



ADUR & WORTHING
COUNCILS

23 March 2020

Joint Strategic Committee	
Date:	31 March 2020
Time:	6.30 pm
Venue:	QEII Room, Shoreham Centre, Shoreham by Sea

Committee Membership:

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

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

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 10 March 2020, copies of which have been previously circulated.

3. Public Question Time

To receive any questions from the public.

In order for the Committee to provide the fullest answer, questions from the public should be submitted by **noon on 27 March 2020**.

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services,
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. Adur and Worthing Gypsy & Traveller Encampments - response to the recommendations from the JOSC working group (Pages 1 - 8)

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

6. Worthing Community Infrastructure Levy - Infrastructure Investment Plan (IIP) (Pages 9 - 38)

To consider a report from the Director for the Economy, a copy is attached as item 6.

7. Unlocking Development at Decoy Farm (Pages 39 - 46)

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

8. Use of s106 contributions to improve Widewater Bridge, Lancing (Pages 47 - 52)

To consider a report from the Director for the Economy, a copy is attached as item 8.

Part B - Not for Publication – Exempt Information Reports

None.

Recording of this meeting

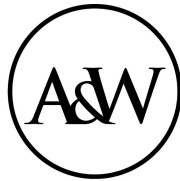
The Council will be voice recording the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

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	Susan Sale Solicitor to the Council and Monitoring Officer 01903 221119 Susan.sale@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
31 March 2020
Agenda Item 5

Key Decision [~~Yes~~/No]

Ward(s) Affected: All

Adur and Worthing Gypsy & Traveller Encampments - response to the recommendations from the JOSC working group

Report by the Director for Communities

Executive Summary

1. Purpose

1.1 To provide a response and recommendations to the Joint Strategic Committee on the recommendations contained within the Joint Overview and Scrutiny working group review of 'Adur and Worthing Gypsy & Traveller Encampments' initially presented to this committee in November 2019.

2. Recommendations

2.1 Recommendation One - Request that a review of the impact and value of the West Sussex Transit agreement is brought before the JSC on a 3 yearly basis, with the next formal review being in 2022.

2.2 Recommendation Two - That the JSC endorses the plan to source member training on these matters to include a refresher on current processes.

2.3 Recommendation Three - That litter bins are not provided at encampment sites

3. Context

- 3.1 In 2019 as part of its work programme the Joint Overview and Scrutiny Committee set up a working group to review the arrangements and protocols that are in place to manage incidents of traveller encampments across Adur and Worthing.
- 3.2 The working group presented its findings to this committee in November 2019, the full report is attached at Appendix A. At that meeting members of the committee requested that a report be prepared to consider and respond to the recommendations.

4. Issues for consideration

- 4.1 The JOSOC report contained 7 recommendations.

Each recommendation is copied here, with an assessment of the impact and issues connected with the proposal and a proposed response for the committee:

4.2 JOSOC Recommendation 1

The Working Group considers that the Councils are receiving value for money for being party to the West Sussex transit site agreement and is pleased with the overall level of service provided by West Sussex County Council as part of this agreement, however, there are concerns that circumstances will change and there will not be value for money further into the agreement with it being a 60 year agreement which is a very long agreement with no proper break clauses.

The Working Group, therefore, calls on the Councils (Director for Communities) to ensure that there is continual ongoing review of the agreement (at least every three years) to ensure that there is value for money and this should be discussed with Members of the Council in a transparent way so that they are aware of the process.

4.3 Response

Officer level meetings occur each year with representatives from all D&Bs, WSCC and the police. The last one took place in 2019 and another will be scheduled for the spring/early summer in 2020. It is therefore proposed that the Head of Service and/or Director provide an update the executive annually and a written review is presented every 3 years to the Joint Strategic Committee. With the next formal review scheduled for 2022.

Unless instructed by members to seek an earlier break clause for the agreement (which has to date worked extremely well) this will not form part of that review

4.4 JOSC Recommendation 2

That the Sussex Police decision to consider 'Partial' evictions as referred earlier in the report be welcomed as a means to helping speed up the process of removing Gypsies and Travellers from unauthorised encampments.

4.5 Response

No further action required - Officers will continue to work with Sussex Police as required under the protocol

4.6 JOSC Recommendation 3

That the Councils review its Officer decision making processes in light of the compliance issues raised in this report and report back on the outcomes of the review.

