied by one household and ‘a yard’ for a collection of plots occupied by Travelling Showpeople. Throughout this study the main focus was upon how many extra pitches for Gypsies and Travellers and plots for Travelling Showpeople are required in the study area. This then needs to be progressed through the Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document (DPD).

**GYPSY AND TRAVELLER AND TRAVELLING SHOWPEOPLE SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD)**

- 1.4 There is a commitment in the Arun Local Plan (2011-2031) to prepare a DPD which identifies and allocates land for permanent pitches to meet the need identified. The period beyond 2031 to 2036 would be an appropriate period to allow for an effective 15 year provision and the plan making lead time based on a 1 April 2018 plan base date.
- 1.5 There is a need for 9 additional pitches in Arun over the GTAA period to 2036 for Gypsy and Traveller households that met the planning definition. This trajectory is shown in Table 1. The DPD only needs to allocate sufficient deliverable sites for pitches and plots for the first 1-5 years and identify developable sites or broad allocations for years 6 to 10 and 11-15.

**Table 1: Additional need for Gypsy and Traveller households in Arun that met the Planning Definition by year periods**

Years	0-5	6-10	11-15	16	17	18	Total
	2018-23	2023-28	2028-33	2033-34	2034-35	2035-36	
	5	1	2	0	0	1	9

- 1.6 Consultants DLP have been appointed to assist with the preparation of a site identification study in order to prepare the G&T DPD. DLP commenced the site assessment evidence with a ‘Call for Gypsy and Traveller Sites’ consultation in October 2018 (a Housing Employment Land Availability Assessment call for sites was also undertaken in May 2018). The call for Gypsy and Traveller sites was promoted via Arun District Council’s website, National Gypsy press and writing to various stakeholders including all the strategic site promoters, key Gypsy planning professionals and all the parish and town councils in Arun, Arun District Council and West Sussex County Council. Unfortunately no sites were promoted by landowners or stakeholders as part of the call for Gypsy and Traveller sites consultation.
- 1.7 Part 1 of the sites assessment work which is the ‘desk based assessment’, has now been completed. The consultants have identified a list of 14 sites which are existing or subject of current live applications.

<sup>1</sup> Whilst it has now been withdrawn, Government Guidance on Designing Gypsy and Traveller Sites recommended that, as a general guide, an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, parking space for two vehicles and a small garden area.

- 1.8 A further 19 potential sites owned by West Sussex County Council (including 1 site which in part is subject of a live planning application, but excluding the existing public site); and 6 sites owned by Arun District Council have been discounted. This is because these sites either have an active use, or proposal or planning permission assigned to them that would make them unsuitable or unavailable and be appropriately discounted from the study. ADC and WSCC officers confirmed that none of the 19 WSCC or 6 ADC owned sites are suitable or available to be progressed any further. The consultant's site identification study will still include the discounted sites in order to evidence the decision making.
- 1.9 An additional list of 11 HELAA sites has also been identified by officers for consideration, broadly based on their peripheral location in proximity to Built-Up Area Boundaries. However, none of the landowners have promoted these sites for such use and have not been contacted at this time. The consultants are currently doing a desk based assessment to decide whether any further investigation is justified prior to contacting owners, should any of these HELAA sites be deemed potentially suitable although they may be discounted as unsuitable due to their remoteness from supporting services/infrastructure or they may be unavailable.
- 1.10 Part 2 of the site assessment work has now progressed which includes site visits/survey of the 14 sites which are existing or subject of live applications. This work has established that 8 of the potential 14 sites should be taken forward.
- 1.11 Separate consultants (Lepus) have been appointed to undertake the Sustainability Appraisal. The Sustainability Appraisal (SA) work is also being progressed at the same time as the sites assessment work. The SA assessment of reasonable alternatives is anticipated in late February with a further stage involving preparing the interim SA report at the end of April. The sites assessment work will be assessed as reasonable alternatives for the G&T SA.

#### **NEXT STEPS AND TIMETABLE**

- 1.12 DLP consultants are currently carrying out an officer consultation with ADC and WSCC officers to ensure all relevant technical/specialist knowledge has been addressed in the work done to date.
- 1.13 The 8 sites being assessed as part of this officer consultation may have the potential capacity to accommodate more intensive provision on site as follows:-
- Land at Aldingbourne Farm Shop
  - Fieldview, Junction Common Mead Land and Pagham Road
  - Nyton Stables Nyton Road
  - Land at Limmer Pond Stables Church Road
  - Dragonfly Eastergate Lane
  - The Old Barns Arundel Road
  - The Caravan Site
  - Wyndham Acres and The Old Barn
- 1.14 The next step in the site assessment work is scoping availability to intensify provision within the 8 potential sites in order to determine whether the Council can

accommodate the identified need for pitches established by the GTAA. Currently, 2 existing sites have indicated an interest in intensification. Therefore the next step is to write to all the existing site owners or their agents. The main objective is to confirm if they are interested in intensifying the use on their site as follows:-

- Potential for intensification;
- Potential for expansion; and
- Whether they own any other sites in Arun which they would like to be considered for Gypsy and Traveller provision.

1.15 The Consultant will not be contacting WSCC regarding the existing site known as Ryebank Caravan site, as it is known to be at capacity.

1.16 The Consultant's draft report on the site identification study is anticipated late February with their final study in March 2019.

1.16 The work has progressed to a stage where a reasonable spread of 8 potential site options, with a realistic potential to address G&T accommodation needs, can form the basis for an Issues and Options consultation to be undertaken in May 2019 - informed by initial Sustainability Assessment work of these 8 sites when completed later in February.

**2. PROPOSAL(S):**

That the report is noted and the consequent evidence used in order to prepare a Gypsy & Traveller Development Plan Document for Issues and Options consultation in May 2019.

**3. OPTIONS:**

Not to progress the site identification study and Sustainability Appraisal in order to prepare the Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document (DPD), would be contrary to the Adopted Arun Local Plan 2018 and risk preparing an unsound Development Plan Document and lead to planning via appeal and unplanned development.

**4. CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify)		

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		X
Legal		X
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X



Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		X

**6. IMPLICATIONS:**

Progressing the G&T DPD will ensure that the needs of the G&T community will be implemented and accommodated in accordance with national and local policy.

**7. REASON FOR THE DECISION:**

To ensure that Arun can continue to secure that development is plan led and consistent with sustainable development.

**8. BACKGROUND PAPERS:**

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## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUB-COMMITTEE ON 27 FEBRUARY 2019

#### PART A : REPORT

**SUBJECT: SECONDARY SCHOOL TO SUPPORT THE LOCAL PLAN STRATEGIC ALLOCATIONS**

**REPORT AUTHOR:** Donna Moles, Senior Planning Officer  
**DATE:** 29 January 2019  
**EXTN:** 37697  
**PORTFOLIO AREA:** Planning

#### EXECUTIVE SUMMARY:

This report seeks approval for the Council to adopt the recommendation for a preferred option/site for location of a 10 Form of Entry Secondary School in the area of search based around the central part of the Arun District as per Policy INF SP2 New Secondary School in the adopted Arun Local Plan 2018.

#### RECOMMENDATION:

That the Planning Policy Sub-Committee:-

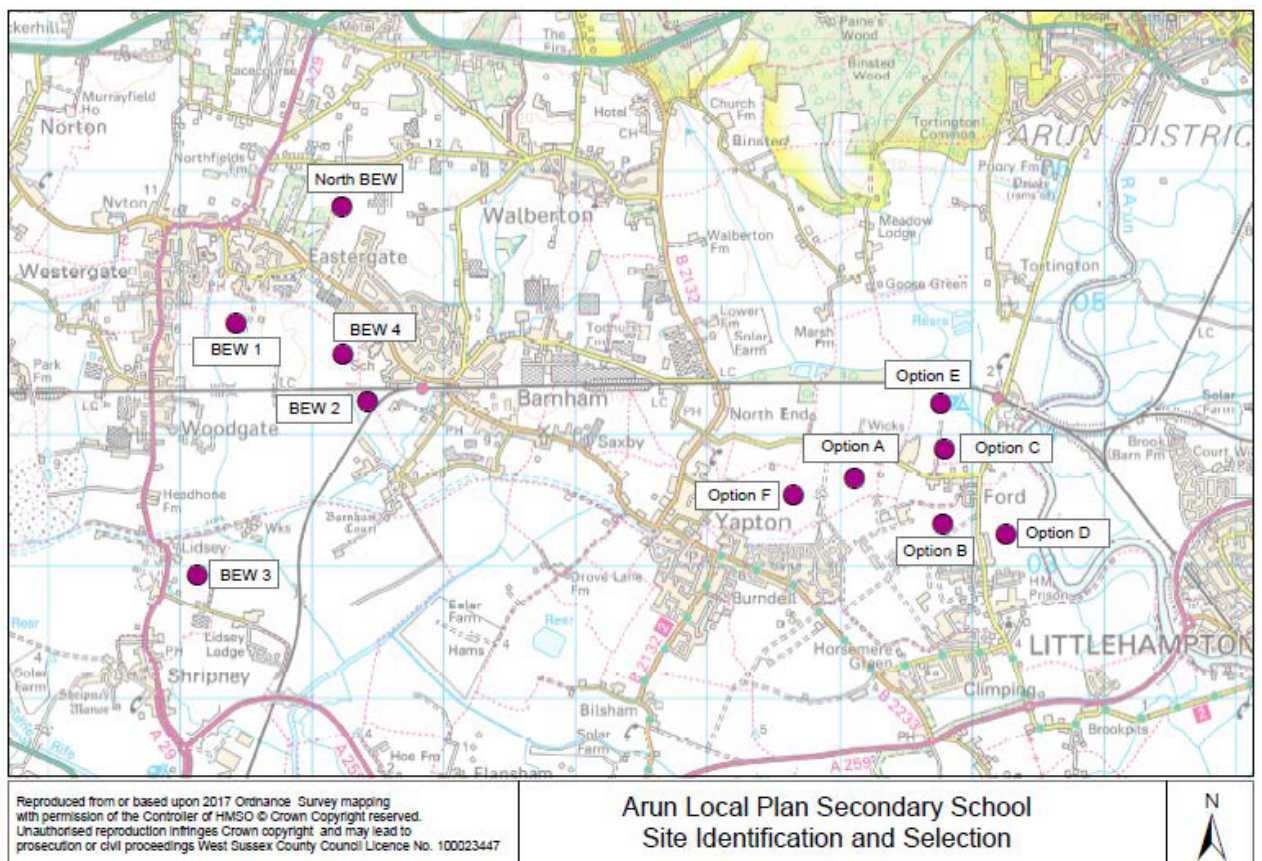
1. Supports the identification of Option/Site F as the preferred option for location of a 10 Form Entry Secondary School to support the Local Plan Strategic allocations. If this Option becomes undeliverable then it is recommended that the Council explore appropriate mechanisms to secure delivery of a 10 Form Entry Secondary School at either Site F or Site L and provide an appropriate report for consideration to this committee.

#### 1 BACKGROUND

- 1.1 Arun District Council (ADC) adopted The Arun Local Plan on 18<sup>th</sup> July 2018. <https://www.arun.gov.uk/adopted-local-plan> and as part of the Plan, Policy INF SP2 sets out the requirement for a new 6 form entry secondary school with expansion land for a 4 form entry expansion adjacent on a site of at least 10 hectares to serve the expected new growth from the strategic allocations.
- 1.2 West Sussex County Council (WSCC) previously published a separate document explaining why a new secondary school is needed, as evidence to support the Arun Local Plan. This document sets out the identification and selection of potential sites and is intended to build on, rather than replace, the earlier document called; "Secondary Education in Arun District in Document reference SEDP3d" (See

**Background paper 3** SEDP3d Update to School provision in Arun District). As such Arun District Council is required to allocate a suitable and deliverable site for a 10 form entry Secondary School.

- 1.3 As the need for a new secondary school is closely related to the need arising at the location of new development, the focus in identifying potential sites has been initially to work with the strategic site promoters to identify land which could become available for use as a secondary school. The largest strategic site allocations are at Barnham, Eastergate, Westergate (BEW) Climping and Ford, where large numbers of secondary school pupils will be expected to be living in the future.
- 1.4 The BEW and Ford strategic site promoters subsequently identified eleven sites on land within their control that could potentially be utilised for a new secondary school. A desk top site assessment was done by WSCC and ADC (independent of each other) for the 11 sites brought forward by the site promoters (See **Map 1** below). This document concluded that the site assessment by WSCC and ADC officers identified two sites (options C and F) that are potentially suitable and could be available for use as a secondary school during the plan period, subject to all necessary feasibility, design, consultation and statutory processes. It also concluded that other sites could also potentially be suitable but are likely to require more detailed assessment and design of mitigation measures.



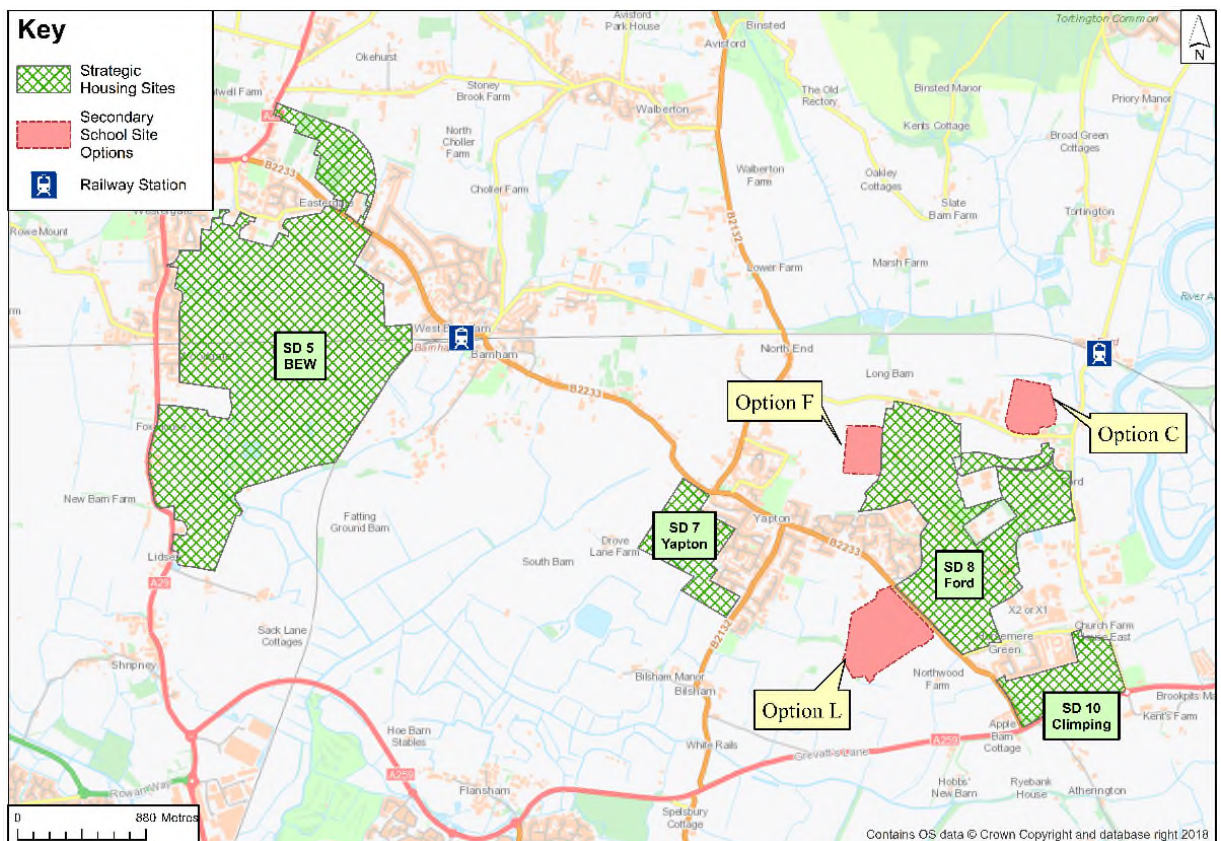
**Map 1: Potential sites for secondary school**

- 1.5 As such, one further site option L was identified by ADC officers and a desk top site assessment using the same criteria was done (June 2018). The location of option L with regard to the strategic allocations also made it potentially suitable along with



options C and F.

- 1.6 The next step was to further assess these three shortlisted sites (See **Map 2** below). ADC subsequently commissioned Systra to undertake a study to further assess those three shortlisted sites and to make a recommendation on the preferred location/site for the secondary school. This recommendation would then be used to inform the final selection of a suitable and deliverable site for the new 10 form entry Secondary School for Arun.



**Map 2: The three shortlisted sites**

### **The Secondary School Site selection Study**

- 1.7 The brief established a set of criteria to identify the key issues that could make a site suitable/unsuitable and also to reduce delivery risks to the education provider. This would assist officers from ADC and WSCC in discussions with site promoters and stakeholders, to select the most suitable and deliverable site for the secondary school.
- 1.8 The aim of the study was to identify a secondary school site which is accessible, safe and maximises sustainable transport options in the central area of the District, without having severe impact on the highway network while also providing a safe journey to and from the school.
- 1.9 The study explored the different accessibility scenarios for each option alongside the key site constraints. These scenarios also set out the mitigation required in order to maximise safe sustainable transport options to the new Secondary School

from Barnham, Eastergate, Westergate (BEW) Climping, Yapton and Ford Strategic Allocations including to the existing main settlements in the central area of the District, without having severe impact on the highway network. This would meet the County Council's requirements and the terms of the Arun Local Plan Policy INF SP2.

- 1.10 The Study (**See Background papers 1 and 2**) recommended that: *"...considering the accessibility of the sites and the constraints identified it is considered that Option L is the most favourable site for a secondary school, arguably followed by Option F with Option C the least favourable."* It also concluded that: *"..overall it is evident that all the sites provide an opportunity for a secondary school with Option L chosen as it provides greatest certainty by not being reliant on nearby schemes and having the fewest risks."*
- 1.11 Whilst the study and its recommendation of Option/Site L is supported, it is vital to note that the study is clear that there are various mitigation issues required with each of the sites/options that could make each of them suitable. A key consideration is railway infrastructure and proximity to Ford Railway station. Whilst this is a positive opportunity in many regards, there is however, a concern around the capacity of the station to accommodate the likely numbers of pupils. Station capacity and safety considerations at both Ford and Barnham train stations have been highlighted to Network Rail and their advice was sought on those concerns and the potential mitigation measures which would be needed.
- 1.12 Network Rail identified capacity and safety issues for both the Ford and Yapton level crossings with a need for a foot bridge at Ford station. They also highlighted capacity issues on the train coaches themselves and the platforms, as it was felt it would most probably not be viable to add an extra coach for one stop. They suggested that in tandem with using rail travel, cycling should be highly promoted as a sustainable mode of transportation.
- 1.13 The Site Study has identified various improvements that would be required to serve a secondary school in each location and whilst the study recommended Option/Site L as the preferred site for the school, it is an evidence document which has to be weighed up with other considerations to inform the decision on a site.
- 1.14 Therefore, as part of assessing updates on the status of each site, ADC consulted the following landowners/stakeholders to get their views on the sites and to rank the three sites in order of their preference with commentary on reasons for the conclusions:
- Barnham Parish Council
  - Eastergate Parish Council
  - Ford Parish Council
  - Climping Parish Council
  - Yapton Parish Council
  - Site promoter for Sites C and F
  - Landowner of Site L
  - WSCC- Education

- WSCC – Highways and Transport
- Network Rail

- 1.15 The responses received on the ranking of the possible sites are tabled in **APPENDIX 1** at the end of this report. The rankings were mixed and the reasons for ranking sites were quite varied. All of the responses were reviewed and considered.
- 1.16 Deliverability of a site is a key component in progressing a project. It is therefore, important to note that the owner of Option/Site L has confirmed on several occasions that they do not wish for their site to be considered for a secondary school. This has significant implications for the site, as it would require a Compulsory Purchase Order (CPO) in order for The Council to acquire Option/Site L.
- 1.17 The law and procedure relating to compulsory purchase is complex and whilst a CPO can be used to acquire land for strategic projects, it should be a last resort. In this scenario, it is vital to note that The Study is clear that there are various mitigation issues with all the sites and as such all of them can be made suitable. Therefore, it may not be in the public's interest for the Council to pursue Option/Site L whilst Option/Site F is an available, suitable and deliverable option.
- 1.18 In terms of preference overall, when you compare the comments in the summary for each site there is little to choose between F and L. The recommendation is therefore to progress the allocation of Option/Site F for the Secondary School and to begin addressing the key mitigation measures identified in the study. Option/Site L would remain as a reasonable alternative should its availability change.

#### **NEXT STEPS**

- 1.19 Should the Council agree that Option/Site F is to be allocated as the Secondary School site, the formal legal process will commence. It is important to note that at this stage, the site is only being allocated and will still be subject to all necessary feasibility, design, consultation, planning and statutory processes. A subsequent planning application will need to be made either by the developer of the secondary school or West Sussex County Council.
- 1.20 The new school shall be delivered through a legal agreement which sets out how and when the facility will be delivered to meet the education requirements of the WSCC as the Local Education Authority (Policy INF SP2 – bullet point d). This legal process will need to be progressed in consultation with WSCC.
- 1.21 Officers will begin addressing the key mitigation measures identified in the study in order to progress the allocation. Linkages between the strategic allocations and Site F should be included in the masterplanning of the strategic sites to ensure safe cycleways and footpaths are provided. Where linkages exist along Bonhams Farm and the Old Canal area, these will need upgrading and extending to provide a complete and consistent cycle link route. These pedestrian and cycling enhancements will need to be co-ordinated through Development Management decisions to secure their delivery.
- 1.22 Officers will bring this item back to Planning Policy Sub Committee at appropriate

stages throughout the process.

**2. PROPOSAL(S):**

In order to ensure that there is the required level of secondary school provision in Arun, the recommendation is that Option/Site F is allocated as the site to provide a new secondary school in accordance with Policy INF SP2 and any other relevant policies of the Development Plan. However, should option F become undeliverable, then it is recommended that the Council explore appropriate mechanisms to secure delivery of a 10 Form Entry Secondary School at either Site F or Site L.

**3. OPTIONS:**

The other option is to not progress and allocate a site for the secondary school. This would risk going against the Local Plan and cause the Council to be in a position where there would be unplanned development (i.e. Strategic Allocations not supported by necessary infrastructure such as provision for school places) and risk failing to deliver the Local Plan.

**4. CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	x	
Relevant District Ward Councillors		x
Other groups/persons (please specify)		
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		x
Legal		x
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

**6. IMPLICATIONS:**

Possibly a modest impact on the delivery of the housing trajectory timetable.

**7. REASON FOR THE DECISION:**

The decision is intended to ensure that Arun can allocate a site for the Secondary School and continue to secure development that is plan led and consistent with sustainable development and with the aims and intentions of the recently adopted Local Plan.

**9. BACKGROUND PAPERS:**



- **Background paper 1** SEDP8 Secondary School Site Selection Study- SITE STUDY (dated 05/12/2018) <https://www.arun.gov.uk/local-plan-secondary-evidence>
- **Background paper 2** SEDP9 Secondary School Site Selection Study- SITE SELECTION STUDY – NON TECHNICAL SUMMARY (dated 05/12/2018) <https://www.arun.gov.uk/local-plan-secondary-evidence>
- **Background paper 3** SEDP3d Update to School provision in Arun District (ADC Local Plan Examination Library) <https://www.arun.gov.uk/local-plan-secondary-evidence>
- **Background paper 4** SEDP3c Appendix 2 Strategic Housing Secondary Education Requirements (ADC Local Plan Examination Library) <https://www.arun.gov.uk/local-plan-secondary-evidence>

## APPENDIX 1:

The responses received on the ranking of the possible sites are tabled below:

Consultee	Responded	Summary of Comments received	Site Ranking																												
Barnham PC	yes	<ul style="list-style-type: none"> <li>Support, with qualifications, to site L</li> <li>That a bus shuttle service is added to facilitate use of Ford and Barnham Railway Stations</li> <li>That traffic calming and safety options are researched for upgrading the Yapton Road between the Barnham railway bridge and the new school site</li> <li>That the old canal is upgraded to provide a traffic free route from the BEW Strategic Development (SD5) to the new school.</li> </ul>	1. Site L																												
Eastergate PC	yes	<p>My councillors agree with the consultants in naming Site L as the appropriate first choice, subject to the following qualifications. However, considerable concern is expressed as to the safety/risks relating to the use of Yapton Road for cycling to the proposed school.</p> <ul style="list-style-type: none"> <li>That a bus shuttle service is added to facilitate use of Ford and Barnham Railway Stations</li> <li>That traffic calming and safety options are researched for upgrading the Yapton Road between the Barnham railway bridge and the new school site</li> <li>That the old canal is upgraded to provide a traffic free route from the BEW Strategic Development (SD5) to the new school.</li> </ul> <p>I anticipate that the council will address the matter of the other two sites, and their preference, when the matter is considered at the next PC meeting on the 7th February.</p>	1. Site L																												
Ford PC	yes	<p>Each eligible Councillor voted for their choice as describe in the consultation document as follows:- 3 points first choice 2 points second choice 1 point last choice.</p> <p>We were asked to vote on the sites not on the quality of the information in the report.</p> <p>Results for school site votes:-</p> <table border="1"> <thead> <tr> <th></th> <th></th> <th></th> <th></th> <th></th> <th></th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>L</td> <td>3</td> <td>1</td> <td>3</td> <td>3</td> <td>3</td> <td>13</td> </tr> <tr> <td>F</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>10</td> </tr> <tr> <td>C</td> <td>1</td> <td>3</td> <td>1</td> <td>1</td> <td>1</td> <td>7</td> </tr> </tbody> </table> <p><b>Please note that the NDG did not vote for the site in Ford and it is not in the Neighbourhood Development Plan so the Council reserve the right to object to the development at a later stage of planning.</b></p>							Total	L	3	1	3	3	3	13	F	2	2	2	2	2	10	C	1	3	1	1	1	7	1. Site L 2. Site F 3. Site C
						Total																									
L	3	1	3	3	3	13																									
F	2	2	2	2	2	10																									
C	1	3	1	1	1	7																									
Climping PC	yes	<p><b>First Preference:</b>  <b>Option C</b> (close by Ford Railway Station) is our</p>	1. Site C 2. Site F																												

