



ADUR & WORTHING  
C O U N C I L S

28 May 2021

Joint Strategic Committee	
Date:	8 June 2021
Time:	6.30 pm
Venue:	Council Chamber, Worthing Town Hall

**Committee Membership:**

**Adur District Council:** Councillors Neil Parkin (Adur Leader), Angus Dunn (Adur Deputy Leader), Carson Albury, Brian Boggis, Kevin Boram and Emma Evans

**Worthing Borough Council:** Councillors Daniel Humphreys (Worthing Leader), Kevin Jenkins (Worthing Deputy Leader), Edward Crouch, Sean McDonald, Heather Mercer and Elizabeth Sparkes

**Agenda**

**Part A**

**1. Declarations of Interests**

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

**2. Minutes**

To approve the minutes of the Joint Strategic Committee meeting held on 30 March 2021, copies of which have been previously circulated.

### **3. Public Question Time**

To receive any questions from members of the public.

Questions should be submitted by **noon on Friday 4<sup>th</sup> June 2021** to Democratic Services, [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk)

*(Note: Public Question Time will operate for a maximum of 30 minutes)*

### **4. Items Raised under Urgency Provisions**

To consider any items the Chairman of the meeting considers to be urgent.

### **5. Covid Funding and use of the Chief Executive's Urgency Powers (Pages 1 - 16)**

To consider a report from the Director for Communities, a copy is attached as item 5.

### **6. Sussex Bay: Restoring our marine and estuarine habitats, supporting our coastal communities (Pages 17 - 32)**

To consider a report from the Director for Digital, Sustainability & Resources, a copy is attached as item 6.

### **7. Worthing Community Infrastructure Levy (CIL) (Pages 33 - 58)**

To consider a report from the Director for the Economy, a copy is attached as item 7.

## **Part B - Not for Publication – Exempt Information Reports**

None.

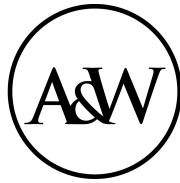
## Recording of this meeting

The Council will be live streaming the meeting, including public question time. A recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Neil Terry Democratic Services Lead 01903 221073 neil.terry@adur-worthing.gov.uk	Joanne Lee Senior Solicitor 01903 221134 joanne.lee@adur-worthing.gov.uk

**Duration of the Meeting:** Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

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ADUR & WORTHING  
COUNCILS

Joint Strategic Committee  
8 June 2021  
Agenda Item 5

Key Decision [~~Yes~~/No]

Ward(s) Affected: All

## **Covid Funding and use of the Chief Executive's Urgency Powers**

### **Report by the Director for Communities**

#### **Executive Summary**

##### **1. Purpose**

- 1.1 Adur and Worthing Councils have applied for and subsequently been awarded a very significant grant allocation from the Contain Outbreak Management Fund (COMF). This is a ring-fenced fund focusing on delivering extensive and much needed public health outcomes for Adur and Worthing Residents in relation to Covid-19. In addition the councils applied for Rough Sleeper Initiative (RSI) and has been awarded further funds that are ring fenced for delivery of rough sleeper services, support and accommodation with an allocation to support any surges in accommodation demand.
- 1.2 Reflecting the necessity for responsive and fast moving public service responses during the pandemic the funding awarded has to be fully spent by 31st March 2022. To ensure that the Council can meet this challenging timescale, the Chief Executive has been called upon to use his powers to make an urgent decision and this report advises Members of the Executive of the executive decisions made, and asks for their endorsement of the decision.

## **2. Recommendations**

2.1 The Joint Strategic Committee is recommended to note the content of the report and endorse the decisions made by the Chief Executive.

### **3. Context**

- 3.1 COVID-19 has created an ongoing global public health emergency and its economic and social impacts have caused considerable and immediate harm to individuals, communities and businesses across Adur and Worthing. The impacts of the pandemic on the local economy and our communities may last for some time.
- 3.2 The Contain Outbreak Management Fund (COMF) is a funding framework established by national Government to support and direct how national, regional and local partners can work with each other, the public, businesses, institutions (including schools, hospitals, care homes and homelessness settings) and local communities to prevent, manage and contain outbreaks of COVID-19. Successful prevention and management of local outbreaks is a core element of this framework which seeks to break the chains of COVID-19 transmission, to enable people to return to, and maintain, a more normal way of life, living safely and well with the ongoing pandemic.
- 3.3 As part of the Framework, funding was allocated to Upper Tier Authorities, with the expectation that an element of funds would in turn be allocated to Lower Tier authorities. Adur and Worthing Councils were invited to apply to this fund and were successfully awarded significant amounts of grant funding from the framework.
- 3.4 The Councils' response to the pandemic has been delivered through our Platforms for Our Places programme and the associated 'And Then' commitments. Our overall approach, characterised by adaptivity and resilience, has proven invaluable in working with our communities and businesses during this time. Our bid to the COMF was developed within this successful approach and council officers identified a number of prospective projects, amounting to around £680,000 for both Adur and Worthing. Each one of these was considered to contribute to our build back strategy, focusing on a number of core themes and objectives described below.
- 3.5 Project proposals were developed within a very short timescale and a total of £628,944 was ultimately awarded through West Sussex County Council. This award was then followed up by two further COMF awards directly from central Government for 2021/22 of:
- £141,829 direct award for Worthing
  - £82,947 direct award for Adur

- 3.6 For Adur and Worthing the total COMF funding therefore amounts to a very significant investment into our communities of £853,720. Through this funding investment from the Government our work with communities, in responding to the pandemic, will be greatly improved and accelerated.
- 3.7 Reflecting the necessity for responsive and fast moving public service responses during the pandemic the timescales to spend this funding is by the end of March 2022 with a requirement to report monthly on the use of funding.
- 3.8 In August of 2018 the government issued its Rough Sleeping Strategy and invited bids for its Rough Sleeper Initiative (RSI) funding. Due to the demand placed on homelessness services during the pandemic previous grant allocations were rolled over to Quarter 1 of 2021/2022 with the full 2021/2022 award being recently announced. The award is against agreed and specific interventions as well as for year round surge accommodation, including winter provision.
- 3.9 The total award for Worthing is significant at £620,212 whilst Adur, not normally an RSI recipient, received £25,000, reflecting its low rough sleeper numbers and that all RSI funded interventions benefit Adur residents who experience rough sleeping.

#### **4. Issues for consideration**

- 4.1 Officers formed a small working group for COMF, led by the CFO and the Head of Wellbeing, Housing Needs Manager, Communities and Wellbeing Manager and other consulting officers from different teams.
- 4.2 The core themes of the successful bid were built around our Platforms and 'And Then' community recovery approach, focusing on improving health outcomes, breaking the chain of transmission and undertaking prevention and early intervention with communities that are vulnerable to Covid-19. Some of this funding is being used to support and strengthen some of our key services and projects to support our Covid work. Other funding is being used to shape key projects with our community groups. All of this funding is of course aimed at breaking the chains of COVID-19 transmission, or enabling people to return to, and maintain, a more normal way of life, or living safely and well with the ongoing pandemic. The key themes include:
- Supporting and enabling financial capability for our communities;
  - Supporting and enabling people back into work and our Good Work agenda;



- Prevention and early intervention work with vulnerable groups; including mental health and emotional wellbeing
- Enabling healthy and accessible food - community kitchen;
- Enabling and co-ordinating work for the Emergency Food Partnership;
- Engaging and supporting vulnerable young people in our communities and places;
- Supporting wellbeing in green spaces
- Tackling homelessness;
- Ensuring Covid-safe practices in our communities;
- Working with minoritised communities

4.3 This work is in line with our ambitions to develop a more enabling approach through asset based community development, our plans with this funding are focused on key areas of work where we can also work alongside and co-produce with local groups and communities. Whilst this is short-term funding for Covid, the aims and ambitions are around building our capacity and partnerships for the longer term.

4.4 [Appendix 1](#) provides summaries of the proposed projects, which are focused on one or more of these themes, including an approximate funding allocation and tentative outcomes. It is important to note that officers are working at different stages on these projects, with some more fully formed than others and more work is needed to develop these. Therefore funding allocations might need to change and be varied between projects. Some example projects include supporting the work of the Emergency Food Partnership and the development of a community kitchen or pop up community kitchen spaces. The funds will also support youth outreach, Covid champions with minoritised groups and a system called Telljo that will work as part of our early intervention and prevention work to assist people at risk of financial hardship and homelessness. The funding will also support an Emergency Assistance Programme enabling residents to access financial support, for example if they are experiencing fuel poverty. Funding will resource a womens worker to support those experiencing Domestic Abuse which has increased during the pandemic, as well as training for staff to support behaviour change in the perpetrators of abuse that they work with.

4.5 The work being funded through COMF is aligned with other projects and programmes to ensure strong synergy, including for example the financial capability work being aligned with our Proactive Project (which will be brought to the Joint Strategic Committee in July) and domestic abuse is connected to our work on women's safety, following the Motion to Council.

4.6 The RSI bid involves a co-design process with our Ministry for Housing, Communities and Local Government (MHCLG) advisors and partners and is subject to approval by our advisor prior to submission to the funding award panel.

4.7 The core themes of the bid are based on our Housing Strategy and its objectives to reduce rough sleeping in Adur and Worthing. The focus of the bid therefore includes partnership working to identify those at risk of homelessness and preventing rough sleeping in the first instance. The work also includes supporting existing rough sleepers into appropriate accommodation and providing access to specialist support services that are able to help people with complex needs. The RSI also funds training to support the embedding of a psychologically informed approach to the work across the partnership.

4.8 [Appendix 2](#) provides a list of the proposed interventions and the associated funding allocations for the period July 2021 - March 2022.

#### **4.9 Proposed governance approach:**

4.9.1 Under the conditions of the COMF grant, the funding should be spent by the end of March 2022. The funding awarded is ring-fenced to COVID-19 public health purposes that either work to break the chain of transmission or protect the most vulnerable.

4.9.2 The conditions of the RSI award are it be ring fenced for rough sleepers and for it to be spent by March 2023 on specific interventions listed. Any variations in spending require agreement of MHCLG. Monthly reporting to MHCLG is required together with monthly meetings with MHCLG advisors.

4.9.3 Given that it was the pre-election period when officers were notified of the grant and given the relative urgency to move forward with this work in order to benefit our communities, it was proposed that the Chief Executive agrees to use paragraph 2.1.2 of the Officer Scheme of Delegations, which provides the Chief Executive with the authority to "take urgent action on behalf of the Councils."

