Arun District Council Note in Response to REP– 1209511–001 Landlink

Having received REP– 1209511–001 Landlink from Jackson Planning on 10 October 2019, we would like to respond to paragraphs 1.16 – 1.21 under “Viability in relation to anticipated s106 costs”.

Firstly, it is important to clarify that the assumed £2,000 S106 per unit, used in the Council’s viability evidence can be explained by looking at Table 4.13 of ADC/CIL/SD/11. That table shows S106 paid on developments permitted subject to S106 in Arun. These S106 costs include all costs (notwithstanding the fact that in the future most of the off-site costs would be covered by CIL for Non-strategic sites), in particular including S106 for:

- Education (Primary, Secondary and Sixth Form)
- Affordable Housing Contributions (in some cases - 36 Fitzalan Road & 38 – 40 East Street
- Fire and Rescue
- Libraries
- Open Space
- Waste Management

Once CIL is introduced, non-strategic sites will no longer pay S106 for any of the above infrastructure requirements (unless on-site mitigation is required). Therefore, by removing all costs associated with off site provision of those items listed above, the average S106 cost/unit reduces to figures ranging from £1,500-£1,900 per unit. This therefore supports the assumption of £2,000/unit used.

Secondly, Table 1 in REP– 1209511–001 Landlink shows all of the infrastructure items paid for by a S106 for part of the Strategic Housing Allocation at Yapton (SD7 of the Arun Local Plan).

In Table 1, the items shaded in grey have been used to represent those items which would not be paid by CIL, if the site was a non-strategic site. However, the Council would like to respond by saying that the list in Table 1 would look very different for a Non-Strategic Site. In particular, the list showing S106 costs would be scaled back to on-site mitigation, to only show a few items to be paid by S106, including the following, for example, depending on the size and characteristics of the site:

- on-site open space and play requirements
- on-site surface water drainage and flood mitigation
- on-site green infrastructure connections

The S106 agreement wouldn't include any of the infrastructure listed in Table 1 of REP– 1209511–001 Landlink, because all of these elements would be funded from CIL receipts. This is explained within Appendix 2 of ADC/CIL/SD/1.

This note covers two points of clarification in relation to one point only and does not respond to the full Position Statement. However, the opportunity has been taken at this time to provide the ADC/West Sussex County Council Position Statement (ADC_CIL_AD_5 WSCC Secondary Education Contributions Final2019) on
Education, to provide some explanation to paras 1.10-1.15 in REP–1209511–001 Landlink.

Additional points:

**Revisions to the Regulation 123 List – paras 1.4-1.6**

There have not been any significant changes to the DCS since the PDCS in terms of the levy rates. However, infrastructure costs are continually updated as schemes progress and to in order to inform the Infrastructure Funding Gap.

**Fairness and Consistency para 1.7-1.9**

The evidence on infrastructure costs is a ‘moving feast and the phasing of development and speed of introducing CIL will important for balance, fairness on earlier schemes coming forward and also plan deliverability.

This is reflected in the Arun Local Plan Inspector’s Report [ADC-CIL-AD6 Arun local Plan Inspector’s Report] paragraphs 197 and 198:-

“197. The Council has prepared an Infrastructure Delivery Plan (IDP) which indicates the infrastructure requirements that will need to be delivered over the Plan period to support growth. The IDP is intended to be a living document as the LP is implemented. However, there is currently no reference to the IDP within Policy INF SP1. MM64 would secure that link so that the policy is positively prepared and effective.”

“198 The Council intend to introduce a Community Infrastructure Levy (CIL) Charging Schedule after the adoption of the LP, assuming that CIL is retained. Until CIL is introduced the Council will rely on planning obligations to secure infrastructure. However, contributions to infrastructure by means of payments are potentially caught by the CIL pooling limitations as the Regulations currently stand. Large infrastructure projects such as the new secondary school and leisure centre would be particularly vulnerable to these restrictions. As a result, development could stall or necessary infrastructure might not be delivered. An undue burden might fall on those sites that come forward first. In recognition of these issues Policy INF SP1 should make it clear that a CIL Charging Schedule will be introduced as soon as possible after the adoption of the LP. This change to ensure that the Plan is positively prepared and effective would be achieved by MM64.”

It should be noted that while the generic provision for non-strategic and other windfall sites has been allowed for within the Adopted Arun Local Plan supporting evidence modelling – the exact nature of the scheme mitigation and costs for delivering non-strategic sites is unknown until sites are proposed for allocation within a DPD or a Neighbourhood Plan as part of plan making and evidence preparation. Plan making will need to demonstrate that such allocations are deliverable, viable and sustainable in their location, proximity and configuration. The CIL charging schedule following adoption, will need to be kept under review and may need further revision as plan making progresses in future.