

S106 PLANNING OBLIGATIONS – CIL COMPLIANCE SCHEDULE

APP/M3835/W/21/3281813 - 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:

Original/Principal s.106 Agreement dated 8 February 2022

REQUIRED OBLIGATION	OBJECTIVE	POLICY BACKGROUND	CIL COMPLIANCE Reg 122
Affordable Housing			

<p>Affordable Housing Schedule:</p> <p>Affordable Housing</p> <p>Clause 5.1 and Schedule 3</p>	<p>To significantly boost the supply of affordable homes to meet the needs 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 40% 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>a) Worthing Local Plan 2020-2036: Policy DM3</p> <p>b) Strategic Housing Land Availability Assessment (August 2020)</p> <p>c) Annual Monitoring Report (2022-2023).</p>	<p>Necessary –</p> <p>It is an established fact that there is an identified need for affordable housing and there is strong 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 –</p> <p>The affordable housing provision is to be provided on site and shall contribute to the affordable housing need.</p> <p>Fair and Reasonable –</p> <p>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</p>	<p>a) West Sussex Transport Plan 2011-2026.</p>	<p>Necessary –</p> <p>The highway works are necessary to ensure the development does not impact on the existing road network.</p>

	the impact of the development on the existing road network.	<ul style="list-style-type: none"> b) Worthing Local Plan Transport Assessment (August 2018). c) Worthing Local Plan Transport Assessment (Addendum) (January 2021). d) Infrastructure Development Plan 2021 (Policy DM9). 	<p>Directly related – The highways improvements will relate to the 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>Travel Plan:</p> <p>Clause 5.3 and Schedule 8</p>	Promote sustainable modes of transport.	a) Worthing Local Plan Policy DM15	<p>Necessary – The future users and occupiers of the development need to have a choice of sustainable transport to contribute to sustainable 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>

Environment			
<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 Policy 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>
Public Open 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>	<p>a) Guideline for Landscape and Visual Impact) 3rd Edition).</p> <p>b) Worthing Landscape Ecology Study – 2015</p> <p>c) Worthing Local Plan Policies DM7 and DM19</p>	<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</p>

			Boroughs policies in relation to enhancing recreation and public use
Play Areas Clause 5.1 and Schedule 5		a) Worthing Local Plan Policy 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 recreation and public use.</p>

Draft Supplemental Deed of 2024

REQUIRED OBLIGATION	OBJECTIVE	POLICY BACKGROUND	CIL COMPLIANCE Reg 122
Open Market Housing			
Market Housing for Local Connection Persons Clause 3.1 and First Schedule	40% of the market housing to be occupied by a local person.	a) Worthing Local Plan 2023 Policy DM1	<p>Necessary – The occupation of market housing by local people will help meet the distinct housing needs of the Borough.</p> <p>Directly Related – The quantum of development proposed offers an opportunity to reduce local housing need in the Borough.</p>

<p>Provision of wheelchair accessible units</p> <p>Clause 3.1 and First Schedule</p>	<p>3% of the of the overall development to be provided as wheelchair accessible units</p>	<p>a) Worthing Local Plan 2023 Policy DM1</p>	<p>Fair and Reasonable – In light of the high housing need in the Borough, it is necessary to ensure that the housing provided meets those needs as far as practicable.</p> <p>Necessary - Housing developments should provide flexible, socially inclusive and adaptable accommodation to help meet the diverse needs of the community and the changing needs of occupants over time.</p> <p>Directly Related – The provision of suitable units on site will assist in the flexibility of the development to meet the varied needs of the community.</p> <p>Fair and Reasonable – In light of the high housing need in the Borough, it is necessary to ensure that the housing provided meets those needs as far as practicable.</p>
<p>Biodiversity</p>			
<p>Biodiversity Net Gain</p> <p>Clause 3.2 and Second Schedule</p>	<p>To provide a minimum of 10% biodiversity net gain on-site</p>	<p>a) Worthing Local Plan 2023 Policy DM18</p>	<p>Necessary – Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats after avoiding or mitigating harm as far as possible and is in addition to any compensation identified. The Environment Act (2021) includes a new requirement for ‘Net Gain’ to biodiversity in development projects.</p>

			<p>Directly Related – The provision of 10% Biodiversity Net Gain on site will relate to the development's immediate surroundings and mitigate the impact of the development</p> <p>Fair and Reasonable – In light of national and development plan policy, it is fair and reasonable to require the provision of biodiversity net gain in line with those policies</p>
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