		<p>first preference:</p> <p>It is the only option with meaningful public transport (rail from Barnham or Littlehampton – there is a 1000 home strategic site proposed on the west bank of the Arun). Our view is that options F and L will both have significant adverse highways impacts given the dearth of meaningful bus routes, pedestrian walk ways and cycle paths in the area, as the study notes.</p> <p>The need for a route to bridge the railway should not limit the option as other bridge routes closer to Ford railway station should be available. The route shown in the Local Plan is purely notional and completely unfunded.</p> <p><b>Second Preference:</b>  <b>Option F</b> (adjacent to Yapton and the Ford development) is our second preference as it is well placed to serve Yapton and Ford directly. Suitable road and footpath infrastructure will be needed within strategic site SD8 in all eventualities. It also has the advantage of limiting the number of journeys traversing Yapton completely on the Yapton road that would be needed in Option L.</p> <p><b>Third Option is considered completely unsuitable:</b>  <b>Option L</b> site in Clymping is completely unsuitable given the mix of industrial activities, associated HGV movements and rifle ranges. The noise, dust and traffic generated by the recently approved cement works are not compatible with a school environment. Expansions to the waste handling are also in train at the site (WSCC/002/19/CM). Traffic movements on the Yapton Road at the proposed location and to south are already a matter of high concern locally. There are no guarantees that meaningful improvements to the Oystercatcher junction will be delivered and the Yapton Road from A259 to the Option L site is completely unsuitable for pedestrians and cyclists.</p> <p><b>Missing Option</b>  Given that the study anticipates 60% of pupils will come from Barham /Eastergate /Westergate we are confused why an option is not being considered adjacent to the B2233 between Barnham and Yapton.</p>	3. Site L
Yapton PC	yes	<p>YPC are strongly of the view that the proposed new secondary school should be to predominantly support the growing need of the Six Villages to the West of the River Arun. YPC key criteria in assessing the most suitable location for a new secondary school are:</p> <ol style="list-style-type: none"> <li>1. Proximity to new Strategic Housing Sites</li> </ol>	1. Site L

		<p>2. Good sustainable transport links for all future students in the Six Village area eg bus, cycle ways and walking.</p> <p>3. A site that is not dependent upon additional new infrastructure thus ensuring quick deliverability when required.</p> <p>Based on the above key criteria and assessing alongside Systra's recommendations set out in Table 12 School Sites Comparison dated 05/12/2018 YPC strongly support option L.</p> <p>YPC strongly oppose Option C based on its high flood risk which places a question upon its future sustainability credentials. YPC also view this as a site biased towards students with good access to trains which would exclude all children in the Ford, Clymping and Yapton areas thus only favouring Barnham students where there is already access to two existing secondary schools.</p> <p>YPC are also opposed to option F. Option F is less accessible to children from both Clymping and Barnham and is a 20 minute walk from SD7 compared to Option L which is accessible by bus from SD7.</p> <p>Option F would also significantly reduce the potential to provide a visual separation between Ford and Yapton and therefore be contrary to the ALP's Policy HSP2c (SD8).</p> <p>YPC therefore support Option L only.</p>	
Site promoter for Sites C and F	yes	<p>While both sites (Options C and F) are currently 'available', our strong preference would be for the secondary school to be delivered at Option F. This is because Option C would not place the secondary school in the most sustainable location, would compromise the wider masterplan and is therefore not available for use as a secondary school.</p> <p>In terms of the planning status of sites C and F, both sites fall outside of the Neighbourhood Plan and Local Plan allocation. While site F forms part of a Local Gap policy in the emerging Neighbourhoods Plan, the policy notes that "<i>Within this area development will not be permitted unless it does not prejudice the openness of the local gap.</i>" Therefore, providing openness is retained, development is not considered unacceptable, as confirmed by the Examiner's Report.</p> <p>Both sites are in agricultural use, while there are some barns in the bottom south east of the drawn area for site C, which are in B2 and B8 use.</p>	<ol style="list-style-type: none"> <li>1. Site F</li> <li>2. Site C</li> </ol>
Landowner of Site L	yes	<p>In reply to your letter dated 10th Dec, I can confirm that I do not wish my site to be considered for a secondary school.</p>	

		<p>The map that you have included this time shows a much larger area of land than the original 10ha and includes land in a Trust which, although I am a Trustee, I do not own. It is already developed and in 30year leases so would not in any case be deliverable.</p> <p>My objection is that by taking this land you would fundamentally jeopardise my farm business. This time you have included my main farm entrance, workshop, grain store and working areas which would, in effect, wipe out my farm.</p> <p>You have also failed to take into account in your assessment, the TJ Recycling Centre, the Rifle Range and the Concrete Batching Plant due to be built in February.</p> <p>This land is simply not deliverable and should not be considered.</p>	
WSSC- Education	yes	<p>Feel strongly that the decision over which of the sites should be allocated for the secondary school still rests with Arun DC. It is noted that the consultants have recommended Site L as the preferred option 'as it provides greatest certainty by not being reliant on nearby schemes and having the fewest risks'. However, when you compare the comments in the summary for each site there is little to choose between any of them. Also, it is understood that the Ford promoters are able to deliver the school as the land is in their current ownership and current residents of Ford are understood to be accepting of the secondary school.</p> <p>Throughout discussions WSSC have always asked that any school site is best situated to encourage walking, cycling and public transport modes of travel rather than encourage car journeys.</p> <p>It is not clear from the documents how "available" option L is. WSSC suggest that sites F &amp; L rank above C but can't state in what order.</p>	<ol style="list-style-type: none"> <li>1. Sites F &amp; L</li> <li>2. Site C</li> </ol>
WSSC – Highways and Transport	yes	<p>Following on from WSSC comments, a view from a highways and transport perspective is as follows.</p> <p>There is risk to any of the sites; the Systra report sets out the risk to delivery of site L should the Ford site not come forward, but does not give as much weight to the issues raised by WSSC on site L as to site availability and the studies own comment regarding site L still requiring investigations to determine if contamination is present. The Systra study has also made some</p>	<ol style="list-style-type: none"> <li>1. Site F</li> <li>2. Site L</li> <li>3. Site C</li> </ol>

		<p>simplified assumptions, reflecting the compressed period under which the study has been taken forward. This includes that the school pupils would only travel from the allocated strategic sites, that it would not alter the school choice for the surrounding existing area and that all pupils from the new strategic sites would attend the new school in preference to existing schools. It also includes that the link road access for the site F proposed to be provided has not been modelled as a sensitivity assumption, given that any such modelling would have to be notional in the absence of an agreed alignment and design.</p> <p>On the basis of the existing situation the order of ranking which Systra have suggested is understandable, however discussions are ongoing with the Ford site F and with the envisaged infrastructure this would offer an advantageous site.</p> <p>Site F would offer a site which is centrally located for the strategic areas. It would be in a quieter location than site L away from the main road, but be served by sustainable transport links to be provided by the Ford strategic development including new and improved pedestrian and cycle links and amended bus routes and service patterns. Site L would be on the other side of the Yapton Road, which would continue to be a busy route for through traffic from a lot of the homes in walkable distance and much of the walking routes to the site would continue to be alongside the road carriageway.</p> <p>Site C has the one main advantage of the rail access from Ford station, but for pupils from the allocated strategic sites this is only an advantage for pupils from the part of the BEW site which is in closer walking distance of Barnham station, which is to the eastern end of the BEW site. Elsewhere in the BEW site, bus is likely to be the main sustainable mode choice for school travel, whilst site C is worse for location and convenience of sustainable access from the Yapton and Ford strategic sites.</p> <p>On the basis of this rationale, it would be consider that for transport and access, once WSCC have greater certainty on the Ford strategic sites timescales and phasing of infrastructure package then the ranking is likely to change to be site F first, site L second and site C third.</p>	
Network Rail		<p>During the conference call, the Network Rail officer voiced concern over the impact on both Ford and Barnham stations. The preference was to encourage cycling and other sustainable methods of travelling due to capacity constraints at the station so option C was not encouraged. It</p>	1. Site F/L

		<p>was anticipated that Ford mitigation may include a £1/2 M foot bridge as a minimum.</p> <p>The Council was promised a written response from Network Rail following a conference call on 8<sup>th</sup> January 2019. The short email response confirmed that Option C was not a good location for the school.</p>	
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## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUB-COMMITTEE ON 27 FEBRUARY 2019

#### PART A : REPORT

<b>SUBJECT: Chichester Local Plan Regulation 18 (Preferred Approach) Public Consultation</b>
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<b>REPORT AUTHOR:</b> Kevin Owen, Planning Policy Team Leader
<b>DATE:</b> 29 January 2019
<b>EXTN:</b> 37853
<b>PORTFOLIO AREA:</b> Planning

#### EXECUTIVE SUMMARY:

This report sets out a proposed response to the emerging Chichester District Council Local Plan 2016 – 2035. This consultation is Regulation 18 draft plan ('Preferred Approach') stage and follows an 'Issues and Options' consultation in June 2017.

The public consultation runs from 13 December 2018 to 7 February 2019 and because of the closing date, a provisional response has been sent in consultation with the portfolio holder and will subsequently be confirmed by the committee with any amendments if necessary.

The draft plan proposes to meet a target housing figure of 12,350 dwellings over the plan period of 19 years. This figure is derived from an OAN based on the government's 2017 published Standard Housing Methodology (SHM). For Chichester District (excluding areas falling within the South Downs National Park (SDNP)) the SHM requires 775 dwellings per annum (dpa) circa 14,700 dwellings over the plan period in order to address "market signals" (i.e. housing affordability pressures). However, this minimum local housing need figure is then capped to 609 dpa in accordance with the SHM. Chichester have nonetheless, subsequently uplifted the housing target to 650 dwellings per annum (i.e. 12,350 dwellings over the plan period) in order to accommodate unmet housing needs from SDNP.

To support housing growth, 146,000 sqm of B1, B2 and B8 employment floorspace is to be provided and circa 61 ha of B class land allocated both to attract inward investment and foster identified local growth sectors (accommodating 1,428 to 3,700 B class jobs). An additional 86,000 sqm of B class floorspace will be provided to claw back existing and future losses of B2 manufacturing employment land and allow some market flexibility. The strategy aims would support the delivery of 8,900 to 14,900 jobs across all employment sectors over the plan period.

No unmet needs from other areas are provided for on the basis that the 'Duty to Cooperate' and strategic cross boundary issues including assessing and distributing unmet housing need, is anticipated to be resolve via the update to the Local Strategic Statement 2 to LSS3 which provides and will update a non statutory planning framework for the West Sussex and Greater Brighton Area. However, to date this work has made

insufficient progress and in the absence of an agreed strategy CDC should be making some provision for the unmet housing needs of other areas within the sub-regional grouping and possibly other areas beyond.

#### **RECOMMENDATIONS:**

That the Planning Policy Sub-Committee:-

1. Agree the conclusions set out in paragraphs 1.27 to 1.29 (inclusive) to this report be as Arun District Councils' formal response to the Chichester draft Local Plan Regulation 18 Consultation.
2. Conditionally supports Chichester's draft plan at this stage but would strongly encourage Chichester to consider doing more with regard to its capped housing target (as it has done for SDNP) to address unmet housing needs and to further clarify the plan's supporting evidence prior to submission, in order to minimise any potential risks posed to 'soundness under the 'Duty to Cooperate' in accommodating unmet housing need within the West Sussex and Greater Brighton Area.

#### **1. BACKGROUND:**

- 1.1 Chichester District Council (Chichester) are progressing a draft 'Chichester Local Plan' which will cover the planning authority area (i.e. the whole district but excluding that area covered by the South Downs National Park authority) for the plan period 2016 to 2035 (19 years).
- 1.2 The early review of Chichester's adopted Local Plan (July 2015) is necessitated because the examining Inspector recognised that Chichester was unable to meet all of its Objectively Assessed Need (OAN) not least because of uncertainty over infrastructure delivery such as the A27 Chichester bypass and waste water treatment capacity.
- 1.3 An 'Issues and Options' consultation subsequently took place in 2017. This looked at a development strategy focussing strategic scale development (above 500 dwellings) on 10 broad locations distributed on an east – west A27/A259 transport corridor. This corridor includes locations at east and west of Chichester the sub-regional town, and further locations at the key settlements at Wittering and Selsey in the south. In addition 33 non-strategic locations (i.e. between 100 and 500 dwellings) were also assessed. The current Regulation 18 consultation stage is the draft plan (i.e. Preferred Approach) and is drafted in response to comments previously submitted on 'Issues and Options'.
- 1.4 Arun District Council (Arun) provided a draft response by email to the earlier 'Issues and Options' on 1 August 2017 raising a number of cross boundary matters which acknowledged Chichester's support for Arun's own local plan preparation but requested that Chichester explore spatial options to the south and south east towards the Bognor Regis boundary and test more flexible development scales below 500 dwellings which would provide more opportunities to meet the OAN in full and to work with Arun closely on the transport evidence to test implications across the transport network and any cross boundary infrastructure implications.

## REPORT

- 1.5 Chichester's 'Preferred Approach' sets out a vision to deliver sustainable growth including securing: a range of affordable housing to meet varying needs; economic diversification and innovation to satisfy and boost skill levels; sustainable transport, and safe and healthy lifestyles; community identity; and supporting infrastructure while protecting the environment and heritage. The vision is supported by 32 objectives devised around economy, housing, and neighbourhoods, environment, health and wellbeing, strategic infrastructure, waste water treatment and water supply, water resources and flood risk management.
- 1.6 Based on a Sustainability Appraisal (SA) and other evidence, the spatial strategy for future development remains broadly similar to that consulted on at the 'Issues and Options' stage i.e. based on a settlement hierarchy, focussed on 10 broad locations distributed on an east – west A27/A259 transport corridor including locations east and west of Chichester the major "sub-regional" town. However, an additional strategic option of the Southern Gateway (350 dwellings) at Chichester is included while strategic option Oving/Drayton is dropped for sustainability reasons.
- 1.7 Further allocations focus on the lower tier 'settlements hubs' at Southbourne and at Tangmere (the latter is considered to provide additional bus services and cycle ways for improved connectivity between Chichester and east to Barnham and 'the five villages' in Arun) and Wittering and Selsey (in the south/Manhood peninsula) and other 'Service Villages' lower in the settlement hierarchy. Neighbourhood Plans are also anticipated to deliver an 'indicative' target of 500 dwellings.
- 1.8 To deliver the east-west axis for development, the strategy will be supported by, and help to deliver, transport improvements including to the A27 and selected junctions (including the A259 and Bognor Regis roundabout) and on the wider Chichester network. The Chichester Transport Study December 2018 adds cross boundary commitments (i.e. planning permissions for housing and employment) to the 'reference case' which includes the Strategic Allocations within Arun factored within the TEMPRO model growth assumptions, in order to test the Chichester Local Plan development scenarios against the 'reference case' at 2035/6.
- 1.9 Chichester's 'Preferred Approach' proposes to meet 650 dpa (i.e. 12,350 dwellings over the plan period) based on an OAN derived from the government's proposed Standard Housing Methodology (SHM) published in 2017 and with an added uplift provided in order to help meet unmet needs arising within SDNP. This level of housing growth is supported by provision of 61 ha of B class employment land.
- 1.10 The above 'Preferred Approach' figures therefore, show a substantial increase in development and housing numbers compared to circa 435 dpa (7,388 dwellings) and 25 ha of employment land in the adopted Chichester Local Plan Key Policies (July 2015) for the plan period 2014 to 2029 (the adopted plan will be replaced, although some land and sites will be carried forward). The step increase in Chichester's OAN is therefore, attributable to the fact that the adopted Local Plan does not meet its full

OAN.

- 1.11 Chichester's 'Preferred Approach' consultation is accompanied by and based on numerous evidence studies including a Housing Employment Land Availability Study (HELAA) and a Housing and Employment Needs Assessment (HEDNA), Sustainability Appraisal and Habitats Regulation Assessment and Transport Study.
- 1.12 The HEDNA study clarifies that the OAN is based on the Government's September 2017 published SHM (based on 2014 population projections which are higher than the recently published ONS 2016 sub national population forecasts). The 10 year projection 2016-2026 generates 5,165 households and adjustment for market signals (i.e. affordability pressures measured by median house prices which are 12.22 times greater than median workplace wages in Chichester) equates to a 51% uplift resulting in an increased figure of 7,750 households (775 pa).
- 1.13 However, the SHM then applies a cap at 40% above each district's recently adopted housing target (i.e. adopted within the last 5 years from the date of the calculation) to ensure housing deliverability. The cap for Chichester equates to 609 dpa which is below the minimum local housing need 775 dpa. Nevertheless, the cap has been uplifted to 650 dpa to address unmet need only from SDNP.
- 1.14 No unmet need from other authorities is specifically allowed for on the basis that there has been no request from 'neighbouring authorities' under the 'Duty to Cooperate'. Any such strategic cross boundary issues including assessing and distributing unmet housing need, is anticipated to be resolve via the update to the Local Strategic Statement 2 to LSS3. The 'Preferred Approach' identifies cross boundary Strategic Objectives set out in the LSS2 for this area as:-
- **Spatial Priority 2:** Chichester City/Tangmere/Bognor Regis gives priority to the infrastructure improvements needed to support delivery of strategic employment and housing sites identified in the Chichester and Arun Local Plans.
- 1.15 The HEDNA recognises that Chichester shares both a Housing Market Area and a Functional Economic Market Area with the west of Arun. However, the 'Preferred Approach' consultation appears to rely on the LSS3 process to address issues of strategic significance such as unmet housing needs across the West Sussex and Greater Brighton Area.
- 1.16 The HELAA considered a 'call for sites' based for the 2017 'Issues and Options' stage and considered sites that were 6 units and above and not already allocated or having planning permission. The HELAA has not been updated to a 2018 position.
- 1.17 With regard to employment, the HEDNA examines demand from 8,900 to 14,900 jobs across all employment sectors over the plan period. Within this 1,428 to 3,700 B class jobs could be sustained requiring 146,000 sqm of B1, B2 and B8 employment floorspace to be allocated to provide local jobs, attract inward investment and foster identified local growth sectors. An additional 86,000 sqm of foorspace will be provided to claw back anticipated future losses of B2 manufacturing employment land and to allow for market flexibility. The Horticultural sector has been allocated 32 ha for glasshouses to meet future needs.

1.18 There appears to have been no recent Employment Land Review (latest is 2013) or urban/employment land capacity assessment and whether this presents any significant evidence on the development strategy to be adopted.

### **Key Issues**

1.19 Arun District Council has an adopted Local Plan for the planning authority area (i.e. excluding areas of Arun falling within the SDNP) which has already made provision under the 'Duty to Cooperate' to accommodate some of the need arising in Chichester (and Worthing) which when combined amounts to some 1,600 dwellings (Inspectors report July 2018 paragraph 19) with the recognition that other areas such as Adur, Worthing and Brighton face unmet need and the expectation that such authorities would undertake early reviews of adopted local plans informed by LSS3.

1.20 Chichester 'Preferred Approach' goes significantly towards shaping a sound plan in terms of strategy following on and responding to representations made on the Issues and Options stage and is to be commended. However, there are a number of identified technical and evidence challenges, which should be addressed to improve the soundness of the plan before submission (see further below) as well as to address a fundamental 'soundness' risk under the 'Duty to Cooperate'.

1.21 The key 'soundness' risk relates to unmet housing need across the wider area. Chichester is meeting its own needs under the SHM (i.e. not exporting any needs to Arun) as well as contributing towards unmet needs from SDNP. Nevertheless in reality, Chichester's overall housing target is capped below its minimum local housing need identified in the HEDNA and the target of 12,350 dwellings is short of a strategy aimed at accommodating 14,900 jobs.

1.22 Worthing Borough is currently not proposing to accommodate a significant unmet housing need on the eastern border with Arun. While Chichester does not share a boundary with Worthing, Chichester is, with Arun, included within the West Sussex and Greater Brighton Area (which includes Adur, Worthing Brighton and Lewes). Chichester and the west of Arun are also economically and demographically linked via a HMA and FEMA and as well as sharing key strategic infrastructure including the A27, A259 and Southern rail network linking the ports in the west, coastal towns in the east (including Worthing) and onwards north to Greater London. Chichester's development strategy is fundamentally, based on east-west transport accessibility and significant aspirations to drive economic growth by a margin above its capped OAN, that relies on strategic commuting capacity across this axis of the transport network.

1.23 Under the 'Duty to Cooperate' authorities must identify cross boundary matters and try to resolve these matters through cooperation leading to Statements of Common Ground or Memoranda of Understanding. This is a clear requirement of the revised National Planning Policy Framework 2018 and paragraph 35 states

*"...c) Effective – deliverable over the plan period, and based on effective joint working on cross boundary strategic planning matters that have been dealt with rather than deferred , as evidenced by the statement of common ground; and..."*

1.24 Chichester's Local Plan will be examined under the requirement of the NPPF 2018. The LSS3 process has been delayed pending resource and governance arrangements being adequately put in place in order to secure real outcomes on the future distribution of any unmet needs. Authorities within the sub region therefore, face significant risks should the LSS3 not deliver outcomes and delivery commitments in a timely manner. Consequently, there is a big risk to plan making within the sub-region with emerging plans potentially being found unsound or failing under the 'Duty to Cooperate' and requirements of the NPPF 2018 which requires a sequential approach to neighbouring authorities\areas with every effort to be made to accommodate development where need is generated, before approaching neighbours to consider whether need can be suitable/sustainably accommodated there.

1.25 Arun has objected to Worthing's local plan preparation on the basis that Worthing is not meeting it's OAN and is exporting a substantial level of unmet need that is likely to have significant implications for Arun's communities and infrastructure, as well as elsewhere. Arun, including other authorities within the West Sussex and Greater Brighton Area, must leave 'no stone unturned' in seeking strategies and solutions to this unmet need and potentially other unmet need when preparing development plans in order to comply with para 35 of the NPPF 2018. Unmet housing need is therefore, already a material issue for plan making - even for those nearing more advanced preparation stages and this will be under scrutiny at examination. Until the LSS3 process delivers, which remains uncertain; authorities will be expected to demonstrate what they have done now to address issues known about now.

### **Conclusions**

1.26 Chichester's emerging plan provides a clear and justified strategy to delivering growth requirements in meeting Chichester's capped OAN (which accords with the Government's SHM) but also addressing unmet needs for SDNP - which is to be commended.

1.27 However, Arun considers that its support for Chichester's 'Preferred Approach' draft Local Plan going forward is subject to progressing the following actions before publication stage. Chichester is encouraged to:-

- consider whether it can do more before publishing its Regulation 19 plan, with regard to addressing unmet need within the West Sussex and Greater Brighton Area (as it has done for SDNP)
- consider the scope for introducing policy trigger mechanisms or building in housing contingency options that would help to exceed 12,350 dwellings and deliver supporting infrastructure in order to minimise any potential risks posed to 'soundness under the 'Duty to cooperate' should the LSS3 not deliver a timely and committed outputs on distribution unmet housing needs;
- make the plan's supporting evidence clearer on whether there is any remaining capacity to deliver higher housing numbers e.g. via density and making the best use of accessible land including previously developed land or subsequent testing of 'indicative Parish housing requirements';
- make the plan's supporting evidence clearer on the justification for the imbalance between households and jobs and consequent commuting implications, given the Transport Study 2018 modelled pressures across the east-west transport axis at

- 2035 - even with mitigation (e.g. junctions and links on A259, A27 and A29);
  - provide further clarification and cooperation on the potential mitigation for resolving this given that the sub-region is facing unmet housing need and pressure to deliver further growth;
  - The Statement of Common Ground (2017) between Arun and Chichester should be updated and will need to set out an understanding of these cross boundary issues and how they will be resolved.
- 1.28 Chichester is strongly urged to address these points to ensure that Arun can continue to support the plan at Publication stage (Regulation 19) based on robust evidence of housing need including the existing known unmet housing need within the West Sussex and Greater Brighton Area should the LSS3 process fail to deliver.
- 1.29 Chichester's proposed plan period runs from 2016 to 2035 (19 years). There may be advantages to consider rolling the plan to 2036 which may assist with meeting full plan needs, maximise the utility of its evidence base (which includes 2036 data) and assist with coordinating plan making to common cycles to assist with joint evidence preparation and strategic cross boundary planning.

**2. PROPOSAL(S):**

That the report is noted and the recommendation agreed as the Councils formal response to the Chichester 'Preferred Options' draft Local Plan Regulation 18 public consultation.

**3. OPTIONS:** To provide qualified support or to object to Chichester's draft Local Plan

**4. CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify)		
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	YES	NO
Financial		X
Legal		X
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X

Technology		X
Other (please explain)		X

**6. IMPLICATIONS:**

The potential impact on Arun’s environment, infrastructure and communities arising from unmet needs from a neighbouring local authority and implications for the soundness of plan making including risks under the ‘Duty to Cooperate’ as well as coordination of plan making timetables.

**7. REASON FOR THE DECISION:**

To ensure that Arun can continue to shape development to be plan led and consistent with sustainable development in addressing its own needs as well as ensuring that “neighbouring areas” meet their own needs including any unmet needs through an agreed strategic approach across the West Sussex and Greater Brighton Area.

**9. BACKGROUND PAPERS:**

All relevant documents, including the evidence base and response form can be viewed on the Chichester District Council’s website: [www.chichester.gov.uk/localplanreview](http://www.chichester.gov.uk/localplanreview)



## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUB-COMMITTEE ON 27 FEBRUARY 2019

#### PART A : REPORT

**SUBJECT: Brownfield Land Register 2018**

**REPORT AUTHOR:** Kevin Owen, Planning Policy Manager

**DATE:** December 2018

**EXTN:** x 37579

**PORTFOLIO AREA:** Planning

#### **EXECUTIVE SUMMARY:**

The production of a Brownfield Land Register is a requirement under the Town & Country Planning (Brownfield Land Register) Regulations, 2017. The Register is to be established in two parts (i.e. Part 1 and Part 2 explained below) and is to include all brownfield sites that are suitable for residential development. The Register is to be updated at least annually.

The Council published its first Brownfield Land Register (Part 1) in December 2017 which comprises all brownfield sites that meet the criteria set out in the Brownfield Land Regulations. This report provides a 2018 update to the 2017 Register.

The updated Part 1 uses data from the 2018 Housing and Economic Land Availability Assessment (HELAA) as the starting point.

The methodology for the Arun District Council Brownfield Land Register (Part 1) and the next steps are set out in this report. Part 2 of a brownfield land register is a subset of Part 1. Part 2 will comprise only those sites in Part 1 that the local planning authority has decided that the land would be suitable for a grant of permission in principle for residential development. A Part 2 of the brownfield register has not yet been established because this requires a significant level of technical work and legal/procedural steps as described in this below.

The key findings for Part 1 can be summarised as follows:

- There are 33 sites on Part 1 of the Register in total (17 sites have extant planning permission)
- There are 12 new sites added to the Register this year (10 sites have extant planning permission)
- 4 sites which were on the 2017 Register have been removed as their extant planning permissions have now been implemented.

It is important to note that the inclusion of a site on Part 1 of the Register does not mean it

will automatically be granted planning permission or permission in principle. It is, when the Council consider it appropriate to enter sites on Part 2 of the Register, which will trigger a grant of permission in principle (PiP). If a site is considered to be suitable for inclusion in Part 2 there are several steps that the legislation requires to be followed including consultation.

## **RECOMMENDATIONS:**

That Planning Policy Sub Committee:-

- 1) Agrees the 2018 Brownfield Land Register (Part 1).
- 2) Agrees that officers work towards the production of the Brownfield Land Register (Part 2) including the carrying out of consultation and publicity requirements, as well as other procedures in line with the Brownfield Land Register Regulations 2017.

