

# PLANNING CONTRIBUTIONS FOR INFRASTRUCTURE PROVISION

## INTERIM PLANNING GUIDANCE DOCUMENT FOR ADUR DISTRICT



**July 2013**

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## **1. PURPOSE OF THIS DRAFT INTERIM PLANNING GUIDANCE**

- 1.1 A new Local Plan is being produced for the district which will include policies on securing new and improved infrastructure provision either to serve the specific needs arising from a particular new development (through planning obligations and/or the Community Infrastructure Levy (CIL) ) or to meet the needs more generally throughout the district through charging CIL on new development. A CIL is being developed in parallel with the preparation of the Local Plan and a charging schedule will be developed.
- 1.2 A Supplementary Planning Document (SPD) on infrastructure needs and delivery through planning obligations and the CIL will be produced following adoption of the new Local Plan in 2015.
- 1.3 In the meantime, until the new Local Plan is adopted in 2015, the Council will rely on Government guidance in the National Planning Policy Framework (NPPF) and saved policies in the adopted Adur Local Plan (1996) (subject to paragraph 215 of the NPPF). The above are a material consideration in planning decisions.
- 1.4 This Guidance note is intended to make clear what infrastructure is required to be provided through the saved Local Plan polices and through Government guidance and policies. It expands upon these policies by setting out in detail how developers will be expected to contribute towards the provision of infrastructure (including affordable housing) in association with the development – either on-site or through a contribution to off-site provision. It also makes clear the infrastructure requirements of West Sussex County Council for new development impacting on the services the County is responsible for (including schools, libraries, fire and rescue facilities and transport) although it is advised that direct contact is made with the County Council regarding detailed requirements.
- 1.5 At this present time with difficult market conditions, the Council is sensitive to viability issues for developers in providing for a range of infrastructure as part of new development proposals. The Council will take into account the type, size and location of the development as well as the level and importance of need within the local area when assessing infrastructure requirements. The purpose of this Guidance is not to indicate the level of importance of different types of infrastructure and what might have more priority over others (which will be part of the discussions with developers on a case-by-case basis). Rather, the purpose of the Guidance is to provide information as to the policy context and how infrastructure is to be provided if considered necessary for a development proposal.

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## 2. GOVERNMENT GUIDANCE

- 2.1 As part of the planning process, a developer may be required to enter into a legal agreement to provide infrastructure and/or services on or off the development site where provision is not possible to achieve through planning conditions. These agreements are known as Planning Obligations and are a delivery mechanism for the matters that are necessary to make the development acceptable in planning terms. The legal basis for Planning Obligations is provided by Section 106 of the Town and Country Planning Act 1990 (as amended) and most recently the Community Infrastructure Levy Regulations (CIL) 2010 (as amended). New guidance when published by the Secretary of State on CIL under section 221 of the Planning Act 2008 will also be taken into account.
- 2.2 Specific to infrastructure, the NPPF (para 162) states that local planning authorities should work with other authorities and providers to:
- **Assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and**
  - **Take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.**
- 2.3 However, in planning for infrastructure, the NPPF states that careful attention should be given to costs and viability. Proposed development should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.
- 2.4 The NPPF clarifies in paragraph 204 that planning obligations should only be sought where they meet all of the following tests:
- **Necessary to make development acceptable in planning terms;**
  - **Directly related to the development; and**
  - **Fairly and reasonably related in scale and kind to development**
- The above tests are embedded within law in regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
- 2.5 Taking account of the above guidance, development should make appropriate provision of services, facilities and infrastructure to meet its own needs. This means that where sufficient capacity does not already exist within services, facilities or infrastructure to meet the need created by new occupiers or users of a new development, this development should contribute what is necessary either on-site or by making a financial contribution towards provision elsewhere.

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### 3. KEY ISSUES FOR ADUR DISTRICT<sup>1</sup>

- 3.1 The saved policies in the adopted Adur Local Plan (1996) and the emerging Draft Local Plan for Adur aim to address a number of issues in the district. Some of the contributions sought from new development proposals will help to address these issues if directly related to the development. The key issues for Adur are:
- Adur is the most deprived area in West Sussex with five wards ranked within the top 20 most deprived wards in the country (mainly on the basis of low education, skills and barriers to services and housing).
  - An ageing population - 22% of the total population is aged 65 and over.
  - Low percentage of people aged 20 to 40 compared to England as a whole
  - High house prices in relation to low wages and income have given rise to housing problems. There are a total of 1,432 households on the Council's housing register (as at November 2012).
  - Health issues – obesity, teenage pregnancies, diabetes
  - Low levels of business start-ups
  - Low value jobs and low wage levels (which are 22% below regional average) and low income
  - 56% of economically active residents commute outside the district for work
  - 10% of the working age population are on out of work benefits
  - Road congestion, poor air quality, HGV traffic and gaps in areas served by public transport

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<sup>1</sup> Sources of information are various including studies to support the emerging Adur Local Plan, Government statistics, Waves Ahead, the 2011 Census, West Sussex County Council and information from internal services. **Information to support the previous draft Adur Local Plan 2012 can be found on the Council's web site at <http://www.adur-worthing.gov.uk/local-plan-consultation> as well as the background studies which are informing the emerging draft Local Plan <http://www.adur-worthing.gov.uk/planning-policy/adur-background-studies-and-info>**

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## **4. THE PROCEDURES FOR DEALING WITH PLANNING APPLICATIONS REQUIRING CONTRIBUTIONS**

- 4.1 It is intended that this guidance should enable a developer to work out as early as possible in the development process what contributions will be required in association with their development. Ideally, this should be at the pre-application stage so that contributions are taken into account in determining the price paid for the site. Advice should be sought at an early stage from the District Council Planning Officers or where relevant West Sussex County Council.
- 4.2 At the planning application stage, the developer should submit a statement setting out how the relevant contributions are being met through the development. It is at this stage that any evidence in relation to viability should be submitted. The District Council will also expect at this time heads of terms forming the basis of planning obligations to be entered into either by way of a unilateral undertaking or agreement, pursuant to section 106 Town and Country Planning Act 1990 (as amended). In all cases, up-to-date proof of title should be provided, by way of land registry office copies if the title to the land is registered, or an epitome of title if the land is unregistered, to ensure that all parties with an interest in the land sign up to the planning obligations.
- 4.3 Any necessary negotiations or assessments e.g. of viability will be carried out during the eight or thirteen week target allowed for processing of the application. The application will then be determined by the Planning Committee or under delegated powers as appropriate. Where a planning obligation is required, any permission will only be issued once the section 106 unilateral undertaking or agreement has been completed. If it is not signed within the relevant target period, the application will subsequently be refused. The developer will be required to pay the District Council's reasonable legal fees associated with preparing and checking the section 106 unilateral undertaking or agreement and title to the land. They will also be expected to pay the costs of any assessment by a third party of the financial viability of their development, in support of a request for a reduction in planning obligation contributions.

### **Planning Obligations requiring Financial Contributions**

- 4.4 Any contribution in the form of a financial payment will be required to be paid either on the carrying out as part of the development of the first material operation, on first occupation of the development or such other triggers as agreed with the District Council. If this is some time after the permission was granted, the contributions will be subject to indexation and increased in line with the General Tender Prices Index or an appropriate alternative as outlined in section 106 unilateral undertaking or agreement. It is possible that the financial contribution from any one development will not be sufficient on its own to provide a particular piece of infrastructure. In this case, the money will be kept in a ring-

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fenced account until sufficient other contributions have been made to undertake the work. If a financial contribution has not been used by the appropriate service provider within ten years of it being made (or such other period as set out in the section 106 unilateral undertaking or agreement), it will normally be returned to the developer together with an appropriate rate of interest for the period concerned, if requested in the agreement. Where the infrastructure provided by a developer is subsequently to be maintained by the District\_Council, a maintenance payment will be required from the developer if the infrastructure is to be used primarily by the occupants/users of the development and not the wider public.





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## 5. GENERAL INFRASTRUCTURE

### **Policy AG3 (Saved Policy in the Adur Local Plan 1996)**

**Major development will not normally be permitted unless the infrastructure directly required to service it can be made available at the appropriate time. Where it cannot, but is planned, permission may be granted in anticipation of this. In such circumstances, the District Planning Authority may attach a condition requiring the infrastructure to be in position before use of the development commences or may require a large development to be phased in step with infrastructure provision.**

### *Application*

5.1 Whilst major development is not defined in the Policy, the Town and Country Planning (Development Management Procedure) (England) Order 2010 provides a definition<sup>2</sup>. The infrastructure requirements generally apply to housing developments of 10 plus dwellings. The supporting text to Policy AG3 states that this infrastructure can be provided either directly or through financial payment. The infrastructure required will vary with each development but could include flood defences, open space, leisure and community facilities and those facilities as required by the County Council in relation to transport, education, fire, waste and libraries. The provision of affordable housing units within proposed developments is also required in line with planning policy and Government guidance.

5.2 The County Council is producing a Strategic Infrastructure Package for Adur to set out the improvements required to enable the provision of

County Council services to meet the need of new strategic development. This Strategic Infrastructure Package is to inform the emerging Adur Infrastructure Delivery Plan and well as the introduction of the Community Infrastructure Levy.