4.9.4 Consequently the Chief Executive was asked to approve the programme of projects and approve the budget virement.

## **5. Engagement and Communication**

- 5.1 Prior to the exercise of the urgency powers, the Leaders and Executive Members were consulted about the programme of projects.

## **6. Financial Implications**

- 6.1 The programmes of work are fully funded by the COMF and RSI funding received.
- 6.2 Under the Council's contract orders, a budget must exist for the costs associated with a contract for the Council to be able to let that contract. To enable the swift commissioning of the programmes of work, the Chief Executive exercised his urgency powers to create the budget associated with the COMF and RSI funding.

## **7. Legal Implications**

- 7.1 Paragraph 2.1.2 of the Officer Scheme of Delegations provides the Chief Executive with the authority to 'take urgent action on behalf of the Councils'.
- 7.2 Urgent means a "matter of pressing importance requiring swift action given the gravity of the situation, to prevent damage (or further damage) to life, limb, infrastructure or the financial integrity of the Councils".
- 7.3 In taking such urgent action the Chief Executive is obliged to consult with the relevant Leaders.
- 7.4 A report on the use of the urgency powers referred to in this Report is to be taken to the first available JSC meeting and in so far as applicable any decisions/actions taken shall only take effect on a temporary basis until a Committee decision has been made.
- 7.5 In spending the funds the Council is to comply with the Contract Standing Orders and/or Public Procurement Regulations 2015 and exercise any exemptions in accordance with those obligations.

7.6 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation

7.7 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

7.8 s1 Local Government (Contracts) Act 1997 confers power on the Council to enter into a contract for the provision of making available assets or services for the purposes of, or in connection with, the discharge of the function by the Council.

### **Background Papers**

- [Covid 19 Contain Framework](#)

### **Officer Contact Details:-**

Tina Favier

Head of Wellbeing

07850900266

[Tina.Favier@adur-worthing.gov.uk](mailto:Tina.Favier@adur-worthing.gov.uk)

Amanda Eremie

Housing Needs Manager

07717808508

[amanda.eremie@adur-worthing.gov.uk](mailto:amanda.eremie@adur-worthing.gov.uk)

## **Sustainability & Risk Assessment**

### **1. Economic**

- This programme will support the physical and mental wellbeing of our communities and this in turn will have a positive impact on the local economy.

### **2. Social**

#### **2.1 Social Value**

- There is a growing understanding of the health and social impacts of poverty and homelessness, at their extreme, the impacts can be significant and long lasting for individuals and families. Adur and Worthing Councils seek to minimise these impacts through our work to identify and support individuals and communities at risk of being negatively impacted by the pandemic.
- Preventing, managing and containing Covid 19 outbreaks will have a positive impact on our communities and the projects included in this programme will contribute to this. These projects will work towards minimising the negative impact of the pandemic on individuals and communities.

#### **2.2 Equality Issues**

- The pandemic has shone an even brighter spotlight on inequalities in our communities which is why it is important that we support our communities in prevention, management and contain Covid outbreaks.
- An Equalities Impact Assessment has been developed to ensure that the funding is used in a fair and transparent way and does not negatively discriminate against any group set down in the Equality Act 2010.

#### **2.3 Community Safety Issues (Section 17)**

- The proposed interventions will allow for more flexibility in working with those who may have a history of complex behaviors and/or ASB.

#### **2.4 Human Rights Issues**

- The Councils are committed to supporting our most vulnerable communities and those in most need. The proposed spending under COMF and RSI supports these aims by delivering services to the most vulnerable in our community.

### **3. Environmental**

- Issue considered, no specific matters to report

### **4. Governance**

- The COMF programme will deliver a number of the activities and interventions identified in [‘And Then’](#)

### Appendix 1:

<b>Theme</b>	<b>Target Group(s) / Issue</b>	<b>Brief Description</b>	<b>Health outcomes</b>	<b>Funding Required (£)</b>
Financial capability	People not coping with debt/money	To provide Money Advice Trust Vulnerability training for front line staff and key mutual aid group partners, providing techniques to identify, understand and support vulnerable customers. Online training courses on 1) vulnerability 2) mental health 3) working in a crisis and personal resilience	Improve outcomes for residents because we can better understand and identify how specific challenges and circumstances impact their ability to manage finances. Improved outcomes for staff/partners via ability to set boundaries, understand own triggers and look after own wellbeing	£9,000.00
Good Work	People at risk of losing work as a result of Covid	To fund a short-term post to provide capacity and focus for a programme of Good Work for those at risk of losing work during Covid. Post to be directed as part of Good Work, using data to focus on key groups at risk (young people, those over 50, minoritised groups, disabled groups) to enable and help people into Good Work. This will provide a real focus for interventions and enable us to develop a clear strategy ensuring strong customer journeys and support/help	Access for people into work. Improved health and wellbeing outcomes for those finding work.	£52,088.00
Healthy and accessible food	Food poverty / insecurity	To secure and co-produce a community kitchen/pop up community kitchens, working with a community food group. Funding will secure premises and the work needed to develop this in the short term start-up space, to provide a shared space for groups to source, cook and share healthy, local and sustainable food for communities struggling with Covid. This space / spaces will also enable groups to cook their own food and learn new skills, share learning and connect with each other including key vulnerable groups	Improved access to local and healthy food. Improved skills and learning. Improved connectedness for communities	£95,000.00
Prevention and early intervention	Food poverty / insecurity	To co-produce projects focusing on the drivers for food insecurity, focusing on early intervention and prevention. Work will be done with groups to design a creative approach to addressing these underlying issues to enable people to cope, manage and thrive and to provide better data around food	Reduced food insecurity. Improve health and wellbeing outcomes. Improved understanding of food insecurity locally	£80,000.00

		insecurity.		
Food partnership	Food poverty / insecurity	12 month contribution for administrative support for the Food Partnership for Community Works	Improved access to food and improved health and wellbeing	£13,000.00
Food Partnership	Vulnerable adults	To provide supplies/containers to enable distribution of food to rough sleepers and vulnerable people in temporary accommodation with limited /no cooking facilities	improved health and wellbeing as food can continue to be provided to vulnerable homeless and rough sleepers	£1,000.00
Youth outreach	11-18 year olds	To provide outreach support, emotional support and signposting into services also mentoring to help young people adjust to returning to school/college	Provide access to safe adults who can signpost into services and activities, reduce behavioural issues at school, young people as a route into the family	£28,000.00
Prevention and early intervention	Mental health and emotional wellbeing	Resources to work with communities to ensure people are building back their coping strategies and that effective signposting and support is available to those who need it.	Improved health and wellbeing, greater social connection	£30,000.00
Single Homelessness and Families at risk of homelessness	Single Homeless and Families at risk of homelessness	Provide a programme of activities for homeless	Improved health and wellbeing outcomes and social connections	£10,000.00
Financial capability	People who have to self isolate in financial hardship	Provide funds to administer applications of hardship to ensure those who are most vulnerable around finances follow the direction to self isolate.	Applications up to date. People who are in need of financial assistance receive payment.	£4,000.00
Finance	All households at risk of vulnerability or currently experiencing crisis.	Additional Money Mentor capacity to provide support to vulnerable families identified through LIFT	Reduce financial hardship	£21,000.00



Prevention and early intervention	Vulnerable people	To fund an additional Going Local Social Prescriber to support vulnerable people affected by Covid to signpost them to local services for support	Improved health outcomes	£20,416
Single Homelessness	Vulnerable Adults	To provide specialist support to Dual Diagnosis clients (Mental Health and Substance Misuse) - extension of pilot that ends in March	Support those with Dual Diagnosis: rough sleeping / in TA / in supported housing to prevent repeat rough sleeping/rough sleeping for the 1st time; improve health/wellbeing long term housing options through 1:1 MH support, harm minimisation support, support to access and engage with health/MH/Substance misuse support; housing: support to access/sustain/move on	£51,000.00
Vulnerable families at risk of homelessness	Vulnerable Adults with Children	To provide a temporary Housing / Finance and Move On Advisor OR overtime on existing roles to carry out targeted work for families in financial hardship - both homeless and threatened with homelessness: for those in TA re-assess circs and 'plug into support', point of contact to food banks to enable early intervention	Reduce financial hardship for households homeless or threatened with homelessness, prevention of homelessness through supporting households accessing foodbank support, support households into employment training to reduce long term impacts of financial hardship	£35,000.00
COVID Volunteers	Minoritised groups	To extend and develop the work of the Covid Volunteers and ensure effective reach and inclusion of minoritised groups, to provide good insights and provide a network of community messengers around covid and it's impacts	Key groups feel engaged, involved and informed about Covid	£24,000.00
Development work with minoritised groups	Minoritised groups	Working with the Covid Volunteers (above), undertake a community development approach to work through the Covid issues identified by minoritised communities.	Minoritised groups feel more involved and connected. Greater health and wellbeing outcomes	£45,000.00

Vulnerable families at risk of or homelessness	Vulnerable households	Provide emergency payments for goods/services for households in crisis (single people and families in any housing) e.g. move in packs for people moving into settled tenancies from temporary or supported accommodation, emergency one off payments e.g. for replacement of white goods / furniture or pay utility bills/unexpected travel.	provide emergency assistance at the point of need, improve health/wellbeing/tenancy sustainment and reduce risks of homelessness	£100,000.00
Vulnerable families at risk of homelessness	Vulnerable households	Homeless prevention pot for personalised prevention packages: Homelessness continues to increase before the Eviction ban is lifted(01.06.21) and furlough ends, increase DHP pot (Revs and Bens), & financial support for those ineligible for DHP whom there is no statutory support, increase bad debt provision as arrears increasing and prevents move on	increase homeless prevention through bespoke arrangements to rescue tenancies ; improve move on options for those n TA	£125,000.00
Single Homelessness	Vulnerable Adults	Prevent homelessness: Domestic Abuse is increasing (1/3 of our male rough sleeper population are perps of DA): training for staff to coach behaviour change; 1-1 coaching for serious offenders, a female specialist worker to support the victims, reflective practice for staff	reduce repeat homelessness as a result of DA, improve outcomes and wellbeing for victims, train staff to improve our management of DA cases	£40,000.00
Covid safe practices	Businesses and communities	Additional capacity for work of the PH&R Team to be able to undertake key functions over the period around Covid safe measures	Enhanced health and safety	£10,100.00
Covid safe practices	Safety in the night economy	To provide marshalls Fri & Sat in Worthing- ensure social distancing, safe dispersal from the town centre, reduction in violence,	Increased safety particularly for women, reduced violence amongst intoxicated people, increased safety for taxi drivers	£23,840.00
Vulnerable families at risk of or homelessness	Vulnerable households	Telljo: digital tool to identify and connect with vulnerable households	homeless prevention, improved health and wellbeing, access to employment (biggest protective factor against homelessness)	£36,200.00
		Total funding		£853,644.00
		<b>Total proposed spend</b>		<b>£853,720.00</b>