## **1. BACKGROUND:**

- 1.1 The Town & Country Planning (Brownfield Land Register) Regulations, 2017 introduced a duty for local planning authorities (LPAs) to prepare, maintain and publish a register of brownfield land suitable for residential development within their areas.
- 1.1 Brownfield Land Registers must be kept in two parts. Part 1 establishes a baseline stock of 'brownfield land which meets specific previously developed land and delivery criteria (as described below). Part 1 of the register was first published in Arun in December 2017 and has recently been updated in 2018.
- 1.2 Part 2 introduce permission in principle (PiP) as a new route to obtaining planning permission for these sites that make it onto Part 1 of the register, in order to help to maximise the numbers of new homes built on brownfield land. There is currently no requirement to introduce Part 2 according to any target timescale although authorities are encouraged to progress Part 2 as soon as possible.
- 1.3 The broad aim of the Brownfield Land Register is to ensure standardised information and data about brownfield land that is suitable and available for residential development, is made available nationally and is kept up-to-date. The Government envisages that this will improve the quality and consistency of data held by councils, provide greater certainty for developers and communities while encouraging investment in local areas.
- 1.4 Annex 2 of the National Planning Policy Framework (NPPF 2018) sets out the definition of "previously developed land" and Planning Policy Guidance (PPG) confirms that in relation to the production of Brownfield Land Registers, LPA's must use the definition contained within the NPPF 2018. Previously developed land is referred to as brownfield land. Sites must meet this definition to be included within the Brownfield Register.
- 1.5 Brownfield sites included within Part 1 of the Brownfield Land Register are required to meet the following criteria:
  1. **Size:** The site must be 0.25 hectares or larger, or capable of supporting at least

5 dwellings;

2. **Suitable:** The site is considered suitable for inclusion on the register if the land is allocated in a development plan document (e.g. a Local Plan), has planning permission or PiP for residential development. The land may also be included on the register if the Local Planning Authority considers it suitable for residential development having considered any adverse impact on the natural environment; the local built environment; heritage assets in particular; local amenity; and any relevant representations received (i.e. from third parties);
  3. **Available:** Sites are considered to be available for development if either all the owners of the site, or the developer in control of the land have expressed an intention to develop (or sell, in the case of an owners) the site within the 21 days before the entry date on the register. In addition, there must be no evidence indicating a change to that intention and the Local Planning Authority must be satisfied that there are no ownership or other legal matters that might prevent residential development taking place, having regard to information publically available on the date of assessment and any relevant representations received.
  4. **Achievable:** Based on publically available information and any relevant representations received, an achievable site is a site which, in the Local Planning Authority's opinion is likely to take place within 15 years of the entry date.
- 1.6 The Brownfield Land Register must be published in the 'open data' format requested by the Government and reviewed at least annually to ensure that sites which no longer meet the criteria for inclusion are removed and new sites are assessed and entered onto the register if it is appropriate to do so.
  - 1.7 Key components of the evidence base for this work are the local authority's Housing & Economic Land Availability Assessment (HELAA) together with planning application data and the Council's Local Plan evidence documentation. It therefore prudent to align the publication of this document with future iterations of the Housing & Economic Land Availability Assessment (HELAA), as far as this is practicable.
  - 1.8 The HELAA database has again been used as a starting point to identify sites for inclusion in the Brownfield Land Register. The Council has already established a process of identifying sites through the HELAA process and undertook a 'Call for Sites' for both the HELAA and the Brownfield Land Register in May / June 2018 in order to ensure that the most up to date information was available.
  - 1.9 The HELAA database was interrogated to identify all previously developed land over 0.25ha or considered suitable to accommodate five or more dwellings. If a site has planning permission for 5 or more dwellings then the site has been included even if it is under the threshold of 0.25 ha as set out in the Brownfield Land Register Regulations.
  - 1.10 The Council has then considered the sites against the brownfield land criteria to

consider whether the site meets the criteria set out in the Brownfield Land Register Regulations and has included these where they meet the criteria.

1.11 In addition to the criteria set out in Regulation 4 which define site suitability, Regulation 14A(7) of the Planning & Compulsory Purchase Act 2004 (as amended by the Housing and Planning Act 2016) also requires that when preparing registers of Land, Local Planning Authorities must also have regard to:

- (a) the development plan (including the adopted Arun Local Plan 2011-2031 and 'made' Neighbourhood Development Plans);*
- (b) national policies and advice (e.g. NPPF, Planning Practice Guidance);*
- (c) any guidance issued by the Secretary of State.*

1.14 Therefore, when considering sites for inclusion in the Brownfield Land Register a 'policy on' approach has been applied. This differs from the HELAA to which a 'policy off' approach has been applied.

### **PROPOSAL(S):**

2.1 The full schedule of sites included within the table in the main report will be published as the Council's Part 1 Brownfield Land Register 2018 which includes; sites which do not have planning permission; sites which already have planning permission (including outline) but have not yet been implemented; a justification as to any site has been included in the Brownfield Register (Part 1); maps for all sites without planning permission (whereas, those sites with planning permission are mapped as locations with site information accessed via through the Council's website). These are summarised as follows:

- There are 33 sites on Part 1 of the Register in total (17 sites have extant planning permission)
- There are 12 new sites added to the Register this year (10 sites have extant planning permission)
- 4 sites which were on the 2017 Register have been removed as their extant planning permissions have now been implemented.

2.2 The Council will seek to publish entries in Part 2 of the brownfield Register permission in principle) in in 2019 where any grant of PiP would be appropriate.

2.3 The Brownfield Land Register will be kept under review together with updates of the HELAA for efficiency, as far as this is practicable.

### **3. OPTIONS:**

The following options are available to Members:

- To note the Brownfield Land Register 2018 as evidence to support monitoring of housing supply and housing delivery; or
- Not to note the Brownfield Land Register 2018.

### **4. CONSULTATION:**

Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		<b>x</b>
Relevant District Ward Councillors		<b>x</b>
Other groups/persons (please specify): Call for sites May 2018	<b>x</b>	
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial		<b>x</b>
Legal		<b>x</b>
Human Rights/Equality Impact Assessment		<b>x</b>
Community Safety including Section 17 of Crime & Disorder Act		<b>x</b>
Sustainability	<b>x</b>	
Asset Management/Property/Land		<b>x</b>
Technology		<b>x</b>
Other (please explain)		
<b>6. IMPLICATIONS:</b> The Brownfield Land Register is necessary evidence to support monitoring of housing supply and promoting housing delivery through efficient reuse of existing previously developed land in accordance with national policy.		

**7. REASON FOR THE DECISION:** To ensure that the authority maintains a brownfield land register that is transparent and accessible to stakeholders and compliant with Brownfield Land regulations.

**9. BACKGROUND PAPERS:**  
Brownfield Land Register Final Report and spreadsheets 2018  
<https://www.arun.gov.uk/helaa>

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**Arun District Council**

**Brownfield Land Register (Part 1)**

**February 2019**

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## 1.0 Introduction

- 1.1 The Government is seeking to maximise the numbers of new homes built on brownfield land. The Town & Country Planning (Brownfield Land Register) Regulations, 2017 introduced a duty for local planning authorities to prepare, maintain and publish a register of brownfield land within their areas and introduced permission in principle (PiP) as a new route to obtaining planning permission for these sites.
- 1.2 The aim of the Brownfield Land Register is to ensure standardised information and data about brownfield land that is suitable and available for residential development, is made accessible nationally and is kept up-to-date. The Government envisages that this will improve the quality and consistency of data held by local planning authorities, which will help to provide certainty for developers and communities, encouraging investment in local areas.
- 1.3 Brownfield land registers also offer the potential for granting permission in principle (PiP) on suitable sites. Where sites are granted a PiP, it must then be followed by an application for Technical Detail Consent (TDC) to agree the details of the scheme before obtaining full planning permission.
- 1.4 The sites which make it onto the Brownfield Land Register for Arun District have been included in accordance with the Town and Country Planning (Brownfield Land Register) Regulations 2017 (referred to as 'The Regulations' in this document). Further information on the requirements are set out later in this document. It should be noted that Brownfield Land Registers include all brownfield sites that are suitable for residential development irrespective of their planning status however, their inclusion in Part 1 of the register does not automatically mean that a site will gain planning consent for residential use.
- 1.5 The Brownfield Land Register complements intentions set out in the National Planning Policy Framework (NPPF 2018) which encourages the effective use of land in meeting the need for homes and other uses, including making as much use as possible of previously-developed or 'brownfield' land. In addition, the strategy and policies of the adopted Arun Local Plan 2011-2031 seeks to minimise impacts on the countryside and environment and encourages, where possible, for development to make best use of available brownfield land and buildings, provided that it is not of high environmental value.

## 2.0 **Brownfield Land Register Requirements**

### ***Definition of previously developed land (PDL)***

- 2.1 Annex 2 of the National Planning Policy Framework (NPPF 2018) sets the definition of “previously developed land” as:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

The Planning Policy Guidance confirms that in relation to the production of Brownfield Land Registers, LPA’s must use the definition contained within the NPPF 2018. Previously developed land is referred to as brownfield land. Sites must meet this definition to be included within the Brownfield Register.

- 2.2 Registers must be kept in two parts:

**Part 1:** Comprises all brownfield sites that meet the criteria set out in the Brownfield Land Regulations. These sites have been assessed by the Local Planning Authority as being appropriate for residential development. This list will include sites with current full planning permission, outline planning permission or permission in principle, which are non-implemented, as well as sites without planning permission that meet the criteria.

**Part 2:** Is a subset of Part 1. Part 2 will comprise only those sites in Part 1 that the Local Planning Authority has decided that the land would be suitable for a grant of PiP for residential development. If a site is considered to be suitable for inclusion in Part 2 there are several steps that the legislation requires must be followed. If no sites are considered to meet the criteria for permission in principle, the Part 2 of the Brownfield register can be left empty.

- 2.3 Arun District Council will publish the Brownfield Land Register on the Council’s website. This will be in the ‘open data’ spreadsheet format requested by the Government. It is a requirement of the Brownfield Land Register regulations that the registers are reviewed at least annually to ensure that sites which no longer meet the criteria for inclusion are removed and new sites are assessed and entered if it is appropriate to do so. Windfall sites should be included in the register as part of this process where they meet the brownfield land criteria.

### ***Criteria for inclusion in Brownfield Land Registers (Part 1)***

- 2.4 Sites included within Part 1 of the Brownfield Land Register are required to meet the following criteria (as set out in Regulation 4 of the 2017 Regulations):

1. **Size:** The site must be 0.25 hectares or larger, or capable of supporting at least 5 dwellings;
2. **Suitable:** The site is considered suitable for inclusion on the register if the land is allocated in a development plan document (e.g. a Local Plan), has planning permission or PiP for residential development. The land may also be included on the register if the Local Planning Authority considers it suitable for residential development having considered any adverse impact on the natural environment, the local built environment, including heritage assets in particular, local amenity and any relevant representations received (i.e. from third parties);
3. **Available:** Sites are considered to be available for development if either all the owners of the site, or the developer in control of the land have expressed an intention to develop (or sell, in the case of an owners) the site and not more than 21 days before the entry date on the register, there is no evidence indicating a change to that intention; or the Local Planning Authority considers that there are no ownership or other legal matters that might prevent residential development taking place, having regard to information publically available on the date of assessment and any relevant representations received.
4. **Achievable:** Based on publically available information and any relevant representations received, an achievable site is a site which, in the planning authority's opinion is likely to take place within 15 years of the entry date.

### ***Brownfield Land Registers and Permission in Principle (Part 2)***

- 2.4 The inclusion of a site on Part 1 of a register does not mean it will automatically be granted planning permission or permission in principle. It is, however, possible for Local Planning Authorities to enter sites on Part 2 of the register which will trigger a grant of permission in principle. Sites suitable for residential-led development can only be included on Part 2 of the Brownfield Land Register after consultation and publicity requirements, and other procedures set out in the regulations have been met, (including Screening the site against the EIA requirements, if necessary), and the Council remains of the opinion that permission in principle should be granted.
- 2.5 Sites listed on Part 2 of the Brownfield Land Register will be granted "permission in principle" (PiP) for residential-led development. PiP will settle the fundamental principles of development (use, location, amount of development) for the brownfield site giving developers/applicants more certainty that development can come forward on the site. PiP will be granted for the provision of dwellings falling within the range specified in the relevant entry in Part 2 and for any non-residential development described in the entry.
- 2.6 A developer will not be able to proceed with development, until they have also obtained "*Technical Details Consent*" (TDC). Technical Details Consent will assess the detailed development design, ensuring appropriate mitigation of impacts and contributions to essential infrastructure are secured. Both the PiP and the TDC stages must be determined in accordance with the local development plan, the National Planning Policy Framework (NPPF) and other material considerations.

### **3.0 Arun District Council Brownfield Land Register**

- 3.1 This section of the report comprises Part 1 of the Brownfield Land Register for Arun District Council, listing all sites considered to be suitable, available and achievable for residential development in accordance with the criteria listed under Regulation 4 of the Brownfield Land Register Regulations. The list includes sites that have already been granted full or outline permission. The list does not currently include any sites granted “permission in principle” (PiP). The Council will not be publishing entries in Part 2 of the brownfield Register in 2018, but will review the register in 2019 to consider whether any grant of PiP would be appropriate.

#### ***Methodology***

- 3.2 A key component of the evidence base for this work is the local authority’s Housing & Economic Land Availability Assessment (HELAA) together with planning application data and the Council’s Local Plan evidence documentation. The HELAA presents a strategic picture of the availability and potential suitability of land within Arun District for development. Further, it attempts to establish realistic assumptions about the number of homes and amount of economic development that this land could yield and the timeframe within which this might come forward.
- 3.3 The HELAA database was used as a starting point to identify sites for inclusion in the Arun Brownfield Land Register in 2017 and is part of the same process in 2018. The Council has already established a method of identifying sites through the HELAA process and undertook a ‘Call for Sites’ for both the HELAA and the Brownfield Land Register in May / June 2018. There is no legal requirement for Local planning authorities to undertake consultation on sites they propose to include within Part 1 of Brownfield Land Registers. It is therefore considered that an additional ‘Call for Sites’ was not required for the preparation of Part 1.
- 3.4 The HELAA database was interrogated to identify all previously developed land over 0.25ha or considered suitable to accommodate five or more units. This includes sites without planning permission, sites with planning permission that have not been implemented (as per paragraph 010 of the Planning Practice Guidance (PPG)). The cut-off date for the search for sites was 30 November 2018 in order to prepare the HELAA update for publication. If a site has planning permission for 5 or more dwellings (and meets the criteria set out in the Brownfield Land Register Regulations), then the site has been included. However, if brownfield sites under the size and quantity threshold are still suitable, available and achievable for residential development they may still be included in Part 1 of the register (as per Regulation 5 (3) of the Brownfield Land Register Regulations and paragraph 018 of the PPG).

#### ***Assessment of Sites***

- 3.6 The Council reviewed the list of HELAA, sites to determine which sites are considered to be suitable, available and achievable, when considered against the requirements of Paragraph 4 of the Brownfield Land Register Regulations. A number of considerations were taken into account as follows:

### ***Sites including greenfield and brownfield land***

- 3.7 Greenfield land is not appropriate for inclusion in the Brownfield Land Register. Where a potential site includes Greenfield land within the boundary, the Council has considered whether the site falls within the definition of previously developed (brownfield) land in the NPPF 2018 (as set out in para 2.1 above). Only the brownfield element of any mixed sites has been included in Part 1 of the register and may subsequently be considered for permission in principle.

### ***Cross Boundary Issues***

- 3.8 Brownfield sites that straddle local authority boundaries can be included in Brownfield Land Registers provided that they have been assessed against the relevant criteria. At the current time no sites spanning local authority boundaries were identified and none are therefore included within the Arun Brownfield Land Register 2018.

### ***Assessment of Site Suitability***

- 3.9 In addition to the criteria set out in Regulation 4 which define site suitability, Regulation 14A(7) of the Planning & Compulsory Purchase Act 2004 (as amended by the Housing and Planning Act 2016) also requires that when preparing registers of Land, Local Planning Authorities must also have regard to:

*(a) the development plan (the adopted Arun Local Plan 2011-2031 and 'made' Neighbourhood Development Plans);*

*(b) national policies and advice (e.g. NPPF, Planning Practice Guidance);*

*(c) any guidance issued by the Secretary of State.*

This requirement means that in addition to the site suitability criteria as set out in the regulations, the Policies in the adopted Arun Local Plan 2011-2031, 'made' Neighbourhood Development Plans and the National Planning Policy Framework and Planning Practice Guidance are also relevant. Therefore, when considering sites for inclusion in the Brownfield Land Register a 'policy on' approach has been applied. This differs from the HELAA to which a 'policy off' approach has been applied.

### ***Register***

- 3.10 The full list of the Council's Brownfield Land Register 2018 is set out in the 'Table Part 1: Arun District Brownfield Land Register' below. The table includes sites which do not have planning permission (including allocated sites and sites within 'made' Neighbourhood Development Plans) and sites with planning permission which have not yet been implemented, at the time of this report preparation. All of these sites are also included in the HELAA (November 2018).
- 3.11 It is important to note that the entries in the Brownfield Land Register (Part 1) have been only been referenced with HELAA references to enable ease of cross-

referencing. Each site within the table includes a justification as to why it has been included in the Brownfield Register (Part 1).

- 3.12 Maps for the brownfield land sites without planning permission have been produced and are accessible via the Council's website at <https://www.arun.gov.uk/helaa>. However, sites with planning permission are already available showing location plans and site information, via the Council's application search page (<https://www.arun.gov.uk/weekly-lists>). The information can be accessed by typing in the planning application reference. Relevant information is contained in the 5<sup>th</sup> column of the table.

### **Online Register**

- 3.13 Accompanying this report is an online register of all of sites listed in the table below. This register has been compiled in accordance with the Brownfield Land Register data standard published by the Department for Communities, Housing and Local Government (DHCLG) and is a standardized open data spreadsheet with a consistent structure that will enable the information to be analysed by data analysis software. Local planning authorities are encouraged to make their registers available in this format so that they can easily meet the requirements of any request for information issued by the Secretary of State. The Government intends to use this data to develop a more comprehensive understanding about the location and capacity of brownfield land suitable for development in the UK.

**Table - Part 1: Arun District Brownfield Land Register**

HELAA Ref. No.	Site Name / Address	Site area (ha)	No. of dwellings	Justification for inclusion in the Brownfield Land Register (Part 1)
A1513	Chandlers BMW Site, Water Lane, Angmering	0.5	18 - 20	The site is located within a suitable part of Angmering, near the centre of the village. It has been vacated by BMW who have relocated, and it is considered to be brownfield. In addition, it is considered suitable as an Angmering Neighbourhood housing allocation site. The site has a recent planning history associated with it. As a consequence, it is considered available for development. Although the Local Plan Viability Assessment 2016 would appear to make this site unviable, the presence of an application and interest from developers indicates developers are keen to take this site forward.
HP3	S & G Motors, Arundel Road, Walberton	0.75	26 - 28	The site has been included within the Walberton Neighbourhood plan. The plan considers the site as suitable only for 12 units of sheltered accommodation, 8 affordable or starter homes along with 8 full market homes. The site is considered available as it has been considered as part of the Neighbourhood Plan Process. Primary land owner confirms that the site is available and that a planning application could be submitted to the Council shortly.
LU33	Patterson Wilson Road, Littlehampton	0.54	14 - 16	The site is located within the built up area within close proximity to local services. In

				<p>addition, it is considered suitable as it has been allocated by the neighbourhood plan for housing and a business incubator. There is potential for the site to become available in 2018 or early 2019 so the yields reflect this. According to the Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable.</p>
LU33a	Meadowfield House, Littlehampton	0.35	11 - 13	<p>The site is located within the built up area within close proximity to local services. In addition, it is considered suitable as it has been allocated by the neighbourhood plan for housing and a business incubator. According to the Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable. Promoted as 'deliverable' in 2018</p>
NEWBE10	Bartons County Infants School, Romney Broadwalk, Bersted	0.59	15 - 17	<p>This land was used as a school, owned by WSCC. The school has moved to a new site and WSCC has indicated that it will seek to develop the site once it is available. The site was promoted as part of the May 2016 consultation. It is being used on a temporary basis by another school (until at least September 2019) while their accommodation is developed. Once the school has been relocated the site will be available. According to the Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable.</p>
115	Electronic Sub Station, Ford Road, Arundel	0.43	36 - 38	<p>There may be some opportunity for part of the site to be used for housing as allocated</p>



				in the Arundel Neighbourhood Plan, subject to overcoming the setting of Arundel policy and appropriate flood alleviation. Site identified within flood zone 3a where an exception test needs to be passed to justify housing development. Arundel Town Council confirms land owner is in talks with national grid, through their agents Paribas to develop the site. According to the Local Plan Viability Assessment this site may not be viable, in addition there will likely be extra costs for flood alleviation.
BR19	Regis Centre Site, The Esplanade, Bognor Regis	1.57	90 – 100	The site is owned by Arun District Council and is identified in the Bognor Regis Masterplan. The site would be suitable in principle for development but development should be according to the BR Masterplan which allocates leisure and some mixed use for the site. Due to current economic conditions, it is uncertain when or exactly what type the development will be but estimated figures are approximately 160. The site is potentially available for development in the medium to long term. According to the Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable.
NEWLU40	Former Hospital Site, Fitzalan Road/Church Street, Littlehampton	0.54	19	The location of the site is such that it is considered suitable for residential use - it has also been assessed in the neighbourhood plan as being suitable. Redevelopment of the site for residential

				uses would require assessment into the loss of the health facilities. Whilst the site has been allocated with the Neighbourhood Plan, there is no sign of availability at present. According to the Local Plan Viability Assessment 2016 this site is viable and achievable. Part of wider employment /regeneration of town and assessed for housing in LEGA Development Delivery Study 2016.
BR5	Hothampton Car Park, The Queensway, Bognor Regis	1.33	75 - 85	This site is owned by Arun District Council. Development could be suitable but subject to the Bognor Regis Masterplan which allocates some of this site for offices, health centre and open space. An element of residential may be appropriate. Student accommodation is also being considered. The site is potentially available for development in the medium to long term. The site is identified in the Bognor Regis Masterplan. Although the Local Plan Viability Assessment 2016 would appear to make this site unviable, the presence of an application indicates developers and the Council are keen to take this site forward. Site has been subject to a number of appeals.
PS12	St Martins Car Park & Former Waitrose, Littlehampton	2.2	65 – 75	The site is located in the centre of Littlehampton where there is good service provision and therefore is suitable for development. The location is such that it would be suited to a mixture of uses. In

				addition a substantial amount of existing employment floor space is currently vacant. The land is identified in the Littlehampton Economic Growth Area study and as a consequence is considered potentially available. According to the Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable. Pre application discussions Nov 2017
BR10	Covers, Richmond Road, Bognor Regis	1.19	32 - 34	The site is considered suitable for housing development in principle because of the characteristics of the site and its surrounding area. It has been identified in the Bognor Regis Neighbourhood Plan for mixed use development. There is no known policy or physical constraints preventing development, although the existing use would have to move and all of this area is subject to Bognor Regis Masterplan with regard to what will be located where. The site is not available at present and will not be until the current business can relocate and there is no indication when this might be. According to the Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable.
17LU9	Littlehampton - West Bank	8.46	390 - 620	The Littlehampton Economic Growth Area Development Delivery Study June 2016 considers the site is suitable. It is considered viable and therefore achievable based on the detailed study by GL Hearn June 2016. PDL part of NEWLU38 site.

NEWLU38c	Works units at Gloucester Road and Howard Road, Littlehampton	0.35	12 - 14	The site is within the existing built up area within close proximity to services. The Littlehampton Economic Growth Area Development Delivery Study June 2016 considers the site is suitable. This is on the proviso that the existing commercial uses can be re-located elsewhere in the district. It is considered viable and therefore achievable based on the detailed study by GL Hearn June 2016. Some of this site appears available now as Permission recently granted for 10 flats (LU20516) in the top north east corner of the site.
P5408	St Ninians Church, Pagham	0.26	8 - 10	The site is considered suitable. Owners confirmed Oct 2016 that it is to remain as its current status - developable (in the longer term). From the information available, it is considered that there is a reasonable prospect that housing will be delivered on the site.
BR12	Car Park at London Road, Bognor Regis	0.33	19-21	This is a Council owned site in a sustainable location and is considered appropriate for development in the medium term. Pre application discussions in 2017.
NEWFG2	Land Rear of Henty Arms, Ferring Lane, Ferring	0.83	25	The site is in a sustainable location and has recently been promoted to the Council for development, therefore is considered appropriate for development. It is allocated in the Ferring Neighbourhood Plan for up to 14 homes. Henty Arms nominated as a Asset of Community Value 12/07/17

BR15515	The Royal Hotel, The Esplanade, Bognor Regis	0.06	7	BR/130/17/PL: Change of Use of hotel & function room/licensed bar (C1 Hotel) to 7No. dwellings (C3 Dwelling houses).
LU11108	The Locomotive Public House, Terminus Road, Littlehampton	0.03	9	LU/45/16/PL: 6 No. two bed & 3 No. one bed apartments with associated cycle & refuse storage
LU5515OUT	Land South of Littlehampton Academy, Littlehampton	2.42	68	LU/55/15/OUT has permission for 68 dwellings but not implemented. West Sussex County Council owners. Not started - 2018.
NEWWA15	Progress Garage, Yapton Lane, Walberton	0.17	6	WA/29/17/RES: Approval of reserved matters following outline consent WA/103/16/OUT for appearance, landscaping, layout & scale for erection of 6 No. dwelling houses & associated works.
Y2214	Land to west of Kings Close, Yapton	0.35	10	Y/56/15/OUT: Outline application for proposed mixed use development comprising 5 No.3 bedroom houses, 4 No. 2 bedroom houses & 1 No. 1 bedroom flat over car ports together with 4 No. B1 workshop/business units all with parking & access to main road via a redefined alignment of Kings Close & Highway improvement works at existing crossover. Reserved matters Y/74/17RES for 18 dwellings approved. Not started - 2018.
LU20516	C M Wood Body Repair Centre, Linden Park, Littlehampton	0.06	10	LU/205/16/PL: Demolition of existing workshop buildings & erection of 10 No. flats consisting 4 No. 2 bed flats & 6 No. 1

				bed flats.
M4516	Land West of Yapton Road (Poultry Farm), Middleton	0.55	13	M/45/16/PL: Demolition of redundant poultry farm buildings & dwelling & erection of 13 No. dwellings with associated access, car parking & landscaping. Not started.
AL5817PL	Sack Lane Dairy, Sack Lane, Aldingbourne	0.26	5	AL/58/17/PL: Demolition of existing buildings, construction of 5 No. live / work units & creation of new pastureland.
18LU2	46a and 47 Pier Road and land north of Clifton Road, Littlehampton	0.6	8	LU/287/17/PL: Approved - Demolition of existing buildings, change of use & erection of 1 No. building incorporate office (B1) at ground floor & 8 No. dwellings at first and second floor level. Not started.
18LU1	The Tap and Barrel, 2-13 Duke Street, Littlehampton	0.06	9	LU/364/17/PL: approved - retention & conversion of former Public House building & the erection of two storey block to provide a total of 9 No. residential units with associated parking. Not started.
18LU3	90 & 91 South Terrace, Littlehampton	0.06	6	LU/328/18/PL: Change of use of existing leisure use of upper ground floor to form 3 No. flats, extension of first floor to form 2 No. flats & creation of 1 No. flat in roof space.
AW13817PL	90 Rose Green Road Aldwick	0.23	5	Planning permission AW/138/17/PL granted for demolition of existing buildings and construction of 5 dwellings.
BN6916PL	Land East of Toll Cottage Lake Lane	0.38	5	Planning permission granted for 5 dwellings, access and ancillary works.