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<sup>2</sup> The Town and Country Planning (Development Management Procedure) (England) Order 2010 defines "major development" as involving any one or more of the following:

- the winning and working of minerals or the use of land for mineral-working deposits;
- waste development;
- 10 or more dwelling houses or the development is to be carried out on a site having an area of 0.5 hectares or more;
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more, or
- development carried out on a site having an area of 1 hectare or more;

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5.3 The County's current requirements are set out below. Contributions sought by the County Council are calculated using the following occupancy rates for new dwellings<sup>3</sup>:

- 1 bed unit 1.7 persons (1 bed flat = 1.2 persons)
- 2 bed unit 1.8 persons (2 bed flat = 1.3 persons)
- 3 bed unit 2.2 persons (3 bed flat = 1.7 persons)
- 4 bed unit 2.7 persons (4 bed flat = 2.4 persons)
- 5+ bed unit 3.0 persons (5+ bed flat = 2.0 persons)

5.4 With regard to the provision of social rented and affordable rented housing (as defined in the NPPF), the Council will generally apply a reduction in contributions to be made towards County Infrastructure. This is on the basis that the occupants are assumed to originate from the local area and as such would not generate a need for new infrastructure provision.

5.5 All County contributions have been determined using the WSCC contributions calculator 2012/13 (available on WSCC website) which is up-dated annually. The contributions calculator requires different inputs depending on the proposed development, for example, residential or commercial. For current cost multipliers, please refer to:

[http://www.westsussex.gov.uk/living/roads\\_and\\_transport/roads\\_and\\_pathways/plans\\_policies\\_and\\_projects\\_f/development\\_control\\_for\\_roads/planning\\_obligations.aspx#S106](http://www.westsussex.gov.uk/living/roads_and_transport/roads_and_pathways/plans_policies_and_projects_f/development_control_for_roads/planning_obligations.aspx#S106)

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<sup>3</sup> Derived from the 2001 Census and an assessment by West Sussex County Council of new build occupancy rates. These figures will be up-dated when data from the 2011 Census is published.

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## 6. SCHOOLS

- 6.1 Pupil numbers in West Sussex over the last 3 years have been rising. Due to demographic pressures, there is currently limited capacity in the primary schools in Shoreham and Lancing and this is projected to continue. Any plans for additional homes will be required to contribute financial contributions through a Section 106 agreement. Developments in excess of 1000 homes, as one large strategic development or collective developments across the area, are assessed as producing an additional one form of entry (30 pupils) per year of age and on that basis, with insufficient capacity in the localities, developers would also be required to provide land to accommodate this increase i.e. a primary school site.<sup>4</sup>
- 6.2 In terms of secondary education, Shoreham Academy is currently running at 98% capacity and this is predicted to rise over the coming four years. Any significant development in the locality would generate a requirement for contributions. Significant development would normally be in the region of 500 dwellings. In Lancing the Sir Robert Woodard is projected to have in excess of 20% surplus capacity and therefore could accommodate in the region of an additional 350 pupils before contributions would be required. This would be in excess of 1500 homes across the locality.
- 6.3 As above, the County assumes that for its school planning that 1000 homes generates 30 additional pupils per year of age – i.e. one form of entry or classroom needed per year group. Contributions will be sought where forecast future demand is equal to or exceeds 95% of the total Net Capacity for the locality. For large scale housing developments it may be necessary for landowners and developers to provide a combination of land and funds for new primary schools as well as appropriate contributions towards the costs of facilities for secondary education. New secondary school sites will only be necessary in relation to the largest of new developments such as in a new settlement.
- 6.4 For smaller scale proposals, it is more likely that contributions will be required towards the costs of enlarging primary and secondary schools to provide the extra pupil places needed. Where the sites of existing schools are too small to accommodate necessary expansions which are in relation to particular development proposals, the contributions required from the landowners and developers towards school enlargement costs will include land acquisition, land development and building costs.

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<sup>4</sup> The County Council applies a 100% discount on education contributions for social rented housing. No reduction is applied for other types of affordable housing.

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6.5 WSCC requirements for school provision can be summarised below:

- 10 – 200 homes – financial contributions to add places at existing primary schools.
- 200 – 500 homes – financial contributions to add places at existing primary and secondary schools.
- 500 – 2,500 homes – site for new primary school and financial contributions for primary and secondary school places.
- 2,500 – 5000 homes – site for new primary school/s and secondary school and financial contributions for primary and secondary school places.
- Where land is to be transferred to the County Council as part of the development (e.g. a school site), West Sussex County Council will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or the County Council.

6.6 For further information, please refer to the document 'Planning School Places 2013' on the following web site:

[https://www.westsussex.gov.uk/learning/west\\_sussex\\_grid\\_for\\_learning/management\\_info\\_services/school\\_organisation\\_and/planning\\_school\\_places\\_2013.aspx](https://www.westsussex.gov.uk/learning/west_sussex_grid_for_learning/management_info_services/school_organisation_and/planning_school_places_2013.aspx)

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## 7. EARLY EDUCATION AND CHILDCARE PROVISION

- 7.1 The County Council has a duty to secure sufficient free early education places for 3 and 4 year olds. This will increase to include the 40% most disadvantaged 2 year olds including children with disabilities from September 2014. The County Council also has a duty to ensure that the provision of childcare places (age group 0-14 and up to 18 for disabled young people) is sufficient to meet the needs of working parents.
- 7.2 If a need is demonstrated, as a general guide for every 1000 homes WSCC currently assumes a need for: 36 places (based on 2001 census figures). A development of over 1,500 homes will create the need for an additional 40 place full day care nursery. Out of school childcare for school age children could be met through this facility or use of school buildings.
- 7.3 An acceptable alternative to the provision of a new purpose-built building to cater for early education and childcare would be the use of another building within the development (for example a community centre) with a formal hiring agreement.
- 7.4 For developments of less than 1000 homes, contributions may be sought for provision within the local area if a need is demonstrated. Such provision could, for example, consist of enhancing the use of existing education and childcare facilities or other community buildings in the area through physical adaptations and extensions or through management arrangements.



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## 8. YOUTH FACILITIES

- 8.1 Contributions will only be sought where necessary towards youth provision for large strategic developments of more than 500 dwellings and each development will be considered on a case by case basis in relation to existing provision within the area. West Sussex County Council would support the inclusion of youth activities in any new community buildings arising from S106 contributions.
- 8.2 The County Council is responsible for other facilities for children and young people, such as residential care. A small proportion of residents of new housing will require support from such facilities at some time. For larger developments of 500 or more dwellings, these will be considered on a case by case basis by the relative need for contributions towards children's homes, accommodation for young people leaving care and other facilities for children and young people as necessary.
- 8.3 Specific to Adur, a relatively high level of deprivation exists in some areas, meaning young people can be disadvantaged in terms of education, training, employment and family support. Any additional physical based youth service facilities should come forward as part of shared use community spaces.



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## 9. FIRE AND RESCUE SERVICE

### Fire hydrants

- 9.1 Works may be needed to fulfill the Fire Authority's duty to ensure the provision of an adequate supply of water for fire fighting. Requirements for the provision of fire hydrants affixed to water mains and the carrying out of other works that are necessary to ensure adequate supplies of water, in terms of both volume and pressure, may be sought either as planning conditions or possibly through a legal agreement for such equipment to be installed at the developer's expense.
- 9.2 Adequate access for fire fighting vehicles and equipment from the public highway must be available and may require additional works on or off site, to comply with Building Regulation BS5588 Part 5 – 2004.
- 9.3 The locations and spacing of hydrants should conform to guidance given by the Fire and Rescue Service and, where possible, such locations will be at main roads, feeder roads or road junctions where they are readily visible.
- 9.4 Full details of the Fire and Rescue Service standards for access roads (including weight requirements) and for water supplies are available on request.

### Fire and Rescue Infrastructure

- 9.5 In addition to the above, the developer/landowner may be required to make a fair and proportionate contribution towards the provision of new fire fighting services or facilities to enable the fire authority to meet its statutory requirements and prescribed standards of fire cover for the area, as set out in the Fire and Rescue Services Act 2004.  
***Contributions will be required from developments of 10 plus net dwellings.***
- 9.6 Only in relation to largest scale new developments or a combination of smaller developments in the area, might contributions be required to cover the full cost of providing an entirely new fire station. In the case where the development does not require the provision of a new fire station, contributions will be used to finance new fire fighting equipment and services, extensions to fire stations, or the provision of facilities or other fire and rescue infrastructure as necessary to service the Adur area.
- 9.7 With an incident of a large scale or a protracted incident, West Sussex Fire and Rescue assets / personnel from across the county could and would be utilised to deal with the incident of that scale and type and therefore the use of any contributions may very well be collected and

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utilised in areas away from Adur District, in order to improve the Fire Service resilience to meet the demands of such incidents in the Adur District.