		Difference		£76.00
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## Appendix 2

### Adur RSI 4 (9 months: July – March)

Intervention	Cost
Flexible year round surge accommodation and move on support	£25,000

### Worthing RSI 4 (9 months: July – March)

Intervention	Cost
1 FTE Rough Sleeper Co-ordinator	£36,095
2.2 FTE Support Coordinator	£60,119
0.8 Complex Needs Manager	£29,138
1 FTE Mental Health Worker	£28,210
1.2 FTE Advice and Assessment	£32,187
Personalisation	£10,500
2 FTE Lettings Support Workers	£52,346
3 FTE Outreach Workers	£73,602
1 FTE Employment and Skills Worker	£27,810
PRS Grant	£9,500
Psychologically Informed Training	£3,200
Staging Post Beds x5	£10,000
Reflective Practice	£3,600
Flexible year round surge accommodation	£70,000
Move On Costs	£30,000
1 FTE Hospital Coordinator	£28,510
Total	£504,817



ADUR & WORTHING  
COUNCILS

Joint Strategic Committee  
8 June 2021  
Agenda Item 6

Key Decision [~~Yes~~/No]

Ward(s) Affected:

## **Sussex Bay: Restoring our marine and estuarine habitats, supporting our coastal communities**

**Report by the Director for Digital, Sustainability and Resources**

### **Executive Summary**

#### **1. Purpose**

- 1.1. In January 2021, the Joint Strategic Committee considered the recommendations of the **Climate Assembly**, a representative group of 43 Adur & Worthing residents brought together to consider how to tackle climate change while supporting our communities to thrive.
- 1.2. Recommendation 1 from the Climate Assembly was to “support the restoration of natural kelp - promoting the positives and managing the negative effects on the environment and the local community”
- 1.3. Our coastline, inshore waters and intertidal rivers are all precious habitats, and the Councils are committed through the Platforms strategy to supporting and enhancing our natural assets, working with local partners and communities to tackle climate change and reverse habitat and biodiversity loss.

- 1.4. Responding to the Climate Assembly recommendation, Adur & Worthing Councils have been working with partners in recent months to drive forward the restoration and management of the kelp forest and other “blue” habitats at the pace the climate emergency demands, including the purchase of Pad Farm and New Salts Farm in the Adur Estuary.
- 1.5. This work is being brought together under an emerging initiative called Sussex Bay, which aims to bring partners together, and build the funding and governance infrastructure needed to make a real impact.
- 1.6. We believe restoration of these habitats could create enormous opportunities for our coastal communities in terms of new local jobs in fishing, aquaculture, recreation and tourism under the compelling identity of **Sussex Bay, the blue counterpart to the South Downs**.
- 1.7. As described in the report, the work with The Crown Estate to **lease the seabed** to support investment in kelp restoration is the first of its kind in the UK.
- 1.8. The historic kelp forest stretched from Selsey Bill to Shoreham, across an area of 172km<sup>2</sup>. A haven of marine biodiversity, ~90% of the forest was uprooted in a major storm in 1987 and has been unable to recover ever since due to trawling in the area. The Sussex Inshore Fisheries Association (IFCA) - aided by an effective 'Help Our Kelp' campaign and a short film narrated by Sir David Attenborough - has now implemented a bylaw that outlaws trawling in a **large exclusion zone**. The ban creates a remarkable opportunity to regenerate a massive marine forest off our coast, a project of national, indeed international significance.
- 1.9. We are at the beginning of an era where the value of natural habitats is being recognised through legal and regulatory instruments, as well as carbon offsetting (currently voluntary) . The value of “blue” habitats like kelp, seagrass, saltmarsh and wetland are increasingly recognised, delivering multiple benefits such as flood risk management, water quality, biodiversity and carbon capture. A report commissioned by Sussex IFCA estimates the value of a fully restored Sussex kelp forest could be as much as

**£3.7 million per annum.** This includes the value of revitalised and sustainable fishing and opportunities for seaweed and shellfish aquaculture.

- 1.10. One of several ecosystem services of the kelp forest will be carbon sequestration. The Adur & Worthing Councils Carbon Reduction Plan identifies that the councils will need to offset 1,600 tonnes of carbon to meet its **carbon neutral 2030 target**.
- 1.11. As a coastal authority without large areas of land for tree planting, we see “blue” habitats such as kelp, saltmarsh and mudflat as crucial options - helping us **offset locally** rather than further afield - and unlocking investment in nature restoration “at home”. This strategic aim is shared by many local organisations we have spoken to.
- 1.12. Beyond work on kelp, there has also been good progress with plans for restoration in the Adur Estuary at Pad Farm and New Salts Farm. Intertidal rivers, wetland, coast and inshore waters all form part of an **integrated ecosystem**, and it is proving very constructive to bring these projects together.
- 1.13. In this report, we begin to set out a long term vision for estuarine, coastal and marine nature restoration at scale in Sussex, aimed at attracting investment into various “blue” habitats, and supporting revitalised, and sustainable coastal industries, enhanced recreation opportunities and ecotourism.
- 1.14. The report seeks support for the Sussex Bay concept and the next stage of development work.
- 1.15. To note that a report will be presented to the July Joint Strategic Committee providing a progress update across the whole SustainableAW programme. This will include an update on the Shepherds Mead restoration project, the Worthing Heat Network and also the many smaller projects led by the councils and also communities, that demonstrate a wide ranging response to the climate and biodiversity crisis in our neighbourhoods.

## 2. Recommendations

- 2.1. The Joint Strategic Committee is asked to endorse the Sussex Bay approach to build a delivery model for marine, coastal and estuarine habitat restoration at scale, creating the exciting prospect of Sussex Bay as a “destination” and new economic opportunity.
- 2.2. The Committee notes that by developing Sussex Bay, Adur & Worthing Councils have the opportunity to create local carbon offsetting opportunities for multiple organisations, while meeting its own carbon neutral 2030 target through blue carbon offsetting.
- 2.3. The Committee is asked to note the excellent progress on a natural capital seabed lease with The Crown Estate, **the first of its kind in the UK**, and to agree to the release of £50k of project development funds (from existing budgets) to commence the legal and financial work to set up a trial kelp blue carbon investment product.
- 2.4. The Joint Strategic Committee is also asked to note the £75k of funds already offered by a local organisation seeking carbon offsetting options (agreement in process), and the financial support committed by the Blue Marine Foundation for the September launch event, circa £10k.
- 2.5. The Joint Strategic Committee is asked to approve a budget virement of £85,000 to create funding for the project part funded from within existing budgets and part funded from external funding
- 2.6. Subject to progress, it is anticipated that the Joint Strategic Committee could receive a report as early as the July JSC, recommending approval for incorporation of a new legal entity, Sussex Bay.

### Context

### The problem

- 2.7. Intertidal rivers, coastlines and inshore waters across Sussex are under pressure with sea temperatures predicted to rise due to climate change, and storms, flood events and erosion risk expected to



increase.

- 2.8. The Environment Agency is increasingly seeking to address flood risk through natural management measures, both in intertidal reaches and along the coast where natural measures could assist. There is also a requirement on the EA to compensate for habitats lost as a result of engineered flood defence works, meaning there is pent up demand locally for saltmarsh and mudflat compensatory restoration schemes.
- 2.9. Water quality is also a real issue. For example, the Adur Water Body is currently failing on chemical status due to agricultural and water industry sectors, and our Sussex Bay coastal waters from Selsey Bill to Beachy Head (the Sussex Transitional and Coastal Water Body) are similarly failing.
- 2.10. Many fish populations continue to decline, including sole, bass, and lobster according to landing data collected by the Sussex IFCA. Our inshore waters are much poorer for the loss of protective habitats like kelp forest, which used to host spawning fish, crab, whelk, wrasse, cockle and lobster.
- 2.11. Over centuries on the Adur, a story repeated on other Sussex rivers, banks were progressively created to turn saltmarsh into agricultural land. The loss of saltmarsh and mudflat habitat on our rivers, as well as the loss of the kelp forest has removed incredibly important carbon stores and havens of biodiversity - birds, fish, insects, and smaller vital micro-organisms.
- 2.12. Systemically, there are significant barriers to progress, but emerging opportunities as new systems come into place. The emerging legal and regulatory environment is promising, but still very new. Measures like Biodiversity Net Gain and ELMS payments contained in the new Environment Bill need to be understood and implemented locally. Landowners need to be helped to understand future income options as existing payment systems come to an end.
- 2.13. Other ecosystem service payments and investments, like carbon offsetting or water quality need to be 'played in' but there is currently no infrastructure to support this. There is no kelp blue carbon code, but a clear need to create one.

- 2.14. “Blue” ecosystem services are less developed than the terrestrial mechanisms like BNG and ELMS, although future versions of these instruments are expected to include marine habitats.
- 2.15. This is in the context of the Office for National Statistics recently reporting that Britain’s marine natural capital assets are valued at £211bn, with the seabed considered “more valuable as a carbon sink absorbing pollution from industry than as a source of oil and natural gas”.

### **The opportunity**

- 2.16. There is an opportunity to build a vision for marine, estuarine and coastal habitat restoration at scale, with Sussex Bay becoming a well understood and supported “grand mission” among our communities and with our partners.
- 2.17. By unlocking investment and payments into blue habitat restoration projects, Adur & Worthing Councils and partners can deliver restoration at scale and pace, while building financial capacity for good management and development of the area, including **maintaining our beaches** appropriately.
- 2.18. We are working with the Sussex Local Nature Partnership to create an approach to blue natural capital investment which will form part of the Local Nature Recovery Strategy. Sussex Bay has been discussed and shaped by multiple partners already, receiving strong support as a much needed delivery model, **right for its time**.
- 2.19. The opportunity is to **aggregate** “blue” restoration projects together into a “habitat bank” so that large scale investors like Environment Agency, water companies and carbon offsetters can easily access opportunities at the scale they require.
- 2.20. With the successful delivery of the habitats over time, Sussex Bay could provide the platform for a revitalised and sustainable small boat **fishing** community, innovation in seaweed and shellfish **aquaculture** and multiple **recreational and visitor opportunities**.
- 2.21. Data from a comparable project in Lyme Bay, Dorset shows that restoration of kelp habitat will increase lobster numbers x4, crab x 2.5 and scallop x 2. Documentaries like Blue Planet II “Green Seas” or the

award winning “My Octopus Teacher” (Netflix) provide excellent insights into the abundance and potential of restored habitats in inshore waters.

