

S106 PLANNING OBLIGATIONS – CIL COMPLIANCE SCHEDULE

APPEAL REF - Appeal site at Land North West Of Goring Railway Station, Goring Street, Worthing

The Parties have reached agreement in relation to the draft s106 agreement (“Agreement”) and a copy of the Agreement has been provided to PINs.

This document outlines the manner in which each of the proposed planning obligations contained in the Section 106 agreement comply with the tests set down in Section 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Paragraph 2 of Regulation 122 of the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Paragraph 2A of Regulation 122 states that Paragraph 2 does not apply in relation to a planning obligation which requires a sum to be paid to a local planning authority in respect of the cost of monitoring (including reporting under these Regulations) in relation to the delivery of planning obligations in the authority’s area, provided—

- (a) the sum to be paid fairly and reasonably relates in scale and kind to the development; and
- (b) the sum to be paid to the authority does not exceed the authority’s estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.

The Adur & Worthing Councils s106 Monitoring Fee document confirms that the Council shall seek a £300 monitoring fee per trigger for the purpose of monitoring the implementation of planning obligations, which has been captured in the Agreement.

The compliance of the obligations sought with the relevant CIL regulations are considered in turn below:

REQUIRED OBLIGATION	OBJECTIVE	POLICY BACKGROUND	CIL COMPLIANCE Reg 122
Affordable Housing			
Affordable Housing Schedule:	To significantly boost the supply of affordable homes to meet the needs	a) Worthing Core Strategy (section 7 and Policy 10)	Necessary – It is an established fact that there is an identified need for affordable housing and there is strong

<p>Affordable Housing</p> <p>Clause 5.1 and Schedule 3</p>	<p>of all types of households</p> <p>The Council's objective is to ensure that the affordable housing mix reflects housing needs in the Borough in response to identified needs, funding and priorities and housing strategy.</p> <p>The Council will seek 30% of all housing to meet the definition of affordable housing on all sites of 15 Dwellings or more. Where the Council accepts that there is robust justification, the affordable housing requirement may be secured through off-site provision.</p>	<p>b) Submission Draft Worthing Local Plan Consultation (2021) (DM3)</p> <p>c) Strategic Housing Land Availability Assessment (August 2020)</p> <p>d) Annual Monitoring Report (2019-2020).</p>	<p>policy support, nationally, strategically and locally to ensure this is captured wherever viable. The Affordable Housing schedule seeks to meet the objectives of the various policy requirements.</p> <p>Directly related – The affordable housing provision is to be provided on site and shall contribute to the affordable housing need.</p> <p>Fair and Reasonable – The affordable housing provision and potential additional affordable housing is in line with policy requirements. The affordable housing provision shall mitigate the impact of the development.</p>
<p>Transport.</p>			
<p>Highways Works</p> <p>Clause 5.3 and Schedule 8</p>	<p>To ensure the proposed modifications to the existing highway network are provided and mitigate the impact of the development on the existing road network.</p>	<p>a) West Sussex Transport Plan 2011-2026.</p> <p>b) Worthing Local Plan Transport Assessment (August 2018).</p> <p>c) Worthing Local</p>	<p>Necessary – The highway works are necessary to ensure the development does not impact on the existing road network.</p> <p>Directly related – The highways improvements will relate to the</p>

		<p>Plan Transport Assessment (Addendum) (January 2021).</p> <p>d) Infrastructure Development Plan 2021 (Policy DM9).</p>	<p>site's immediate surroundings and mitigate the impact of the development upon the existing road network.</p> <p>Fair and Reasonable – The highway works improvements are those that arise from the increased use of the public highway by future users and occupiers of the development.</p>
<p>Highways Contribution Clause 5.3 and Schedule 8 Clause 3</p>	<p>To secure improvements to existing highways infrastructure for the promotion of use of sustainable travel, and in particular to be used towards the provision of real time passenger information at Goring Street and Ferring, War Memorial Bus Stops</p>	<p>a) West Sussex Transport Plan 2011-2026.</p> <p>b) Worthing Local Plan Transport Assessment (August 2018).</p> <p>c) Worthing Local Plan Transport Assessment (Addendum) (January 2021).</p> <p>d) Infrastructure Development Plan 2021 (Policy DM9).</p>	<p>Necessary The highways contribution is necessary to secure improvements to the highways infrastructure and to promote the use of sustainable travel</p> <p>Directly Related The highways contribution will relate to the promotion of sustainable travel, and improved infrastructure in the immediate surroundings of the development and promote the use of sustainable travel</p> <p>Fair and Reasonable The improvements to highways infrastructure arise directly from the proposed development and increased use of sustainable travel by users and occupiers of the development.</p>
<p>Travel Plan: Clause 5.3 and Schedule 8</p>	<p>Promote sustainable modes of transport.</p>	<p>a) Worthing Local Plan 2011 (Policy 19).</p> <p>b) Submission Draft Worthing Local</p>	<p>Necessary – The future users and occupiers of the development need to have a choice of sustainable transport to contribute to sustainable</p>