- 9.8 For more information on contributions for fire and rescue infrastructure, please refer to the following County Council web site:

[http://www.westsussex.gov.uk/living/roads\\_and\\_transport/roads\\_and\\_pathways/plans\\_policies\\_and\\_projects\\_f/development\\_control\\_for\\_roads/planning\\_obligations.aspx#S106](http://www.westsussex.gov.uk/living/roads_and_transport/roads_and_pathways/plans_policies_and_projects_f/development_control_for_roads/planning_obligations.aspx#S106)



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## **10. LIBRARIES**

- 10.1 As recommended by the International Federation of Library Associations and Institutions, the County Council has adopted standards which relate service provision to population numbers.
- 10.2 The applied average standard is 32 m<sup>2</sup> per 1,000 population. Where a library is unable to meet these standards due to development, a reasonable contribution will be requested towards the service based on the adopted floorspace standards, the library building cost per square metre and the additional population coming from the proposed development.
- 10.3 For communities/catchment populations up to 4,000, service provision will be by means of mobile libraries. For communities/catchment populations of over 4,000 population, the service will be delivered through built libraries. The type of library provision will be determined by a range of indicators including the size of the catchment population and the proximity of other libraries. West Sussex County Council currently provides a range of libraries from mobile provision with regular stops at small but significant communities through six tiers of library from the smallest community library to the largest town library. The decision on the appropriate provision will be determined by these factors.
- 10.4 Where the best means for the delivery of library services to a new development is a mobile library, the landowner/developer will be required to provide a suitable parking area (with good links to the local transportation network and access to a power supply) and/or a proportionate financial contribution towards the costs of providing and stocking an extra vehicle.
- 10.5 Where the appropriate means for the delivery of library services to a new development is a built library, the landowner/developer will be required to make fair and proportionate contributions towards the costs of providing and stocking a new or improved permanent building, including any necessary land acquisition. Where the existing capacity of a library would not be able to serve new development, a contribution will be calculated, for developments of 10 plus dwellings (net).
- 10.6 The County Council recognises that the needs of the library service relating to new development proposals will have to be assessed individually and in context. Occasionally, more than one feasible way of meeting those needs within the County Council standards will be identified. For example, improvement of the mobile library service in combination with an enhancement of facilities at the major library in the nearest town could be an acceptable alternative to development of a neighbourhood library, on site or nearby, for about the same overall

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cost. Therefore, where the library needs of a particular development proposal may be satisfied equally well by one or more alternatives, the developer will be required to contribute towards the most appropriate solution identified by the County Council.

- 10.7 A recent review of library services has been undertaken. In the future, smaller libraries will only be considered as part of a shared community facility – possible with other services and partners including leisure, health and community uses.
- 10.8 A number of improvements were implemented in 2012 in each of the libraries at Shoreham, Lancing and Southwick consisting of the installation of self service and enhancements to public areas to cope with increasing/changing demand by the local community. The Shoreham library is to be replaced as part of the proposed redevelopment plans for Pond Road (its current location).
- 10.9 For more information on contributions for library provision, please refer to the following County Council web site:

[http://www.westsussex.gov.uk/living/roads\\_and\\_transport/roads\\_and\\_pathways/plans\\_policies\\_and\\_projects\\_f/development\\_control\\_for\\_roads/planning\\_obligations.aspx#S106](http://www.westsussex.gov.uk/living/roads_and_transport/roads_and_pathways/plans_policies_and_projects_f/development_control_for_roads/planning_obligations.aspx#S106)

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## 11. WASTE MANAGEMENT (HOUSEHOLD WASTE AND RECYCLING SITES)

- 11.1 Improvements and additions to existing Household Waste and Recycling sites (HWRSs), including replacement of some of the mobile service locations with static sites, extensions to existing static sites, additional sites and other building works, may be necessary in order to accommodate additional waste from new housing development. New residential development proposals will therefore be considered individually to assess their impact on the household waste recycling facilities serving the area within which the waste would be generated, taking into account other development that is already permitted.
- 11.2 Contributions sought by the County will be reasonably and proportionally related to the scale of the proposed development, capacity at existing facilities and the capital cost of necessary improvements to the County waste management service infrastructure, including associated costs of acquiring land.
- 11.3 Only in relation to large scale new developments, such as possibly a new settlement, might contributions be required to cover the full cost of providing an entirely new HWRS which is not replacing an existing service. If new or extended sites are required, they will ideally be identified in advance in local development frameworks but this may not always prove to be possible.
- 11.4 Prospective developers should be encouraged to ensure that the occupants of new dwellings are able to minimise the amount of waste they produce. Storage space should always be provided for recyclable materials and, wherever practicable, facilities should be provided for home composting. Where appropriate, and subject to consultation with the local district [Waste Collection](#) Authority, medium-sized housing developments should include local recycling collection points and the inclusion of a neighbourhood recycling centre may be justified in larger developments.
- 11.5 For more information on contributions for waste management provision, please refer to the following County Council web site:

[http://www.westsussex.gov.uk/living/roads\\_and\\_transport/roads\\_and\\_pathways/plans\\_policies\\_and\\_projects/f/development\\_control\\_for\\_roads/planning\\_obligations.aspx#S106](http://www.westsussex.gov.uk/living/roads_and_transport/roads_and_pathways/plans_policies_and_projects/f/development_control_for_roads/planning_obligations.aspx#S106)

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## 12. HIGHWAYS AND TRANSPORT

- 12.1 Transport contributions methodology was adopted following supplementary planning guidance (SPG) in November 2003. It is regarded as material consideration of substantial weight when determining planning applications. This SPG is supported by the NPPF (paragraph 29) which states that 'The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel'.
- 12.2 The methodology requires the developer to enter into a legal agreement. Developers are required to provide or contribute towards the costs of infrastructure and other measures which are necessary to mitigate (lessen) the impact of the development and to make sure that new development is accessible by sustainable transport. The contributions methodology ensures that contributions are calculated in a manner that is fair, consistent and transparent.

### Supporting document

- [Parking Standards and Transport Contributions Methodology](#) (PDF, 58 pages, 269KB)

### *How does it work?*

- 12.3 The methodology applies to commercial and residential land uses, and is based on total access to/from a development.
- 12.4 An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space and a Sustainable Transport Contribution is required in respect of each occupant or employee not provided with a parking space. The two elements of the contribution may be combined to mitigate the impact of movement generated by a new development. The differential between the two elements is set to encourage development in more accessible areas - more accessible locations will require lower levels of parking and hence a lower level of contribution. The method is based on the average occupancy of residential and commercial development.

### WSCC Transport Contributions – Update

- 12.5 The Supplementary Planning Guidance (SPG) on Transport Contributions Methodology included notes highlighting that:
- Occupancy rates should be reviewed where necessary to reflect local data (See 'Notes' section in appendix - note 17);
  - The levels of contributions should be reviewed annually to include inflation increases (See 'Notes' section in Appendix - note 20).

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Further data analysis undertaken by County Planning Services highlights that residential occupancies for new development are higher than those included within the original SPG (these were based on the average of all housing not that generated by new development). Hence occupancy rates to be applied when calculating contributions will be those on page 10 of this document.

- 12.6 Please refer to WSCC contributions calculator 2012/13 for the level of infrastructure and sustainable access contributions required.
- 12.7 The Strategic Infrastructure Package prepared by the County Council will identify Highways and Transport measures required to support new development and will be based on technical evidence.
- 12.8 The Adur County Local Committee's Local Infrastructure Plan is used to guide local investment in highway improvement schemes identified as community priorities. The highways Integrated Works Programme (IWP) is the primary mechanism for delivering these CLC priorities across the County. Appendix 1 indicates the list of priorities currently identified by Adur CLC.
- 12.9 The plan also includes a Community Issues List, which establishes CLC support for a wide range of community issues. Scheme solutions responding to issues within the list could progress through a range of opportunities including local bids, community managed projects, development proposals, the setting of future IP priorities and any other practical delivery mechanism identified.
- 12.10 The plan will be updated at appropriate intervals to continue to reflect issues of current interest within communities and to include sufficient new priorities to inform the development of the IWP.
- 12.11 Current information regarding the CLCs Infrastructure Plan can be accessed at:

[http://www.westsussex.gov.uk/living/communities/active\\_communities/whats\\_going\\_on\\_near\\_me.aspx](http://www.westsussex.gov.uk/living/communities/active_communities/whats_going_on_near_me.aspx)



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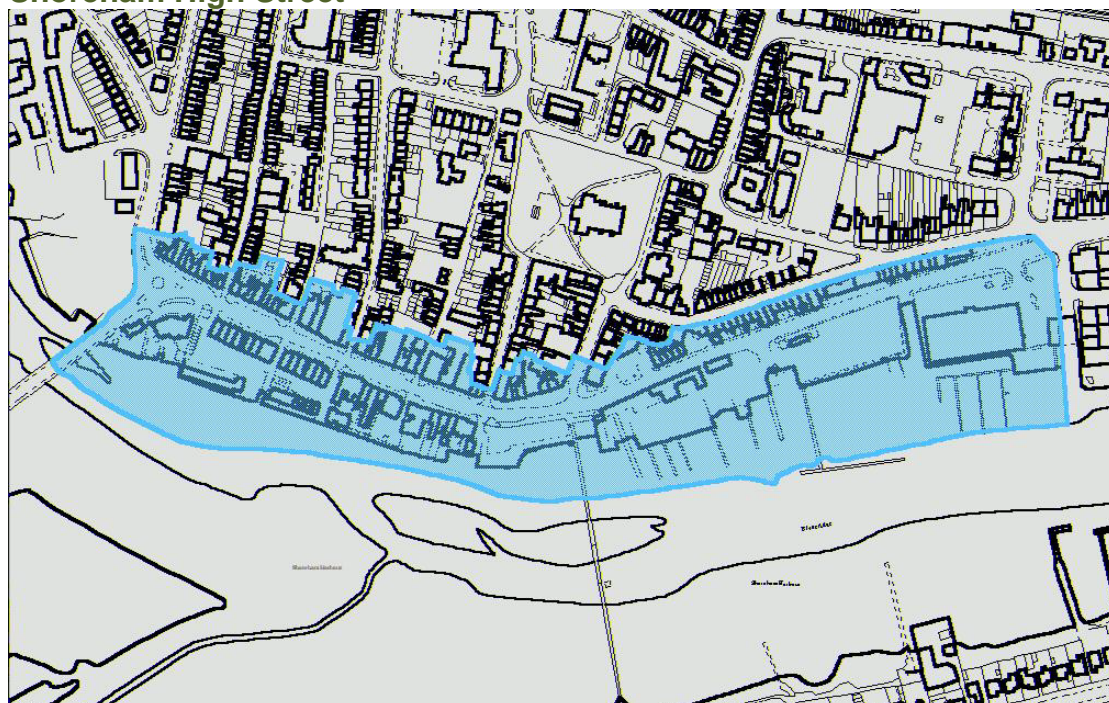
### **13. WATER AND WASTE WATER INFRASTRUCTURE**