- 2.22. Sussex IFCA, The Crown Estate, the Marine Management Organisation and the EA have different regulatory responsibilities with regard to maritime activities, and discussions with them so far suggest an appetite to work together on integrated marine planning, improving how decisions are made locally.
- 2.23. While the geography of Sussex Bay is intentionally not tightly defined at this stage, the area currently extends from **Selsey Bill to Beachy Head**, (matching up with a number of statutory and regulatory areas such as the Sussex Transitional and Coastal Water Body, and Shoreline Management Plan 12), and incorporates coastal habitats and the tidal areas of the four rivers feeding into the Bay, the Arun, Adur, Ouse and Cuckmere.
- 2.24. There are more partnership conversations to be had, but support is strong and widespread, and the Bay geography could potentially extend further across East Sussex. To date we have had positive conversations with East Sussex County and West Sussex County Councils, Brighton & Hove City, Chichester, Arun and Lewes.

### **Progress made**

- 2.25. The Councils are making excellent progress in forging a highly innovative partnership with **The Crown Estate**, who are owners of the seabed. This is key to the creation of a kelp blue carbon investment product, and in March 2021, an application for £79k was made to the DEFRA Investment Readiness Fund (IRF), requesting support for the financial and legal work required to create a trial product. Adur & Worthing Councils has partnered in the bid with Blue Marine Foundation, a leading international marine charity, and Finance Earth, leading natural capital finance consultants. We await news, expected in July, but recommend that the Councils commence the consulting support immediately, using project development funds from existing budgets, in order to support the required development work and negotiations with The Crown Estate.
- 2.26. A funding application has also been submitted to Coast to Capital LEP for project support for the development of Sussex Bay, with an

emphasis in the bid on coastal economic regeneration, including supporting the fishing, aquaculture and leisure industries. There is already keen interest from seaweed farmers, curiosity about the potential to restore historic oyster beds, and a real opportunity for producers to harness the Sussex Bay brand in due time.

- 2.27. The Crown Estate have agreed to provide a trial “**natural capital seabed lease**”, to Adur & Worthing Councils, the first of its kind in the UK. This is the foundation required for investment. This is expected to be an area off our coastline, and if successful the area could be expanded to the whole of the trawler exclusion zone and potentially beyond, working with other local authorities and partners.
- 2.28. As part of the Sussex Bay IRF application, a significant number of **letters of support** were received, including Southern Water, Gatwick Airport, The Crown Estate, Blue Marine Foundation, Sussex Local Nature Partnership, Arun Council, Sussex IFCA, Sussex Wildlife Trust and Shoreham Port. We have already received a **commitment of £75k** over three years from one organisation, in support of the research and development work needed to create the kelp blue carbon investment opportunity.
- 2.29. A key element alongside the development of the natural capital finance instrument(s) will be an active kelp restoration plan, which is expected to involve “seedling trays” or “green gravel”. We are working with the Help Our Kelp group, and specialists at University of Brighton and University of Portsmouth to create the plan. Both Shoreham Port and Southern Water have expressed interest in supporting the growing of the green gravel trays at their facilities.
- 2.30. Moving to intertidal and estuarine habitats, the land acquisitions at Pad Farm, and New Salts Farm for the purposes of nature restoration have attracted much praise from local communities and also accelerated the development of **strong new, action-oriented partnerships**, including with the Environment Agency, Ouse and Adur Rivers Trust, Sussex Local Nature Partnership, South Downs National Park and the Sussex Wildlife Trust.
- 2.31. For Pad Farm, the Environment Agency has expressed strong interest in the project, as they are seeking salt marsh / mudflat **compensatory habitat creation**. We are currently planning the pathway to significant

EA capital investment which will require substantial feasibility work.

- 2.32. At New Salts Farm, we are developing a partnership with the Ouse & Adur Rivers Trust and currently identifying funding options such as the National Heritage Lottery Fund. Significant community engagement work is being planned, based on the fantastic success of similar work by the Rivers Trust at the EPIC project in Sompting.
- 2.33. For the Adur estuary as a whole, the wider strategic aim is to present Pad Farm and New Salts Farm as **demonstrators**, where the landowner (Adur Council) develops the financing and income model for the restoration project (BNG, ELMS, EA etc). To this end, we have also submitted an expression of interest to the **DEFRA Test & Trials fund** for support to engage other landowners up to Upper Beeding, and explain how viable income models for nature restoration on their land might be created.
- 2.34. At all our newly acquired sites, including Shepherds Mead (chalk grassland), we have commissioned Surrey Wildlife Trust to develop “natural capital plans”. This will enable the creation of **Biodiversity Net Gain credits**, opening up the possibility of payments into those sites as the new system comes into force (via the Environment Bill). It may also increase the chances of payments being received from developments outside Adur & Worthing, as there is currently a lack of supply of suitable habitats in the region.
- 2.35. As a result of the progress being made on the Adur, and through the Sussex Bay “platform”, we have also convened and facilitated conversations with project officers across West Sussex working on the Arun, Ouse and Cuckmere. There is a real opportunity to strengthen collaboration between project teams, learn about natural capital investment together, and potentially aggregate opportunities into a **habitat bank**. This would help more easily unlock investment from large organisations seeking to dispense obligations, such as the Environment Agency and Southern Water, as well as provide smaller landowners with an easier way to understand and access financing opportunities.
- 2.36. We have made good links with the South East Corridor project led by **Knepp Estate**, which aims to create a nature corridor from Knepp cross country to Climping beach. The potential for a large landscape scale recovery project in the area is strong when the Corridor is joined

with the work by Sussex Bay. We hope that DEFRA will be interested to explore this as they look for 10 UK projects for their Landscape Scale Recovery Pilots.

### 3. Issues for consideration

- 3.1. From the letters of support received for Sussex Bay, and the £75k commitment already received from a local carbon offsetter, it is clear that there is real interest and emerging demand for investment in blue habitat restoration.
- 3.2. The letter of support from The Crown Estate is particularly positive, and it is now important to establish the **specialist capacity** to develop and agree a natural capital seabed lease and unlock investment in kelp forest restoration, building a model capable of extension to other blue habitats and ecosystem services.
- 3.3. It is recommended that Adur & Worthing Councils commit £50k of project development funding from existing budgets in order to make immediate progress with those negotiations, maintain momentum and show commitment.
- 3.4. This support is broken down into two principal elements:
  - 3.4.1. Specialist legal support to examine the legal entity / entities that may be required to establish a natural capital investment and project delivery model. The vehicle would be required to bring together a number of stakeholder and activities to provide appropriate governance, environmental restoration activities, research, licensing of the seabed, and investment from commercial third parties. Early indications are that a new vehicle will be required to incorporate the different stakeholder interests, provide enough project capacity, and enter into the required commercial agreements.
  - 3.4.2. Specialist finance support to develop the investment case in kelp blue carbon including:
    - Expenditure and operational costings review
    - Carbon benefit review
    - Carbon instrument design

- Financial model and sensitivity analysis
- Carbon market pricing analysis
- Project financing model

3.4.3. Alongside the £75k commitment mentioned, Blue Marine Foundation have agreed to fund a Sussex Bay launch event to be held at Worthing Connaught Theatre on September 18th 2021, including production of a short film. We are currently in discussions with Blue with a view to Sussex Bay joining their international blue carbon programme which if successful will come with significant additional investment.

3.5. An alternative option to developing Sussex Bay would be to continue with habitat restoration at Pad Farm and New Salts Farm as discrete projects, and allow the kelp forest to restore more naturally and through the efforts of the Help Our Kelp group.

3.6. It is suggested that this approach would miss the significant opportunity to take a more strategic approach to natural capital and miss substantial opportunities to attract investment into habitat restoration and the development of Sussex Bay.

3.7. Without Sussex Bay vision and action, enhanced sustainable fishing, aquaculture, recreation and tourism opportunities will be missed, and we will not take the opportunity for developing a major asset for our coastal communities.

## **4. Engagement and Communication**

4.1. The Adur & Worthing Climate Assembly selected the restoration of the kelp forest as Recommendation 1 in their findings. The Climate Assembly was a representative group of 43 residents.

4.2. The Help Our Kelp group, led by Sussex Wildlife Trust have undertaken significant engagement with the public and stakeholders, and will continue to be a major conduit for engagement with the community and volunteers, as well as key to restoration efforts.

4.3. Substantial partner engagement has taken place, as demonstrated in the wide range of letters of support for Sussex Bay. Recently a partnership workshop was undertaken with project officers from all four

West Sussex rivers, establishing a network which aims to help share learning and tools to accelerate delivery.

- 4.4. The Sussex Bay launch event in September will bring together a range of stakeholders and supporters, setting out the vision and showcasing projects from across Sussex Bay, including the voices of fishermen, researchers, leisure users and the community.

## 5. Financial Implications

- 5.1. The Councils have a business development budget of £132,410. It is proposed to allocate £50,000 of this budget to developing the Sussex Bay proposition.
- 5.2. The Councils have secured external funding of £85,000 towards the projects with £35,000 expected in the current financial year and so overall a budget of £85,000 will need to be approved by the Committee which will see the business case developed further.
- 5.3. Further reports will contain more detail about the business case and financial implications of the proposed scheme.

## 6. Legal Implications

- 6.1 Adur and Worthing councils have declared a Climate Emergency in 2019 and have set a target date of 2045 for areas to be net zero carbon.
- 6.2 The Adur and Worthing Councils Carbon Reduction Plan identifies that the councils will need to offset 1,600 tonnes of carbon to meet its **carbon neutral 2030 target**.
- 6.3 In spending any amount of grant funding received from third party's to assist delivery of the Councils' Carbon Neutral Plan the Councils must ensure that the expenditure is in line with the funder's requirements terms and conditions.
- 6.4 As part of the due diligence, specific legal advice will be sought to ensure the Councils have the powers to enter into a separate legal entity to give form to the Sussex Bay vision, bringing together a number of different stakeholders and activities. The structure will need to allow for appropriate governance, environmental restoration activities,



research, licensing of the seabed, and investment from commercial third parties. It is likely the “main” vehicle would need to be non-profit (specifically a charity, probably a company limited by guarantee). Further discussions will inform the eventual vehicle which best suits the Councils.