4.7 Response

It is noted that the Joint Strategic Committee in November 2019 commented that the decisions to enter into this agreement were made by the executive and not officers. Therefore no further action on this point is proposed

4.8 JOSC Recommendation 4

That the Working Group welcomes the Government consultations and plans to tackle illegal Gypsy and Traveller encampments and hopes that the new proposals can be implemented as soon as possible.

[Government announces plans to tackle illegal traveller sites](#)

4.9 Response

In 2019 the Government consulted on proposals to strengthen police powers to tackle unauthorised encampments via changes to the Criminal Justice and Public Order Act 1994. The consultation is now closed and we await further announcements from Government on this matter. No further action at this time.

[Strengthening police powers to tackle unauthorised encampments](#)

4.10 JOSC Recommendation 5

That the Councils undertake a thorough review of all strategic sites to assess if the sites need to be 'hardened' to protect against unauthorised encampments and allocate appropriate capital funding as a priority to undertake the necessary works.

4.11 Response

As part of the annual capital programme review, heads of service and leads are asked to consider these issues. In recent months work has been underway to look at securing Southwick Green and barriers were erected last year at the leisure centre in Southwick. Discussions have also taken place with Impulse Leisure on installing barriers at Lancing Leisure Centre and the practicalities of their operation. These discussions are continuing.

4.12 JOSC Recommendation 6

That the Councils review how it engages with the settled communities and the Gypsy and Travellers when there are unauthorised encampments and to assist with this engagement review, all elected Councillors be offered Gypsy and Traveller awareness training.

4.13 Response

It is agreed that awareness training would be useful and Democratic Services will incorporate a training session into the 2020/21 training programme which will support training on equalities. However specific engagement already forms part of the work commissioned through the joint agreement and is not recommended. It is also suggested that colleagues involved in the processes around this, provide members with a refresher on how this works.

4.14 JOSC Recommendation 7

That the Councils provide litter and refuse bins for use by Gypsy and Travellers when they occupy the sites so as to try and contain the litter and waste and reduce costs associated with additional litter picking.

4.15 Response

Historically litter bins have been misused in areas where encampments are present, and rather than contain the litter, they actually exacerbate the issue. These bins have commonly been filled with bulky waste and rubble in the past. It is recommended that bins are not provided proactively to minimise unscrupulous fly tipping.

5. Engagement and Communication

5.1 Officers from all relevant departments including parks, waste and technical services have been involved in preparing this response.

6. Financial Implications

6.1 The Councils make an annual contribution towards the cost of the transit site of £15,000 per Council.

6.2 There are no unbudgeted financial implications arising from the report.

7. Legal Implications

7.1 Section 77 Criminal Justice and Public Order Act 1994 provides that a Local Authority may give a direction to trespassers to leave the land and remove their vehicles and property from the land. Section 78 of that Act provides that a Local Authority may apply to a Magistrates Court for an Order requiring the removal of any vehicle or property or persons residing on the land in contravention of the direction served pursuant to section 77.

7.2 Part 55 of the Civil Procedure Rules provide that a possession claim against trespassers may be issued in the County Court in order to secure vacant possession of the land.

7.3 The Police have discretionary powers, under s61 and 62A of the Criminal Justice and Public Order Act 1994 to require travellers to leave the land in prescribed circumstances.

7.4 The Joint Strategic Committee considered unlawful gypsy and traveller encampments at its meeting in January 2014 and decided in principle that Adur and Worthing should enter into a multi partnership arrangement for the effective management of unauthorised encampments across West Sussex, delegating decisions to the Strategic Director to agree the details of the multi partnership arrangement.

7.5 The Joint Strategic Committee considered the matter further at its meeting on 2nd December 2014 when they delegated authority to the Director for Communities to approve and enter into the agreement relating to the

management of a Gypsy and Traveller Transit site at Westhampnett and the Enforcement and legal proceedings relating to unauthorised encampments on behalf of Adur and Worthing Councils. A final version of the agreement was not available at the time as negotiations were ongoing between the partners.

7.6 The Multi Partnership Agreement was entered into in 2015. It is for the management of the West Sussex Transit site at Westhampnett and enforcement proceedings in respect of unlawful encampments in Adur and Worthing. The agreement is for 60 years and there is no effective break clause; if Adur and Worthing were to terminate the agreement they would remain liable for costs and repairing obligations until the end of the 60 year period.