- 13.1 Southern Water (as statutory waste and sewerage undertaker) will seek contributions towards local on-site and off-site water and waste water infrastructure required to service individual developments. The costs of this infrastructure will depend on site-specific circumstances and will vary from site to site. Ofwat, the water industry's economic regulator takes the view that local enhancements required to the water distribution and sewerage system as a result of new development should be paid for by the development. This ensures that the cost is passed to those who directly benefit from it. Southern Water is not fully funded to deliver local infrastructure and the company is expected by Ofwat to recover reasonable costs through developer contributions.

## 14. AIR QUALITY

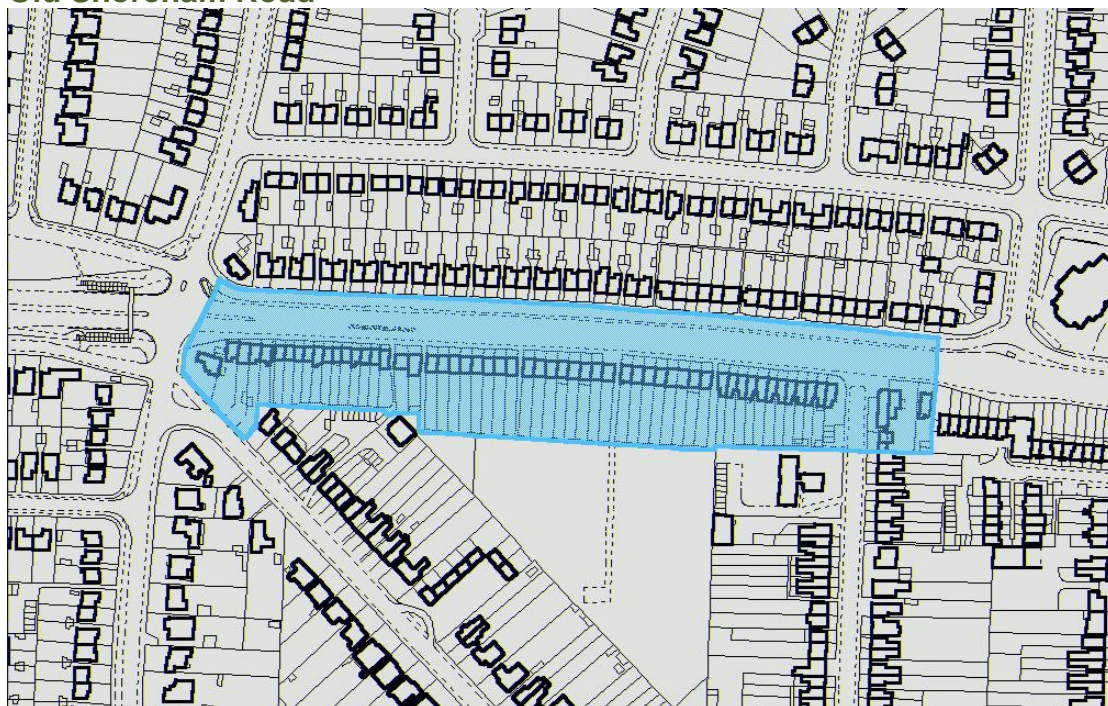
- 14.1 The National Planning Policy Framework states that planning policies should comply with EU objectives for pollutants. It also states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local Air Quality Action Plan.
- 14.2 Adur has two Air Quality Management Areas which came into force in 2005 – on A259 High Street / Brighton Road in Shoreham and on the A270 Old Shoreham Road (see maps below). These are areas where air quality is affected by emissions from road traffic, particularly NO<sub>2</sub> emissions.

### Shoreham High Street



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## Old Shoreham Road



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- 14.3 In line with the Air Quality Action Plan for Adur (July 2007), contributions will be sought from new development within and close to these areas to help fund air quality initiatives. Contributions will also be sought from developments further away that may impact on the Air Quality Management Areas. The initiatives span a range of options including travel plans, parking arrangements, traffic management, public transport, walking and cycling, monitoring measures and providing information and publicity.
- 14.4 Sussex local authorities have jointly prepared a 'Good Practice Planning Guidance' document covering air quality in relation to planning applications in or in close proximity to AQMAs. This will be used when assessing development proposals and mitigation contribution requirements.
- 14.5 All documents on Air Quality can be accessed via the Adur and Worthing web site:

<http://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/air-quality-monitoring/#air-quality-reports>



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## **15. HEALTH FACILITIES**

- 15.1 A core planning principle in the NPPF (paragraph 17) states that 'Planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.'
- 15.2 Until a policy on CIL is adopted in the new Local Plan in 2015 in line with an infrastructure delivery plan and then supported by a CIL charging schedule in 2015, it would be inappropriate to use template formulas to formally require the provision of contributions from new development towards improved or new health facilities. However, there may be circumstances where it is appropriate to negotiate for contributions to health facilities depending on the size of the development, the assessment of health needs in the area and the state and capacity of existing health facilities. This would certainly be the case if a major housing development of over 100 dwellings was proposed but may also be appropriate for smaller developments within areas of significant health needs (a deprived ward for example) where existing provision is inadequate. Various health service strategies have identified the inadequacy of a number of existing GP surgeries serving Shoreham, Lancing and Sompting to meet modern day health needs.

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## 16. IMPROVING TOWN CENTRES

### **Policy AB13 (Saved Policy in the Adur Local Plan 1996)**

The District Planning Authority in liaison with the Highways Authority will formulate, publish for comment and implement proposals for the environmental improvement of the town centres which may include pedestrianisation schemes. The proposals shall be sensitively designed using materials sympathetic to the location.

### **Policy AB15 (Saved Policy in the Adur Local Plan 1996)**

Infrastructure improvements will be encouraged to improve the shopping environment including where necessary, improvements to the existing car parking facilities and changes to traffic movements through the town centres, including traffic calming. Any proposals should have no detrimental effect on the character of the town centre.

### *Application*

- 16.1 The three centres of Lancing, Shoreham and Southwick have seen a number of improvements to the environment including traffic calming over the last 10 years. However, there will be further town centre management initiatives required to improve the centres over future years. These could include new/replaced street furniture, signage, planting and improved lighting. In September 2012, the Council approved a Streetscape Guide for Shoreham Harbour which can also be used for improvements elsewhere in the district. In providing or contributing to such improvements, new development will be required to take account of this Guide which covers a range of public realm elements including seating, bins, bollards, signage, cycle stands, surfacing, lighting, vegetation, walls, fences, bus stops/shelters and outdoor adverts. The Guide is available on the Council's web site:
- <http://www.adur-worthing.gov.uk/media/media,98690,en.pdf>
- 16.2 The Shoreham Renaissance Strategy of 2006 identified a number of public realm improvements to the town centre as part of its wider aim to achieve regeneration through high standards of public realm design.
- 16.3 A rolling capital programme from the Council's budget is required to implement town centre street scene improvements but this may not be guaranteed for future years. Contributions from new developments within and abutting the town centres can support this programme. Contributions will be negotiated taking into account the size, nature and impact of the development.

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- 16.4 A specific joint project is being progressed by the District Council and Parish Council to help regenerate the town centre of Lancing. The 'Lancing Vision', approved by Adur District Council in 2012, aims to improve the street scene through pedestrian enhancements, traffic calming, new street furniture, way-markers, improved shop fronts, new notice boards, planting, improved lighting to shop canopies and gateway signage. A variety of funding sources, including S106 contributions from major developments, will be used to implement this programme over a number of years. The Lancing Vision is available on the Council's web site:

[www.adur-worthing.gov.uk/regeneration/lancing-vision](http://www.adur-worthing.gov.uk/regeneration/lancing-vision)



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## 17. IMPROVEMENTS TO THE PUBLIC REALM ELSEWHERE WITHIN THE BUILT UP AREA

- 17.1 The NPPF states the Government attaches great importance to the design of the built environment and that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

### *Application*

- 17.2 The Council's Town centre and Street Scene Co-ordinator has a capital budget which may also be used for street scene improvements to areas outside of the town centres including neighbourhood parades, the sea front and other public areas. Similar to town centres, the budget is limited and may not be guaranteed for future years. Parts of the Shoreham Harbour regeneration area are also earmarked for improvements including the A259, the fort and parts of Shoreham Beach and contributions are to be sought from new developments to help fund these. Contributions from new developments if within or adjacent to an area proposed for improvements will be sought taking into account the size, nature and impact of the development.