EP12117PL	16 Worthing Road East Preston	0.11	6	Planning permission granted for the construction of 6 new flats and associated external and storage. Not started - 2018.
LU24917PL	Directors Cottage Toddington Lane	0.15	5	Planning permission has been granted for 5 detached houses. Small site.
18R1	7 Sterling Parade The Street	0.05	5	R/87/17/PL Planning permission granted for second floor extension to build 4 No. dwellings and reconfigure existing flat.
R11	70 Woodlands Avenue Rustington	0.12	6	Planning Permission Aug 2017 for 6 apartments (net gain of 5 on a small site). Being demolished but not started - 2018.

## **4.0 Consultation and Review**

### **Consultation**

- 4.1 There is no legal requirement for Local planning authorities to undertake consultation on sites they propose to include within Part 1 of Brownfield Land Register. As the Council has already established a method of identifying sites through the HELAA process and carried out a 'Call for Sites' for both the HELAA and the Brownfield Land Register in May / June 2018, it is considered that an additional consultation / call for Sites is not required for the preparation of Part1.
- 4.2 The Council will review whether it is appropriate to include sites on Part 2 of the brownfield register (i.e. grant permission in principle) in 2019. However, a consultation period must take place prior to a publication of Part 2. Any such consultation will need to consult all relevant stakeholders and take account of all representations made and undertaken in accordance with the Brownfield Register Regulations
- 4.3 At the current time, the Council has not identified sites which are suitable for permission in principle and therefore Part 2 of the register will not contain any sites.

### **Review**

- 4.4 Local authorities will be required to review their registers at least once a year. Where land has been entered into the register but is found to no longer meets the criteria , the site will be removed from Part 1, and if applicable Part 2.
- 4.5 The Brownfield Land Register will be kept under review and published to a similar timetable as the review and update of the HELAA which provides a key information source, as far as this is practicable for efficiency. As part of the future review of the Brownfield Land Register, the Council will review existing sites, any new land which has been proposed for inclusion on the register, and will also consider whether it may be appropriate to include a site on part 2 of the register.



## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUB-COMMITTEE ON 27 FEBRUARY 2019

#### PART A : REPORT

**SUBJECT: Housing and Economic Land Availability Assessment (Update to the 2018 Publication)**

**REPORT AUTHOR:** Rosalind Bentley (Planning Obligations and Monitoring Officer)

**DATE:** February 2019

**EXTN:** x 37636

**PORTFOLIO AREA:** Planning Policy

#### **EXECUTIVE SUMMARY:**

The Council has already reviewed and updated its Housing and Economic Land Availability Assessment (HELAA) in December 2018. However, the HELAA document required a further update to include detailed proformas of the Potential Employment Sites and updated proformas of the strategic sites that had not been completed by that date. This update is also in order assist with an updated housing trajectory which is to be reported as part of the Annual Monitoring Report being presented at this committee.

It is important to note that whilst the HELAA is a useful resource, it does not allocate sites, nor does it grant planning permission.

#### **RECOMMENDATIONS:**

It is recommended that Planning Policy Sub-Committee:-

1. Agrees the updated Housing and Employment Land Availability Assessment together with the updated sections dealing with employment sites and strategic sites, as part of the evidence base for the Local Plan and any future Development Plan Document preparation.

#### **1. BACKGROUND:**

- 1.1 In line with national policy, the Council is required to be proactive and to plan positively to ensure that the development needs of the district are met in a sustainable way. This requires clear and robust evidence.
- 1.2 An assessment of land availability is an essential part of the evidence base in preparing the Local Plan and other Development Plan Documents; and will help to identify a future supply of land which is deliverable or developable for both housing and employment land uses.

1.3 Paragraph 67 of the National Planning Policy Framework (NPPF) (2018) requires a Local Planning Authority to have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.

1.4 The Planning Practice Guidance (PPG) recommends that housing and economic evidence should be undertaken as part of the same exercise.

1.5 In 2014 officers created the Arun Housing and Employment Land Availability Assessment (HELAA), which was updated in 2016 and 2017 and 2018. This further update to the 2018 published HELAA is only to provide further details of the Employment sites that were not fully included in the December version. It also includes amended proformas of the strategic sites as the trajectories published in December have since been updated as part of the AMR (Authority Monitoring Report) to be presented at this committee.

#### **Aims of the HELAA**

1.6 The overall aim of the HELAA is to:

- Produce of list of sites, cross referenced to maps showing locations of specific sites identified as potential housing or employment sites;
- Provide an assessment of each identified site;
- Identify the potential type and quantity of development that could be delivered on each site; including a reasonable estimate of build out rates; and setting out how any barriers to delivery could be overcome.

#### **Methodology**

1.7 The HELAA update has been prepared according to a methodology prepared by the Council. This methodology follows that prescribed within the PPG and can be found within the HELAA Topic Paper which was published in May 2016 on the Councils website.

#### **Key Issues to Note**

1.8 It is important to note that the HELAA:

- Does not form part of the Development Plan and does not allocate sites for development nor preclude those sites not identified from coming forward for planning permission in the future
- Does not provide a relative assessment of sites against each other and does not provide any ranking or order of preference. Each site is appraised on its own merits.
- Does not indicate that planning permission will be granted for housing or employment on any site that is included in the HELAA. It is not intended to pre-empt any plan making or other planning related decisions and does not indicate that planning permission should be granted or not granted for housing or any other use on any identified site.

1.9 In addition, it should be noted that:

- Inclusion of a site in the HELAA does not mean that it will be allocated for development.
- Planning applications on sites identified within the HELAA will continue to be determined on their merits in line with the development plan unless material considerations indicate otherwise. The HELAA may however form a material consideration in the determination of planning applications.

#### **Site identification**

1.10 The main method of identifying sites is through an annual call for sites exercise which provided an opportunity for landowners, site promoters and interested parties to submit land for consideration. Another method of identifying sites is through the Council's planning weekly lists.

#### **Site Assessment**

1.11 All sites within the HELAA are subject to assessment. The Site assessment draws out further information about each site and its potential suitability for housing/employment development.

1.12 Employment Sites are classified in the HELAA as follows:

- **Potential Employment Site:** to be considered 'a potential employment site it should be available now, offer a suitable location for development, and be achievable with a realistic prospect that a business use will be delivered on the site within five years. Sites that have planning permission for an employment use are considered potential employment sites until permission expires or the site is built out with an employment use. Sites that have been identified as a potential employment site but do not currently have permission are included if they have been promoted in the last 2 years. These sites are coloured YELLOW on the HELAA map.
- **Existing Employment Sites:** These are sites that were included from the original Economic Land Availability Assessment (ELAA) in 2010, although they do not have to be in the HELAA, for information purposes they remain in it. Once a potential employment site is built out it becomes an Existing Employment Site. These sites are coloured BROWN on the HELAA map.

#### **New Sites**

1.13 There were no new Potential Employment sites submitted under the call for sites consultation but there were 12 new sites identified with planning permission from the CILLA data provided by West Sussex County Council. A table of Potential Employment Sites as at 31<sup>st</sup> March 2018 is set out below:

<b>HELAA Ref</b>	<b>Address</b>	<b>Parish</b>	<b>Commitment</b>	<b>App Pending</b>	<b>PP Ref</b>	<b>Strategic Site</b>
BR1B	Oldlands Farm (Site North of Rolls Royce)	Aldingbourne	Y		AL/58/15/ OUT	Yes

AL11012	Aldingbourne Country Centre, Blackmill Lane	Aldingbourne	Y		AL/110/12 /	No	
82E_1	Old Barn Nursery Dappers Lane	Angmering	Y		A/144/17/ PL	No	
RU8a	The Vinery Arundel Road	Angmering	Y		A/154/17/ PL	No	
96AB	Land North of Water Lane Angmering (Part SD9)	Angmering		Y	A/40/18/O UT	Yes	
NEWA15	Land at Apple Tree Cottage, Rear of Kelston House & South of Quiet Waters, Roundstone Lane	Angmering	Y		A/162/15/ PL	No	
BE5510	Elbridge Farm, Chichester Road	Bersted	Y		BE/55/10/	No	
BE6113	Oldlands Farm, Bognor Regis	Bersted	Y		BE/61/13/	Yes	
18BE3	Babsham Business Centre Babsham Lane	Bersted	Y		BE/79/17/ PL	No	
NEWBE1 1	Land West of Shripney Road (Bognor Regis Caravan Park)	Bersted				Yes	
PS1	Land West of Shripney Road (Saltbox)	Bognor Regis	Y		BE/102/17 /OUT	Yes	
BR2b	Land R/O Acopia Southern Cross Industrial Estate Oldlands Way	Bognor Regis	Y		BE/155/16 /PL	No	
18BR4	Ambulance Station Chichester Road	Bognor Regis	Y		BR/132/16 /PL	No	
PS3	LEC Airfield, Bognor Regis	Bognor Regis				Yes	
BE6113a	Oldlands Farm (n/o) Bersted	Bognor Regis	Y		BE/4/17/R ES	Yes	
FO1B	Land west of Ford Road	Climping				No	
RU5a	Land West of Bairds Business Park Crookthorn Lane (A259)	Climping				No	
17FP1	North Paddocks Land to West of Felpham Way	Felpham				No	
18FG3	Onslow Caravan Park Onslow Drive	Ferring	Y		FG/37/17/ PL	No	

PS11	Opp Unit 22 Land north of Horsemere Green Lane	Ford				No
LU916PL	Enterprise Units 1-5, Harwood Road	Littlehampton	Y		LU/9/16/PL	No
LH3a	Unit 1 Lineside Way Industrial Estate Littlehampton	Littlehampton	Y		LU/334/17/PL	
15b	Land N/O Courtwick Lane Littlehampton	Littlehampton	Y		LU/355/10/	Yes
LU18F	Land North of Toddington Lane Littlehampton	Littlehampton				Yes
LU18D	Land North of Toddington Lane Littlehampton	Littlehampton				Yes
LH4a	Land South of Unit 1 Arunside Industrial Estate Fort Road	Littlehampton	Y		LU/295/17/PL	No
LU18E	Land North of Toddington Lane Littlehampton	Littlehampton				Yes
17LU3	Norway Farm adj Watersmead Business Park	Littlehampton				No
15a	Land at Courtwick Lane Littlehampton	Littlehampton				Yes
18P4	Sefter Farm Pagham Road	Pagham	Y		P/76/16/PL	No
LH12b	Units 6 & 7 Brookside Avenue	Rustington	Y		R/215/17/PL	No
LH12a	Brookside Avenue Rustington	Rustington	Y		R/13/16/PL	No
Y10113PD	Building 1, Drovers Farm, Drovers Lane	Yapton				No

### Key Findings

1.14 The findings of the HELAA assessments are set out in the Section of the HELAA report entitled 'Appendix 4.3 Potential Employment Sites detailed proforma'. Updated proformas for the deliverable Strategic Allocation sites can be found under Appendix 1.4 of the HELAA report.

**2. PROPOSAL(S):**

To note the Housing and Employment Land Availability Assessment as part of the evidence base for the Local Plan and any future Development Plan Document preparation.

**3. OPTIONS:**

The following options are available to Members:

- to agree the HELAA 2018 update Report as evidence to support monitoring of housing and economic supply and delivery
- Not to agree the HELAA 2018 update.

**4. CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors	x	
Other groups/persons (please specify)		
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		x
Legal		x
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

**6. IMPLICATIONS:**

The HELAA is necessary evidence to support monitoring of housing and economic supply and delivery.

**7. REASON FOR THE DECISION:**

To enable evidence to be updated on potential housing and employment land supply and delivery performance in support of the Adopted Local Plan and further plan making to ensure that the needs of the community in Arun are met sustainably.

**9. BACKGROUND PAPERS:**

Arun Housing and Economic Land Availability Assessment 2018 (HELAA) available on the Council's web site via: <https://www.arun.gov.uk/helaa>

Housing and Economic Land Availability - Mid Examination Topic Paper and HELAA Update Methodology (May 2016) also available via the Council's web site.

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## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUBCOMMITTEE ON 27 FEBRUARY 2019

#### PART A : REPORT

**SUBJECT: Authority Monitoring Report 2017/18**

**REPORT AUTHOR:** Rosalind Bentley (Planning Obligations and Monitoring Officer)

**DATE:** 11 February 2019

**EXTN:** 37636

**PORTFOLIO AREA:** Planning

**EXECUTIVE SUMMARY:** This report presents the Arun Local Planning Authority's Monitoring Report 2017/18. The full report is provided as Background Paper 1 (published on the Council's web site on the 20<sup>th</sup> of February 2019).

#### **RECOMMENDATIONS:**

That the Local Plan Sub Committee:

1. Agrees the Authority Monitoring Report 2017/18

#### **1. BACKGROUND:**

##### **Arun Local Planning Authority's Monitoring Report**

1.1 The preparation of an Authorities Monitoring Report (AMR) is a requirement under Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The report presents data on an annual basis such as the progress being made on Development Plan Documents (DPD) within the local planning authorities Local Development Scheme; the use of planning policies and housing land supply figures.

1.2 The Arun Local Planning Authority's Monitoring Report for 2017/18 has been prepared, and includes a range of updates and progress reports, including the following:

- Progress on the Local Plan and Development Plan Documents against the timetable set out in the Arun Local Development Scheme 2016/17
- Neighbourhood Plan Update
- Duty to Cooperate Update
- 5 year Housing Land Supply

- Local Plan Policy Usage
- Housing Delivery
- Commercial Land Delivery
- Traveller Sites
- Sussex Biodiversity Annual Monitoring Report

1.3 The most up to date version of the AMR (based on the reporting year: 1<sup>st</sup> April 2017 and 31<sup>st</sup> March 2018), which is accessed via the Councils web site as listed for **Background Paper 1** (accessible on the 20<sup>th</sup> of February 2019). The AMR, 2017/18 presents a range of data, in accordance with the regulations. In particular it includes a 5 year Housing Land Supply Report, an update on Local Plan and Neighbourhood Plan progress and housing delivery.

1.4 It should be noted that the AMR monitoring period is retrospective and so the AMR scope covers the previously adopted Local Plan 2003 and the Local Development Scheme plan making programme for that year (i.e. 2017-2018). With the adoption of the Arun Local Plan 2018 the next AMR for 2019 will need to address the adopted policies of the Arun Local Plan 2018 and the LDS adopted in January 2019.

## 2. PROPOSAL(S):

That the AMR be agreed as the monitoring evidence base for plan making and policy performance for the period 1<sup>st</sup> April 2017- 31<sup>st</sup> March 2018.

## 3. OPTIONS:

To Agree the AMR or not to agree the AMR which would risk that Arun would not meet statutory regulations on the requirement to publish an AMR in order to provide evidence on plan making progress and policy performance.

## 4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify)		X

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		X
Legal		X
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X

Technology		x
Other (please explain)		x

**6. IMPLICATIONS:**

The AMR provides an evidence base against which to monitor plan making progress and performance in order that policy formulation and decision making is effective in delivering sustainable development of the planning authority area.

**7. REASON FOR THE DECISION:**

**8. BACKGROUND PAPERS:**

The AMR 2018 can be accessed on the Council's Web Site:  
<https://www.arun.gov.uk/authority-monitoring-report>

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## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUBCOMMITTEE ON 27 FEBRUARY 2019

#### PART A : REPORT

**SUBJECT: Lyminster & Crossbush Application for designation of a neighbourhood area**

**REPORT AUTHOR:** Donna Moles, Senior Planning Officer  
**DATE:** 31 January 2019  
**EXTN:** 37697  
**PORTFOLIO AREA:** Planning

#### EXECUTIVE SUMMARY:

Lyminster & Crossbush Parish Council applied to Arun District Council and the South Downs National Park Authority for designation of Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012- Regulation 5.

Arun District Council publicised the area application as required under Part 2- Regulation 6 and the next stage is for the Council to agree and designate the neighbourhood area.

#### RECOMMENDATION:

That Planning Policy Sub-Committee:-

1. Agrees the specified area without modification, is appropriate to be designated as the Lyminster & Crossbush Neighbourhood Area for the reasons set out in the application and in light of the results of the public consultation which did not receive any representations.

#### 1 BACKGROUND

- 1.1 The power to designate an area as a Neighbourhood Area is exercisable under section 61G of the Town and Country Planning Act 1990. Under Regulation 5(1) of The Neighbourhood Planning (General) Regulations 2012 No.637, an area application has to include a map which identifies the area to which the area application relates, a statement explaining why this area is considered appropriate to be designated as a neighbourhood area and a statement that the body making the area application is a relevant body for the purposes of section 61G(2) of the 1990 Act.

1.2 Lyminster & Crossbush Parish Council as the 'relevant body' submitted an application for designation of neighbourhood area to Arun District Council (ADC). The specified area includes the whole of the parish boundary and the submission complied with the Regulations.

1.3 The application was publicised and consulted on from 12th November 2018 – 24th December 2018.

#### **Considerations as to whether or not to designate**

1.4 The decision to be made is whether or not the specified area is an 'appropriate area to be designated as a Neighbourhood Area'.

1.5 Part of the specified area falls within the South Downs National Park (SDNP) Local Planning Authority Area and part within Arun District Council (ADC) Local Planning Authority Area but ADC is the Local Planning Authority for this neighbourhood area.

1.6 This is the first area designation application made to the Council as local planning authority for this area and so, in determining this application, the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas does not fall to be considered under section 61G(4)(b) of the Act.

1.7 The reasons explaining why this specified area is considered appropriate are set out in the application for designation and the application for designation has been publicised in accordance with Regulation 6 of The Neighbourhood Planning (General) Regulations 2012.

1.8 The application for designation as a Neighbourhood Area was publicised for public consultation for a period of 6 weeks from 12th November 2018 to 24th December 2018 (closing 5 pm). **There were no responses received during the consultation period.**

1.9 In determining the application for designation of an area as a Neighbourhood Area, regard must be had to the desirability of designating the whole of the area of a parish council as a neighbourhood area as required under Section 61G(4)(a) of the Act. In parished areas, the parish boundary is the same as the neighbourhood area.

1.10 Under section 61H of the 1990 Act whenever a local planning authority exercises powers under section 61G to designate an area as a neighbourhood area, consideration must be given as to whether the authority should designate the area concerned as a business area.

1.11 As designation of the specified area can only be done if the authority considers that the area is wholly or predominantly business in nature [section 61H(3)], in this case the specified area cannot be designated as a business area.

1.16 If the application is approved, the Regulation 7(1) of The Neighbourhood Planning (General) Regulations 2012 requires the designation to be publicised. If the application is refused, reasons must be given under section 61G(9) of the 1990 Act and Regulation 7(2) of the Regulations requires the decision to be publicised.

The parish can continue to develop their plan during the entire time.

**2. PROPOSAL(S):**

There were no responses received during the public consultation so no opposition to this area designation. It is considered that the specified area is an 'appropriate area to be designated as a neighbourhood area' and the recommendation is that it is designated.

**3. OPTIONS:**

The other option is to not designate this area. The risk is that Arun District Council would not have any justification for doing this and would not be complying with the Regulations.

**4. CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	x	
Relevant District Ward Councillors	x	
Other groups/persons (please specify) – Public consultation	x	

<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	YES	NO
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Financial		x
Legal		x
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

**6. IMPLICATIONS:**

Arun District Council would not meet its statutory duty and would also impact on the delivery of the neighbourhood plan.

**7. REASON FOR THE DECISION:**

The decision is intended to allow this statutory part of the Neighbourhood Planning process to be fulfilled by the parish council and is part of the statutory duty that Arun District Council needs to provide.

**9. BACKGROUND PAPERS:**

- 1) Application form and map  
<https://www.arun.gov.uk/lyminster-crossbush-neighbourhood-development-plan>
- 2) The SDNPA designated the area of Lyminster and Crossbush Neighbourhood Area within the South Downs National Park on 3 January 2019

<https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/lyminster-crossbush-neighbourhood-plan/>



## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUB-COMMITTEE on 27 February 2019

#### PART A : REPORT

**SUBJECT: CIL Update Report**

**REPORT AUTHOR:** Nicki Faulkner, Principal Planner

**DATE:** 28<sup>th</sup> January 2019

**EXTN:** x 37645

**PORTFOLIO AREA:** Planning

#### EXECUTIVE SUMMARY:

This report provides a summary of the responses received from the Preliminary Draft Charging Schedule (PDCS) consultation which ran from 10 December 2018 to 21 January 2019).

The responses received as part of the PDCS consultation have informed the preparation of a proposed Draft Charging Schedule. The proposed DCS, along with a draft infrastructure list (a list of infrastructure which will be funded by CIL, once CIL is adopted), is presented to this committee for noting.

Finally, the officer response to the Government's technical consultation – *Reforming Developer Contributions*, which includes proposed changes to the Community Infrastructure Regulations 2010 (as amended), is provided for noting.

#### RECOMMENDATIONS:

That the Planning Policy Sub-Committee:

1. Notes the summary of responses received as part of the Preliminary Draft Charging Schedule consultation.
2. Agrees that the Draft Charging Schedule (March 2019) is published for public consultation (under Reg. 16 of the CIL Regulations 2010 as amended) from Thursday 21<sup>st</sup> March 2019 until 5pm Thursday 2<sup>nd</sup> May 2019.
3. Notes the officer response to the Government's Technical Consultation on Reforming Developer Contributions (December 2018)

#### 1. BACKGROUND:

- 1.1 The consultation on the Arun Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule (PDCS) ran from 10<sup>th</sup> December 2018 – 21<sup>st</sup> January 2019.

1.2 As part of the consultation, the Council received 34 comments from 28 respondents. A summary table of the comments received, and the actions resulting from the responses, is provided in Background Paper 1. A more detailed response to one representation has been prepared to address challenges made to the viability evidence. This can be found in Background Paper 1a. In general, comments focused on the following points:

- Technical points of clarification relating to the viability and infrastructure evidence; exemptions and relief; the CIL zone maps and; the instalments policy.
- Concern regarding the infrastructure funding gap and questions regarding the total amount of CIL and S106 that may be received from development.
- Questions regarding the role of S106 and concern that the strategic sites will not be paying CIL.
- Points were raised relating to the types of development that may be liable for a CIL charge. For example, care homes should not be included in the definition of “older people’s housing”.
- Requests for a draft infrastructure list (setting out which types of infrastructure will be funded by CIL)

1.3 The comments received through the consultation have been addressed in the table (see the “ADC response” column). In some cases, changes have been made to the PDCS as a result of the comments, and subsequently incorporated into the Draft Charging Schedule (DCS) 2019. These can be found in Background Paper 2. It should be noted that where concern exists regarding the strategic sites not paying CIL, it is not the case that these sites are excused from paying developer contributions. These sites will pay high levels of S106 contributions and will deliver all required infrastructure as set out in the Arun Local Plan policies and supporting infrastructure evidence.

1.4 Where responses have challenged the viability evidence used to prepare the PDCS, the consultants HDH Planning Ltd. that prepared the CIL Viability Update 2018 report, have provided advice. The consultants have not identified any challenges to the evidence which would support a change to the proposed rates.

1.5 A number of responses received commented on the soundness and accuracy of the infrastructure evidence used to prepare the PDCS (the Infrastructure Capacity Study and Delivery Plan, 2017 (ICSDP)). In particular, a number of comments received were from community groups that identify that a shortfall in funding would remain after the introduction of CIL, so the CIL rate should be increased. The CIL Guidance explains that to prepare a sound CIL charging schedule, the charging authority must focus upon showing that an aggregate funding gap exists, which will justify the preparation of a charging schedule. It is not the aim of the CIL charging schedule to address the funding gap in full.

1.6 Furthermore, in terms of the accuracy of the infrastructure evidence, the CIL Guidance emphasises that it is not always possible to pinpoint all forms of funding beyond the short-term, therefore gaps in data is inevitable despite best efforts to provide detailed funding information. The Planning Inspector for the Arun Local Plan (ALP) wrote in his report that *infrastructure evidence is subject to constant changes as the Local*

*Plan is being implemented* (paragraph 197). Therefore, there is always an element of estimation when identifying a total infrastructure funding gap.

1.7 It is recognised that further updates to the ICSDP are required and this work is currently in progress. The updates will include the following:

- Completing the funding secured columns in relation to those strategic sites that have recently been granted planning permission;
- Secondary education contribution requirements from strategic sites are currently under discussion with WSCC. Updates will be available shortly but are not available at the time of writing this report.
- The distribution of costs for junction mitigation schemes across the strategic housing allocations. Work is currently emerging and will be available shortly but are not available at the time of writing this report.
- Draft costs for delivery of public open space, built sports facilities and playing pitches on strategic sites will be made available through the emerging Supplementary Planning Document (SDP). Updates will be made once the SDP has been agreed for consultation.

1.8 Where updates to the ICSDP are required as a result of the emerging information, these will be incorporated into the infrastructure evidence in time to support the proposed DCS consultation. The evidence will be made available on the Arun website ([www.arun.gov.uk/cil](http://www.arun.gov.uk/cil)) throughout the consultation period. As set out above, regular updates are unavoidable due to the nature of infrastructure delivery.

## **2. THE INFRASTRUCTURE LIST**

2.1 The ICSDP has also been used to prepare an infrastructure list. This list is also known as the Regulation 123 list as it relates to the CIL Regulations 2010. The list sets out all items of infrastructure that the charging authority will wholly or partly fund with CIL, and not S106. The approach taken to preparing the list is that all infrastructure requirements generated by the strategic sites (off site and on site mitigation measures, including cumulative impacts arising from the impact of the strategic sites) will be funded by S106. For all non-strategic sites, the off-site infrastructure requirements will be funded by S106 planning obligations (off-site infrastructure will be funded by CIL). The infrastructure list can be found in Background Paper 3.