- 6.5 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.
- 6.6 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation
- 6.7 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 6.8 s1 Local Government (Contracts) Act 1997 confers power on the local authority to enter into a contract for the provision of making available assets or services for the purposes of, or in connection with, the discharge of the function by the local authority
- 6.9 Under the Public Contract Regulations 2015 where a Public Authority is to enter into a contract for the supply of goods & services the Council is to comply with its Contract Standing Orders and, if the value of those goods and services exceeds the financial thresholds of £189,333 (or for works £4,733,252.00) any procurement exercise to contract for those goods and services must be conducted in accordance with the Public Contract Regulations 2015.

## **Background Papers**

[Adur & Worthing Climate Assembly - Recommendations Report](#)

## **Officer Contact Details:-**

Paul Brewer

Director for Digital, Sustainability & Resources

07881 323471

paul.brewer@adur-worthing.gov.uk

## **Sustainability & Risk Assessment**

### **1. Economic**

- 1.1. Our coastal towns benefit from proximity to the South Downs, and also wonderful coastline and sea. There is potential to establish Sussex Bay as an attractive and abundant “blue” destination for tourism and recreation, and as habitats are restored and biodiversity increases, there will be scope for revitalised and new coastal industries such as sustainable fishing, seaweed and shellfish aquaculture and associated industries, including potentially processing and manufacture.

### **2. Social**

#### 2.1. Social Value

- 2.1.1. Sussex Bay aims to fulfil the recommendations of the climate assembly held in late 2020 by supporting restoration of the kelp forest and through partnership with Help Our Kelp, explore opportunities for volunteering and community support in a range of related activities.
- 2.1.2. There will also be scope to explore education and learning opportunities, engaging with schools, colleges and universities.
- 2.1.3. The project will also ensure that good consultation and engagement is undertaken throughout the process, gathering the views of users and stakeholders, and ensuring issues like beachfront management are handled appropriately.

#### 2.2. Equality Issues

- 2.2.1. Matter considered and no issues identified beyond the need to ensure consultation and engagement activities are designed to include a full range of voices and perspectives.

#### 2.3. Community Safety Issues (Section 17)

- 2.3.1. Matter considered and no issues identified

#### 2.4. Human Rights Issues

2.4.1. Matter considered and no issues identified

### **3. Environmental**

3.1.1. Sussex Bay is central to our sustainability agenda, helping deliver nature restoration at scale, and attracting investment for that purpose from offsetters.

3.1.2. Sussex Bay aims to ensure habitat restoration and ongoing management and custodianship is supported, helping tackle climate change and biodiversity loss and returning our rivers and seas to better health.

### **4. Governance**

4.1. Sussex Bay is aligned to and part of Platform 3 of the Councils' strategy, and consistent with the recommendations of the Climate Assembly.

4.2. Adur & Worthing Councils' leadership is providing a platform for other organisations to access carbon offsetting opportunities locally, and helping projects within Sussex develop common approaches and infrastructure.

4.3. Sussex Bay and the work contained within it is a project of national significance, attracting significant support from key regional and national organisations, enhancing the reputation of our Councils in this agenda.

4.4. It is expected that Sussex Bay will need to be a separate entity, with a seabed lease held by the local authority. A governance model will be developed that delivers effective and appropriate arrangements.

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ADUR & WORTHING  
COUNCILS

Joint Strategic Committee  
8 June 2021  
Agenda Item 7

Key Decision [~~Yes~~/No]

Ward(s) Affected: Worthing All

## **Worthing Community Infrastructure Levy (CIL)**

### **Report by the Director for the Economy**

#### **Executive Summary**

##### **1. Purpose**

- 1.1. Worthing Borough Council introduced a Community Infrastructure Levy (CIL) to allow funds to be raised from developers to pay for infrastructure that is needed to support growth. The Council adopted the Charging Schedule for CIL in February 2015 and implementation of the levy commenced on 1st October 2015.
- 1.2. Given the time that has lapsed and the change in market conditions, a review of the CIL Charging Schedule was needed. The Council's consultants undertook a review of the current charging schedule and their recommendations form the revised CIL draft Charging Schedule. The draft Charging Schedule was consulted on for 8 weeks between June and August 2020. This was then submitted to the Planning Inspectorate with the Examination in Public taking place 'virtually' on Thursday 28th January 2021. The draft Inspector's report was received on 14th May 2021 (for fact checking), with the final report received on 27th May 2021. The report recommended that the charging schedule should be approved in its published form, without changes. This report provides an update on the revised CIL draft Charging Schedule (DCS) progress and proposes that this is formally approved.

## **2. Recommendations**

2.1. In regard to the revised Worthing CIL Charging Schedule, the Committee is recommended to:

- Note the findings from the Inspector's report on the revised CIL draft Charging Schedule;
- Note the revised Worthing CIL draft Charging Schedule - 2021 included in Appendix B
- Recommend to Full Council approval of the adoption of the revised draft CIL Charging Schedule for implementation on 1st August 2021.

## **3. Revised Worthing CIL Charging Schedule**

- 3.1. The CIL Regulations 2010 (as amended), allow local planning authorities to set a CIL charge on some developments in order to contribute toward the cost of the infrastructure required to support the cumulative impact of growth and development in an area. Worthing Borough Council (WBC) adopted its CIL Charging Schedule in February 2015, with implementation of the levy commencing in October 2015.
- 3.2. The Charging Schedule must strike an appropriate balance between the desirability of funding infrastructure and the potential effects on the viability of development. It is generally considered that a review of a Charging Schedule should be considered within 5 years of implementation, to reflect changes to key government policy and guidance, as well as changing market conditions.
- 3.3. In view of the issues associated with the existing CIL Charging Schedule, your Officers commissioned consultants Dixon Searle Partnership (DSP) to undertake an initial review of the current CIL Charging Schedule in 2019. The final report was received in March 2020 outlining a number of recommendations for the Council to consider. The revised CIL draft Charging Schedule takes into account these recommendations. More information can be found in the Adur &

Worthing Councils JSC - Worthing CIL - Infrastructure Investment Plan report; agenda item 12, 9 June 2020.

- 3.4. The main changes between the current CIL Charging Schedule and the revised CIL Charging Schedule are as follows:
- Removal of the 'Zone 2' nil rated residential charge (Broadwater, Castle, Gaisford & Selden wards)
  - Splitting the residential CIL charge by development type - includes: 10 dwellings or less (all dwelling types) on previously developed land (PDL); More than 10 dwellings (excluding Flatted development) on PDL; Flatted developments of over 10 units on PDL; Greenfield housing development
  - Uplift in the 'greenfield' residential charge to £200/sqm
  - Revised wording of retail CIL charge to only include Foodstore/Supermarket/Retail Warehousing development (greater than 280 sq.m.)
- 3.5. Approval was given by JSC in June 2020 to undertake a public consultation exercise on the revised CIL draft Charging Schedule (DCS). A wide range of bodies were consulted on including; persons who are resident or carrying on business in Worthing, voluntary bodies, neighbouring authorities, and local developers.
- 3.6. Approval was given by JSC in October 2020 to submission of the revised draft CIL Charging Schedule to the Planning Inspectorate for an Examination in Public. This took place 'virtually' (via Zoom) on Thursday 28th January 2021. The draft Inspectors Report was received for fact checking on 14 May 2021.
- 3.7. Two parties were present at the CIL Examination providing evidence against the proposed CIL Charging Schedule rates. Their arguments related primarily to the flatted development rate of £25/sqm. The Inspector listened to the points raised for and against the proposed CIL rates and delivered his draft report to the Council for fact checking on 14th May 2021. The final 'fact checked' report was received on 27th May 2021. The Inspector's report concluded that:

*"The Worthing Borough Council Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the area. The Council has sufficient evidence to support the schedule and can show that the levy is set at a level that will not put the overall development of the area at risk."*

*I have recommended that the schedule should be approved in its published form, without changes.”*

- 3.8. The committee is asked to recommend Full Council approval in July for the adoption of the revised draft CIL Charging Schedule for implementation on 1st August 2021. A CIL Charging Schedule may be implemented at least one day after approval by Full Council. It is believed appropriate to propose an implementation date a couple of months after receiving the Inspector’s report, to allow developers some time to acknowledge the revised CIL charging rates across the Borough.

#### **4. Engagement and Communication**

- 4.1. A CIL workshop was held on 12th February 2020 for all Members and our consultants gave a presentation setting out some of their emerging thoughts on the current CIL Charging Schedule and options for the Council to consider.
- 4.2. The CIL consultation period, which was extended to 8 weeks to allow consultees a chance to respond to the consultation, given the difficulties experienced in recent months. The consultation conformed with the requirements of the Council’s Statement of Community Involvement (SCI).
- 4.3. An Examination in Public was held on Thursday 28th June, in line with the CIL Regulations (as amended), which allowed all parties who had submitted representations during the consultation period to make further comments around the proposed CIL rates.
- 4.4. The Infrastructure Investment Plan (IIP) includes consultation with West Sussex County Council and informal consultation with other infrastructure providers. As explained in paragraph 3.5 above, a Joint Officer and Member Board (JOMB) has been established. The IIP has been prepared by Officers from Worthing Borough Council, with input from West Sussex County Council Officers and from Senior Councillors from both authorities.
- 4.5. 15% of all the CIL funds collected in the Borough are to be spent in the ward where the development took place. This amount of money is



referred to as the CIL Neighborhood Pot. Work is currently being undertaken to launch the first round of 'bids' for CIL funds in Summer 2021 for the 6 wards which have reached the £10k figure required for funds to be available to community groups. It will be up to community groups and resident associations to submit bids for infrastructure projects which they feel should receive CIL funds in their ward. More information will be provided to Members and the wider community in due course.