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## **18. HERITAGE**

- 18.1 One of the aims of the adopted Adur Local Plan is ‘to protect archaeological resources and to protect and improve the built environment, particularly that which is of historic, architectural or local interest.’ To meet this, one of the Plan’s objectives is ‘to preserve and enhance the character and appearance of designated Conservation Areas.’
- 18.2 Section 12 of the NPPF states that that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Great weight should be given to the asset’s conservation. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

### ***Application***

- 18.3 Conservation Area Statements and Management Strategies have been approved by the Council for Shoreham town centre and Southwick Conservation Area ([www.adur-worthing.gov.uk/planning-policy/conservation-and-heritage/adur-conservation-areas](http://www.adur-worthing.gov.uk/planning-policy/conservation-and-heritage/adur-conservation-areas)) which indicate a number of improvements to enhance these areas. A number of these can be implemented directly by the Council as resources allow. In other cases, the Council’s role will be to seek to achieve improvements in conjunction with new developments. For both areas, the Management Strategies indicate public realm enhancements for particular locations (such as the replacement of standard street lighting with heritage style lanterns; improvement to street furniture and landscape enhancements).
- 18.4 New developments may be required to contribute to the above conservation area enhancements as appropriate. Contributions may also be required for improvements needed within the other five conservation areas in the district although these do not as yet benefit from up-to-date character appraisals and management strategies.

### ***Archaeology***

- 18.5 With regard to archaeological field evaluation, recording or monitoring, in connection with development proposals, it is recommended that a written archive is created and original drawings/ site recording sheets/ notes etc deposited in an appropriate place.

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## 19. THE RIVERSIDE SETTING OF SHOREHAM-BY-SEA

### **Policy AB16 (Saved Policy in the Adur Local Plan 1996)**

**In order to protect and enhance the important amenity value of the River Adur, development which adversely affects views along and across it between Surry Hard and the A27 will not be permitted. Opportunities will be taken, when considering development proposals, to improve the river scene.**

- 19.1 The Shoreham Renaissance Strategy of 2006 as part of its wider regeneration strategy, identified the need to improve integration between Shoreham town centre, the riverfront and Shoreham Beach. An important principle was to protect and improve access to the river front. It identified that this access could be improved through the creation of a river walk that could link key destinations and the footbridge. There is an opportunity to create a series of places along the river walk that could engage with new buildings and the water. It recommended that as sites come forward, where possible, a riverside walk linking directly with the footbridge should be negotiated.
- 19.2 The Management Strategy for the Conservation Area of Shoreham town centre identifies the need to enhance the linkages between the river and the conservation area by providing a riverside walk along the north bank of the river including the provision of street furniture, landscaping and lighting to enhance the environment. Strengthening visual and access links between the river front and the High Street by enhancing existing links and creating new links where practical are also recommended. The Strategy also recommends traffic calming and improving pedestrian facilities.
- 19.3 The importance of the river and the need to improve access to this is also identified in various studies and guidance documents being produced for the regeneration plans for Shoreham Harbour. The development brief for the Western Harbour Arm of Shoreham Harbour (2013) includes a strategic objective (SO9) 'To promote developments of high design quality that maximise the waterfront setting, respect local character and form and enhance key gateways and public spaces.' The development brief is available on the Council's web site:

<http://www.adur-worthing.gov.uk/shoreham-harbour-regeneration/development-briefs/>

### ***Application***

- 19.4 Whilst the detailed layout and design of a development could help to improve the river scene e.g. through allowing views through the development and providing open spaces, contributions will be sought for providing walkways and street furniture along the river or for open spaces along it (as also referred to above).

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## 20. PER CENT FOR ART

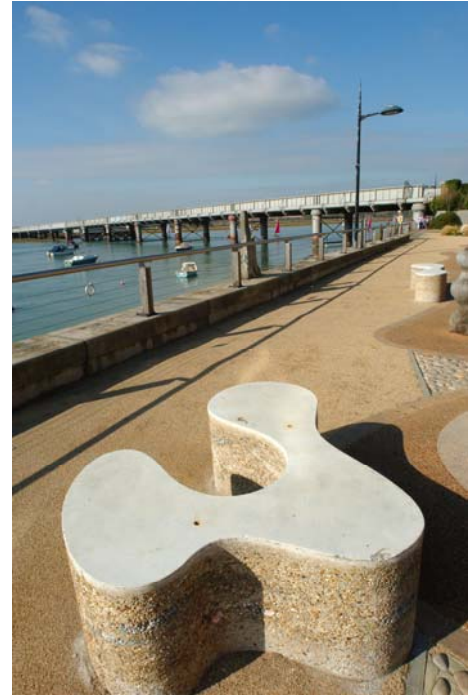
**Policy AB32 (Saved Policy in the Adur Local Plan 1996)**  
**The District Planning Authority will encourage developers of appropriate schemes to provide works by artists and crafts people, in accordance with the 'Per Cent for Art' initiative of the Arts Council of Great Britain**

### *Application*

- 20.1 This policy aims to improve the built environment and cultural identity by the provision of works by artists and craftspeople through seeking contributions (via agreements) from appropriate new development. In 2009, the Council approved a Public Art Strategy for both Adur and Worthing ([www.adur-worthing.gov.uk/regeneration/cultural-projects](http://www.adur-worthing.gov.uk/regeneration/cultural-projects)) which emphasises the benefits of public art for cultural, economic, social and community regeneration. Public art can also enhance the environment, humanise public space, help create a sense of identity and community and increase the use of open space. The definition of public art in the Strategy includes the following components:
- The works of art and/or craft and design are conceived as part of the building or landscape from the outset, rather than as an added feature.
  - Public art should always be site specific.
  - Public art can be realised in a variety of ways: for example lighting schemes, street furniture, fencing, paving, signs, sculptures, murals, architectural glass, mosaics, banners, sound and text.
  - The public art can be either temporary (e.g. a projection on the façade of a building) or permanent.
- 20.2 The Strategy identifies a number of potential sites (where new development is proposed) for public art including North Ropetackle, Shoreham Harbour, Shoreham Flyover, Shoreham Airport, the Cement Works (the National Park Authority will deal with planning contributions associated with any development proposals for this site), North Road and South Street in Lancing. Contributions will be sought from these and other appropriate developments that come forward within the district.
- 20.3 The amount to be contributed for public art from new development will be a matter of negotiation at the early stages of the planning application process with the developer/applicant, taking into account the nature and location of the development as well as viability issues.
- 20.4 The Public Art Strategy proposes that as a guide between **1% and 5% of the associated construction costs of a capital project could be negotiated for public art as a starting point**. The level of contribution from the developer is likely to be determined by the scale of the

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development with larger schemes with high service and infrastructure costs being the most likely to contribute the lowest percentage costs towards public art. ***The Strategy recommends that all new residential development of more than 10 new homes and other new development where the floorspace is 1000 sq metres gross or more should contribute towards public art provision. Account will be taken of these thresholds in negotiating with developers.***





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## 21. FACILITIES FOR PEDESTRIANS, EQUESTRIANS AND CYCLISTS

### **Policy AT10 (Saved Policy in the Adur Local Plan 1996)**

**The extension of public rights of way, and provision of support facilities such as car parks close to public footpaths and bridleways will normally be permitted, particularly:**

**(a) in the vicinity of the River Adur, subject to Port operational requirements, and**

**(b) when development or redevelopment proposals are submitted in suitable areas; developers will be requested to provide such facilities**

- 21.1 The National Planning Policy Framework aims to promote healthy communities and identifies the important role the planning system can play in creating healthy communities. It states that planning policies should protect and enhance public rights of way and access and local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

### ***Application***

- 21.2 The district is well provided with a network of public footpaths and bridleways which are well used by walkers, equestrians and cyclists. However, this network could be enhanced and extended wherever possible to include the provision of associated facilities under this policy or through West Sussex County Council requirements for highways and transport infrastructure.
- 21.3 The National Park Authority is responsible for enhancing links and facilities within the National Park in consultation with the Council.
- 21.4 Elsewhere within the district, the Council will negotiate with developers for enhancements when developments come forward. In addition to car parks, other facilities could include seating, signage, public art and picnic areas. The Countryside Services division of West Sussex County Council has identified a need to improve the surface of the Downs Link along the river and to create viewpoints, new sculpture and horse-mounting blocks. The section of the link from the Old Toll bridge south which is in the ownership of the County Council has already been improved with viewpoints, seating and cycle stands added. The final section along the river bank before the railway bridge which is not owned by the County Council remains to be improved. Such improvements will be planned as part of the flood defence work proposed for the eastern side of the River Adur (tidal walls project) and contributions will be sought for these.

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- 21.5 The emerging joint Area Action Plan for Shoreham Harbour will include proposals for new walkways and cycling routes and specifically along the Western Arm to make use of the waterfront location.



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## 22. HOUSING TO MEET LOCAL NEEDS

### **Policy AH3 (Saved Policy in the Adur Local Plan 1996)**

The provision for residential development made in Policy AH1 includes the provision of social housing, which in this context refers to any housing accessible to people not able to compete in the housing market, and of low cost housing to meet market demand.