2.2 It is estimated that CIL receipts will generate approximately £30 million (based on a review of deliverable Housing and Employment Land Availability Assessment (HELAA) sites and their locations in relation to the proposed CIL zones). However, it should be noted that 5% of this income (after the first three years of implementation) may be used by the Council to fund the administration of CIL. Furthermore, in many cases, where parishes have 'made' neighbourhood plans, 25% of receipts will be passed to that Parish or Town Council. Where the Parish or Town Council does not have a 'made' neighbourhood plan, 15% of the CIL receipts in that area will be passed to the Parish or Town Council (capped at £100 per Council Tax dwelling in that area).

### **3. DRAFT CHARGING SCHEDULE – NEXT STEPS**

3.1 The CIL Regulations require that a CIL Charging Schedule undergoes two rounds of public consultation before it is submitted for Examination. The second round of consultation is called “publication of the draft charging schedule”. This means that, subject to the Council agreeing to submit the draft charging schedule, all representations received at this consultation stage will be sent to the CIL examiner. Furthermore, any person/organisation making a representation on the DCS will be given the opportunity to request the right to be heard by the examiner. It is proposed that the draft charging schedule consultation will commence on Thursday 21<sup>st</sup> March 2019 until 5pm Thursday 2<sup>nd</sup> May 2019.

3.2 Following this round of consultation, representations will be summarised and if essential modifications are required, these will be made and clearly set out in a schedule of modifications. A final DCS (with or without a schedule of draft Modifications) will then be brought before this sub-committee to recommend to full council that the DCS is submitted for examination in accordance with Regulation 19 of the CIL Regulations, 2010. Subject to timescales being met, officers are aiming to submit the DCS on 31<sup>st</sup> July 2019.

### **4. GOVERNMENT TECHNICAL CONSULTATION ON CHANGES TO CIL REGULATIONS**

4.1 The Government have recently carried out a technical consultation on reforms to developer contributions. This consultation focused on technical implementation of the reforms and includes proposed draft regulations, making the following changes to the CIL Regulations 2010 (as amended):

- Removing the statutory requirement for charging authorities to undertake two rounds of public consultation in the preparation and revision of a charging schedule;
- Removing the pooling restrictions on S106 agreements (currently S106 money can only be collected 5 times for one infrastructure type of project);
- Removal of Regulation 123 which requires the preparation of an infrastructure list (and restricts S106 and CIL being spent on the same infrastructure project or item).
- Introduction of the requirement on charging authorities to consult on the withdrawal of an adopted charging schedule which requires the authority to provide financial information to prove that CIL does not result in a financial benefit to the charging authority and;
- The introduction of the requirement for all contribution receiving authorities (S106 and/or CIL) to complete an Infrastructure Funding Statement on an annual basis and submit it to the government and make it publically available.

4.2 The officer response to the consultation is provided in Background Paper 4. The consultation is positive, in particular, the proposal to remove S106 pooling restrictions. However, some questions are raised regarding the practicalities involved in preparing the Infrastructure Funding Statements in terms of receiving detailed information from service providers regarding spending details.

**2. PROPOSAL(S):**  
 That the Planning Policy Sub-Committee agree that the Draft Charging Schedule is published for public consultation from Thursday 21<sup>st</sup> March 2019 until 5pm Thursday 2<sup>nd</sup> May 2019. The consultation document will be supported by viability and infrastructure evidence as well as a draft infrastructure list (the Reg. 123 list).

**3. OPTIONS:**  
 Not to consult on the Draft Charging Schedule.

**4. CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		<b>x</b>
Relevant District Ward Councillors	<b>x</b>	
Other groups/persons (please specify)		<b>x</b>
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial	<b>x</b>	
Legal	<b>x</b>	
Human Rights/Equality Impact Assessment		<b>x</b>
Community Safety including Section 17 of Crime & Disorder Act		<b>x</b>
Sustainability		<b>x</b>
Asset Management/Property/Land		<b>x</b>
Technology		<b>x</b>
Other (please explain)		

**6. IMPLICATIONS:**  
 The adoption of a CIL Charging schedule following successful consultation and examination will ensure that financial contributions can be legally secured following planning approvals for qualifying types of development and landuses in order to address the off-site cumulative impacts of development across the District to ensure that development is delivered sustainably with necessary supporting infrastructure.

**7. REASON FOR THE DECISION:**  
 To ensure that development is delivered sustainably with necessary supporting infrastructure.

**9. BACKGROUND PAPERS:**

Remember to list background papers and insert required links

Background Paper 1: Summary of Responses received from PDCS

Background Paper 1a: Response to Representation PDCS19

Background Paper 2: Draft Charging Schedule March 2019

Background Paper 3: Draft Infrastructure List (Reg. 123 list)

Background Paper 4: Officer response to the MHCLG Technical Consultation Reforming Developer Contributions.

**Background Paper 1 - Summary of Arun CIL PDCS Consultation Representations (January, 2019)**

**Note:**

**Reference is made in this table to a number of evidence documents including the Infrastructure Capacity Study and Delivery Plan, 2017 (ICSDP);**

<b>Comment reference</b>	<b>Comment</b>	<b>ADC Response</b>	<b>Change to PDCS/evidence Required?</b>
PDCS1 Individual	Identified Pagham South inconsistency – Gross Ha in Table 6.1 c (which states 18.83) and Tables 2.1 and 5.2 (which states 24.52)	See Table 9.9 on page 106 of the Arun Local Plan Viability Assessment Update, 2017. The different figures refer to the total site area and the site area less existing development, flooding, employment etc.	No change
	Queries viability evidence, in particular zero rating of strategic sites and comments on complexity of report	The viability evidence has been prepared in accordance with the requirements of the NPPF and NPPG and CIL Regulations. No changes suggested. A Q&A paper will be prepared to address points of clarification regarding technical details.	No change
	How will ADC raise sufficient funds to meet the costs of infrastructure to deliver the strategic sites?	The required infrastructure to support the delivery of the strategic housing allocations is set out in the evidence base used to support the preparation of the Arun Local Plan, which was tested at Examination in Public. The, requisite infrastructure will be delivered through S106 on the strategic sites. These costs have been taken into account in the viability evidence base. The testing showed that based on these additional costs, it would not be viable to charge CIL on these sites, based on the high S106 costs.	No change
PDCS2 Bognor	No response to submit at this stage	Noted	No change

Comment reference	Comment	ADC Response	Change to PDCS/evidence Required?
Regis TC			
PDCS3 Walberton PC	Support	Noted	No change
PDCS4 LTC	LTC questions the assumption that town centre development would not attract CIL, particularly taking into account the change of use from retail to residential which has become a feature of the evolution of the Town Centre in Littlehampton	CIL is only chargeable on the gross area of <b>net new development</b> , therefore CIL would not apply to conversions of town centre buildings to residential units.	No change
PDCS5 Individual	Table 5.1 of the PDCS does not provide full infrastructure cost for district wide requirements	The CIL Guidance requires that charging authorities should focus on providing evidence of an aggregate funding gap that demonstrates the need to put the levy in place. This is evidenced by the ICSDP, 2017.	No change
PDCS6 Individual	<p>Comparison between large greenfield sites – non strategic and strategic. Why are the strategic sites less viable?</p> <p>The S106 contribution per strategic dwelling will be more than twice the combined S106 and CIL contribution per non-strategic dwelling.</p> <p>Concern regarding the loss of 25% portion for those areas with a made neighbourhood plan.</p>	<p>High S106 costs are included in the viability calculations for the strategic sites, based on the findings of the ICSDP.</p> <p>The viability evidence used to test the strategic sites is based upon testing the levels of S106, set out in the ICSDP.</p> <p>Noted – incorporate this into working out forecast CIL levy receipts</p>	<p>No change</p> <p>No change</p> <p>No change</p>
PDCS7 Individual	Provide an anticipated CIL Funding Total based on number of houses due to be built in each zone	This figure is provided in 27 <sup>th</sup> September, 2018 committee report, which states: <i>based on the Housing and Economic Land Availability Assessment only, it is estimated that CIL receipts could total approximately £30 million.</i> Update this figure based on emerging NSS.	See action above.
PDCS8 individual	Check consistency in funding gap figure between PDCS and ICSDP, 2017.	Reviewed. The funding gap has been identified by taking into account expected S106. Therefore, table	Check funding gap in ICSDP report and



Comment reference	Comment	ADC Response	Change to PDCS/evidence Required?
	<p>Update expected S106 funding for social and leisure in PDCS compared to section 8 of the ICSDP</p> <p>Concern that all district wide infrastructure will need to be funded by CIL from non-strategic sites. Implication that CIL will pay for the full funding gap – what will be the source of funds to fill the gaps?</p>	<p>5.1 in the PDCS does look different because the ICSDP does not take account of expected S106 from strategic sites in meeting part of the funding gap.</p> <p>Reviewed and found that the library requirements not included in total. These have been added.</p> <p>In some cases grant funding can be achieved for certain infrastructure projects. Capital funding may also be available. In terms of identifying a funding gap, the CIL Guidance states: <i>The government recognises that there will be uncertainty in pinpointing other infrastructure funding sources, particularly beyond the short-term. Charging authorities should focus on providing evidence of an aggregate funding gap that demonstrates the need to put in place the levy</i> (016 Reference ID: 25-016-20140612). ADC will continue to review the infrastructure costs and update where possible.</p>	<p>PDCS.</p> <p>Updated</p> <p>No change</p>
PDCS10 Ferring PC	Support	Noted	No change
PDCS11 Bersted PC	Consultation methods should be given consideration	Consultation carried out in accordance with Arun Statement of Community Involvement, 2012 and in accordance with CIL Regulations, 2010 as amended.	No change
PDCS12 Angmering CLT	Community Land Trusts should be exempt from the CIL charge and included specifically as a category for exemption.	All developers of affordable housing can apply for relief from CIL.	No change
PDCS13 Angmering CLT	Discretionary relief for affordable commercial business premises where the developer is a registered Community Land Trust.	The council will consider whether to implement discretionary relief following adoption of the Charging Schedule (para. 9.4 of PDCS, 2018)	No change
PDCS14	Concerned about the delivery of the right	The Arun Local Plan's strategy is to deliver	No change

Comment reference	Comment	ADC Response	Change to PDCS/evidence Required?
Aldingbourne PC with Barnham and Eastergate PC	infrastructure to mitigate the impacts of strategic sites such as Barnham Eastergate Westergate.  Provided community infrastructure list needed to support growth in the village and infrastructure requirements in relation to Barnham Eastergate Westergate.	infrastructure required to support the strategic sites through S106. This is set out in the Infrastructure evidence used to support the Arun Local Plan.  Noted	To be included in ICSDP as part of ongoing review
PDCS15 Aldwick PC	More information is needed on the maximum amount of discretionary relief that can be granted as well as more information on exemptions.	The council will consider whether to implement discretionary relief following adoption of the Charging Schedule (para. 9.4 of PDCS, 2018).  Noted - Further details regarding exemptions can be provided in a Q&A paper.	No change  No change
PDCS16 Aldwick PC	Clearer maps outlining where each zone begins and where these intersect with parish boundaries.	Noted	Online interactive mapping is available which allows user to zoom in to property. CIL zones are not prepared based on parish boundaries therefore this data would add further complexity.
PDCS17 Landform Estates Ltd	Supports Zone 1 nil charge	Noted	No change
PDCS18 Hallmark	Ensure the definition of Older People's Housing Sheltered Housing and Extracare Housing is clear.	Noted – Care Homes are not housing, so it falls into the 'All other development definition'. This will be	Update charging schedule to read:

Comment reference	Comment	ADC Response	Change to PDCS/evidence Required?
Care Homes	Does not include care homes. It is suggested that wording within Table 7.1 is amended to the mentioned row is rewritten to simply state "Sheltered Housing and Extracare housing".	clarified.	This charge does not apply to residential institutions (C2)
PDCS19 Frontier Estates	<p>Various issues and questions raised in relation to extra-care developments including:</p> <ul style="list-style-type: none"> <li>• Density figures</li> <li>• Extracare Development and Zoning – the pricing zones are not appropriate</li> <li>• Build costs and revenues</li> <li>• Affordable housing assumptions</li> <li>• Ground Rent Investment not justified – an uncertain income stream which is unreasonable to assume.</li> <li>• Empty Property Costs not included</li> <li>• Requests Angmering be reallocated out of Zone 2/3 and CIL rate proposed for Extracare reduced from £70/m2 to £0/m2.</li> </ul>	See separate paper which addresses this representation (Background Paper 1a).	Overall, this representation does not result in changes to the proposed CIL rates.
PDCS20 Individual	<p>Concern relating to the delivery of infrastructure and identified funding gap.</p> <p>Include 5% administration contribution from CIL</p>	<p>The CIL Guidance requires that charging authorities should focus on providing evidence of an aggregate funding gap that demonstrates the need to put the levy in place. This can be evidenced by the ICSDP.</p> <p>The 5% is only taken from the total received in the</p>	<p>No change</p> <p>See action above</p>

Comment reference	Comment	ADC Response	Change to PDCS/evidence Required?
	<p>receipts.</p> <p>The Viability Evidence tests BEW at 3,000 but infrastructure evidence is for 2,300</p> <p>a)Introducing a flat rate CIL charge on all Strategic sites, of say £50.</p> <p>b) Introducing a CIL charging band for all larger houses &gt; 100 sq M, in all zones, adding the CDC text as per “This charge applies to the creation of one or more dwellings, and residential extensions or annexes which are 100 square metres or more gross internal area which are not for the benefit of the owner/occupier.”</p> <p>d) Remove the Maximum tag from the charge schedule. It should be non-negotiable.</p>	<p>first three years of CIL collecting and from year four onwards, 5% can be collected towards administration of CIL.</p> <p>The viability evidence has tested the site based on the full allocation as set out in Policy HSP2c.</p> <p>This is not supported by the viability evidence</p> <p>CIL is charged on a per square metre basis. Therefore, the larger the house, the more CIL the developer will be liable to pay.</p> <p>Agreed</p>	<p>regarding CIL receipts calculation.</p> <p>No change</p> <p>No change</p> <p>No change</p> <p>Remove the Maximum tag from the charge schedule. It should be non-negotiable.</p>
PDCS21 Ford Landowners	Support the inclusion of strategic sites in Zone 1.	Noted	No change
PDCS22 Barnham and Eastergate	Suggest ADC introduce a CIL band for larger houses of greater than 100 sqm.	CIL is charged per square metre on all new residential dwellings therefore if a house is larger than the average house it will pay more CIL.	No change

Comment reference	Comment	ADC Response	Change to PDCS/evidence Required?
Parish Council	The Parish Council supports a CIL Charging Policy as it gives parishes greater certainty. This certainty is beneficial when applying for grant funding as CIL funds will be usable as match funding (typically 50%).	Noted	No change
PDCS23 Sport England	<p>Arun charge a nil rate for other uses including D2 uses that would incorporate sports facilities, as it would be rarely viable for a community sports facility such as a leisure centre to pay CIL.</p> <p>Sport England would strongly encourage that ALL site specific requirements for both indoor sports facilities and outdoor sports facilities are excluded from the Regulation 123 list as Sport England would prefer contributions towards sport to continue to be secured through planning obligations.</p> <p>Only priority strategic projects should be placed on the 123 list</p>	<p>Agreed – this is implied by the final row on Table 7.1 which states <i>All other development £0/m<sup>2</sup></i></p> <p>Noted</p> <p>Noted</p>	<p>No change</p> <p>Prepare Reg. 123 list accordingly</p> <p>Prepare Reg. 123 list accordingly</p>
PDCS24 Highways England	Requires funding to be in place for A27 schemes 3-5 years before the end of the Local Plan period to enable HE to undertake the necessary detailed design etc. If this is not possible, forward funding will need to be investigated.	Noted	Review ICSDP phasing
PDCS25 Landlink Estates	<p>Provide a Reg. 123 list</p> <p>Why are district wide infrastructure projects for</p>	<p>To be provided at the Draft Charging Schedule consultation.</p> <p>The infrastructure evidence supporting the Local Plan requires transport and secondary education</p>	<p>Prepare Reg. 123 list accordingly</p> <p>No change</p>

Comment reference	Comment	ADC Response	Change to PDCS/evidence Required?
	<p>example transport and secondary education proposed to be funded through S106?</p> <p>Considers there is no scaling back of S106 but continued reliance on it as the main source of infrastructure funding.</p> <p>Infrastructure list to be published with PDCS to allow robust viability testing.</p> <p>The non-strategic sites need to fund the infrastructure gap</p> <p>Concern regarding secondary education contributions being applied to non-strategic sites.</p>	<p>contributions from strategic sites, to ensure growth planned in the Local Plan is sustainable.</p> <p>This is true in the case of strategic sites.</p> <p>This will be published with the Draft Charging Schedule.</p> <p>There is no requirement for the CIL evidence base to show that the funding gap will be met. The CIL Guidance requires that the evidence shows an aggregate funding gap to justify the preparation of a CIL charging schedule.</p> <p>The approach taken to delivering secondary education is set out in the ICSDP, 2017. An updated process for seeking secondary education contributions is being considered but has not been finalised. Any change to the approach will be incorporated into the infrastructure evidence base update.</p>	<p>No change</p> <p>Prepare Reg. 123 list accordingly</p> <p>No change</p> <p>No change</p>
PDCS26 Landlink Estates	Comparison of S106 for strategic sites eg. Yapton paying £15,000 per dwelling for education questions the viability of CIL as a whole.	S106 costs have been worked out on strategic sites based on the infrastructure requirements generated by these sites. The CIL viability testing has been based on these S106 costs (as set out in the ICSDP, 2017). However, the currently unknown infrastructure costs relating to non-strategic sites will be funded partly by S106 (for on-site infrastructure)	No change

Comment reference	Comment	ADC Response	Change to PDCS/evidence Required?
		and CIL (based on an assumption that the average S106 costs will be £2,000 per unit).	
PDCS27 Bourne Leisure	Wish to see purpose-built rental or static caravan holiday units within holiday parks or holiday resorts specifically removed from the “residential” CIL rate. These types of developments pay business rates rather than council tax	It is correct that that particular type of development is used for holiday use if it is paying business rates and not council tax. It will be for the applicant to show provide this information to differentiate between residential and holiday uses.	No change
PDCS28 BEW Southern Consortium	Support Zone 1 nil rate	Noted	No change
PDCS29 and PDCS30 Church Commissioners and Landlink – West of Bersted landowners	Support Zone 1 nil rate	Noted	No change
PDCS31 Gladman Development s Ltd	<p>The instalments policy should be linked to number of units rather than to the number of days after commencement.</p> <p>Clarification required in relation to the statement “In any event, CIL will be paid before a unit is occupied”.</p>	<p>This is the same approach adopted by other charging authorities. Commencement is defined in Regulation 67 of the Community Infrastructure Levy Regulations 2010 (as amended) as relating to the date given on the commencement notice submitted to the charging authority.</p> <p>Noted.</p>	<p>No change</p> <p>Remove the statement because it is not realistic to assume that CIL will be paid</p>

Comment reference	Comment	ADC Response	Change to PDCS/evidence Required?
	<p>Exceptional circumstances should be set out in policy because there may be a need for an alternative strategic site. CIL may deem a potential strategic site unviable.</p> <p>When establishing a funding gap that CIL is intending to fill, it is vital that the Council take account of all income streams</p>	<p>The council will consider whether to implement discretionary relief following adoption of the Charging Schedule (para. 9.4 of PDCS, 2018)</p> <p>This is set out in the Infrastructure evidence, where it is possible to pinpoint all other forms of funding available.</p>	<p>prior to occupation in all cases.</p> <p>No change</p> <p>No change</p>
PDCS32 Kingston PC	<p>The reasoning for not using CIL for strategic sites but relying on S106 agreements was not made clear.</p> <p>The mechanisms by which future CIL monies will come to a parish with an adopted NP and what planning applications this would apply to are not made clear.</p> <p>To make it more easily understood it would benefit from the use of 'plain English'.</p>	<p>See paragraphs 5.8-.510 of the CIL Viability Update Report, July 2018</p> <p>This will be set out as the implementation of CIL is finalised.</p> <p>A Q&amp;A will be prepared</p>	<p>Provide brief explanation charging schedule re. S106 vs. CIL</p> <p>No change</p> <p>Q&amp;A to be made available</p>
PDCS35 Pagham PC	Evidence out of date and prepared before the publication of the NPPF 2018.	The evidence is fully in line with the 2018 NPPF and updated NPPG. The only change in national policy is the use of the phrases Viability Threshold and Benchmark Land Value. They are the same thing but using different terminology.	No change



Comment reference	Comment	ADC Response	Change to PDCS/evidence Required?
	Disclaimer note	Standard caveat saying that the report should only be used for the purpose of informing the preparation of the CIL charging schedule.	No change
	The CIL Viability Update Addendum 2018 adds nothing of consequence	Important clarification note regarding the difference between Littlehampton Economic Growth Area and the strategic housing allocation at West Bank.	No change
	No verification of the evidence to check the estimates and projections.	Consultants are used to provide objective and professional judgements and data.	No change
	No Reg. 123 list	An infrastructure list will be provided alongside the Draft Charging Schedule	Prepare Reg. 123 list accordingly
	Doesn't provide an up to date funding gap	Infrastructure evidence is subject to constant changes as the Local Plan is being implemented. This was accepted by the Planning Inspector in paragraph 197 of his report.	Updates to ICSDP where available.
	None of the areas (including Pagham) with strategic sites will receive CIL	The areas will receive S106 to deliver infrastructure to ensure planned development is sustainable.	No change
	Results in infrastructure from strategic sites being focused on district wide requirements.	The infrastructure requirements have been identified through the preparation of the Arun Local Plan which is the adopted development plan for the district	No change
	Assumes that the current sites with planning permission will be implemented in the short term. Doesn't allow for CIL to be charged if there are changes on the application site in the future.	A CIL Charging Schedule can be reviewed and updated if there are changes to the way that strategic sites are being delivered.	No change

Comment reference	Comment	ADC Response	Change to PDCS/evidence Required?
	<p>If all sites treated the same (CIL charged on all sites), there would be an opportunity for the charging authority not to charge CIL on any particular development or site.</p>	<p>Although a CIL charging schedule can be updated and changed, a charging authority is not able to turn CIL on and off according to a site's specific viability issues. Once CIL is adopted, it is charged on all development and is a fixed rate. Changes to the Charging Schedule could take up to 12 months.</p>	<p>No change</p>

## **Background Paper 1a - Arun District Council Response to PDCS19**

### **Development Density**

It is suggested that the extracare housing is modelled at an overly high density. The basis of the modelling is as set out at 9.19 of the Local Plan Viability Study:

*A private sheltered/retirement scheme of 20 x 1 bed units of 50m<sup>2</sup> and 25 x 2 bed units of 75m<sup>2</sup> to give a net saleable area (GIA) of 2,875m<sup>2</sup>. We have assumed a further 20% non-saleable service and common areas to give a scheme GIA of 3,594m<sup>2</sup>. An extracare scheme of 36 x 1 bed units of 65m<sup>2</sup> and 24 x 2 bed units of 80m<sup>2</sup> to give a net saleable area (GIA) of 4,260m<sup>2</sup>. We have assumed a further 35% non-saleable service and common areas to give a scheme GIA of 6,554m<sup>2</sup>.*

Bearing in mind the typical format of such developments, which tend to be in walking distance of the town centres, are on average a 3 storey construction<sup>1</sup> this would result in a building footprint of about 2,000m<sup>2</sup>. The modelling assumes a 0.5ha (5,000m<sup>2</sup>) site so the site coverage is less than 50%. This is appropriate and allows for communal / shared gardens and limited parking.

### **Pricing Areas**

It is suggested by the representation that the pricing zones are not appropriate. The evidence that is provided to support this assertion relates to unrestricted market housing rather than extracare housing. Extracare housing is very different to market housing. As set out from 4.69 of the Local Plan Viability Study:

*Extracare housing is sometimes referred to as very sheltered housing or housing with care. It is self-contained housing that has been specifically designed to suit people with long-term conditions or disabilities that make living in their own home difficult, but who do not want to move into a residential care home. Schemes can be brought forward in the open market or in the social sector (normally with the help of subsidy).*

*Most residents are older people, but this type of housing is becoming popular with people with disabilities regardless of their age. Usually, it is a long-term housing solution. Extracare housing residents still have access to means-tested local authority services.*

This type of housing is quite different to either sheltered or retirement housing as care is provided. For the sake of clarity, the extracare housing modelled is assumed to be housing - with its own front door and self-contained. Institutional housing (including care homes) are not tested and fall under the "any other development" section of the proposed charging schedule.

Broadly, the values in the District vary between the coastal towns and the north. This differentiation formed the basis of the analysis in the Local Plan Viability Study so can be taken as read. Having said this, the opportunity is taken here to review the market. There is relatively little specialist older people's housing available for sale in the District at the time of this consultation, so it is necessary to look a bit more widely.

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<sup>1</sup> Average taken from 6 extra care developments with planning permission (R/299/07; LU/173/16/PL; R/296/15/PL; LU/417/06; BR/400/06 and; EP/111/05.

- McCarthy and Stone have a retirement scheme at Triton Worthing (close to the seafront) where 1 bedroom flats are selling from £265,000 and 2 bedroom flats from £355,000. These amounts are somewhat more than the assumptions used for sheltered housing in the viability assessment.
- McCarthy and Stone have a scheme that includes care at Neptune House where 1 bedroom flats are selling from £290,000 and 2 bedroom flats from £355,000. These amounts are somewhat more than the assumptions used for extracare housing in the viability assessment.
- McCarthy and Stone have a retirement scheme at St. Marys Road, Hayling Island where 2 bedroom flats are selling from £290,000. These amounts are somewhat more than the assumptions used for sheltered housing in the lower value areas in the viability assessment.
- The Renaissance Group have a scheme of retirement flats (over 55) at Station Road Rustington where prices start £465,000 (up to £580,000). Most of the scheme is 2 bed roomed units. These amounts are substantially more than the assumptions used for sheltered housing in the viability assessment.
- The Renaissance Group have a scheme at Fleur-de-Lis Arundel, 14 Fitzalan Road, Arundel, although no pricing information has been released.
- The scheme at Hale Lodge, Littlehampton is marketing 1 bed roomed flats from £223,000 and 2 bed roomed flats from £344,950. These amounts are somewhat more than the assumptions used for sheltered housing in the lower value areas in the viability assessment.

Having considered the prices being sought from active specialist older people's schemes, the assumptions used are considered appropriate.

#### Affordable Housing Revenues

The representation states that it is *unclear how the CILVU has arrived at the affordable housing revenues incorporated into the Extracare typology appraisals within Appendix 4.*

These are derived as set out from 4.39 of the Local Plan Viability Study.

#### Ground Rents

*The CILVU includes capitalised ground rent as investment revenue arising from development within Extracare typology appraisals. Unclear how this is calculated and it is considered to be a highly uncertain income stream.*

It is accepted that the derivation of the £3,850/unit figure is not clearly set out. This is based on an average rent of £190/year capitalised at 5%.