Background Papers

- [JOSC Review of Gypsy and Traveller Encampments](#)

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Sustainability & Risk Assessment

1. Economic

Issues considered none identified

2. Social

2.1 Social Value

The issues of how settled communities and travelling communities live side by side is relevant and one which we hope to support proactively in the work that is done as part of the partnership arrangements between the West Sussex districts and boroughs, West Sussex County Council and the Police.

2.2 Equality Issues

Provision of the transit site facility ensures that there is provision for the traveller community.

2.3 Community Safety Issues (Section 17)

These matters are always considered and assessed by the police when there is any encampment. Their decisions are final and will take into account safety of the settled community, and the traveller community, as well as equalities issues.

2.4 Human Rights Issues

The human rights of traveling communities as well as settled communities must always be given equal weight. There are no proposals in this report that would undermine the rights of either community

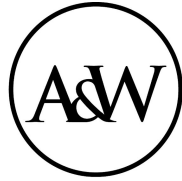
3. Environmental

Whilst litter may not be contained tightly in the short term, fly tipping would be less likely if bins are not provided. Litter clearance would be less time consuming and costly than fly tipped waste.

4. Governance

It is proposed that a 3 yearly review is conducted of these arrangements as contained within the body of the report.

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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
31 March 2020
Agenda Item 6

Key Decision [~~Yes~~/No]

Ward(s) Affected: Worthing ALL

Worthing Community Infrastructure Levy - Infrastructure Investment Plan (IIP)

Report by the Director for the Economy

Executive Summary

1. Purpose

Worthing Borough Council has 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 in October 2015. The Council has overarching responsibility for the allocation of CIL monies and reporting the amount of money collected and spent. This report provides an update on progress made by the Joint Officer and Member Board (JOMB) for CIL Governance and:

- provides an update on the current level of CIL funding collected;
- sets out the Infrastructure Investment Plan (formerly called the Infrastructure Business Plan) which will set out priorities for the spending of CIL;
- sets out the need for a formal review of the CIL charging schedule based on the recent recommendations of the Council's Consultants undertaking a review of the current charging schedule.

2. Recommendations

2.1. The Committee is recommended to:

- Note the progress made by the Joint Officer and Member Board in relation to governance arrangements for overseeing the Community Infrastructure Levy (CIL);
- Agree the Infrastructure Investment Plan (IIP) which will set out the priorities of infrastructure projects to receive CIL funding over the next three years;
- Agree to a review of the CIL charging schedule; and,
- Agree that the Executive Member for Regeneration can approve the Draft Charging Schedule for public consultation.

3. Context

- 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 CIL is now the main way in which WBC collects contributions from developers for infrastructure provision in Worthing. There is, however, still a role for the use of S106 planning obligations, particularly for securing affordable housing provision and some site specific requirements.
- 3.4 As charging authority, Worthing BC has the responsibility for managing, monitoring and reporting on CIL. Although the CIL 'pot' is growing, it is accepted that CIL will not generate enough funds to completely cover the cost of new infrastructure needed to fully support the planned growth. It is clear that there will be many competing demands on CIL funds which means that it is important that a clear and justified process for the spend and prioritisation of CIL is established.

- 3.5 To oversee this process, a Joint Officer and Member Board (JOMB) has been established (see JSC report 01/02/2018). JOMB oversees the governance around the spend of CIL which includes the development of the Infrastructure Investment Plan (previously referred to as the Infrastructure Business Plan) which sets out the priority of infrastructure delivery over a next three year period.
- 3.6 Although CIL has been in place in Worthing since 2015, funds are only now starting to grow as payment becomes due on commencement of liable development. To date, a total of £608k has been collected through CIL. The table below sets out CIL income receipts at February 2020 and how the money has been split in line with the CIL Regulations and governance arrangements previously agreed by JOMB and JSC:

Money in the CIL Pots (as at 17/02/2020) - Total available £584,000

Strategic Pot (70%)	Neighbourhood Pot (15%)	'Other Services' Pot (10%)	Admin Pot (5%)
£425,000	£91,000	£61,000	£7,000 (remaining)

4. Issues for consideration

Infrastructure Investment Plan (IIP)