The District Planning Authority will seek to negotiate the provision of an appropriate proportion of social and low cost housing on the sites specified in Development Proposals DP.AH1 to DP.AH3.

The District Planning Authority will seek to negotiate the provision of a proportion of social and/or low cost housing on all other sites coming forward during the Local Plan period, subject to site and market conditions, the type of development proposed, the character of the area and other important constraints, and any review of local need as may be undertaken by Adur District Council.

In all cases, planning permission will normally be subject to a legal agreement to this effect.

### ***Application***

- 22.1 This policy is to address the acute need for affordable housing in the district given the high house prices in relation to income. There are currently (as at November 2012) 1,432 households on the Adur Housing Waiting List.
- 22.2 The National Planning Policy Framework generally expects local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. The Strategic Housing Market Assessment (2009) (SHMA) ([www.adur-worthing.gov.uk/planning-policy/adur-background-studies-and-info/housing](http://www.adur-worthing.gov.uk/planning-policy/adur-background-studies-and-info/housing)) undertaken for the West Sussex coastal authorities recommended a target of 35% affordable housing increasing to 40% in the longer term taking account of viability. However, the study also stresses that local circumstances should be taken into account which is re-iterated in the up-dated 2012 study. Negotiations on sites over recent years have been on the basis of a starting position of 30% affordable housing to be provided.
- 22.3 In terms of the size of development required to provide affordable housing, negotiations over previous years took into account the Government's previous Planning Policy Statement 3 Housing which contained a national indicative minimum site size threshold of 15

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dwellings. However, the new NPPF does not contain minimum thresholds leaving such decisions to be determined locally through the Local Plan process.

- 22.4 The definition of affordable housing will be more clearly defined in the emerging Local Plan. Until this time, that in the National Planning Policy Framework will be used which defines affordable housing as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.
- 22.5 The definitions of social rented, affordable rented and intermediate housing are distinguished in the NPPF by tenure and the level of rents and prices charged. The rent definition for affordable rented housing, whereby the maximum rent level is set at no more than 80% of the local market rent does not necessarily represent an affordable rent in Adur especially on larger family-sized units and the local authority will continue to stress the need for rents to be set at a level less than 80% of open market rent to meet the needs of those on the housing register. The definition of affordable housing in NPPF clearly states that it does not include low cost market housing.
- 22.6 In terms of securing the right type and tenure of affordable housing, the up-dated SHMA (2012) recommends a range of different sizes of affordable housing needs to be planned for. Whilst the majority of households on Adur's housing waiting list require smaller one and two bed properties, there is also a high need for larger family sized dwellings given their limited supply. In terms of tenure split, the assessment recommends an 80:20 split between social rented and intermediate housing in the short term with this increasing to a 70:30 split in the longer term.
- 22.7 The emerging Local Plan being produced for the district will, when adopted, contain a policy on affordable housing (based on the SHMA up-date 2012 and further viability evidence). Until this time, decisions will take into account the saved policy in the current Local Plan and the NPPF together with other evidence including the SHMA and any up-to-date needs assessment undertaken by the Council. Account will also be taken of viability issues particularly in the current recession.
- 22.8 From the above, the following will be used as a basis for negotiation:
- A target of 30% affordable housing to be provided on site
  - Site size minimum thresholds for affordable housing provision to remain at 15 dwellings (until further evidence is produced for the new Local Plan) but smaller sites will also be considered given the level of

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need and the scarcity of large sites suitable for residential development in the district.

- In all circumstances, account to be taken of the character of the area (of the relevant application), site and market/viability conditions and identified housing needs at the time an application is made.
- Financial contributions will be sought in lieu of on site provision to provide affordable housing elsewhere in the district in a limited number of circumstances if robustly justified. Such circumstances will be exceptional since the aim is to secure affordable housing on sites. However, such circumstances could include:
  - A site coming forward in a location dominated by social housing where it is beneficial to secure more market housing.
  - A site coming forward in a location which may not be suitable for the type/tenure of affordable housing needs the Council has identified e.g. family accommodation.
- The categories of affordable housing to be secured will be a matter to be negotiated with the Housing and Strategy Enabling Manager taking account of affordable housing needs at the time of the application. In line with the SHMA, the majority of the housing should be for rent.
- The definition of affordable housing to be used will be that in NPPF but noting that the maximum rent level set for affordable rented housing will be unaffordable for many people on the housing register. The Council will continue to work with its partners to provide housing with rent levels at below 80% of open market rent where appropriate.

22.9 For further details as to how the Council will manage and implement the process of securing affordable housing, please contact the Housing Strategy and Enabling Manager on 01273 263017.

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## 23. FLOOD RISK AND THE NEED FOR DEFENCES

- 23.1 Adur's coastal location and the presence of the River Adur means that parts of the district are at risk from flooding – both tidal and fluvial. There are also surface water drainage issues. Large areas of land are designated as flood zone 2 (medium probability), 3a (high probability) and 3b (functional floodplain). Furthermore, sea level rises can be anticipated and it is necessary to ensure the district is resilient to the predicted impacts of climate change such as warmer, wetter winters, hotter, drier summers, sea level rise and more frequent extreme weather events.
- 23.2 Due to the geology of the District, the majority of Adur, including the built up area is assessed in the Strategic Flood Risk Assessment (SFRA) as at high risk of flooding from groundwater flooding sources.
- 23.3 The existing flood defences along the River Adur need to be improved to reduce the risk of future flooding to life, property and business. The Environment Agency has been working with Adur Council to produce a defence scheme (Adur Tidal Walls Scheme) planned for construction in 2014/15. For further details please refer to the Environment Agency web site. <http://www.environment-agency.gov.uk> The scheme must be robust whilst minimising its impact on wildlife and sensitive habitat. The scheme will also help regeneration plans for the district in ensuring a safer environment for businesses and enhancing investor confidence. Visual impact of the scheme is also important in terms of residential amenity, visitor attraction and conservation. The Council, in consultation with the Environment Agency, will seek appropriate landscaping to be provided and access along the river to be maintained.
- 23.4 Initially covering the west bank of the river, the Adur Tidal Walls Scheme has now being extended to cover the east bank (between the A27 road bridge and the Adur river footbridge). Consultation on the plans for the West bank took place in 2010 whilst consultation on the East Bank preferred options took place in June 2012.
- 23.5 Government funding is being sought to help reduce flood risk to 2,328 houses and 169 commercial premises. However, developments close to the defences may be required to contribute funding to secure further public realm improvements in the vicinity of the defences. Such contributions are to be sought by Adur Council in liaison with the Environment Agency.
- 23.6 The Adur Local Plan (1996) does not include a specific saved policy to address flood risk. Requirements for considering development within or close to areas at flood risk are covered by the NPPF. The NPPF refers to the key role that planning plays in addressing climate change. When determining planning applications, the NPPF states that 'local planning

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authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test and if required the Exception Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning and it gives priority to the use of sustainable drainage systems. ‘

23.7 The NPPF states that Local Plans should be supported by Strategic Flood Risk Assessment (SFRA) and develop policies to manage flood risk. This SFRA will provide the basis for applying the sequential test. The sequential test is to demonstrate that there are no reasonable available sites in areas with a lower probability of flooding that would be appropriate for the type of development or land use proposed. The Council’s existing SFRA was updated in 2011 and is in place.

23.8 The NPPF requires new development in flood risk areas to manage flood risks through suitable adaption measures. Development (if allowed following a sequential and if required an exception test) must be appropriately flood resistant, include safe access and escape routes where required and any residual risk is safely managed and gives priority to the use of sustainable drainage systems.

23.9 S106 agreements will be used to ensure that flood defence and alleviation work is undertaken and for its future maintenance. Planning conditions may also be applied to require completion of the necessary works before the rest of the development can proceed.

23.10 Given the above, if following a sequential and (if appropriate) an exception test, as well as a flood risk assessment, development is to be considered within an area defined as at flood risk including groundwater and surface run-off flood risk, developers will be required to deliver one or more of the following:

- Fund and put in place new appropriate flood risk defence and mitigation measures for the site and adjacent areas if impacted by the development. This is to include green infrastructure as well as sustainable drainage systems.
- Contribute funding to enhance existing flood defence measures if impacted by the development.

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- Contribute funding directly to the maintenance of the new flood defences or through the setting up of a management company.
  - Contributions may be required for future strategic defences (excluding the Adur Tidal Walls Scheme) that are planned but not yet in place as long as these are sufficiently detailed in terms of what is needed; costed and timetabled.

### ***Shoreham Harbour area***

- 23.11 The Adur Tidal Walls Scheme currently does not include the remaining area of Shoreham Harbour east of the River Adur pedestrian bridge (the subject of an emerging Joint Area Action Plan) which is also in need of improved flood defences to accommodate growth and regeneration plans here. The Environment Agency has indicated that private and other external funds will be needed to implement defence measures at Shoreham Harbour.
- 23.12 Development briefs have been produced for three key areas in the Harbour which have potential for new development and these are addressing flood defence requirements. The aim is to secure a comprehensive flood defence scheme which is linked to and enables future development sites. These briefs will inform the emerging Joint Area Action Plan being produced for the Harbour. New development within the Harbour area will need to provide directly or contribute to these flood defences depending on location.
- 23.13 For the area within the Shoreham Harbour Area Action Plan boundary (which lies outside the Tidal Walls Scheme), new development will be required to fund the necessary defences or flood alleviation works required because of the development or contribute to a wider scheme for defences at Shoreham Harbour.