It is not considered to be an uncertain income stream. Over the last 20 or so years many new homes have been sold subject to a ground rent. Such ground rents have recently become a controversial and political topic. The Government has announced plans to reform ground rents – but it was confirmed (on 16th October 2018) that these will continue to be chargeable in relation to older peoples housing. It is therefore appropriate to take this into account.

#### Marketing Costs

It is accepted that marketing costs can vary across developers. The assumption used is carried forward from the Local Plan Viability Study.

#### Furniture Fixtures and Fittings

It is accepted that some developers fit out schemes to a lesser or to a greater extent.

In large part we would separate these costs to the trading / service part of the operation, with such costs appearing and being written down on the manager's balance sheet. The costs of such fixtures and fittings of the nature mentioned, would be covered through the 'sinking fund' charges in the service charges.

#### Empty Property Costs

The developer suggests a cost of £300,000 to £360,000 to allow for power, staff, cleaning and maintenance of the facility over the period from the first sale to the last sale – this is because of the cost that can not be recovered through the service charges before all the sales are completed.

Whilst it is accepted that such a cost is not allowed for, as evidenced from the market survey many of the units are sold off plan, thus minimising such costs.

#### Benchmark Land Value

The approach to establishing the BLV is commented on (and criticised). The EUV Plus approach used is strictly in line with the updated PPG and was confirmed through the consultation process (as recommended by the PPG). In the absence of any alternative approach being suggested it is difficult to comment.

#### In summary

A range of comments have been made, however having considered these the approach remains sound and appropriate for moving forward with CIL.

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# Arun District Council Community Infrastructure Levy (CIL) Draft Charging Schedule

## Consultation Version AUW 201-



# Contents

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## 1 Consultation Details

**1.1** This consultation on the Arun Draft Charging Schedule (DCS) March 2019 is the second stage in preparing a CIL Charging Schedule. The second round of consultation is called "publication". This means that, subject to the council agreeing to submit the draft charging schedule, all representations received at this stage, along with a Statement of Modifications, if need, will be sent to the CIL examiner. Furthermore, all respondents will be given the opportunity to request the right to be heard at by the CIL examiner on both the Draft Charging Schedule and on the Statement of Modifications, if needed.

**1.2** Comments on the Draft Charging Schedule should be made via the Objective Consultation portal at <http://arun.objective.co.uk/portal> or emailed to [Localplan@arun.gov.uk](mailto:Localplan@arun.gov.uk).

**1.3** Written comments can also be sent to the following address:

- Planning Policy and Conservation, Arun District Council, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

**1.4** For any queries, call 01903 737500 and ask for Planning Policy.

**1.5** This document will be published for a six week consultation period starting **21st March 2019 to 5pm on 2nd May 2019.**

## 2 Introduction

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### 2 Introduction

**2.1** This consultation document sets out Arun District Council's proposed charging rates for its Community Infrastructure Levy (CIL). This mechanism for the collection of funding for infrastructure was introduced under the Planning Act 2008 and enables local authorities to make a charge on most forms of new development to fund infrastructure needed to support growth.

**2.2** Before a Charging Authority is able to adopt a Charging Schedule, it is required to undertake two formal rounds of consultation followed by an Independent Examination. The consultation process provides an opportunity for respondents to assist in shaping the Charging Schedule.

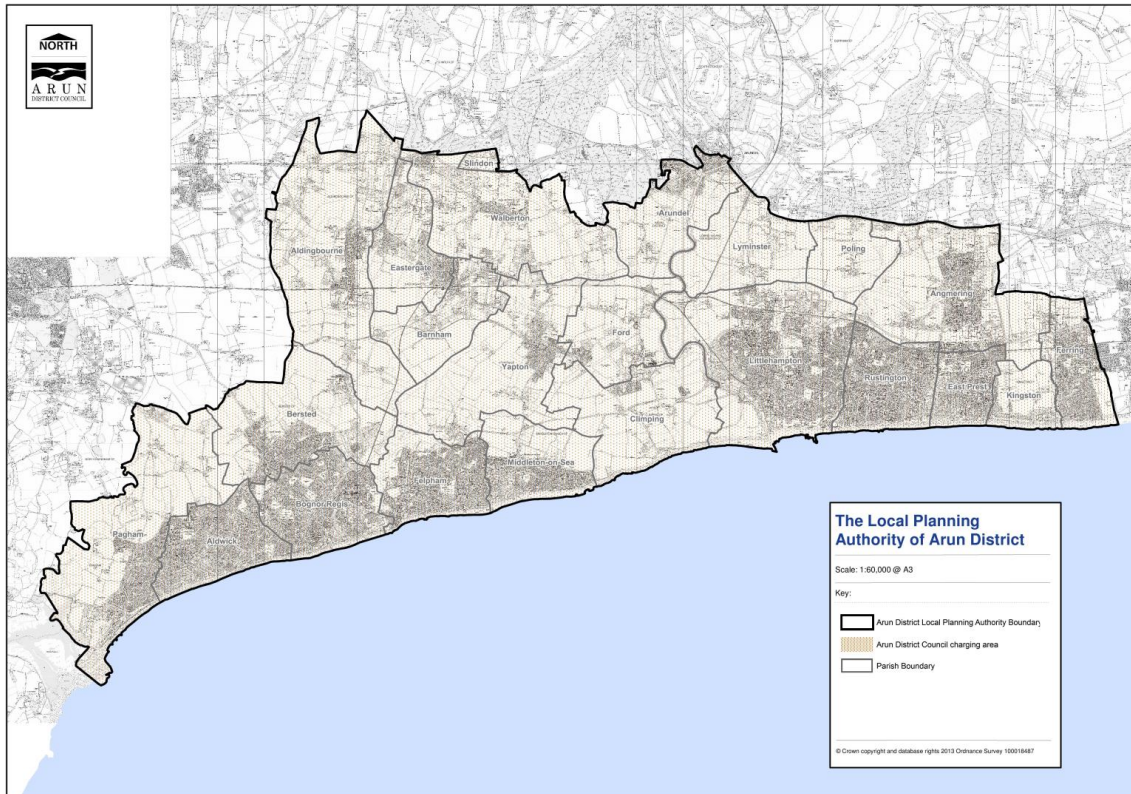
**2.3** The first round of consultation was on the Preliminary Draft Charging Schedule (PDCS) and took place from 10th December 2018 until 21st January 2019. The responses from the consultation have been considered and any changes to the PDCS have been incorporated into this consultation document, entitled the Arun Draft Charging Schedule (DCS).

**2.4** The DCS differs only slightly from the PDCS because it has been updated to take into account representations that identified changes required to ensure the document is sound and robust and also includes clarifications regarding definitions of some development types. A Frequently Asked Questions paper; a summary of the responses to the PDCS consultation and the evidence base used to support the preparation of the DCS will be made available on the council's website: [www.arun.gov.uk/cil](http://www.arun.gov.uk/cil) and will be made available to view at the libraries within Arun District and at the Arun Civic Centre and Bognor Regis Town Hall during the DCS consultation period.

**2.5** The CIL Guidance requires that charging authorities will implement the levy where their evidence has been prepared based on a relevant Local Plan. Arun District Council adopted the Arun Local Plan 2011-2031 (ALP 2018) on 18th July 2018. The ALP 2018 identifies the quantum and type of development planned to meet housing and employment needs within the district over the Plan period. It also allocates strategic housing and employment sites. The ALP 2018 is underpinned by the ICSDP, 2017 which identifies the infrastructure required to achieve local development and growth needs. This evidence base is considered to be a 'living' document because updates are required regularly as the Local Plan is implemented. As set out above, the most up to date version is available on the council's website [www.arun.gov.uk/cil](http://www.arun.gov.uk/cil).

## 3 The Charging Area

**3.1** The charging area covers all of Arun District with the exception of the areas of the South Downs National Park located to the north of the district. This is due to the fact that the National Park Authority is a local planning authority in its own right.



## 4 What is CIL?

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### 4 What is CIL?

**4.1** The legislative framework for CIL is provided by Part II (Sections 205-225) of the Planning Act 2008 and the CIL Regulations 2010 subject to subsequent amendments.

**4.2** CIL is a mandatory charge on new development, calculated on the change in net additional floorspace (m<sup>2</sup>), which local authorities can introduce. The charge is non-negotiable in most circumstances. The charge applies on a per square metre basis to new development of over 100m<sup>2</sup> of gross internal floorspace. In the case of new dwellings, there is no such threshold - CIL is charged per square metre whatever the size of the development.

**4.3** Charges are set by the Council through publication of a Charging Schedule. The charges must be supported by evidence that an infrastructure funding gap exists (taking into account other funding sources) and that it does not prejudice the viability of development across the district as a whole. Charges are index linked to build costs which means that CIL payments must be increased or decreased (index linked) to reflect changes in the costs of building houses and delivering infrastructure between the year that CIL was introduced to the year that planning permission is granted. The index used is the national All-in Tender Price Index published by the Build Cost Information Service (BCIS).

**4.4** The CIL Guidance (Last updated, March 2018) states that in setting CIL rates, the charging authority "will need to be able to show why they consider that the proposed levy rate or rates set an appropriate balance between the need to fund infrastructure and the potential implications for the economic viability of development across their area."

**4.5** The process through which an authority needs to go through in order to adopt a CIL is as follows:

- the charging authority prepares its evidence base in order to prepare its draft levy rates, and collaborates with neighbouring/overlapping authorities (and other stakeholders)
- the charging authority prepares a preliminary draft charging schedule and publishes this for consultation
- consultation process takes place
- the charging authority prepares and publishes a draft charging schedule
- period of further representations based on the published draft
- an independent person (the "examiner") examines the charging schedule in public

- the examiner’s recommendations are published
- the charging authority considers the examiner’s recommendations
- the charging authority approves the charging schedule

**4.6** There is a considerable degree of flexibility permitted in the spending of CIL monies. It must be spent on the provision of new infrastructure (rather than remedying existing deficiencies) to support the delivery of the adopted Local Plan. Infrastructure is defined widely in the Planning Act 2008 and includes transport, education, health, open space/green infrastructure, police/community safety, flood defences for example.

**4.7** Revenues can be passed to other bodies to deliver infrastructure. A schedule of infrastructure to be funded by CIL should be published alongside the Charging Schedule, at examination, in accordance with Regulation 123 of the CIL Regulations 2010. CIL guidance (2014, last updated March 2018) sets out that when an authority introduces the levy, Section 106 requirements should be scaled back to those matters that are directly related to a specific site, and are not set out in a Regulation 123 list. Section 106 agreements will still be used to cover non-infrastructure requirements such as the provision of affordable housing, local open space, access roads, habitat protection etc.

**4.8** Transparency on the spending of CIL is required by the CIL Regulations 2010. Further detail regarding monitoring of CIL spending is set out in Section 10 of this document.

**4.9** The CIL Guidance sets out the neighbourhood portion of CIL which means that a portion of CIL money is passed back to the Town or Parish Council's where development takes place. The portion of CIL money passed back differs based on whether the Parish or Town Council has an adopted neighbourhood plan as follows:

Neighbourhood Plan?	Portion of Levy
Yes	25% uncapped, paid to parish/town council
No	15% capped at £100/dwelling, paid to parish/town council

**Table 4.1**

### 5 Infrastructure Evidence

**5.1** As set out above, in preparing a charging schedule, there is a need to demonstrate that there is a funding gap in the provision of infrastructure required to support new development.

**5.2** The CIL Guidance states that: "Charging authorities must identify the total cost of infrastructure they wish to fund wholly or partly through the levy...Information on the charging authority area's infrastructure needs should be drawn from the infrastructure assessment that was undertaken as part of preparing the relevant Plan...".

**5.3** The infrastructure evidence which underpins the ALP, 2018 was published in February 2017. The ICSDP, 2017 identifies site specific infrastructure requirements as well as district wide infrastructure needs resulting from planned growth in the district. Based on total estimated infrastructure costs and existing funding secured, there is a total infrastructure funding gap of approximately £270 million. However, based on estimated S106 contributions from the eleven strategic sites, allocated in the ALP, 2018, this funding gap reduces to £50 million.

**5.4** Table 5.1 shows a significantly high level of S106 expected to fund infrastructure requirements. This is due to the fact that the infrastructure required for each strategic allocation will largely be delivered by means of S106 agreements. Although, there may be challenges involved in delivering strategic infrastructure for the larger strategic sites in light of the pooling restrictions set out by Regulation 123 of the CIL Regulations, it is anticipated that changes to the pooling restrictions in the future (as proposed in the Supporting housing delivery through developer contributions consultation) will assist with the council's approach. Table 5.1 below summarises the main infrastructure items needed to support the ALP, 2018 and shows the approximate funding gap.

**5.5** The CIL Guidance requires that the charging authority should set out at Examination a draft list of the projects or types of infrastructure that are to be funded in whole or in part by the levy as well as those known site specific matters where section 106 contributions will be sought. The ICSDP, 2017 including any further updates, resulting from this consultation will enable this list to be prepared, and consulted on at the Draft Charging Schedule stage.

**5.6** The funding gap demonstrates that there is a sufficient funding shortfall that must be filled in order to deliver the infrastructure to support growth in the district (based on the Infrastructure Delivery Plan, 2017). This justifies the preparation of a CIL charging schedule. The council will actively seek additional sources of funding where they may be available in order to reduce the infrastructure gap. It should be noted that the ICSDP, 2017 is a 'living document' and can be updated on a rolling basis. In particular, the evidence will need to take account of local infrastructure



## 5 Infrastructure Evidence

requirements as the council moves forward with the preparation of the Non-Strategic Sites DPD (the NSS). It is anticipated that most infrastructure needs will be on-site S106 but cumulative/strategic infrastructure may require CIL receipts.

Category	Total estimated cost (£million)	Existing Funding Available/Secured (£million)	Expected S106 Funding (£million)	Funding Gap (£million)
Primary Education	£77	£0	£77	£0
Secondary Education	£47	£0	£47	£0
Early years/childcare facilities	£14	£0	£14	£0
Social and Leisure facilities	£47	£15	£2	£30
Healthcare	£14	£0	£14	£0
Green Infrastructure and Habitats	£16	£1	£3	£12
Waste Management	£8	£0	£0	£8
Emergency Services	tbc	tbc	tbc	tbc
Flood Risk Mitigation	£35	£0	£35	£0
Utilities	£3	£0	£3	£0
Transport	£38	£13	£25	£0
Totals	£299	£29	£220	£50

**Table 5.1**

## 6 Viability Evidence

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### 6 Viability Evidence

**6.1** CIL is expected to have a positive economic effect on development across the area by providing additional infrastructure to support development. In deciding the rates of the council's levy, a key consideration is the balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing the levy upon development across their area.

**6.2** Charging Authorities are therefore required to arrive at an appropriate balance between the desirability of funding infrastructure through CIL and not adversely impacting on the deliverability of planned development. To inform this judgement, the District Council has commissioned viability evidence.

**6.3** In January 2015 GL Hearn prepared the Arun Viability Report which informed the council's first PDCS (consulted on in 2015). Since 2015, further viability evidence has been commissioned to underpin the Arun Local Plan main modifications.

**6.4** The Local Plan Viability Assessment Update (LPVU, 2017) was prepared by HDH Planning and Development in January 2017 and assessed the viability of the Arun Local Plan, in particular taking into account policy requirements including affordable housing and the viability of the strategic allocations within the plan in light of policy and infrastructure requirements. The LPVU, 2017 was examined during the Local Plan hearings and the Inspector made numerous references to it. On this basis the viability evidence is sound and an appropriate starting point for the preparation of an update to the CIL viability evidence base.

**6.5** Subsequently, an annex to the LPVU, 2017 was prepared in July 2018 to consider the scope for CIL rates for those parts of Arun District outside of the South Downs National Park. This is called the CIL Viability Update, July, 2018 prepared by HDH Planning and Development (CILVU, 2018). These studies are available to view at [www.arun.gov.uk/cil](http://www.arun.gov.uk/cil)

**6.6** The CILVU, 2018 uses the methodology set out in Chapter 3 of the LPVU, 2017 which uses a residual value calculation to assess a range of different development typologies represented within the council's Housing and Employment Land Availability Assessment (HELAA). The CILVU, 2018 ensures that all factors involved in the viability assessment are up to date by reviewing the impact of policy and market change since the LPVU, 2017. This includes changes to national and local policy, market changes such as residential values, affordable housing values, older people's housing, student housing, non residential values and development land values. The report also considered changes to development costs including construction costs, developer returns and strategic infrastructure and mitigation costs.

**6.7** The CILVU, 2018 models a number of development sites (residential and non-residential) and considers variations in land values and development costs across the district. From this the impact of CIL is inferred and variable rates have



been identified. The CIL Guidance is clear that CIL should not be set at the limits of viability. In considering the rates of CIL it has been assumed that the Residual Value should generally be 50% above the Viability Threshold.

**6.8** The consultants conclusions resulting from the evidence identify five geographical zones within the district with significantly different viability characteristics as set out in Table 2 below. In particular, the study identifies differential values between sites within and outside the urban areas (shown on the Local Plan policies maps as the Built Up Area Boundaries, excluding the strategic allocations) and between the northern and the coastal parts of the district (north and south of the A259). The consultants have also undertaken a more detailed viability assessment of the strategic housing allocations in the ALP, 2018 and have identified that infrastructure costs associated with these sites justify a separate charging zone.<sup>(1)</sup> The study has also found that on sites where the provision of affordable housing is a policy requirement (sites of 11 units or more), viability varies across the district.

**6.9** In respect of commercial development, the evidence resulting from the viability study recommends that the majority of uses are unable to pay CIL with the exception of supermarkets and the retail warehouse format. Table 6.1 overleaf shows and describes the zones.

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1 It should be noted that in the case of the CIL charging schedule zones, the strategic housing allocation sites included in Zone 1 are shown separated from the built up area boundary (BUAB). This is in contrast to the Local Plan Policy Maps which include the strategic allocations within the BUAB. This differentiation only applies for the purposes of illustrating the CIL Charging Schedule and does not infer changes to the Local Plan policies maps

## 6 Viability Evidence

Zone	Characteristics
Zone 1	The strategic sites at Pagham South, Pagham North, West of Bersted, BEW, Fontwell, Yapton, Ford, Climping, LEGA and Angmering North
Zone 2	Within the urban boundaries in the Northern Area - being that area to the north of the A259
Zone 3	Not within the urban boundaries in the Northern Area - being that area to the north of the A259
Zone 4	Within the urban boundaries in the Coastal Area - being that area to the south of the A259
Zone 5	Not within the urban boundaries in the Coastal Area - being that area to the south of the A259

**Table 6.1**

**6.10** Paragraph 7.52 and Table 7.3 of the CILVU, 2018 set out the recommended CIL charging zones and CIL charging rates.

### 7 The Draft Charging Schedule

**7.1** Having had regard to all the evidence produced to support the preparation of the Draft Charging Schedule, as summarised above, the Council's proposed charging rates are as follows:

Development Type	Site Size	Zone	Rate of CIL
<b>Residential</b>			
	N/A	Zone 1	£0/m <sup>2</sup>
	Sites of 10 and fewer units	Zone 2 and 3	£150/m <sup>2</sup>
	Sites of 10 and fewer units	Zone 4 and 5	£100/m <sup>2</sup>
	Sites of 11 and more units	Zone 2	£70/m <sup>2</sup>
	Sites of 11 and more units	Zone 3 and 5	£100/m <sup>2</sup>
	Sites of 11 and more units	Zone 4	£0/m <sup>2</sup>
<b>Flats</b>			
	N/A	Zone 2 and 3	£100/m <sup>2</sup>
	N/A	Zone 4 and 5	£0/m <sup>2</sup>
<b>Older People's Housing Sheltered Housing and Extracare housing</b>			
	N/A	Zone 2 and 3	£70/m <sup>2</sup>
	N/A	Zone 4 and 5	£0/m <sup>2</sup>
<b>Retail</b>			
Town Centre Shops	N/A	N/A	£0/m <sup>2</sup>
Supermarkets and Retail Warehouse	N/A	N/A	£110/m <sup>2</sup>
<b>All other development</b>	N/A	N/A	£0/m <sup>2</sup>

**Table 7.1**

#### NOTES

**7.2** The Charging Zones are mapped on the plan in Appendix 1 - Charging Zones Map.

## 7 The Draft Charging Schedule

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**7.3** Older People's Housing is discussed in the LPVU, 2017. Paragraphs 4.67 - 4.70 of the report provides descriptions of the types of accommodation that this includes: "Sheltered or retirement housing is self-contained housing, normally developed as flats and other relatively small units. Where these schemes are brought forward by the private sector there are normally warden services and occasionally non-care support services (laundry, cleaning etc.). Extracare housing is sometimes referred to as very sheltered housing or housing with care...". This development type does not include residential institutions such as care homes.

**7.4** Supermarket should be defined as shopping destinations in their own right where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix. The majority of custom at supermarkets arrives by car, using the large adjacent car parks provided. (see paragraph 7.11 of CILVU, 2018).

**7.5** Retail warehouse should be defined as large stores specialising in the sale of comparison goods (such as carpets, furniture, and electrical goods) DIY items and other ranges of goods catering mainly for car borne customers. (see paragraph 7.11 of CILVU, 2018).

**7.6** These rates have been prepared with a viability buffer of 50% over and above the viability threshold.

**7.7** The rates have also been calculated as a proportion of land value (less than 25%) and as a proportion of Gross Development Value (less than 5%).

### 8 Draft Instalments Policy

**8.1** The importance of allowing CIL to be paid through the life of a project was raised. The analysis in the CIL Update Report (July, 2018) is therefore based on the assumption that CIL is paid through the life of the schemes. The following instalment policy is suggested in the report and presented below for comment:

Amount of CIL	Number of Instalments	Payment periods and amount
Any amount less than £10,000	One payment	Total amount payable within 60 days of commencement of development
Amount equal to £10,000 or less than £50,000	Three instalments	60 days, 120 days and 180 days of commencement of development
Amount equal to £50,000 or less than £100,000	Four instalments	60 days, 180 days, 360 days and 540 days commencement of development
Amount higher than £100,000	Five instalments	60 days, 180 days, 360 days, 540 days and 720 days commencement of development
<p>Note: Commencement is defined in Regulation 67 of the Community Infrastructure Levy Regulations 2010 (as amended) as relating to the date given on the commencement notice submitted to the charging authority.</p>		

**Table 8.1**

## 9 Exemptions and Relief

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### 9 Exemptions and Relief

**9.1** In accordance with the CIL Regulations, certain types of development are exempt from liability to pay a CIL charge. These include the following:

- minor development eg. an extension to an existing building where the gross internal area of new build will be less than 100 square metres,
- residential annexes or extensions,
- self build housing and
- charitable development eg. where a development is occupied or under the control of a charitable institution.

**9.2** Social Housing development is eligible for relief from liability to pay CIL. This means that although social housing is not exempt from liability to pay a CIL charge, relief from the CIL charge can be applied for a development which qualifies under the definition of social housing.

**9.3** Finally, charging authorities are able to give certain other types of development relief from liability to pay a CIL charge. This is called discretionary relief. Discretionary relief can be given on the following types of development:

- discretionary charitable relief: investment activities
- discretionary relief for exceptional circumstances
- discretionary social housing relief

**9.4** The council will consider whether to implement discretionary relief following adoption of the Charging Schedule.

### 10 Annual Monitoring

**10.1** The council will monitor CIL income on an annual basis and publish a report in accordance with Regulation 62A of the CIL (Amendment) 2013 Regulations.

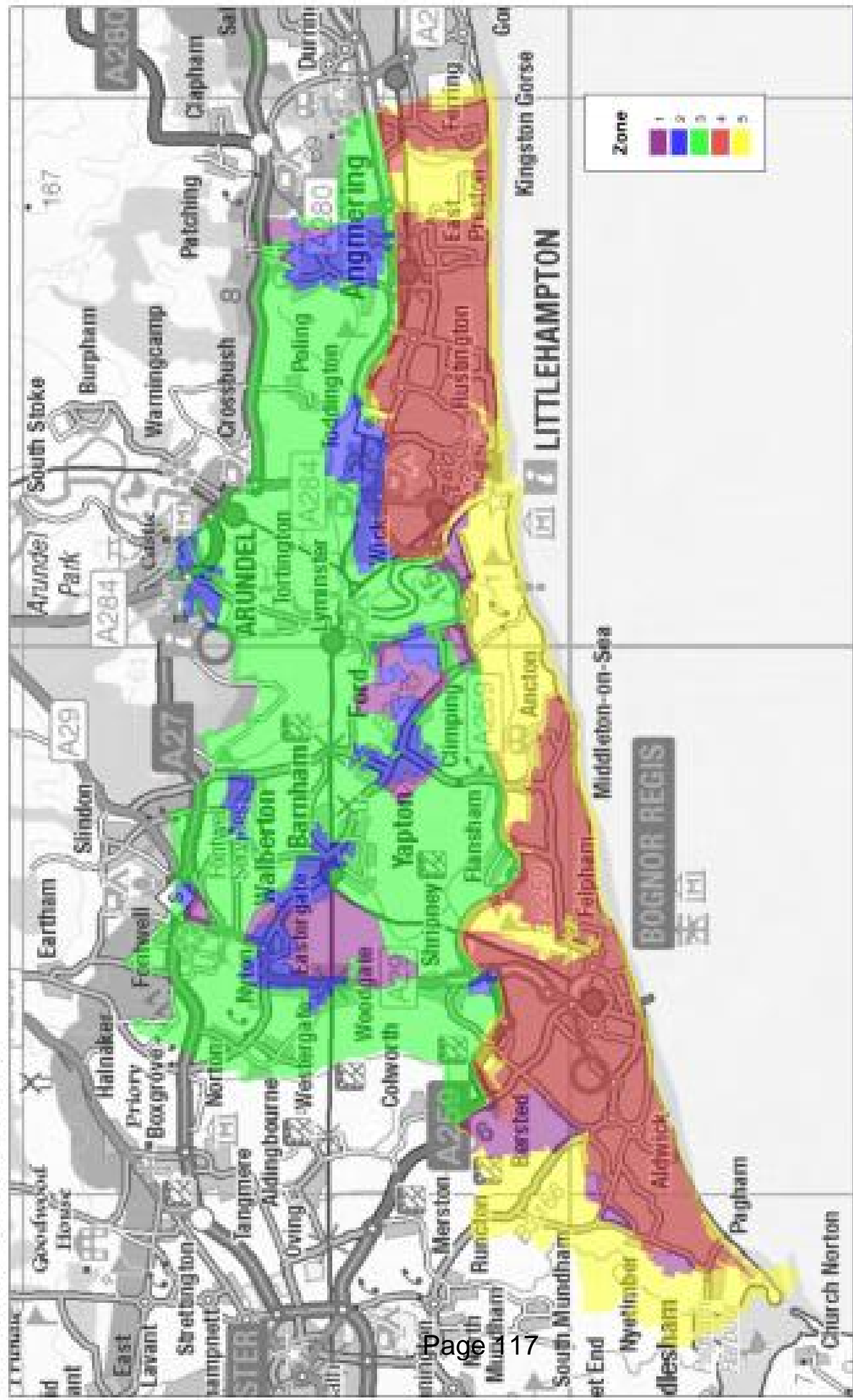
**10.2** Where the council have pooled the levy and/or combined it with other sources of funding for investment in strategic infrastructure, the council will show how the various contributions have been committed.