- 4.1 An Infrastructure Investment Plan (attached as Appendix A) has been prepared alongside the emerging Worthing Local Plan and the associated Infrastructure Delivery Plan (IDP). The purpose of the IIP is to ensure that infrastructure to support growth is provided across the Borough. The IIP focuses on which projects should be prioritised to receive CIL funding from the 'Strategic Pot' (70% of all receipts) over the period 2020-2023. The IIP will be updated each year to reflect the most up-to-date housing trajectory and infrastructure requirements.
- 4.2 Learning from difficulties being faced by other authorities elsewhere it has been agreed by JOMB that a simplified process for prioritising projects to be funded by CIL should be taken forward. The aim is to avoid a long, complicated and resource intensive process of assessing 'bids' for funds.
- 4.3 Although there is some ability to forecast the level of money that may be collected through CIL, the uncertain nature of development means that the IIP

can never be precise about the amount of money that will be available. Hence, the IIP will be kept under review, updated and rolled forward each year to reflect how much money has been collected and how much CIL is predicted to be collected from development. Money will only be allocated to projects if it is in the strategic pot, and will not be borrowed against projected income.

- 4.4 A shared priority of both Worthing BC and West Sussex County Council is 'sustainable growth in the context of climate change', which is the overarching objective of the IIP over the period 2020 to 2023. Informed by this, two main themes have been identified to be the focus for infrastructure funding from the CIL strategic pot; a 'Healthy Town Centre' and 'Managing Strategic Growth'.
- 4.5 A wide range of infrastructure projects come under the two themes, however to achieve the most significant impact it has been deemed appropriate that the CIL money should be used to fund 'large' infrastructure projects that provide a clear and tangible range of benefits to the town and the people who use it. The projects listed in the table below have been identified as key infrastructure projects to be delivered in the next three years, based on the estimated CIL receipts. Further information on each infrastructure project is provided in the IIP.

Strategic Pot	2020/2021	2021/2022	2022/2023
1 st April b/fwd	£532,600*	£143,800	£51,000
Income			
Estimated CIL income	£711,200	£907,200	£2,571,800
Funds available	£1,243,800	£1,051,000	£2,622,800
Expenditure			
IIP001 – Public Realm I) Railway Approach II) South Street III) Portland Road	£650,000	£1,000,000	£2,000,000
IIP002 - Public Wi-Fi for Town Centre(s)/ Seafront	£300,000		
IIP003 – Brooklands Masterplan	£150,000		
Total Expenditure	£1,100,000	£1,000,000	£2,000,000
31st March c/fwd	£143,800	£51,000	£622,800

* Assumes additional CIL received in March

- 4.6 To ensure efficient but robust processes, the IIP establishes a clear and focussed set of priorities that highlight a small number of projects that will best reflect the overarching objectives. However, a degree of flexibility is required to allow for any change in priorities and to reflect the often uncertain nature of the development industry (and therefore the level of CIL receipt). Appendix 2 of the IIP sets out a number of 'live' or longer-terms projects that, whilst not being prioritised in this IIP, do meet many of the overarching objectives. As such, they may be prioritised for CIL funding in subsequent versions of the IIP.
- 4.7 It has been agreed (see JSC report 02/04/2019) that the 'other agencies' pot (10%) would not be opened up to bids until it has reached a sufficient level of CIL receipts (£100,000). At that time, the IIP priorities will be used to assess which projects receive funding. An early potential project which has been identified proposes a new health hub on the Town Hall Car Park, which is a joint project between WBC and various health partners.

5.0 CIL Review

- 5.1 As indicated earlier, CIL has been in place in Worthing since 2015. There is no legal requirement to review CIL on a regular basis, however, the guidance does make it clear that local authorities should ensure that it reflects current market conditions and infrastructure needs. CIL guidance contained within the Planning Practice Guidance (PPG) states that,

'Charging authorities must keep their charging schedules under review and should ensure that levy charges remain appropriate over time. For example, charging schedules should take account of changes in market conditions, and remain relevant to the funding gap for the infrastructure needed to support the development of the area...Charging authorities may revise their charging schedule in whole or in part...The law does not prescribe when reviews should take place'

- 5.2 In view of the need to keep in step with changing market conditions it is generally accepted that the charging schedule should be reviewed within 3 - 5 years of implementation. An updated CIL charging schedule would reflect up-to-date and (arguably) more robust evidence to ensure that the CIL rates continue to support development across the area whilst striking a balance between additional investment to support infrastructure and the potential effect on the viability of developments.