		<p>Plan Consultation (2021) (DM15).</p>	<p>development and minimise use of private car. It is therefore necessary for the development to have a travel plan in place.</p> <p>Directly related – The travel plan relates to traffic/vehicle movements generated from/by the development.</p> <p>Fair and Reasonable – Given the size of the development and the type of uses on the site it is fair and reasonable to require a travel plan.</p>
<p>Environment</p>			
<p>Off Site Mitigation – Nesting Birds and Ecological Management Plan</p> <p>Clause 5.1 and Schedule 7</p>	<p>To ensure that appropriate measures are put in place to ensure that off-site mitigation is put into effect in order to protect against the effects of the Development on nesting-birds</p>	<p>a) Worthing Local Plan 2011 (Policy 13). b) Submission Draft Worthing Local Plan Consultation (2021) (DM18)</p>	<p>Necessary – To ensure the protection of nesting birds.</p> <p>Directly related – The development will result in loss of habitation.</p> <p>Fair and Reasonable – Given the loss of usable habitat for nesting birds, alternate provision is required in order to mitigate the impact of the development.</p>

Open Public Spaces			
<p>Open Public Spaces and SUD's</p> <p>Clause 5.1 and Schedules 4 and 6</p>	<p>To maintain Public Open Spaces for the enjoyment of the local population</p>	<ul style="list-style-type: none"> a) Guideline for Landscape and Visual Impact (3rd Edition). b) Worthing Landscape Ecology Study – 2015 c) Worthing Local Plan 2011 (Policy 11, 12 and 14). d) Submission Draft Worthing Local Plan Consultation (2021) (DM7 & DM19). 	<p>Necessary – To invest in existing and new infrastructure to cope with the additional demand arising from the development and to contribute toward addressing the strategic object of reducing social disparity across the Borough, including through the provision of off-site contribution to allotments, and/or other public space.</p> <p>Directly related – The provision of open public open space will relate to the developments immediate surroundings and mitigate the impact of the development</p> <p>Fair and Reasonable – Given the size of the development it is fair and reasonable to expect the provision of open public spaces in line with the Boroughs policies in relation to enhancing recreation and public use</p>
<p>Play Areas</p> <p>Clause 5.1 and Schedule 5</p>	<p>To ensure the provision of onsite Open Space and Play Areas for the enjoyment of the local population</p>	<ul style="list-style-type: none"> a) Worthing Local Plan 2011 (Policy 11 and 12). b) Submission Draft Worthing Local Plan Consultation (2021) (DM7). 	<p>Necessary – To invest in existing and new infrastructure to cope with the additional demand arising from the development and to contribute toward addressing the strategic object of reducing social disparity across the Borough.</p> <p>Directly related – The provision of open public open space will relate to the developments immediate surroundings and mitigate the impact of the development.</p> <p>Fair and Reasonable – Given the size of the development it is fair and reasonable to expect the provision of open public spaces in line with the Boroughs policies in relation to enhancing</p>

			recreation and public use.
<p>Play Area Contribution</p> <p>Clause 5.1 and Schedule 5 clause 2</p>	<p>To facilitate the provision of off-site open space and play areas within the Borough of Worthing in the event that any part of the development fails to secure appropriate provision</p>	<ul style="list-style-type: none"> a) Worthing Local Plan 2011 (Policy 11 and 12). b) Submission Draft Worthing Local Plan Consultation (2021) (DM7). c) Adopted Open Space Study 2019 d) Open Space Cost Calculator 	<p>Necessary –To ensure investment in existing open space infrastructure to cope with the additional demand arising from the development in the event that any part of the Open Space Scheme or provision of play equipment is not provided for on site in order to reduce social disparity across the Borough</p> <p>Directly related – A contribution towards the provision of off-site facilities (or maintenance of existing facilities) will mitigate the impact of the development and reduce social disparity in the Borough</p> <p>Fair and Reasonable – Given the size of the development it is fair and reasonable for the provision of on-site open public spaces, and in the absence of provision that relevant funds are made available to enhance recreation and public use of facilities currently available within the Borough</p>