## **5. Financial Implications**

- 5.1. The CIL funding gives the Council the opportunity to invest in much needed infrastructure which would not otherwise be delivered. A revised CIL Charging Schedule better reflects the viability challenges of development in the Borough, therefore allowing the Council to collect money to fund infrastructure projects without significantly harming the likelihood of development.
- 5.2. The Council employs an Officer to administer the scheme. This post is funded from the 5% administration share of the CIL generated.

## **6. Legal Implications**

- 6.1. Legislation governing the development, administration and governance of CIL is contained within the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended). The Ministry of Housing, Communities and Local Government (MHCLG) has also provided CIL guidance that needs to be followed.
- 6.2. Governance arrangements that are consistent with the CIL Regulations must be agreed. If they are not then the Council runs the risk of complaints and/or challenges from developers and these could then be upheld by the Local Government Ombudsman.
- 6.3. All decisions on spending income from CIL will be subject to assessment under the Equalities Act 2010 to ensure the 2010 Act duties are complied with.

- 6.4 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.
- 6.5 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation
- 6.6 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 6.7 s1 Local Government (Contracts) Act 1997 confers power on the Council to enter into a contract for the provision of making available assets or services for the purposes of, or in connection with, the discharge of the function by the Council.

### **Background Papers**

- Appendix A - Inspector's report
- Appendix B - Worthing CIL draft Charging Schedule - 2021
- Adur & Worthing Councils JSC - Worthing CIL; agenda item 10, 6th October 2020
- Adur & Worthing Councils JSC: Worthing CIL Governance and Procedural Matters; agenda item 7, 2 April 2019
- Adur & Worthing Councils JSC: CIL Governance Arrangements; agenda item 7, 1 February 2018
- Worthing CIL Charging Schedule 2015

### **Officer Contact Details:-**

David Attmore  
Community Infrastructure Officer  
01903 221493  
david.attmore@adur-worthing.gov.uk

## **Sustainability & Risk Assessment**

### **1. Economic**

- The efficient collection and distribution of money collected through CIL will help to ensure that infrastructure is delivered alongside development to meet the identified needs of new and existing residents, communities and businesses.

### **2. Social**

#### **2.1 Social Value**

- A CIL charging schedule that reflects the current market conditions will ensure that money is collected from development which can be spent on projects that provide the greatest benefit to the community.

#### **2.2 Equality Issues**

- Issues relating to race, disability, gender and equality have been considered and it is not felt that CIL will have an adverse impact on any social group. In reality, by making communities more sustainable, CIL will facilitate economic growth and help to deliver improved services. The infrastructure and services that CIL can provide (such as community facilities and transport networks) could enhance liveability for all sectors of society, and could help to deliver new infrastructure that serves different needs within the community.

#### **2.3 Community Safety Issues (Section 17)**

- Matter considered and no issues identified.

#### **2.4 Human Rights Issues**

- Matter considered and no issues identified.

### **3. Environmental**

- Matter considered and no issues identified.

### **4. Governance**

- The efficient charging, collection and distribution of money collected through CIL will help to ensure that infrastructure is delivered alongside development to meet the identified needs. This will help to contribute towards meeting many Council priorities.



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## **Report to Worthing Borough Council**

**by Jameson Bridgwater PGDipTP MRTPI**

**an Examiner appointed by the Council**

**Date: 27 May 2021**

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PLANNING ACT 2008 (AS AMENDED)

SECTION 212(2)

### **REPORT ON THE EXAMINATION OF THE DRAFT WORTHING BOROUGH COUNCIL COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE**

Charging Schedule submitted for examination on October 2020

Examination hearings held on 28 January 2021

File Ref: PINS/M3835/429/8

### **Non-Technical Summary**

This report concludes that the Worthing Borough Council Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the area. The Council has sufficient evidence to support the schedule and can show that the levy is set at a level that will not put the overall development of the area at risk.

I have recommended that the schedule should be approved in its published form, without changes.

### **Introduction**

1. This report contains my assessment of the Worthing Community Infrastructure Levy (CIL) Charging Schedule in terms of Section 212 of the Planning Act 2008. It considers whether the schedule is compliant in legal terms and whether it is economically viable as well as reasonable, realistic, and consistent with national guidance.
2. The proposed CIL Charging Schedule seeks to revise and replace the extant Worthing Borough Council Community Infrastructure Levy Charging Schedule February 2015. The Council confirmed that the purpose of the proposed revision is to reflect the more recent economic conditions in Worthing along with changes in national policy and guidance in relation to Community Infrastructure Levy.
3. To comply with the relevant legislation the local charging authority has to submit a charging schedule which sets an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across the district. The basis for the examination, on which hearings sessions were held on 28 January 2021 is the schedule of October 2020, which is effectively the same as the document published for public consultation between 30 June and 25 August 2020.
4. The submitted charging schedule from Worthing Borough Council [the Council] proposed the following CIL rates:

### Residential Including retirement/sheltered housing

- 10 dwellings or less (all dwelling types) - £125sqm
- More than 10 dwellings (excluding Flatted development) - £125sqm
- Flatted development of more than 10 dwellings - £25sqm
- Extra Care Housing - £0sqm
- Greenfield housing development (greenfield land zone shown on map in Appendix 1) - £200sqm

### Retail

- Foodstore/Supermarket/Retail Warehousing development (greater than 280 sq.m.) - £150sqm
- Other forms of retail - £0sqm

### All other development

- Borough Wide - £0sqm

### **Is the charging schedule supported by background documents containing appropriate available evidence?**

#### *Infrastructure planning evidence*

5. The Worthing Borough Core Strategy 2011 (WBCS) was adopted in April 2011. This sets out the strategy for future growth and development in the Borough to 2026. It sets out policies for issues such as the strategic development at West Durrington and 12 areas of change identified as major regeneration opportunities. It also outlines how development needs will be met with a series of policies on key issues such as housing, employment, retail, and environmental protection.
6. The Council are in the process of preparing a new development plan, the Worthing Local Plan. At the time of the hearing the Submission Draft Worthing Local Plan Consultation (January 2021) was underway. Therefore, the Worthing Borough Infrastructure Delivery Plan October 2018 (IDP) outlines the new/improved infrastructure required to facilitate planned growth within the borough to the end of the WBCS plan period (2026) and beyond. The IDP indicates that spending will be directed towards social, physical, and environmental infrastructure. These amongst other things include education, libraries, sport, cultural, health and social care, energy, transport, flood risk management, green corridors, and waterways projects, all of which will contribute towards

implementing the objectives of the WBCS.

7. Considering other likely funding sources, including direct from government, the Council currently estimates an infrastructure funding shortfall of around £46.6m. The IDP, demonstrates a clear funding gap between the provision of infrastructure required to support development required by the WBCS, and funds available to provide this infrastructure. Since coming into force the amount raised by the Council from their existing CIL levy rates is approximately £1.19m, with Section 106 raising £2.46m in the same time period. It is anticipated that the revised CIL charges, as proposed, would raise about £2m on an annual basis and around £10.69m in total up to 2026 towards infrastructure needs. In the light of this evidence, the proposed CIL charges would make a significant contribution towards meeting the likely funding gap. The figures demonstrate the need to levy CIL in Worthing Borough.

#### *Economic viability evidence*

8. The Council commissioned a CIL Viability Assessment dated March 2020 (VA). The typologies selected for testing were not intended to represent specific development proposals, but to reflect typical forms of development that are likely to come forward in Worthing over the plan period. The assessments use a residual valuation approach, using reasonable standard assumptions for a range of factors such as building costs, profit levels, fees, and changes in relation to national policy.
9. The model was adapted with relevant local data on existing land values; including MHCLG data and a range of other indications, taking into account that there are variations in average land values across Worthing. In general, the benchmark land values used are sufficiently realistic for comparison purposes in a generic study of this type.
10. The charging schedule has been informed by discussions with stakeholders and consideration of the representations made on the series of consultations carried out by the Council. The Revised Draft Charging Schedule Statement of Consultation October 2020 demonstrates that an adequate and proportionate approach in relation to local stakeholder participation was taken by the Council. This was further reinforced by local developers being represented at the Examination Hearings.
11. The VA seeks to establish a residual value by subtracting all costs (except for land purchase) from the value of the completed development (the Gross Development Value). This is tested across a wide range of 'trial CIL rates' – i.e. with increasing CIL cost included.



The price at which a typical willing landowner would be prepared to sell the land (the Benchmark Land Value) is then compared with the residual value to arrive at the 'theoretical maximum charge' that may be supportable. This informs the scope from which the CIL charge can be taken provided that there is a sufficient viability buffer or margin.

12. The Guidance states that it would be appropriate to include a buffer or margin so that the levy rates are not set at the margins of viability and are able to support development when economic circumstances adjust. This can also provide some degree of safeguard in the event that gross development values have been over-estimated or costs under-estimated and to allow for variations in costs and values between sites. As discussed below, the Council have apart from Flatted development of more than 10 dwellings proposed CIL charges that provide a reasonable viability margin or buffer commensurate with the type of development being brought forward.
13. In conclusion the draft Charging Schedule is supported by documentation demonstrating detailed evidence of community infrastructure needs and economic viability testing. On this basis, the evidence which has been used to inform the Charging Schedule is robust, proportionate, and appropriate.

### **Are the charging rates informed by and consistent with the evidence?**

#### *CIL rates for residential including retirement/sheltered housing*

14. WBCS Policy 7 – Meeting Housing Needs sets out the requirement of 4,000 net additional dwellings in Worthing up to 2026. The Council's VA examined a comprehensive range of residential typologies/scenarios, including amongst other things houses/flats sheltered/flats extra care/flats town centre and mixed schemes. Analysis was also undertaken for typologies aligned to sites across the borough, these included previously developed land (PDL), residential infill on PDL, greenfield sites and a combination of PDL/greenfield.
15. The viability testing applied reasonable assumptions in terms of a representative selection of dwelling sizes including considering the likely differences in gross internal area between affordable and private market housing. Therefore, the testing considered a full range of values and costs data that are suitably reflective of the new residential projects likely to come forward across the borough in the WBCS plan period.
16. The viability testing in relation to residential development has factored in assumptions to reflect policy requirements in the WBCS. These

include affordable housing requirements, along with a contingency for planning obligations (s106). Finally, except for Flatted development of more than 10 dwellings (this is discussed in detail below) the assessments apply a viability buffer of approximately 50% that produces a theoretical CIL charging range. As such, the viability testing has properly examined the most likely scenarios although clearly cannot address all possible eventualities surrounding new development projects.