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## **24. THE PROVISION OF CHILDREN'S PLAY AREAS AND OPEN SPACES**

### **THE PROVISION OF CHILDREN'S PLAY AREAS**

#### **Policy AR5 (Saved Policy in the Adur Local Plan 1996)**

**Where new residential development which includes family housing is proposed, the District Planning Authority will require developers to provide children's' play areas in accordance with the following standards:**

**1 toddlers play area (minimum 200 sq metres) per 40 child bed spaces  
1 intermediate play area (minimum 500 sq metres) per 80 child bed spaces**

**A child bed space is defined as the number of bedrooms in each dwelling, less one.**

**In applying these standards, regard will be had to the availability of existing play areas which could adequately serve proposed new housing. Provision will be made directly by the developer combined with a commuted payment to the District Council for its future maintenance. Developers will be expected to enter into a legal agreement regarding such provision. Thereafter, Policy AR1 will apply.**

### **NEW AREAS OF PUBLIC OPEN SPACE**

#### **Policy AR6 (Saved Policy in the Adur Local Plan 1996)**

**When new residential development of 10 houses or more is proposed, the District Planning Authority will require developers to provide areas of public open space incorporated within the development. The amount of open space to be provided should be sufficient to meet the needs of the development itself, in accordance with the Council's adopted standards.**

**Provision will be expected to be made directly by the developer combined with a commuted payment to the District Council for its future maintenance. Developers will be expected to enter into a legal agreement with the District council regarding such provision. Thereafter Policy AR1 will apply.**

- 24.1 Policy AR5 applies to all new residential development that results in a net increase of family dwellings whereas Policy AR6 applies to new residential development of 10 houses or more.**

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- 24.2 The Council's standards for Policy AR6 are those of the previous National Playing Field Association (NPFA) recommendations – that is 0.8 hectares of non-active open space per 1000 population. Average household size has traditionally been used to calculate population.
- 24.3 The NPPF (paragraph 57) states that 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.' The Government objectives are to create a built environment that facilitates social interaction and inclusive communities and to ensure access to open spaces and recreational facilities that promote the health and wellbeing of the community.
- 24.4 The above policies are based on requirements that were determined at the time of the Adur Local Plan 1996. Whilst local circumstances were taken into account at the time, the starting position has been the traditional NPFA standards which are now viewed as insensitive to deal with local circumstances. Such standards are best set locally informed by '...robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreation facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.' (NPPF – paragraph 73).

### ***Application***

- 24.5 The Council commissioned consultants to undertake an Open Space Study in 2005 and to up-date this in 2009. This study recommends a number of provision standards which will be reflected in the policies of the emerging Local Plan and will also be taken into account in determining planning applications. ***Developers will therefore be asked to provide new facilities as part of the proposed new development or to contribute to the improvement of existing facilities either within the vicinity of the development if a need is identified or if not, then elsewhere to areas in need within the district.*** Planning Obligations will be used to secure provision as well as maintenance contributions. In determining whether or not off-site provision is to be made, reference will be made to the Open Space study and information gained from the Council's Parks Manager.

### ***Children's Play Areas***

- 24.6 The findings of the Open Space study highlight that there are many deficiencies of provision for young people and children within the district with all areas falling below the minimum quantitative standard. Specific gaps in provision are North Lancing, north of St Nicolas Ward

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and south of Buckingham Ward. There are also some existing sites of poor quality and/or poor access which need improving.

- 24.7 The standards in Policy AR5 relate to large developments (generating 40 to 80 child bed spaces). However, housing delivery in Adur in the main consists of small developments below 20 units which cumulatively have an impact in generating needs but actually make no contributions towards provision. ***It is recommended that the Policy standards are replaced by the up-to-date new standard in the Open Space study for children's and young people's play space. This standard is for 0.14 ha per 1000 population.*** It is recommended that a dwelling occupancy standard relating to the number of bedrooms within a dwelling is used to calculate population to be generated in a development. The application is described below:

The recommended dwelling occupancy standard is that used by West Sussex County Council as follows:

- 1 bed unit 1.7 (1 bed flat = 1.2)
- 2 bed unit 1.8 (2 bed flat = 1.3)
- 3 bed unit 2.2 (3 bed flat = 1.7)
- 4 bed unit 2.7 (4 bed flat = 2.4)
- 5+ bed unit 3.0 (5+ bed flat = 2.0)

*(The above occupancy figures are based on the 2001 Census and are those used by WSCC for calculating transport contributions from new housing development. These figures will be updated when the new 2011 Census is published.)*

Applying these occupancy standards for example to a development of 5 two bed flats and 5 three-bedroom dwellings generates 17.5 people. This equates to **24.5 sq m** ( $1400/1000 = 1.4 \text{ sq m} \times 17.5 \text{ persons} = 24.5 \text{ sq m}$ )

This amount is less than the standard size of a toddlers play space (200 sq m) and other play areas (between 100 to 400 sq m) and as such, a contribution rather than on-site provision would be sought. The contribution would be based proportionately on the cost of the facility to be provided elsewhere. In line with the Policy, **in applying these standards, regard will be had to the availability of existing play areas in the immediate area. If the provision is adequate and can serve the proposed new housing, then a contribution may not be required.**

- 24.8 In line with the Open Space study, play areas should be accessible within a walk time of between 5 and 10 minutes (480m straight line distance).

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24.9 In terms of size standards, national standards are as follows:

- **Local Areas of Play (LAPs) = minimum size area of 100 sq m (exc buffer zones)**
- **Local Equipped Areas of Play (LEAPS) = minimum size area 400 sq m (exc buffer zones)**
- **Neighbourhood Equipped Areas of Play (NEAPs) = minimum size area 1000 sq m**

24.10 It would be unreasonable to apply the policy to all applications irrespective of the size and type of the housing development. For example it would be unreasonable to expect developers of accommodation for the elderly to provide for children's play space. It would also be unreasonable for very small developments to provide this facility on site (albeit a financial contribution may still be sought). In applying the occupancy standards, account will be taken of the suitability of the dwellings for accommodating family households with children in terms of size, internal design and the provision of amenities. Dwellings which are not suitable for such households will not be required to provide or contribute to children's play areas.

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## 25. PUBLIC OPEN SPACE

- 25.1 The standard to be used in applying this policy is 0.8 hectares per 1000 population. ***The Open Space study proposes that this be increased slightly to 0.81 hectares per 1000 population to address some local deficiencies.***
- 25.2 In terms of quality of open spaces, whilst this is considered in general to be average, the lowest quality sites were Highdown open space (Southwick), Albion Street (Fishersgate) and Railway Gardens (Hebe Road, Shoreham). There are also a number of other open spaces throughout the district which could benefit from some improvements. **Contributions from development proposals which come forward close to these sites may be sought for their improvement e.g. through new furniture and pathways.**
- 25.3 The above dwelling occupancy standard is recommended to apply to calculating population generation from a proposed development of 10 plus dwellings. This occupancy standard is considered better than average household size to calculate population since the latter fails to distinguish between the size of dwellings (where the requirements for a ten dwelling scheme of two bedroom flats would equal that of a ten dwelling scheme for four bedroom houses). The application is described below:

Applying the occupancy standard to a development of 5 two-bed flats and 5 three-bedroom dwellings generates 17.5 people which equates to **142 sq m**. ( $8100 \text{ sq m}/1000 = 8.1 \text{ sq m}$ .  $17.5 \text{ persons} \times 8.1 = 142 \text{ sq m}$ ).

However, as recommended by the Open Space study, a distinction needs to be made between occupants who are existing residents who have moved into the new dwellings from elsewhere within the district and can continue to use existing open space facilities and those who are incomers to the district requiring new facilities. The study assumes that generally 75% of the occupants will be incomers requiring new space. Applying this to the example, this generates 13 people. This equates to **105 sq m**. ( $8100 \text{ sq m}/1000 = 8.1 \text{ sq m}$ .  $13 \text{ persons} \times 8.1 = 105 \text{ sq m}$ ). *This allowance for existing residents is not applicable to children's play space which must be provided on or adjacent to the site close to the new homes and it would be unreasonable to expect existing residents to use facilities located further away.*

In most cases, provision will be expected to be provided on site but there may be circumstances when this is better provided elsewhere in the local vicinity if a need is identified or elsewhere within the district.

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## 26. DEVELOPMENT OF LEISURE AND SPORTING FACILITIES

- 26.1 Policy AR7 in the Local Plan will normally permit extensions to existing recreational facilities or the development of new facilities within the built-up area subject to a number of criteria relating to design, amenity, transport and environmental considerations. It is anticipated that any new facilities are likely to be provided by the private sector in association with substantial and more profitable developments.
- 26.2 Policy AR8 in the Local Plan will normally permit recreational facilities in the countryside subject to a number of criteria which seek to ensure the compatibility of these facilities with a countryside location.
- 26.3 The NPFA states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Assessments of needs should be used to determine what open space, sports and recreation facilities are required to be provided in the local area.
- 26.4 The Open Space Study (2005 and up-dated in 2009) provides an assessment of sports facilities in the district covering both outdoor and indoor facilities. Outdoor facilities include playing pitches, athletic tracks, bowling greens and tennis courts. Indoor facilities include sports halls, swimming pools and health and fitness studios.