5.3 There were a number of factors indicating the need for the Council to undertake a review of the charging schedule, including:

- ❑ It may no longer reflect the current market conditions (for example, development values and costs);
- ❑ The Planning Committee has heard from a number of developers that the CIL charge, alongside the requirement of 30% affordable housing on site (for sites of more than 15 dwellings) is having a significant impact on the viability of developments;
- ❑ As a first charge on the land the greatest impact has been on the ability to deliver affordable housing on brownfield sites;
- ❑ Officers have been concerned that the Council has been missing out on CIL contributions from the 4 exempt Wards; and
- ❑ A local developer has also challenged why the current charging schedule applies to communal areas in flats and basement parking as this was not assessed as part of the original viability assessments to support the introduction of CIL.

5.4 In view of these issues your Officers commissioned 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 key recommendations are set out below:

- ❑ Beneath the current affordable housing (AH) threshold of 10 dwellings borough-wide – results analysis indicates up to £100 to £125/sq. m. CIL to be supportable in viability terms for all types of residential development (also applicable to any relevant retirement/sheltered housing);
- ❑ Above the current AH threshold of 10 dwellings borough-wide (excluding flats) – results analysis indicates up to £100 to £125/sq. m. CIL to be supportable in viability terms (also applicable to any relevant retirement/sheltered housing).
- ❑ Flatted development borough wide (excluding below the 10-unit AH threshold) – results analysis indicates challenging viability on the whole, and therefore in our view WBC should consider setting CIL at a very low-level or nil rate should charging the schedule be revised short-term.
- ❑ Extra Care Housing – results analysis indicates challenging viability and therefore CIL should be set at a very low-level (nominal) or nil rate.
- ❑ Greenfield housing development – the results clearly show a healthy level of CIL is supportable in viability terms at up to £200/sq.m.

- 5.6 Your Officers have undertaken an assessment of what CIL may have been 'missed' in the 4 CIL exempt Wards (Castle, Broadwater, Gaisford and Selden) and over the last few years and this suggests that approximately £400k could have been raised. Whilst, the Inspector at the CIL Examination felt that the viability of developments within the 4 Wards would affect the ability to collect CIL, the work of our Consultants has clearly indicated that this position has changed.
- 5.7 In relation to greenfield development this was not assessed in any detail when setting the original charging schedule as no development was proposed on greenfields (other than West Durrington where outline permission had already been granted). Now that the emerging Plan is considering additional greenfield sites it would be important to consider increasing the CIL rate for these sites in line with the recommendations of our CIL Consultants. This is particularly important as some greenfield sites are likely to come forward before the new Local Plan is adopted.
- 5.8 In relation to brownfield sites there is a need to undertake further work to assess what rate might be appropriate for redevelopment schemes involving flats. The emerging evidence clearly suggests that the current CIL rate is too high and your Officers will work with our CIL Consultants to test various options.
- 5.9 Informed by the Consultant's final conclusions your Officers will prepare a revised Charging Schedule for CIL to be approved for public consultation by the Executive Member for Regeneration. Representations received will be considered before the Charging Schedule is submitted for independent Examination. If the Charging Schedule is approved (found sound) it would need to be adopted by Full Council to establish the updated CIL charges for liable developments in the Borough.

6.0 Engagement and Communication

- 6.1 The 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.
- 6.2 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.

7.0 Financial Implications

7.1 The additional CIL funding gives the Council the opportunity to invest in much needed infrastructure which would not otherwise be delivered. Overall the Council expects to generate additional and utilise these resources as follows:

	Strategic Pot 70.00% £	Neighbourhood Pot 15.00% £	'Other Services' Pot 10.00% £	Admin Pot 5.00% £	Total £
Balance as at 17/2/2020	425,000	91,000	61,000	7,000	584,000
Receipts due by the year end	107,600	23,060	15,370	7,690	153,720
Amount to be used				-14,690	
Total as at 1/4/2020	532,600	114,060	76,370	0	737,720
Amount generated	711,200	152,400	101,600	50,800	1,016,000
Amount to be used	-1,100,000			-40,770	-1,140,770
Total as at 1/4/2021	143,800	266,460	177,970	10,030	612,950
Amount generated	907,200	194,400	129,600	64,800	1,296,000
Amount to be used	-1,000,000			-41,590	-1,041,590
Total as at 1/4/2022	51,000	460,860	307,570	33,240	867,360
Amount generated	2,571,800	551,100	367,400	183,700	3,674,000
Amount to be used	-2,000,000			-42,420	-2,042,420
Total as at 1/4/2023	622,800	1,011,960	674,970	174,520	2,498,940

7.2 The Council employs an Officer to administer the scheme. This post is funded from the 5% administration share of the CIL generated.