17. Whilst overall there is an underlying strength and viability in the Worthing property market, the Council's analysis also demonstrates the difference in the ability of types and scales of residential development in different parts of Worthing to viably support a CIL charge, therefore, justifying the use of differential residential rates and two charging zones for residential development in the borough illustrated as Appendix 1 to the charging schedule.

*10 dwellings or less (all dwelling types) - £125sqm*

18. Based on viability testing set out above, the Council have proposed a CIL charging rate of £125sqm for 10 dwellings or less (all dwelling types). The viability testing demonstrated that the proposed CIL rate in the range of £100sqm to £150sqm would maintain a viability buffer of around 50%. This buffer would ensure that the vast majority of new housing development of 10 dwellings or less (all dwelling types) could be delivered in accordance with the WBCS. I am therefore satisfied the proposed rate of £125sqm for 10 dwellings or less (all dwelling types) is justified on viability grounds and would strike an appropriate balance.

*More than 10 dwellings (excluding Flatted development) - £125sqm*

19. In relation to larger residential schemes the VA assessed a variety of scenarios that were reflective of larger scale development in Worthing. The results from the testing demonstrated that a CIL rate in the range of £100sqm to £150sqm for more than 10 dwellings (excluding Flatted development) would ensure a viability buffer of around 50%. Based on this evidence the Council have proposed to set a rate of CIL rate of £125sqm. This buffer would ensure that the vast majority of new housing development of more than 10 dwellings (excluding Flatted development) could be delivered in accordance with the WBCS.
20. Therefore, with no substantive detailed evidence presented to indicate otherwise, I am satisfied that the proposed rate of £125sqm for More than 10 dwellings (excluding Flatted development) is justified on viability grounds and will support the aims and objectives of the WBCS.

*Flatted development of more than 10 dwellings - £25sqm*

21. Worthing has locational advantages that make it attractive to larger scale flatted development. These include being directly situated on the south coast and adjacent to the South Downs National Park. Allied to this are good transport connections to the rest of the south coast including Brighton, Portsmouth, and Southampton, with a direct rail link to London.
22. The Council have proposed to set a CIL rate of £25sqm for flatted development of more than 10 dwellings. This differs from the extant Worthing Borough Council Community Infrastructure Levy Charging Schedule February 2015 which does not apply a differential residential levy rate for flatted development. Therefore, except for 4 wards (Seldon, Castle, Gaisford and Broadwater located within the existing Nil Charge Zone) the proposed rate would be significantly lower than the 2021 indexed levy rate of £128.57sqm which is currently applied to flatted development within the existing residential rate.
23. Although there is some disagreement with regard representative selection and costings associated with flatted developments used for viability testing, ultimately the Council and interested parties are in general agreement that the proposed rate of £25sqm could still contribute to or result in viability challenges for bringing forward flatted schemes on previously developed land (PDL) and town centre schemes. Moreover, the general nature of the viability results are acknowledged as mixed and often relatively poor, meaning that there is limited scope for the provision of a viability buffer at a CIL rate of £25sqm or indeed at a rate of £0sqm in the case of some types of flatted development in the borough.
24. This is particularly relevant in that the residential growth planned to come forward in the borough over the remaining plan period is predominantly higher density flatted development within the main urban areas and town centre. Furthermore, given the projected level of growth it will be necessary to support flatted developments in Worthing with an appropriate level of infrastructure. As such, the projected £750,000 expected to be raised from the proposed flatted development CIL charge would make a meaningful contribution towards meeting those costs.
25. Based on the available evidence I accept that there are potential viability implications of a CIL rate of £25sqm for some flatted development. However, I consider that these are likely to be relatively limited in number and site specific rather than across the board. Whilst my attention was drawn to a number of schemes in Worthing as

examples, the viability issues including the impact on the delivery of affordable housing did not directly relate to the imposition of the existing higher residential CIL charge. Moreover, the proposed CIL rate of £25sqm would only be a very small proportion of overall development costs and significantly less than the existing CIL charge for the majority of the borough. It is therefore unlikely that the imposition of the proposed nominal charge of £25sqm would materially impact on the delivery of most larger scale flatted schemes coming forward within the plan period and beyond. I therefore consider that the proposed rate is reasonable and pragmatic, given the available evidence, accepting there is no requirement for a proposed rate to exactly mirror the evidence.

26. Having reached the conclusions above, adequate evidence has been provided that gives reasonable assurance that whilst challenging for some specific schemes the proposed rate of £25sqm for flatted development of more than 10 dwellings would not undermine the deliverability of the WBCS. It would therefore strike an appropriate balance between securing additional investment to support development and the potential effect on the viability of this specific type of development.

*Extra Care Housing - £0sqm*

27. To meet the demographic needs of Worthing WBCS Policy 8 seeks amongst other things to ensure the provision of extra-care housing as an alternative to residential care. The modelling within the VA demonstrates that viability may be more difficult for extra care housing with the evidence showing that development of this type is unlikely to be able to consistently sustain the imposition of a levy. The Council's proposed levy of £0sqm for extra care housing takes into account the more challenging viability issues of this type of development in the Borough. Therefore, based on the evidence submitted, I am satisfied that setting a rate of £0sqm for Extra Care Housing in Worthing is justified by the available evidence and would strike an appropriate balance between helping to fund new infrastructure supporting the aims and objectives of the WBCS whilst ensuring viability in the extra care sector.

*Greenfield housing development (greenfield land shown on map in Appendix 1) - £200sqm*

28. The Council acknowledged that there are no greenfield sites forming part of the remaining WBCS housing site supply. However, as set out above the Council are in the process of preparing the Worthing Local Plan. Although the process is not yet completed the development strategy across the plan area is already clear, with the relevant up to

date and extensive supporting evidence in place, including infrastructure requirements and a viability assessment. As such, limited greenfield housing development on identified sites is likely to be relevant moving forward.

29. Therefore, in this specific local circumstance I conclude that there is no reason why the CIL charging schedule including greenfield housing development cannot be submitted, examined, and adopted, if viable and appropriate. I am satisfied that this accords with the national Planning Policy Guidance (PPG), which states that "information on the charging authority's infrastructure needs should be drawn from the infrastructure assessment that was undertaken as part of preparing the relevant plan".
30. This conclusion is reinforced by the decision of the Court of Appeal in the *Oxted Residential Ltd v Tandridge DC* case on 29 April 2016 (EWCA Civ 414), which effectively confirmed, amongst other things, that there is no statutory obstacle to adoption of a CIL charging schedule in advance of a new Local Plan if this is justified in all of the relevant local circumstances. However, in the event of a significant change to the development strategy as a result of the Worthing Local Plan examination, it would be appropriate for the Council to consider whether a review of the CIL charging schedule is needed at that stage.
31. The proposed levy rate of £200/sqm for greenfield housing development in Worthing has been informed by the Council's viability testing. The viability findings demonstrate that the lower land values for the identified greenfield area of the Borough support greater headroom for CIL. Moreover, the assessment of 100 and 450-unit mixed residential sites in this area suggests that a levy of £200/sqm would in the majority of circumstances allow for a 50% viability buffer when compared to the maximum theoretical levy that could be charged.
32. I therefore conclude that in setting the levy at £200/sqm the Council have adopted a balanced approach which is likely to ensure that limited housing on greenfield land shown on map in Appendix 1 can be delivered in accordance with the emerging Worthing Local Plan. As such, proposed CIL rate of £200/sqm is consistent with the evidence and would help to support the delivery of infrastructure in the Borough.

### *Retail*

33. The strategy and projected requirement for future retail provision in Worthing is set out in Policy 6 of the WBCS. The Council's VA considers a sufficient range and number of size and type of retail development schemes to be suitably reflective of retail projects likely to come

forward in Worthing and provide the necessary information against which to assess viability. The assessments make clear that that viability in the retail market is sensitive to specific location/setting, type, and investment models. Taking this into account the Council have proposed differential rates for retail development, proposing a charge of £150sqm for foodstore/supermarket/retail warehousing development (greater than 280 sq.m.) and £0sqm charge for other forms of retail development.

*Foodstore/Supermarket/Retail Warehousing development (greater than 280 sq.m.) - £150sqm*

34. The appraisals in the VA suggest that that a theoretical maximum CIL of up to £200sqm would be viable on the majority of foodstore/supermarket/retail warehousing development (greater than 280 sq.m.) proposals within Worthing. The viability assessment tested a variety of scenarios across low, medium, and high rental values and applied a range of investment yield tests of between 5.0% and 6.0%, which are representative of larger format retail developments taking a prudent view.
35. Taking into account the degree of sensitivity in the retail market a CIL rate of £150sqm for retail warehousing/supermarkets would allow a reasonable viability buffer of around 50% and this represents a balanced and prudent approach that would ensure that the vast majority of foodstore/supermarket/retail warehousing development could be delivered in accordance with the WBCS. Therefore, given that no substantive viability evidence has been presented to indicate otherwise, I am satisfied the proposed rate of £150sqm for Foodstore/Supermarket/Retail Warehousing development (greater than 280 sq.m.) development is justified on viability grounds.

*Other forms of retail - £0sqm*

36. The Council's decision to set a nil rate for other forms of retail is consistent with the evidence in the VA. The viability testing demonstrates that current market values for other forms of retail are too low to reliably absorb CIL, with a nil rate consistent with the evidence. Therefore, I am satisfied that for the reasons given setting a rate of £0sqm for other forms of retail is evidence based and appropriate.

*All other development*

37. In relation to all other development, business (offices, industrial, warehousing), hotel, leisure and community uses the Council have

decided not to charge a levy. This is consistent with the evidence in the VA. This demonstrates that viability for these uses is challenging and with these types of development having limited scope to absorb any material level of CIL. I am satisfied that for the reasons given in the VA, dated March 2020 setting a rate of £0sqm for these uses is evidence based and appropriate.

### *Other matters*

38. I have carefully considered the representations regarding the inclusion of an exceptional circumstances relief policy within the charging schedule. This is generally although not exclusively related to impact of Covid-19 on the retail market. However, although I have a great deal of sympathy regarding the difficulties the retail sector is facing, whether the Council decides to introduce an Exceptional Circumstances Relief policy is primarily not a matter for consideration in the Examination.