### *Outdoor facilities*

- 26.5 The 2005 study identified a shortfall in outdoor sports provision and recommended a provision standard of 1.5 ha per 1000 population. Views from consultation on the study referred to the need for a synthetic turf pitch and for football and rugby pitches. There were also quality issues identified (e.g. poor drainage of some pitches and sub-standard equipment). The lowest scoring site in terms of quality was Monks Recreation Ground in Lancing. Quality was also an issue for Shoreham College and Lancing Manor Park and for Southwick Recreation Ground. Some sites have poor access (poor signage, site entrances and problems for disabled access). Three sites with relatively poor access scores were East Lancing Recreation Ground and the slipways at Riverside Moorings and Harbour Way Moorings (Shoreham Beach).
- 26.6 The 2009 review of the Open Space Study took into account the proposed provision of new playing fields at Mash Barn (approximately 12 hectares) as part of a S106 agreement attached to the adjacent golf course development. This turned a shortfall into a neutral position providing a 15% increase to the overall stock of Outdoor Sports Facilities in the district. The outcome is that the current level of provision, 1.53 ha/1000, is above the quantity standard of 1.5

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ha/1000. The study **recommended, therefore, that the quantity standard be recalibrated to reflect the current level of provision**

**i.e. to 1.53ha/1000 to** ensure that any new residential developments coming forward will have to provide Outdoor Sports Facilities in the same proportion to the new population as the current levels of provision. However, since this date the Brighton and Hove Football Academy has been permitted at Mash Barn which will replace the original S106 playing field proposals. This Academy is contributing to playing pitch and sport provision but is not providing the same level of public pitch provision compared to the original S106 agreement. As such, it is reasonable to use the standard in the 2005 study i.e. 1.5 hectares per 1000 population.

- 26.7 Proposals for new developments should make provision for outdoor sport provision to meet the needs that they generate in line with the standard above. Proposals should take account of the assumption in the Open Space Study that 75% of the occupants of the new housing will be incomers requiring new space. **It is accepted that only large scale major residential developments of around 200 units/4 hectares plus will be expected to provide on-site facilities but smaller developments will also be expected to contribute funds to improve the quality of a number of existing pitches (to the grounds and facilities) in the vicinity.** An internal review of playing pitches in 2011 highlighted the need to improve specific pitches in the District and reference will be made to this in negotiating contributions. This review highlighted the changes in the type of usage of the pitches in Adur whereby there is increasing demand for mini soccer and 9 a-side pitches. Pitches need to be more flexible and adaptable for use by different age groups. Demand for new artificial pitches remains strong and these would have higher levels of usage compared to standard grass pitches. Contributions will be sought to secure such improvements.

### ***Indoor facilities***

- 26.8 The 2005 Open Space study pointed to a small under-supply of sports halls in the District (equivalent to 4 badminton courts). There is also an undersupply of swimming facilities (316m<sup>2</sup> of water) as well as health and fitness provision ( a shortfall of 69 gym equipment stations). The 2009 Open Space study concluded that by 2026, the shortfalls worsen slightly with a need for 5 badminton courts, 323m<sup>2</sup> of water and 76 gym stations.
- 26.9 Development proposals will normally need to make financial contributions to indoor sports provision based on the recreation needs that they generate. Such contributions may be pooled to improve existing facilities or to fund new provision of facilities, In the case of large developments, provision may be required as part of the development.

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## 27. GREEN INFRASTRUCTURE AND BIODIVERSITY

- 27.1 The provision of green infrastructure (green spaces, water and other environmental features) is important as a multifunctional resource. As well as conserving and enhancing biodiversity, it also provides benefits in terms of recreation, water management, climate change adaptation, and social and cultural benefit to help promote health and wellbeing. The NPPF (paragraph 109) states that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible.
- 27.2 The emerging Adur Local Plan will include a policy on green infrastructure and a Green Infrastructure Strategy will be produced to support this. In the interim, until a policy is adopted and a strategy progressed, the principles in the NPPF will be used to conserve and enhance biodiversity and seek the provision of green infrastructure and contributions to this provision where appropriate. When determining planning applications, local planning authorities should aim to ensure that new developments incorporate green and other public space (paragraph 58 of the NPPF) and encourage opportunities to incorporate biodiversity in and around developments (paragraph 118 of the NPPF).
- 27.3 The Council's Open Space study (2005 and up-dated in 2009) provides standards for various categories of green space which should be provided as part of new development. The production of open space standards is supported by the NPPF and applicants are referred to the Adur study in the first instance. In addition, Natural England has produced some useful guidance on green infrastructure available on their web site as follows:

Nature Nearby, Accessible Greenspace Guidance 2010 (Ref NE265)

<http://publications.naturalengland.org.uk/publication/40004?category=47004>



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## 28. ALLOTMENTS

- 28.1 Since the 2005 Open Space Study, the demand for allotments has risen rapidly and the original standard of 0.26 ha/1000 may no longer be appropriate. As at September 2012 there were approximately 344 people on the Council's waiting list for allotment sites across Adur and there are few vacant plots. The largest demand as indicated by the waiting list is for plots in Shoreham and Lancing. The 2009 Study estimated that there is at least 1.25 additional hectares of allotments required across the district. To reflect this level of unmet demand, the study recommended a quantity standard of 0.3 ha/1000.
- 28.2 Development proposals will normally need to make financial contributions to allotment provision based on the needs that they generate. Proposals should take account of such contributions may be pooled to improve existing facilities or to fund new allotment provision in areas where there is strong demand. In the case of large developments, provision may be required as part of the development.

**In seeking provision for play areas, open space, leisure and sport facilities as well as allotments in line with the above, reference to the Open Space Studies will be made and discussions will need to take place with the appropriate Officers in Technical Services regards the details of provision and costs.**



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## 29. S106 MONITORING PROCEDURES

- 29.1 S106 contributions are monitored on an on-going basis with regular liaison between West Sussex County Council and relevant internal departments. Two types of S106 monitoring takes place, depending on whether contributions are 'Amounts Received' or whether they are 'Potential Future Amounts'.

### *Potential Future Amounts*

- 29.2 These are where an agreement has been signed but the Council has not yet received any monies. Those amounts that are classed 'Potential Future Amounts' are monitored regularly to determine when a payment is due based on the 'payment trigger' details (for example - upon commencement of development). An invoice is then sent to developers requesting the required amount.

### *Amounts Received*

- 29.3 Those amounts received are divided into four categories:
- *Available to Spend* - money has not been committed to a project but work is being undertaken to allocate amounts to a particular scheme depending on the constraints set out in the agreement;
  - *Committed Initially* – money has been earmarked for a particular scheme;
  - *Committed Actual* – money has been formally agreed for a particular scheme;
  - *Spent* – money has been spent in accordance with the legal agreement.
- 29.4 The S106 Monitoring Officer liaises with relevant internal departments and WSCC to determine the exactly how this money is spent, taking into consideration time constraints, specific uses and so on identified in the planning agreement.
- 29.5 For further information, refer to the Annual Monitoring Report 2011/2012 for Adur, which provides figures of 'Amounts Received' and 'Potential Future Amounts', as well as details of schemes that monies have been committed to in the past and the procedure for how these are allocated. The Annual Monitoring Report is available on the Council's web site:

<http://www.adur-worthing.gov.uk/adur-ldf/annual-monitoring-report/>

## APPENDIX 1

### PRIORITY TRANSPORT SCHEMES AS APPROVED BY THE COUNTY LOCAL COMMITTEE IN 2011

#### Adur CLC Priorities

Scheme	Parish	Improvement Type	CLC Approval
Improvement Schemes - School Safety Projects: b). North Lancing School, Manor Rd, Lancing – School Safety Zone. <b>(2 of 2)</b>	Lancing	School Safety Improvement	24/11/2011
Options Appraisal Study a). Improvement Scheme developed to address safety concerns at Manor Road/ Mill Road Junction, Lancing (options may include provision of mini-roundabout). <b>(1 of 3)</b>	Lancing	Traffic Engineering	24/11/2011
Improvement Scheme - East Street (North Section) - Pedestrianisation	Shoreham	Pedestrian Improvement	24/11/2011
Improvement Scheme - St. Marys Road – Reconstruction in conservation Materials.	Shoreham	Pedestrian Improvement	24/11/2011
Options Appraisal Study b). Shoreham Town Centre Transport Study - Area: Old Shoreham Road to Eastern Avenue - Study to review junctions and traffic flows to consider highway improvement to circulation and pedestrian accessibility. <b>(2 of 3)</b>	Shoreham	Traffic Engineering	24/11/2011
Improvement Schemes - School Safety Projects: a). Sompting Village School, West St, Sompting – School Safety Zone to include traffic management. <b>(1 of 2)</b>	Sompting	School Safety Improvement	24/11/2011

Scheme	Parish	Improvement Type	CLC Approval
Improvement Scheme - Pedestrian Refuge Island Roman Crescent/ Southwick Street, Southwick	Southwick	Pedestrian Improvement	24/11/2011
Improvement Schemes - School Safety Projects: c). Eastbrook Primary School, EastBrook Way, Pedestrian link – provision of lighting). <b>(3 of 3)</b>	Southwick	School Safety Improvement	24/11/2011