8.0 Legal Implications

8.1 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.

- 8.2 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.
- 8.3 Under the Equalities Act 2010 the Council has a “public sector equality duty”. This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act; to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and to foster good relations between persons who share a relevant protected characteristic and those who do not share it. All decisions on spending CIL will themselves be subject to assessment to ensure the 2010 Act duties are complied with.

Background Papers

- Appendix A - Draft Infrastructure Investment Plan (IIP)
- 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 Expenditure Strategy - September 2019
- Worthing CIL Charging Schedule 2015

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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

- The efficient governance of CIL will ensure that money collected is 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 Council has overarching responsibility for the allocation of CIL monies and reporting of monies collected and spent. The protocols proposed and being taken forward, will enhance the Council's reputation as they will ensure that CIL is managed in an open way and in accordance with the CIL Regulations.
- Without clear and robust governance arrangements being in place, the Council could be open to challenge on the basis of maladministration of CIL funds.
- The efficient 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.



WORTHING BOROUGH
COUNCIL

Community Infrastructure Levy (CIL):
Draft Infrastructure Investment Plan
(IIP)
2020 - 2023

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1.0 Background

- 1.1. This Infrastructure Investment Plan (IIP) covers the Worthing Local Plan area, excluding the parts of the Borough that fall within the South Downs National Park, for which the South Downs National Park Authority (SDNPA) are responsible for. The SDNPA adopted the Community Infrastructure Levy (CIL) in April 2017.
- 1.2. Infrastructure can be funded through a number of different sources, for example:
 - Customer bills - to utility companies to supply the infrastructure to your home
 - Government Funding and Grants - e.g. to help provide school places, and provide road and rail infrastructure.
 - County and Borough Council Capital Investment Programmes
 - Planning obligations - S106 agreements provide infrastructure for site specific mitigation
 - Community Infrastructure Levy - CIL
- 1.3. The IIP will focus on which projects should be prioritised to receive funding from the Community Infrastructure Levy (CIL). As expected, in the early years since the introduction of CIL in Worthing in October 2015 there has been little money collected. However, more recently, the amount of money collected from CIL has steadily increased as larger development projects have been implemented. Therefore, Worthing Borough Council is now at a point where there is sufficient CIL funds to start deciding which projects could receive funding.
- 1.4. The IIP prioritises infrastructure via a three year rolling programme. The IIP programme is updated each year to reflect the most up-to-date housing trajectory and infrastructure requirements across the plan area.
- 1.5. Although there is some ability to forecast the level of money that may be collected through CIL, the uncertain nature of development means that the IIP can never be precise about the amount of money that will be available; it is just the best estimate at any given point in time. As a consequence, the IIP is a 'living' document which will be kept under review, updated and rolled forward each year to reflect how much money has been collected and how much CIL is predicted to be collected from development.

- 1.6. As explained briefly below, when CIL funds are received by Worthing Borough Council (as the collecting authority) the money collected is split into three 'pots': administration costs (5%); the 'local proportion' (15%); and the 'strategic' pot (80%). The CIL Expenditure Strategy, which is available to view on the Council's website, explains in more detail the process surrounding the different 'pots' of CIL funding available:
<https://www.adur-worthing.gov.uk/media/media.155253.en.pdf>
- 1.7 The 'local proportion' (15%) money is allocated to each ward. Community groups, in liaison with the respective ward Members, will be invited to put forward projects that would benefit from funding from this pot. Invitations will only be invited once the individual ward pot has reached around £10,000, as this allows for sufficient funds to be available for projects to 'bid' for. Assessment criteria will be used to help reach agreement on how funds will be allocated. There is freedom placed on how this money will be spent. However, if it is seen as a local priority by the local community, the money collected within this pot could be put towards projects that fall under the listed priorities below.
- 1.8 The 'strategic pot' (80%) forms the main focus of this IIP. For clarity, Worthing Borough Council has agreed to 'top slice' this proportion, so that 70% of all CIL money received is spent on Worthing Borough Council and West Sussex County Council projects. The remaining receipts (10% of total CIL money collected) is allocated to 'other service providers' (such as NHS partners, Police, Ambulance Trust) once that part of the 'pot' has reached £100,000. It is also agreed that the minimum bid for funding from the strategic pot is set at £50,000.