**10.3** Where parish and town councils receive a portion of the levy, the income and spending must be reported by the Parish and Town councils in accordance with regulation 62A of the CIL (Amendment) 2013 Regulations.

**11 Appendix 1 - Charging Zones Map**



# CIL CHARGING ZONES





**Background Paper 3 – Draft Infrastructure List (in accordance with Reg. 123 of the Community Infrastructure Levy Regulations 2010 (as amended)).**

<b>Infrastructure projects to be funded at least in part by CIL</b> (provision, improvement, replacement, operation or maintenance)	<b>Exclusions</b> (to be secured through planning obligations S106/S278)
<b>Transport:</b>	
<ul style="list-style-type: none"> <li>Public transport service improvements Arundel Chord</li> </ul>	<ul style="list-style-type: none"> <li>All transport schemes required to be delivered by strategic sites</li> </ul>
<b>Education:</b>	
<ul style="list-style-type: none"> <li>A second new secondary school to support the delivery of non-strategic sites.</li> <li>Additional education facilities required to serve non-strategic development in the district including primary, secondary, sixth form and early years</li> </ul>	<ul style="list-style-type: none"> <li>10FE secondary school plus additional FE to support strategic housing allocations</li> <li>Education requirements to support strategic housing allocations</li> </ul>
<b>Healthcare:</b>	
<ul style="list-style-type: none"> <li>Community Healthcare/Primary Care facilities/improvements</li> </ul>	<ul style="list-style-type: none"> <li>Expansion or new provision of healthcare facilities as required to support strategic housing allocations.</li> </ul>
<b>Social Infrastructure:</b>	
<ul style="list-style-type: none"> <li>Community facilities other than site-specific requirements</li> <li>Strategic built sport and leisure facilities other than site-specific requirements</li> <li>Cultural venues and public art</li> </ul>	<ul style="list-style-type: none"> <li>Provision related to strategic sites, including hubs on West of Bersted and BEW</li> </ul>
<b>Open Space:</b>	
<ul style="list-style-type: none"> <li>Public open space other than site specific requirements</li> <li>Playing fields, sports pitches and related built facilities and children’s play areas other than site specific requirements</li> <li>Provision of allotments other than site-specific requirements</li> </ul>	<ul style="list-style-type: none"> <li>Provision of open space necessary to make the development acceptable in planning terms.</li> </ul>
<b>Green Infrastructure:</b>	
<ul style="list-style-type: none"> <li>Green Infrastructure (protection and enhancement of the green infrastructure network including four priority projects outlined within the Green Infrastructure Study)</li> <li>Arundel to Littlehampton Corridor</li> </ul>	<ul style="list-style-type: none"> <li>Provision of green infrastructure to make the development acceptable in planning terms.</li> </ul>

Enhancement	
<b>Public Services:</b>	
<ul style="list-style-type: none"> <li>• Relocation and redevelopment of Littlehampton Fire Station</li> <li>• Ambulance community response post and community first responded facilities</li> <li>• Libraries</li> </ul>	<ul style="list-style-type: none"> <li>• Provison of Tier 7 libraries at each strategic site</li> </ul>
<b>Flood defence:</b>	
<ul style="list-style-type: none"> <li>• Strategic flood alleviation schemes and flood prevention measures</li> <li>• Maintain black ditch flood defences</li> <li>• Maintain Arundel to Littlehampton flood defences</li> <li>• Sustain flood defences at Arundel</li> <li>• Adaptive management measures at Pagham Beach</li> <li>• SUDS implementation other that sites specific requirements</li> </ul>	<ul style="list-style-type: none"> <li>• SUDS and flood mitigation requirements required to make development acceptable in principle.</li> </ul>

**MHCLG Consultation – Reforming Developer Contributions: Technical Consultation on Draft Regulations - 20<sup>th</sup> December 2018 – 31<sup>st</sup> January 2019**

**Arun District Council Officer Response**

This consultation publishes draft regulations proposed as a result of the “Supporting Housing Delivery through Developer Contributions which took place last March. Arun’s officer response is provided below:

**1) Ensuring Consultation is Proportionate**

Proposal to:

- remove the statutory requirement to consult on a Preliminary Draft Charging Schedule;
- remove the requirement to advertise consultations in the local press and;
- remove the statutory four week consultation timescale for the Draft Charging Schedule.

**Question 1: Any elements in regulation 3 which will prevent Government achieving the policy intent?**

**Answer:**

Arun District Council agrees with the principle of making it quicker revise and update a Charging Schedule. However, there should remain a minimum statutory period of consultation and for charging authorities preparing its first charging schedule, a Preliminary round of consultation remains a useful engagement process. This change could result in greater challenge at a later stage of the process.

Please see three points of clarification below:

1. correct typo: “drafting charging schedule”
2. “in regulation (2) after “In this regulation”. Should this refer specifically to Regulation 16?
3. Under the definition of “consultation bodies”, the meaning within section 37 of PCPA 2004 includes county councils. Therefore, is (iii) needed?

**2) Removing Restrictions which prevents local authorities using more than five S106 obligations to fund a single infrastructure project**

Proposal to lift the S106 pooling restrictions altogether. The requirement to prepare a Regulation 123 list will also be removed and replaced by an Infrastructure Funding Statement (to be submitted by 31<sup>st</sup> December each year) which monitors and presents infrastructure funding from S106 and CIL in a way that is available for the public.

The consultation document explains that it will incentivise continued use of the Levy by requiring local authorities to consult on the withdrawal of a charging schedule. The consultation will require charging authorities to set out the financial impact of ceasing to charge CIL and how the authority intends to replace any lost funding.

This is considered to be a pragmatic approach to the withdrawal from CIL by charging authorities. Agree that charging authorities should provide CIL receipts for five years preceding the point at which the statement is published. This is because significant amounts of CIL are not received until at least 5 years after a charging authority first implements CIL.

**Question 2: Are there any elements in draft regulations 4 and 11 which will prevent the Government achieving the policy intent?**

**Answer:**

Draft regulation 4 (procedure in relation to a charging schedule ceasing to have effect) – Agree

Point of clarification – This response answers question 2 as if it refers to draft regulation 12, not 11 because draft regulation 11 relates to “fees for monitoring planning obligations”. Draft regulation 12 refers to “Removal of Pooling Restrictions”

Arun District Council agrees with Draft Regulation 12.

**3) Improving transparency and increasing accountability**

Removing regulation 123 restrictions and introducing Infrastructure Funding Statements.

The Government proposes to introduce a requirement for all local authorities (including those that have not implemented the Levy) to publish an annual Infrastructure Funding Statement by 31<sup>st</sup> December each year. It would report on what has happened on revenues from developer contributions (S106 and CIL) and how they propose to apply them in the following years. Although charging authorities are already required to report on the spending of CIL, this change extends the monitoring requirement to include S106 also.

Draft data specification and prototype tools are available for review and comment. Arun District Council officers have reviewed the data requirement and comments on these are provided below under Question 8.

**Question 8: Are there any elements in draft regulation 9 which will prevent the Government achieving the policy intent?**

Technical response:

Assume this is referring to draft regulation 10 rather than draft regulation 9?

Under 121A (1) d and e. Is this referring to a three year forecast? It currently reads “a three forecast”.

Response to the principle of including a requirement on local planning authorities to prepare and submit an Infrastructure Funding Statement (IFS)

**Duty to Cooperate - Completing an IFS**

The regulations require a “Contribution receiving authority” to prepare an IFS. The definition of a contribution receiving authority relates to the charging authority and a local planning authority which enters into S106 agreements. However, S106 agreements are entered into by local planning authorities alongside service providers such as the education authority, the highway authority, the NHS for example. It should be made clear in the regulations that there is a level of responsibility upon the receiving authorities to submit spending data on a regular basis.

**In response to the draft online form to be completed:**

Standardised unique reference number:

ADC would use a planning application reference which is unique to the authority and site or NLPG?

Entry date:

In some cases the entry date may be different to the date the agreement was made due to the time taken to enter data. In some cases, where new systems have been set up, older but extant S106 agreements were given a generic entry date.

End Date:

How will this be defined? For example, the date the final payment made, the date the agreement fully complied with? Will it relate to just financial or financial and non financial obligations?

Document URL:

It may not be possible to provide a URL directly to a specific S106 agreement but a URL can be provided to the front page of the planning reference which is subject to the S106 agreement. The different methods that could be required to provide this information will need to be considered given the impact upon resources that each methodology could result in.

Contribution Purpose:

How to standardise such an array of contributions?

Amount:

Although this should be a simple exercise, S106 agreements include a range of formula for calculating contributions and triggers for when the contributions should be paid. There is also reliance, in some cases, on services to inform the Local Planning Authority when the money was spent. This case applies particularly in two-tier authorities but also between local planning authorities and the NHS for example.

It will only be possible for local planning authorities to provide data on the total amount provided by planning obligations **completed** in that monitoring year. Therefore, this should be made clear in the regulations to ensure a clear process is in place.

#### Development agreement transactions:

A unique reference for a “transaction”? There is no definition of a transaction in this context or how the transaction reference should be set up. Is the transaction financial or could it include land?

#### Reporting Timescales:

There needs to be clear guidance about how far back a S106 should be reported upon. Some large sites have agreements going back eight years. During that time period, recording methods have changed and systems updated which may result in challenges in retrieving information.

Overall, this is a process that Arun District Council will be able to complete. However, there are concerns regarding the level of detail required and the uncertainties involved in receiving data from external service providers within required timeframes.

The proposed regulations may provide a useful means to simplify the S106 process by incorporating requirements for S106 agreements to be standardised to ensure that they can be reported as efficiently as possible.



## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUBCOMMITTEE ON 27 FEBRUARY 2019

#### PART A : REPORT

**SUBJECT: PROVISION OF ACCOMMODATION SUITABLE FOR OLDER PEOPLE  
AND PEOPLE WITH DISABILITIES**

**REPORT AUTHOR:** Karl Roberts, Director of Place  
**DATE:** 7 January 2019  
**EXTN:** 37760  
**PORTFOLIO AREA:** Planning

#### **EXECUTIVE SUMMARY:**

This report seeks approval for the Council to adopt the following recommendations as interim guidance on the provision of accommodation suitable for older people and people with disabilities.

#### **RECOMMENDATIONS:**

That the Planning Policy Sub Committee agrees the following:

- a) That the proposed standards for the provision of accommodation suitable for older persons and people with disabilities are approved for the purposes of consultation
- b) That appropriate consultation on the proposed standards be undertaken and any consultation responses reported back to the Sub Committee
- c) That the proposed standards for the provision of accommodation suitable for older persons and people with disabilities are treated as a material consideration in respect of the determination of all relevant planning applications
- d) That the Equality Impact Assessment at section 6 is noted.

#### **1. BACKGROUND:**

The Council adopted its Local Plan in July 2018. In due course a Design Guide will be produced to give more detailed effect to some of the policies of the Local Plan. However, in the meantime it is proposed that the Council should adopt the following as interim guidance on the provision of accommodation suitable for older people and people with disabilities.

The 2018 version of the National Planning Policy Framework contains the following guidance at paragraph 61:

***“Within this context, the size, type and tenure of housing needed for different***

**groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). (my emphasis)**

In the Government's response to the Second Report of Session 2017-19 of the Housing, Communities and Local Government Select Committee inquiry into Housing for Older People the following comments were offered;

***"We have strengthened national planning policy to reflect the importance of housing for older people. The revised National Planning Policy Framework was published on 24 July 2018 and sets out that plan making authorities are expected to have clear policies for addressing the housing needs of older and disabled people. The revised National Planning Policy Framework also includes a wider definition of older people in the glossary that includes those approaching, as well as over, retirement age. This will enable plan-making authorities to plan for the needs of people seeking to move to more suitable accommodation at an earlier age."***

In the same document the Government offered the following guidance;

***"The Government will continue to consider the range of housing available to older people, including new innovative models and those which support interactions across generations. We have made good progress to create options in new mainstream housing by developing a robust framework linking planning to building regulations. Every local authority can now plan to deliver housing that suits local need and viability. We have also introduced an optional technical standard into Building Regulations which gave local authorities a choice in that range between visitable dwellings, accessible and adaptable dwellings and wheelchair user dwellings. This took earlier independent Lifetime Homes guidance and embedded it as a broadly equivalent category of statutory guidance: Category 2 - M4(2). This can be applied as a planning condition, in a proportion that fits in with the local plan.***

***In contrast to new build homes, adapting existing homes relies on the home's fabric being suitable for adaptations. The built fabric of some houses will be unsuitable for the sorts of adaptation some people need, such as structural works to widen existing doors. Other homes will be very suitable to add extra steps, ramps and handrails or fit a level access shower room within an existing bathroom. Much depends on the existing building, but also the mobility and the degree of need for each resident. Building Regulations allow for all new homes to include a degree of access and adaptability suited to staying in a home for longer.***

***Local authorities can now evidence a need for more new accessible and adaptable properties in their area. When developing their local plan policies, each area has the means through planning and building regulations to ensure an appropriate supply of M4(2) Category 2: Access and adaptable dwellings and M4(3) Category 1:***

***Wheelchair user dwellings. The Government will be publishing further guidance shortly to accompany the revised National Planning Policy Framework on how local authorities should plan to meet the needs of older and disabled people.”***

Members will be aware that over the coming months and years the Council is likely to receive numerous applications to deliver the required level of housing required by the Local Plan. Therefore, now is considered to be the right time to set out what the Council's expectations are as a starting point in negotiations on individual schemes.

Both the Select Committee report and the Government's response contain helpful observations on a range of other health matters relating to older people including loneliness and other initiatives aimed at allowing older people to live as independently for as long as possible. Consideration is being given to these matters as part of the process of assisting developers devise schemes which are likely to best meet the needs of the future population of Arun. However, in the context of this paper it is worth noting that barriers to accessibility, both within the home and in the local environment can increase a person's loneliness.

In the current Local Plan policy D DM1 addresses specific aspects of form and design quality. The policy states;

#### **Policy D DM1**

##### **Aspects of form and design quality**

**When considering any application for development the Council will have regard to the following aspects.**

##### **5. Adaptability**

**Acknowledge diversity and difference. Buildings and places should be flexible to future adaption, including the changing needs of occupants (for example aging users, family circumstances), changes in wider work and social trends, and be able to accommodate potential differing uses of public space.**

In addition policy D DM2 offers the following policy guidance on Internal Space Standards.

#### **Policy D DM2**

##### **Internal Space Standards**

**The planning authority will require internal spaces to be an appropriate size ... to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance.**

Relevant extracts from the current National Planning Policy Guidance currently predate both the July 2018 version of the NPPF and the Select Committee report and Government response; hence there is some conflict between the guidance and commentary offered in

these documents. The proposed policy response for the Council is therefore based on the more recent documents.

To address this issue in the context of Arun it is firstly helpful to consider the need for such policy initiatives in Arun. The 'Updated Housing, Needs Evidence, Arun District Council, Final Report, September 2016' provides the following data and commentary.

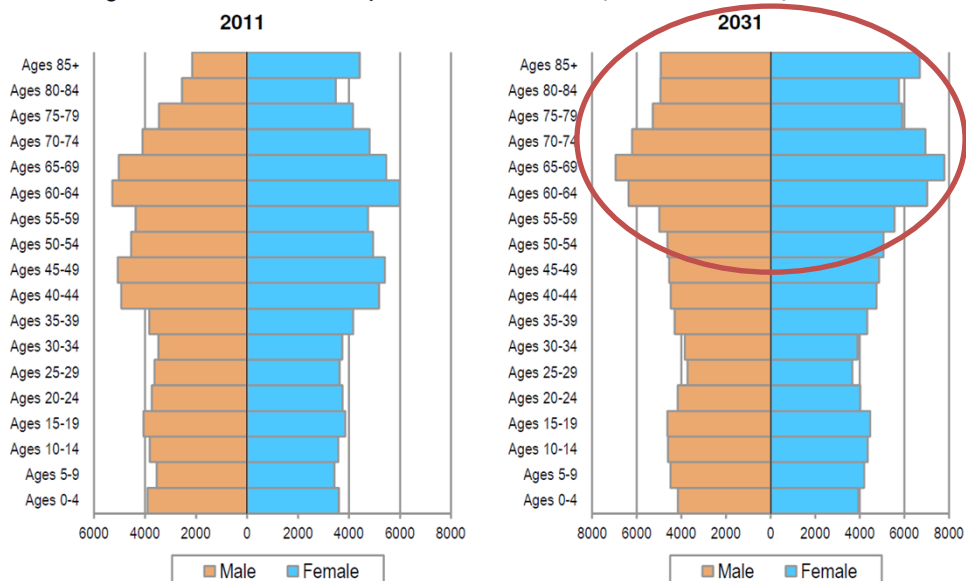
**“1.8 The population of older persons is expected to grow significantly over the plan period, increasing by 55% (21,800 persons). A growing older population of older persons, particularly for those aged in their 70s, 80s and above, is projected to result in an increased need for specialist accommodation for older persons. This report identifies a need for 2,257 units of specialist accommodation over the plan period, such as sheltered or extra care provision. This is equivalent to 113 homes per annum, and equates to 12% of the overall housing need. The report recommends that broadly 60% of provision of specialist housing should be for market, and 40% for affordable housing.**

**1.9 In addition there is a need for 991 residential care/ nursing home bedspaces (an average of 50 per annum). This need is for C2 accommodation, and is separate and additional to the overall need / OAN for housing ( for 18,380 dwellings). If provision of nursing/ care home bedspaces exceeds 50 per annum, it would be realistic to count the additional provision against the housing target on the basis of the general housing released.**

**5.6 Given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options moving forward.” (My emphasis)**

The same document contains a number of useful tables and charts to explain the evolving situation in Arun. Firstly, figure 4 overleaf shows the substantial increase in people aged over 55.

**Figure 4: Distribution of Population 2011 and 2031 (2014-based SNPP) – Arun**



Source: ONS

This is reinforced by Table 7 below which shows that each five year band from 65 onwards is due to increase by 2031 by in excess of 40%

**Table 7: Population Change 2011 to 2031 by five-year age bands – Arun**

Age group	Population 2011	Population 2031	Change in population	% change from 2011
Under 5	7,499	8,086	587	7.8%
5-9	6,965	8,690	1,725	24.8%
10-14	7,396	8,961	1,565	21.2%
15-19	7,916	9,082	1,166	14.7%
20-24	7,478	8,187	709	9.5%
25-29	7,262	7,394	132	1.8%
30-34	7,216	7,740	524	7.3%
35-39	8,005	8,635	630	7.9%
40-44	10,116	9,231	-885	-8.8%
45-49	10,485	9,410	-1,075	-10.2%
50-54	9,490	9,692	202	2.1%
55-59	9,117	10,546	1,429	15.7%
60-64	11,262	13,384	2,122	18.8%
65-69	10,492	14,732	4,240	40.4%
70-74	8,904	13,156	4,252	47.7%
75-79	7,606	11,179	3,573	47.0%
80-84	6,038	10,688	4,650	77.0%
85+	6,564	11,615	5,051	76.9%
Total	149,811	180,407	30,596	20.4%

Source: ONS

To put this into some form of context, Table 23 below from the same document shows that the percentage of people over the age of 65 in Arun is already 10% greater than the national picture at 28%.

**Table 23: Older Person Population (2015)**

		Under 65	65-74	75-84	85+	Total	Total 65+
Arun	Popn	111,736	22,548	14,636	6,812	155,732	43,996
	% of popn	71.7%	14.5%	9.4%	4.4%	100.0%	28.3%
West Sussex	% of popn	77.7%	11.6%	7.3%	3.5%	100.0%	22.3%
South East	% of popn	81.2%	10.1%	6.0%	2.7%	100.0%	18.8%
England	% of popn	82.3%	9.6%	5.7%	2.4%	100.0%	17.7%

Source: ONS 2015 Mid-Year Population Estimates

Table 24 below shows how this contextual situation is likely to change going forward.

**Table 24: Projected Change in Population of Older Persons (2011 to 2031)**

	Under 65	65-74	75-84	85+	Total	Total 65+
Arun	8.0%	43.8%	60.3%	76.9%	20.4%	55.0%
West Sussex	6.7%	49.1%	58.7%	83.0%	17.4%	57.9%
South East	7.1%	48.3%	62.7%	93.5%	16.2%	59.8%
England	6.8%	43.5%	56.8%	88.3%	14.6%	54.1%

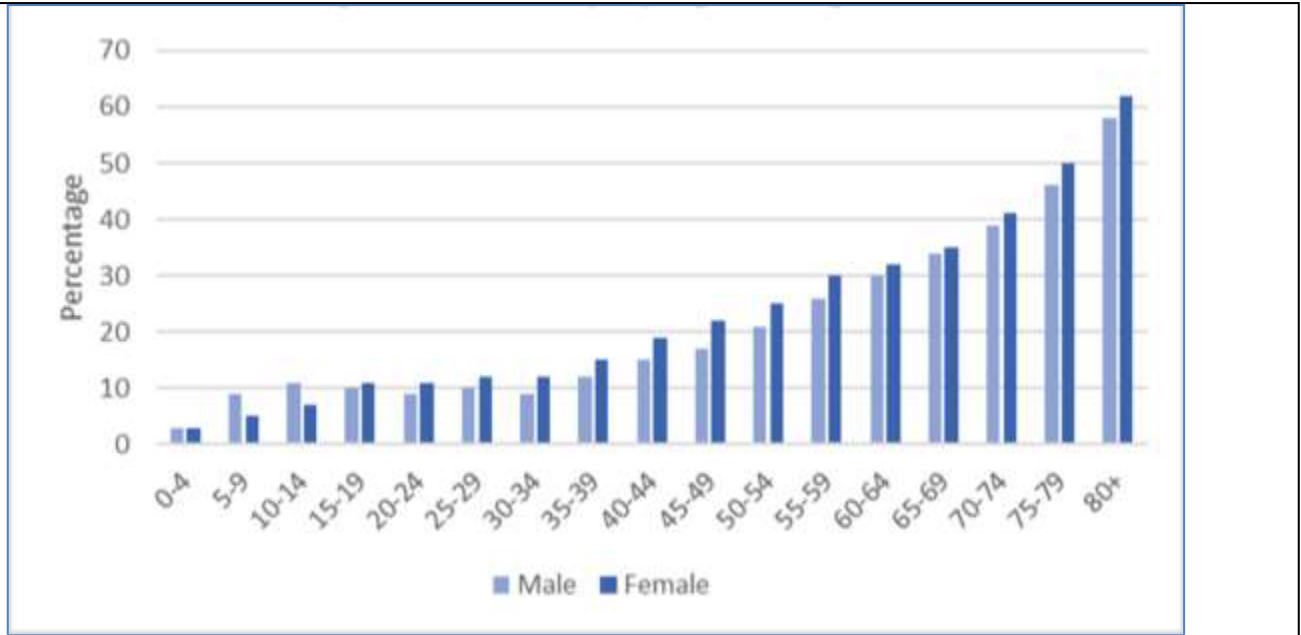
Source: ONS subnational population projections (2014-based) and MYE

According to the Centre for Ageing Better currently just 7% of homes in England are accessible meaning that 93% of homes don't provide reasonable provision for most people, which includes wheelchair users to access and enter the dwelling, and access habitable rooms and sanitary facilities on the entrance level.

Research by the LGA indicates that 21% of people in Arun have a limiting long-term illness or disability, which is higher than the national average of 18%. Additionally Government research in 2011-12 showed that nearly 30% of households have one person with a long term illness and over 3% have one or more wheelchair user.<sup>1</sup>

The table overleaf shows the number of disabled people by age in the UK. It is clear with a high proportion of residents in Arun being above the age of 65, it is reasonable to assume that a high proportion of Arun residents will have a disability.

<sup>1</sup> As quoted in Eastleigh BC- Accessible housing and internal space standards background paper



Source: Family Resources Survey 2016/17 Table 4.3 (taken from the Independent Review of the Disabled Facilities Grant 2018)

Data from Department of Work and Pensions (Mar 2018) Family Resources Survey 2016/17 shows that the main types of disability for people of state pension age adults is mobility (65%+) followed by Stamina (45%+) and dexterity (35%+).<sup>2</sup>

In terms of the cost to the development industry the Centre for Ageing Better reports that an impact assessment carried out by the Government estimated that, in terms of the accessibility estimate and not including the cost of extra space, a three-bed property built to category 2 accessibility standards costs just £521 more in build costs and £866 more in access-related space cost than its less accessible version. A total of £1,387.

Applying the same approach to create a wheelchair accessible home the figures are £22,791 for build costs and £6,931 for access-related space cost than its less accessible version. A total of £29,722.

However, there is also the cost to the nation of not making adequate provision in terms of retrofitting accessibility features or causing people to require non independent care is substantially higher.

The Equality and Human Rights Commission estimate that the cost of an early move to a residential care home is £26,500 to £38,500 per annum; the same with nursing care is £34,500 to £54,000; whilst a single extra night in hospital due to temporary access needs not being met is £400. The cost of retrofitting an access ramp to a property is usually in excess of £1000.

<sup>2</sup> A person may have more than one disability

## 2. PROPOSAL(S):

Therefore in order to ensure that there is a reasonable level of provision in Arun for accessible and wheelchair friendly homes the standards below are recommended. To provide such context for these recommendations the following is a sample of what other authorities are doing. Members will note that there is a wide range of approaches. Consideration has been given to having a stepped approach for Arun to the implementation of these standards, with steps in 2022 and 2025. However, the vast majority of the development allocated in the Local Plan will be considered as formal planning applications before 2022, therefore rendering a stepped approach somewhat meaningless. Therefore, the recommended standard is a simplified one step approach to be applied immediately, with the weight that should be accorded to this policy increasing once the committee has had the opportunity to consider any responses to the consultation.<sup>3</sup>

### Approach of Other Councils

Authority	M4(2) Accessible Homes	M4 (3) Wheelchair Accessible Homes
London Mayor	90%	10%
Hart	15% on sites of more than 5 for market homes and 15% on schemes of 11 or more for affordable homes	Evidenced by local need
Eastleigh	80%	On sites of greater than 40 units 8% of affordable units and 7% of market units
Colchester	10% market housing and 95% affordable housing	5% affordable homes
Waveney	Sites above 10 units – 40%	Unknown
Basingstoke & Deane	15%	Unknown
Peterborough	100% with certain exceptions	5% on schemes of 50 units plus

<sup>3</sup> The standard will be applied at the time any application is determined



Finally, the Select Committee report commented on the ongoing popularity of bungalows and noted that:

***“While better provision of advice and information about other housing options may encourage older people to consider alternative options, we believe that, given the enduring popularity of bungalows among older people and their accessibility features more councils and developers should consider the feasibility of building bungalows.”***

Bungalows are traditionally ‘land hungry’ leading to low densities which requires more than to be provided for housing to achieve the same numbers that higher densities could deliver. However, there are an increasing number of examples of well-designed bungalow schemes at higher densities. Therefore recommendation 5 makes a positive statement encouraging developers to consider bungalow provision on larger schemes where the overall density can still be maintained relatively high.