### **Does the evidence demonstrate that the proposed charge rate would not put the overall development of the area at serious risk?**

39. The Council's decision to set rates for the following development:

- Residential - 10 dwellings or less (all dwelling types)
- Residential - More than 10 dwellings (excluding Flatted development)
- Residential - Flatted development of more than 10 dwellings
- Residential - Greenfield housing development
- Retail - Foodstore/Supermarket/Retail Warehousing development (greater than 280 sq.m.)

is based on reasonable assumptions about development values and likely costs. The evidence suggests that, residential and commercial development will remain viable across most of the area if the charges are applied. Only if development sales values are at the lowest end of the predicted spectrum would development in some parts of the Borough be at risk, however, I consider this situation to be unlikely.

### **Conclusion**

40. In setting the CIL charging rate the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in Worthing. The Council has tried to be realistic in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the authority area.

<b>LEGAL REQUIREMENTS</b>	
National Policy/Guidance	The Charging Schedule complies with national policy/guidance.
2008 Planning Act and 2010 Regulations (as amended)	The Charging Schedule complies with the Act and the Regulations, including in respect of the statutory processes and public consultation, consistency with the adopted Worthing Borough Plan and Infrastructure Delivery Plan and is supported by an adequate financial appraisal.

41. I conclude that the Worthing Borough Council Draft Community Infrastructure Levy Charging Schedule satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations (as amended). I therefore recommend that the Charging Schedule be approved.

*Jameson Bridgwater*

Examiner



**Worthing Borough Council**

**Community Infrastructure Levy**

**Revised Charging Schedule**

**August 2021**



WORTHING BOROUGH  
C O U N C I L

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### Executive Summary Table

Name of charging authority	Worthing Borough Council
<b>Rates at which CIL is to be chargeable</b>	CIL will be charged in pounds sterling (£) per square metre, of net additional floorspace <sup>1</sup> (gross internal area) that meets the 'lawful in-use test', at differential rates according to the Table(s) of this schedule.
<b>Charging Zones</b>	The charging area to which CIL will be applied covers all areas of the Borough apart from land that is designated as being within the South Downs National Park – as identified in Appendix 1 of this Schedule.
<b>How will the charge be calculated?</b>	<p>The Borough Council will calculate the amount of CIL chargeable to a qualifying development utilising the formula set out in Schedule 1 of the CIL Regulations (as amended). The Council will calculate the 'chargeable amount' using the rates set out below multiplied by the gross internal area (GIA) of the new building(s), taking demolished floorspace into account. The GIA will be measured in accordance with the Royal Institute of Chartered Surveyors (RICS) Code of Measuring Practice and the rates will be indexed linked to the 'All-in Tender Price Index' published by RICS.</p> <p>More information can be found in the 'Worthing CIL - Process Guide' on the Council's website.</p>
<b>BCIS CIL Index (at Date of Charging Schedule)</b>	?
<b>Date charging schedule was approved</b>	?
<b>Date on which the charging schedule took effect</b>	?
<b>Consultation Stages</b>	The Council's Draft Charging Schedule was published for consultation between 30th June and 25th August 2020. Comments received are summarised in the Statement of Representations. Consultation was undertaken in accordance with CIL Regulation 16.
<b>Further Information</b>	<p>Further information and copies of the evidence base and Hearing documents are available to view, by appointment, at Portland House and on the Council's website:  <a href="https://www.adur-worthing.gov.uk/worthing-cil-review/">https://www.adur-worthing.gov.uk/worthing-cil-review/</a></p> <p>Contact:            Planning Policy, 01903 239999, <a href="mailto:planning.policy@adur-worthing.gov.uk">planning.policy@adur-worthing.gov.uk</a></p>

<sup>1</sup> 'The total gross internal area proposed (including change of use, basements and ancillary buildings) in square metres minus the gross internal area to be lost by change of use or demolition in square metres'

## **Introduction**

The Draft Charging Schedule has been prepared in accordance with the CIL Regulations 2010 (as amended).

### **What is CIL?**

CIL is a tariff which will allow funds to be raised from new building projects in Worthing. The money raised must be used to help fund a wide range of infrastructure to support development across the Council's area. CIL is intended to supplement rather than replace other funding streams. The levy is a fixed, non-negotiable charge relative to the size and type of the chargeable development (although there are some exemptions available). CIL is payable on 'development which creates new or additional floor space where the gross internal area is 100sq. m. or more, or where an additional dwelling is created'. The majority of development providing an addition of less than 100sq. m. will not pay. Exemptions and relief for certain developments may be available.

CIL is charged in £ per square metre and is levied on the gross internal area (GIA) of the liable development. The CIL charge depends on the size, type and location of the development proposed. Where buildings are demolished to make way for new buildings, the charge will be based on the floorspace of the new buildings less the floorspace of the demolished buildings. However, the applicant must demonstrate that the existing floorspace has been in continuous lawful use for at least six months in the last three years (prior to development being permitted), with evidence supplied to support the claim.

The Charging Authority must keep the rates up-to-date to reflect market conditions and any other criteria in a Charging Schedule. Hence, this revised Charging Schedule seeks to amend the rates which were set back in 2015. When setting the rates, the Council must show that there is an appropriate an appropriate balance between the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, and the potential effects of the CIL rates on the economic viability of development across its area.

CIL is now the principle mechanism for collecting infrastructure contributions from new development in the Borough. Despite this, there is still be a role to play for Planning Obligations (\$106 agreements / unilateral undertakings) for affordable housing and for the provision of site specific infrastructure necessary for the development to take place.

The Council's Developer Contributions Supplementary Planning Document (SPD) sets out further information on CIL and provides a clear understanding of how the Council proposes to manage infrastructure contributions in the future (including the relationship between CIL and Planning Obligations). The Council has also published a 'CIL Process Guide' to clarify how and when CIL will be calculated, collected and spent.

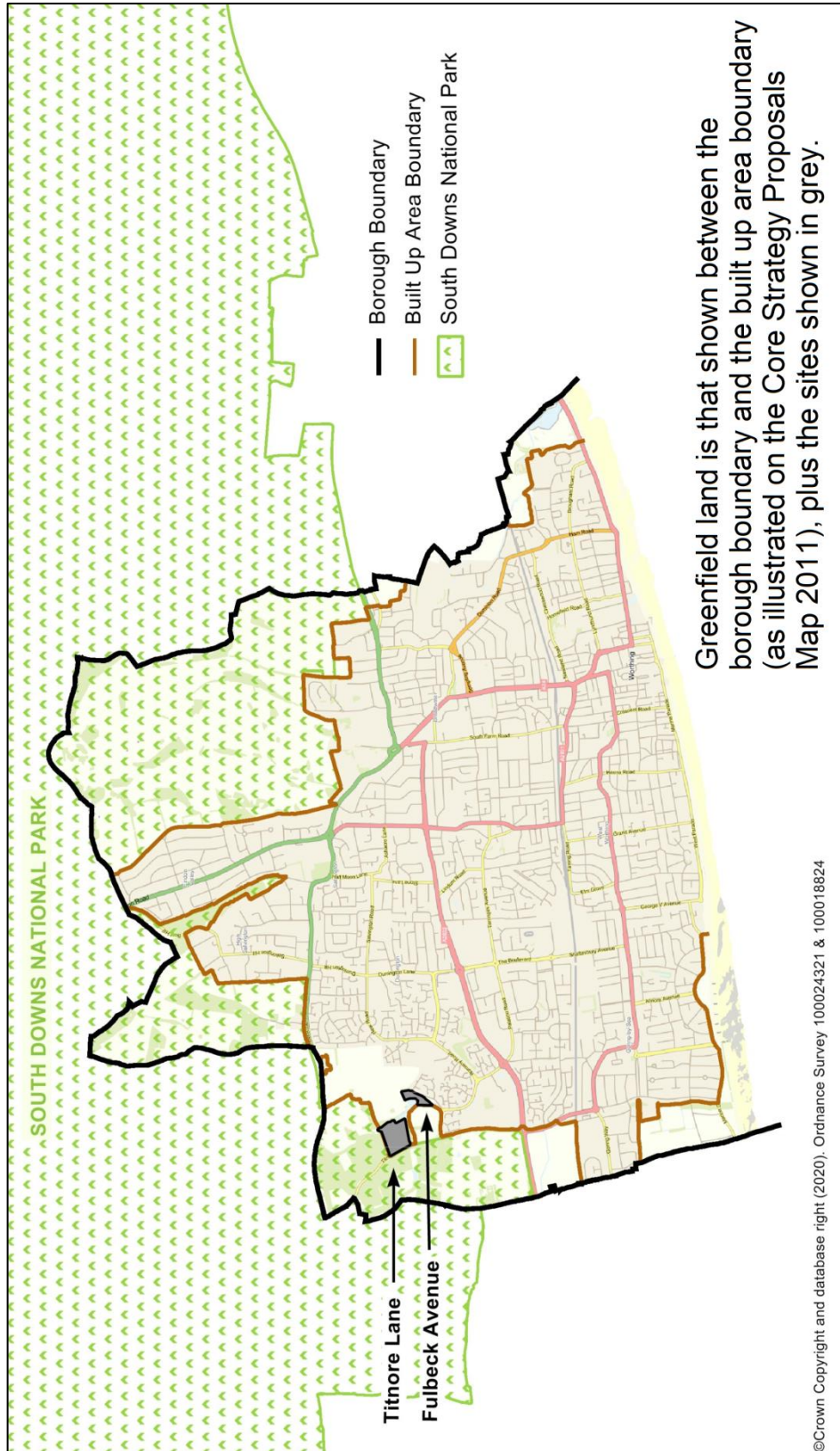
Table 1: CIL charge rates

Use	Development Type	Levy (£/m <sup>2</sup> )
Residential Including retirement/sheltered housing	10 dwellings or less (all dwelling types)	£125
	More than 10 dwellings (excluding Flatted development)	£125
	Flatted development of more than 10 dwellings	£25
	Extra Care Housing	£0
	Greenfield housing development (greenfield land shown on map in Appendix 1)	£200
Retail	Foodstore/Supermarket/Retail Warehousing development (greater than 280 sq.m.)	£150
	Other forms of retail	£0
All other development		£0

*Note: For mixed use schemes on PDL, of more than 10 dwellings, the flatted part of the development would be charged at £25/sq.m. and the housing part of the development would be charged at £125/sq.m.*

The rates above will be index linked to the CIL Index published by RICS, in accordance with Schedule 1 of the CIL Regulations.

## Appendix 1



Note; An online version of the map can be found here;  
<https://www.adur-worthing.gov.uk/maps/worthing-cil-map/>