**Proposed Standards**

- 1. For schemes of less than 10 units – no requirement**
- 2. For schemes of between 11 and 50 units inclusive – a minimum of 30% of units to be designed to m4(2) standard - Access and adaptable dwellings , plus two additional units to be designed to m4(3) wheelchair accessible, where the number of units proposed is greater than 21.**
- 3. For Schemes greater than 51 units inclusive – 50% of units to be designed to m4(2) standard- Access and adaptable dwellings, plus two additional units to be designed to m4(3) wheelchair accessible, for every 50 units proposed thereafter.**
- 4. The provision of these units should both be in the open market and affordable sectors**
- 5. Schemes larger than 100 units should make some provision for bungalows.**

**NB. To illustrate the above the table below indicates the application of the standard to a range of developments**

<b>Size of Development</b>	<b>M4(2) Homes</b>	<b>Accessible</b>	<b>M4 (3) Wheelchair Accessible Homes</b>
<b>10</b>	<b>None</b>		<b>None</b>
<b>20</b>	<b>7</b>		<b>none</b>
<b>30</b>	<b>10</b>		<b>2</b>
<b>40</b>	<b>13</b>		<b>2</b>
<b>50</b>	<b>15</b>		<b>2</b>

<b>60</b>	<b>30</b>	<b>4</b>
<b>70</b>	<b>35</b>	<b>4</b>
<b>80</b>	<b>40</b>	<b>4</b>
<b>90</b>	<b>45</b>	<b>4</b>
<b>100</b>	<b>50</b>	<b>4</b>
<b>110</b>	<b>55</b>	<b>6</b>

### 3. OPTIONS:

At this time the proposal is to undertake consultation on the proposed standards so the main options are to undertake the consultation or not. Upon the receipt of any consultation responses the Council will have the opportunity to adopt the standards as currently proposed, amend them or decide not to adopt any standards at all.

### 4. CONSULTATION:

This will follow if the recommendations as set out above are agreed.

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		x
Legal		x
Human Rights/Equality Impact Assessment	x	
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

### 6. IMPLICATIONS:

The 'protected characteristics' defined in the Equality Act 2010 include both Age and Disability. The intended outcomes of this report are considered to have a positive impact upon these protected characteristics and are not considered to have a negative impact upon the remaining 'protected characteristics'.

**7. REASON FOR THE DECISION:**

The recommendations are intended to ensure that a reasonable proportion of new dwellings constructed in Arun, based on the needs of the area, are accessible to older people and those with disabilities and that an additional proportion are also accessible by those that need to use a wheelchair. This accords with the aims and intentions of the Local Plan and recent government advice.

**8. BACKGROUND PAPERS:**

<https://www.arun.gov.uk/planning-policy>

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## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING POLICY SUB COMMITTEE ON 27 FEBRUARY 2019

#### PART A : REPORT

<b>SUBJECT: PROVISION OF CHANGING PLACE TOILETS</b>
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<b>REPORT AUTHOR:</b>	Karl Roberts, Director of Place
<b>DATE:</b>	7 January 2019
<b>EXTN:</b>	37760
<b>PORTFOLIO AREA:</b>	Planning

#### EXECUTIVE SUMMARY:

This report seeks approval for the Council to adopt the following recommendations as guidance on the provision of Changing Place Toilets in appropriate destinations and developments to assist with the needs of people with complex and multiple disabilities and impairments.

#### RECOMMENDATIONS:

That the Sub Committee agrees to use the leaflet attached as Appendix B as guidance on the provision of Changing Place Toilets in appropriate destinations and developments to assist with the needs of people with complex and multiple disabilities and impairments.

(Part 3 of the Constitution, Section 5.3.3. (iii) )

#### 1. BACKGROUND:

In December the Government issued a press release (Appendix A) intended to promote the provision of 'Changing Place Toilets' (CPT) which are more substantial disabled persons toilets sited in appropriate destinations and developments to assist with the needs of people with complex and multiple disabilities and impairments.

At the same time the Council had been working on producing some guidance to support this initiative based on work undertaken by Cornwall Council earlier in the year.

#### 2. PROPOSAL(S):

The Arun version of the guidance is appended as Appendix B. The intention is make the guidance widely available, principally via the Council's website and to use it in discussions both internally regarding Council projects but also externally in discussions with developers and our partners.

#### 3. OPTIONS:

To accept, modify or reject the guidance.

#### 4. CONSULTATION:

	<b>YES</b>	<b>NO</b>
Has consultation been undertaken with:		
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial		x
Legal		x
Human Rights/Equality Impact Assessment	See Below	
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		
<b>6. IMPLICATIONS:</b>		
<p>The 'protected characteristics' defined in the Equality Act 2010 include both Age and Disability. The intended outcomes of this report are considered to have a positive impact upon these protected characteristics and are not considered to have a negative impact upon the remaining 'protected characteristics'.</p>		

**7. REASON FOR THE DECISION:**

The Equality Duty is a duty on public bodies and others carrying out public functions. It ensures that public bodies consider the needs of all individuals in their day to day work; in shaping policy, in delivering services, and in relation to their own employees. The adoption of this guidance by the Council and encouraging its implementation will contribute not only to a more inclusive environment but also assist the Council in meeting the objectives of the Public Service Equality Duty.

**8. BACKGROUND PAPERS:**

Appendix A: Press Release from MDCLG  
Appendix B: Proposed Arun Guidance Note.

Press release

## Ministers act to increase "Changing Places" toilets for severely disabled people

New shopping centres, stadiums and theme parks are among buildings that could be required to provide Changing Places toilets for severely disabled people.

Published 24 December 2018

From:

[Ministry of Housing, Communities & Local Government](#), [Caroline Dinenage MP](#), and [Rishi Sunak MP](#)

- Local Government Minister Rishi Sunak MP announces proposals to make Changing Places for severely disabled people mandatory in new large public buildings
- Care Minister Caroline Dinenage confirms 100+ NHS hospitals to build Changing Places facilities backed by £2 million fund

New shopping centres, stadiums and theme parks are among buildings that could be required to provide Changing Places toilets for severely disabled people, under proposals to be put forward by the government.

Ministers will launch a consultation next year on proposals that the essential facilities are included in all new large publicly-accessible buildings and significant redevelopments. Currently, building regulations guidance only recommends Changing Places toilets are provided.

Alongside this, the Department of Health and Social Care has announced £2 million to install over 100 Changing Places toilets in NHS hospitals throughout England. There are currently only around 30 to 40 Changing Places on the NHS England estate, and this investment will enable Trusts to increase accessibility.

People with disabilities and their carers say Changing Places in public can be life changing and allow them to go out in the public without fear or stress. Changing Places toilets are larger than standard disabled toilets and have extra equipment like adult-sized changing benches and hoists.

Local Government Minister Rishi Sunak MP said:

Changing Places toilets make a huge difference to the lives of severely disabled people. I want to see these facilities included as standard in new large buildings like shopping centres and cinemas, so more disabled people can be assured peace of mind and dignity when they are away from home.

The government will consult in the New Year on how best to do this, including changing building regulations if required, if it means more disabled people can get access the essential services they deserve.

Minister for Care Caroline Dinéage, added:

It is utterly shocking how few Changing Places toilets there are currently in NHS hospitals and other public spaces. People with disabilities and their carers rightly expect to find suitable facilities in a hospital of all places.

A quarter of a million disabled people need Changing Places and this investment will mean many more of them can access a toilet safely and comfortably. Whilst this is something most of us take for granted, access to spaces like these make a big difference to the lives of disabled people and their carers.

In the absence of Changing Places facilities, disabled people and/or carers face:

- limiting what they drink to avoid needing the toilet when they are out – risking dehydration and urinary tract infections;
- sitting in soiled clothing or dirty nappies until a suitable toilet is found or they return home;
- having to change a loved one on a dirty toilet floor;
- manually lifting someone out of their wheelchair – risking safety
- reducing their time out of the house – restricting their social lives

While the number of the facilities has increased from 140 in 2007 to more than 1,200 today, the government is determined to go even further to improve disabled people's quality of life.

Today's announcements follow a recent £2 million investment by the Department for Transport to increase Changing Places facilities in motorway service stations.

The government, with contributions from the devolved administrations, has also provided £70,000 for an online map of the UK that helps carers and disabled people find Changing Places toilets.

Catherine Woodhead, Chief Executive of Muscular Dystrophy UK, which co-chairs the Changing Places Consortium, said:

We are delighted that the Department of Health and Social Care and the Ministry of Housing, Communities and Local Government are committed to making Changing Places toilets more widely available.

Having access to Changing Places toilets increases independence and improves quality of life, and by investing in facilities we can tackle the exclusion many disabled people face on a daily basis.

We, along with our wonderful campaigners, have long pushed for changes to legislation to make Changing Places toilets mandatory in new large public buildings and it's fantastic that we are now one step closer to that reality.

We are also greatly encouraged by the investment being made in hospitals and motorway services. It is essential that fully accessible toilets are available here; without them, disabled people may struggle to attend important appointments or visit family and friends.



We look forward to working with the government and our campaigners to ensure that Changing Places toilets are available to everyone who needs them.

The government intends to consult during 2019.

## **Case studies**

### **Lorna Fillingham, Scunthorpe**

8 years ago I gave birth to a beautiful little girl, Emily-May. She changed our world forever. We attended baby groups, and it was at these that I first began to notice that she wasn't meeting her milestones. She wasn't able to sit (she finally achieved this milestone at the age of 3). She also didn't babble or explore her environment as the other children did. We were finally told by a paediatrician that Emily-May had developmental delays and that it was likely she might have physical and learning disabilities. What we weren't told was that my daughter's world might start to physically shrink, not because of her physical disabilities but because of the lack of toilet facilities that are available for disabled people like my daughter.

Emily-May is unable to tell me when she needs to use the loo, her learning disabilities mean that she may never become toilet trained, and she is physically unable to transfer herself safely out of a wheelchair. I still, when out and about, have to physically lift her out of her wheelchair and change her on a baby change facility, I am only able to do this because she is small for her age, it feels like we are playing Russian Roulette every time we do this. This will not be an option forever as she grows.

3 years ago, I began campaigning for Changing Places toilets to be made compulsory in larger public buildings, as part of building and planning regulations. Changing Places toilet facilities have an adult changing bench and hoist as well as a toilet, they have enough space for 2 carers, and for bigger wheelchairs.

A lack of Changing Places toilet facilities in the community limits disabled people's lives. It limits their social, cultural, health and educational options, for who would choose to go to places where the correct toilet facilities are not provided.

As part of my campaign I started to contact hospital trusts, pointing out that the lack of Changing Places toilets was having a detrimental effect on disabled people attending outpatients appointments and visiting family and friends. My former career as a nurse, meant that I knew the techniques that I was using to lift Emily-May put us both at the risk of harm, but also that leaving her sat in one place for a prolonged period of time in a wet or soiled nappy would put her at the risk of pressure sores.

While a handful of Trusts agreed to provide Changing Places toilet facilities, the cost of providing these was cited as an issue from many respondents.

I am therefore very pleased by the government's announcement today that investment will be made on providing Changing Places toilet facilities in hospitals. It means that more disabled people will be able to be toileted in a safe, dignified, timely and humane manner whilst attending outpatients appointments or whilst visiting the wards. I also welcome the Government's consultation into Changing Places provision, and I live in the hope that my

daughter's world will expand again as the toilet facilities she needs will one day be provided in more of the places we go.

## **Anne Wafula Strike, Harlow**

Anne Wafula Strike MBE is a Harlow-based British Paralympic wheelchair racer and campaigner for accessible travel for people with disabilities. Born in Mihuu, Kenya, she contracted polio at the age of two, resulting in lower body paralysis. Arriving in the UK in April 2000, she was introduced to wheelchair racing in 2002 and in 2004 became the first Kenyan wheelchair racer to represent her country, competing in the T53 400m finals at the Paralympics in Athens. Following a successful application for British citizenship in 2006, she became a member of Team GB and now competes as a British athlete.

She was appointed Member of the Order of the British Empire (MBE) in the 2014 Birthday Honours for services to disability sport and charity. In January 2017, while on a CrossCountry train, she was forced to wet herself on a rail journey because the accessible toilet was not working. In the aftermath, she criticised CrossCountry for failing to provide a working disabled accessible toilet on the train.

As a campaigner for disability access and inclusion, I have to come to know that disability is not the problem. When accessibility fails then that's the problem. I welcome this news as it's a demonstration of the Government providing reasonable adjustments in health facilities. This will surely empower the severely disabled people, their families and their carers to change and be changed in a safe environment and with dignity. I support all Changing Places campaigners who endure humiliation of changing their loved ones on dirty floors and putting them at risk by lifting them on and off the floor. The Governments' idea of a consultation on provision of changing places in public buildings is a big step in the right direction to ensuring access and inclusion of disabled people is on the agenda of building planning.

## **Further information**

The cost to install a changing places facility in a hospital is usually between £27,000 and £35,000.

Trusts will be invited to bid for the funding, with bidding opening in 2019. The £2 million funding will be allocated on the principles of matched funding, with Trusts contributing to the cost.

The government has announced its intention to launch a consultation on increasing Changing Places toilets provision, which will seek views on the types and threshold of buildings covered (such as cinemas, shopping centres, sports and music venues and transport hubs). This includes the specifications and cost of the toilets to be installed.

The proposal to change building regulations would apply to England only.

Changing Places are specifically designed to accommodate adults whose needs are not met by standard accessible toilets. These facilities are large accessible spaces with adult-length padded and height adjustable changing tables, hoists, peninsular WCs (further removed from the wall and with space at the sides) and showers.

The government will be engaging with the sector during the consultation. It is a statutory requirement to consult on changes to building regulations.

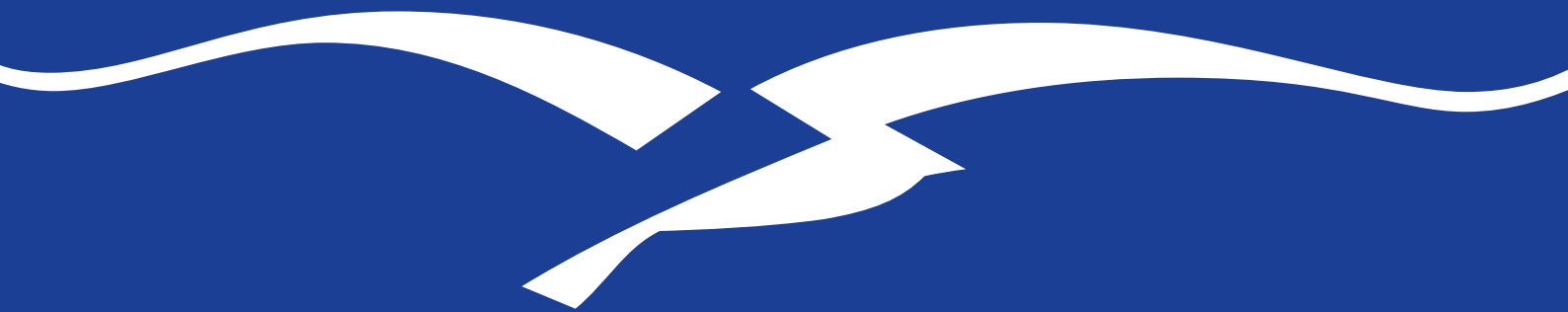
**Office address and general enquiries**

2 Marsham Street  
London  
SW1P 4DF

Contact form <http://forms.communities.gov.uk/>

General enquiries: please use this number if you are a member of the public 030 3444 0000

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# Changing Places Toilets Guidance

Planning and Sustainable Development



“ We want to make Arun as accessible as possible to everyone. Arun District Council is encouraging Changing Places Toilets in all appropriate destinations and developments as they transform experiences for many residents, visitors and their families. ”

**Councillor John Charles**  
**Portfolio Holder for Planning**

## Background

It is important that people with profound, complex and multiple disabilities and impairments are able to safely, comfortably and hygienically spend time away from their home. Changing Places Toilets (CPTs) support this by providing sanitary facilities, with extra space and equipment, that can be used by people who require the assistance of one or two carers/companions. As they are designed for assisted use they should supplement, not replace, standard unisex accessible toilets. They are not appropriate for bariatric use<sup>1</sup> and are not baby changing facilities.



## What is a Changing Places Toilet?

CPTs have a floor area of at least 3x4 metres with a ceiling height of 2.4 metres and provide a range of features including:

- Tracking hoist covering the whole room
- Adult changing bench which is adjustable and easy to clean
- Toilet with drop down support rails and 1m clearance each side (from centre of pan)
- (Optional) adjustable shower (hose to reach centre of bench)
- Adjustable height sink
- Privacy curtain/screen
- Alarm pull cords and reset button
- Comfortable temperature for undressing
- Welcoming and interesting decoration with visual contrast to highlight equipment, door frames and door handles

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<sup>1</sup> The room structure, track, hoist and changing bench should operate at a safe working load of 200kg

For the full specifications of a CPT see [Changing Places](#) and British Standard [BS 8300-2:2018](#). If you do not have access to the British Standard please see the example layout at Appendix 1. These features are in addition to requirements in [Part M of the Building Regulations](#).

In some cases facilities that don't meet all of the minimum specifications in the British Standards can be registered as a CPT but you should bear in mind that these cannot be used by as many people.

## What are the benefits of a CPT?

CPTs enable people with profound, complex and multiple disabilities and impairments, and their families to access every day places and stay away from home for longer.

“ Changing Places Toilets make the difference between visiting somewhere for a couple of hours and being able to stay for a day or until the end of an event. ”

[Emily Hudson, parent<sup>2</sup>](#)

CPTs can also help providers by demonstrating a clear commitment to being inclusive and welcoming, enhancing public safety, attracting the “purple pound” and as an example of a “reasonable adjustment” under the Equality Act 2010.

## Where should CPTs be provided?

Many types of places may be able to accommodate a CPT. They are most needed in every day locations where people pass through or spend time. Locally adapted from BS 8300-2:2018<sup>3</sup>, Arun District Council is seeking the inclusion of a CPT in large scale public developments such as:

- a. major transport terminals and interchanges, e.g. large railway stations and airports
- b. roadside service stations
- c. sport and leisure facilities, including large hotels
- d. cultural centres, e.g. museums, concert halls and art galleries, and faith centres
- e. stadiums and large auditoriums
- f. large commercial retail premises and shopping centres
- g. key buildings within town centres, e.g. town halls, civic centres and main public libraries
- h. educational establishments
- i. health facilities, such as hospitals, health centres and community practices
- j. other visitor attractions, such as theme parks, monitored beaches and parks.

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<sup>2</sup> As quoted in the Cornwall Council version of this leaflet.

<sup>3</sup> Permission to reproduce extracts from British Standards is granted by BSI Standards Limited (BSI). No other use of this material is permitted. British Standards can be obtained in PDF or hard copy formats from the BSI online shop: [www.bsigroup.com/Shop](http://www.bsigroup.com/Shop).

## How do I install and manage a CPT?

The CPT Consortium sets out [advice for installation](#). In addition to Building Regulations consent, you may also require planning permission and/or listed building consent to install a CPT; Arun District Council offers a checking service if you are unsure.

Careful consideration should be given to the location of your CPT in relation to disabled persons' parking, co-location with other visitor facilities and the avoidance of physical barriers, e.g. uneven surfacing, steep slopes and multiple doors. Locating a CPT before any ticket barriers will maximise the number of people who can benefit from the facility.

The appropriate management arrangements will depend on the location, opening hours and likely usage of your CPT. Typically access is freely available within public buildings and visitor complexes where there is surveillance by staff, or via a more managed [locking system](#) appropriate to the level of security risk where CPTs are in less observed locations.

As with all public toilets, CPTs should be regularly monitored and cleaned to ensure they are kept to a good standard. Venue staff should be familiar with the CPT but are not expected to help visitors use the facilities as assistance will be provided by carers/ companions.

## How much will a CPT cost?

Installation costs will vary depending on the specifications of the equipment being installed and whether the CPT is being installed in an existing building, will form a new extension or is being designed into a new building.

As a guide, adapting a suitably sized room to a full CPT will cost from around £15,000. There are lots of variables with new builds; our advice is that you look at installing a CPT as early as possible in the design process so that it can be factored into the space, building schedule and budget. It is worth checking whether you are eligible for [funding](#).

## Publicise and celebrate your CPT!

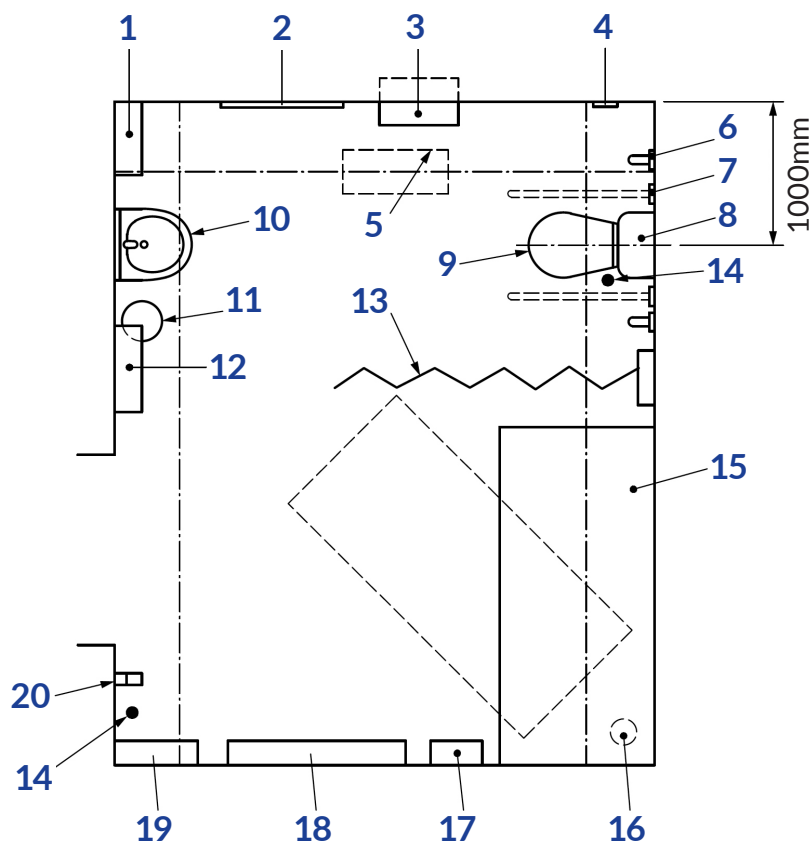
CPT providers tell us they take pride in their facilities. Make the most of your CPT by following these tips:

- Display [CPT signage](#) plus clear signs for other toilet / baby changing facilities so that people use the most appropriate facilities
- Register your facility on the [CPT website](#) with accurate details such as opening times, precise location and whether a key or coins are needed
- Tell your customers by updating your website and social media, host a media launch and have fun with the [CPT selfie kit](#)
- Let Arun District Council know by emailing us using the address on the back page
- Enter to win [Loo of the Year](#).



## Appendix 1: Example of fittings and accessories in a changing places toilet

Extract from British Standard BS 8300-2:20182



### Key

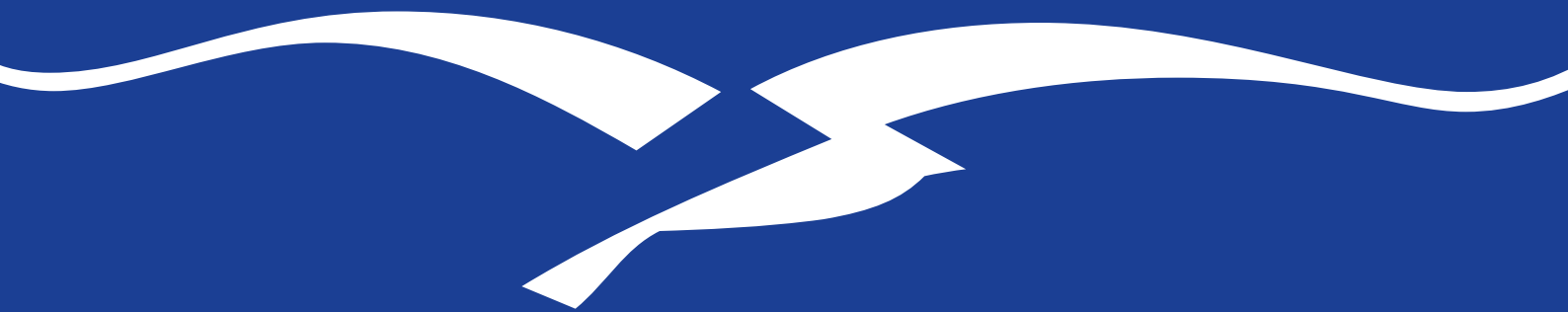
- |  |   |
|--|---|
| 1 Paper towel dispenser  | 11 Waste disposal bin   |
| 2 Full length mirror   | 12 Manually-operated low-noise hand dryer (see Note 2 to 18.5.6.1)  |
| 3 Large sanitary disposal bin, if possible recessed into the wall  | 13 Retractable privacy curtain/screen   |
| 4 Alarm reset button   | 14 Alarm pull cord  |
| 5 Full room cover tracked hoist system   | 15 Height-adjustable showering/changing bench, min. 1800mm long   |
| 6 Vertical grab rail   | 16 Floor drain  |
| 7 Drop-down support rails with toilet paper dispensers   | 17 Optional shower unit with hose long enough to reach the centre of the bench, for personal hygiene purposes |
| 8 Flat-topped close-coupled cistern providing a back rest and a colostomy bag changing surface for standing users <sup>(A)</sup> | 18 Wide paper roll dispenser for use on the changing bench  |
| 9 Peninsular WC (see Figure 45 for the location of associated fittings)  | 19 Sanitary towel dispenser   |
| 10 Large power-assisted height-adjustable washbasin  | 20 Two clothes hooks, one at 1050mm and the other at 1400mm above the floor                                   |

NOTE 1 Details of common features of sanitary accommodation are described in 18.1 and accessories related to toilets in 18.5.6. Advice on particular products is available from the Changing Places Consortium (see Commentary on 18.6).

NOTE 2 Provision of a wash/dry type WC can enable greater independence and dignity for users.

NOTE 3 Provision of a shelf can be beneficial for users.

(a) Where high or low level or reduced flush cisterns are used, a rail with a padded back rest and a separate colostomy bag.



# Further information

Arun District Council  
Arun Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

01903 737500

email xxxxxxxxxxxx

[www.arun.gov.uk](http://www.arun.gov.uk)

NB: This leaflet is based on a version originally published by Cornwall Council in September 2018