2.0 Purpose of the IIP

- 2.1. The delivery of the right levels and types of infrastructure (such as roads, flood defences, schools, children's playgrounds etc.) is essential to support new homes, economic growth and to protect the environment. One purpose of the IIP is to ensure that infrastructure to support growth is provided across the Borough when and where it is most needed. The IIP also helps to demonstrate how the spending of CIL reflects and responds to Council (Worthing Borough Council and West Sussex County Council) priorities.
- 2.2. The IIP has been prepared by Officers from Worthing Borough Council, with input from West Sussex County Council Officers and from Senior Councillors from each authority.
- 2.3. The Worthing Infrastructure Delivery Plan (IDP) provides an evidence base document to support the emerging Worthing Local Plan in meeting its vision

and the relevant strategic objectives for infrastructure. The latest IDP can be found on the Council's website. The IDP, which also forms one part of the evidence that informs the IIP, identifies the extent of the funding gap. CIL will help to bridge the gap, but won't completely fill it. There will therefore be a need for prioritisation along with exploration of external funding opportunities and innovative approaches to financing which will require strong partnership working arrangements with a variety of infrastructure providers.

- 2.4 Reporting on the spend of CIL money is done through the Infrastructure Funding Statement (IFS) which is to be published on the Council's website each December (from 2020 onwards). The IFS includes the list of infrastructure projects that are to receive CIL funding; a report into the amount of CIL money that has been collected and spent in the previous financial year; as well as a Section 106 report into the developer contributions received and spent in the previous financial year.

3.0 Governance

- 3.1 The primary role of the Joint Officer and Member Board for CIL (JOMB) is to oversee the governance around the spending of CIL, which will include the development of the IIP to help set the prioritisation of infrastructure delivery over a three year period.
- 3.2 The JOMB will agree the draft IIP and recommend the Plan for adoption to the Joint Strategic Committee (JSC) who in turn will, if agreed, recommend the Plan for adoption by Full Council. The governance arrangements were agreed by JSC on the 2nd April 2019.
- 3.3 Once the IIP is approved a detailed request for funding would need to be submitted to the Community Infrastructure Officer (using the form in Appendix 3) and a Cabinet Member report prepared. The Cabinet Member for Regeneration would consider the funding request in relation to the approved IIP and have regard to the delivery timetable of other priority projects and CIL spend available at the time.
- 3.4 As indicated earlier the strategic pot also incorporates 10% of the overall CIL collected to be used by other infrastructure or service providers (e.g. Clinical Commissioning Group (CCG), Police Authority). Unless the IIP identifies a strategic infrastructure project where the Council is working with one of our infrastructure partners, a separate bidding process for other service providers would be undertaken on an annual basis. This would be following the adoption of the IIP and only when the 10% pot exceeded £100,000. Submitted bids

would be considered and evaluated by the CIL Officer Group and a recommendation made to the Cabinet Member for Regeneration.

3.5 The IIP concentrates primarily on the priority projects for the Strategic pot. However, there are separate governance arrangements for assessing the spend requests on community projects – ‘the neighbourhood pot’. An annual bidding process would be undertaken following the adoption of the IIP and when CIL exceeds the threshold of £10,000 in the relevant Ward. A standard application form and guidance notes have been prepared for the local community group or organisation to use. Submitted bids will be evaluated by the CIL Officer Group and proposal will be expected to meet the eligibility and evaluation criteria summarised below:

- the project led by a local community or local organisation, and supported by ward member(s)?
- does the project proposal provide infrastructure in terms of the CIL Regulations neighbourhood fund definition?
- is it a capital project?
- does the project proposal provide evidence of benefits to local communities, residents and businesses?
- will other sources of funding be secured / leveraged in alongside CIL neighbourhood funds?
- what stage of development is the project at?
- what is the plan for sustaining the benefits of the project in the long-term?

3.6 The final decision on the submitted bid would be taken by the Cabinet Member for Regeneration following recommendations from the CIL Officer Group.

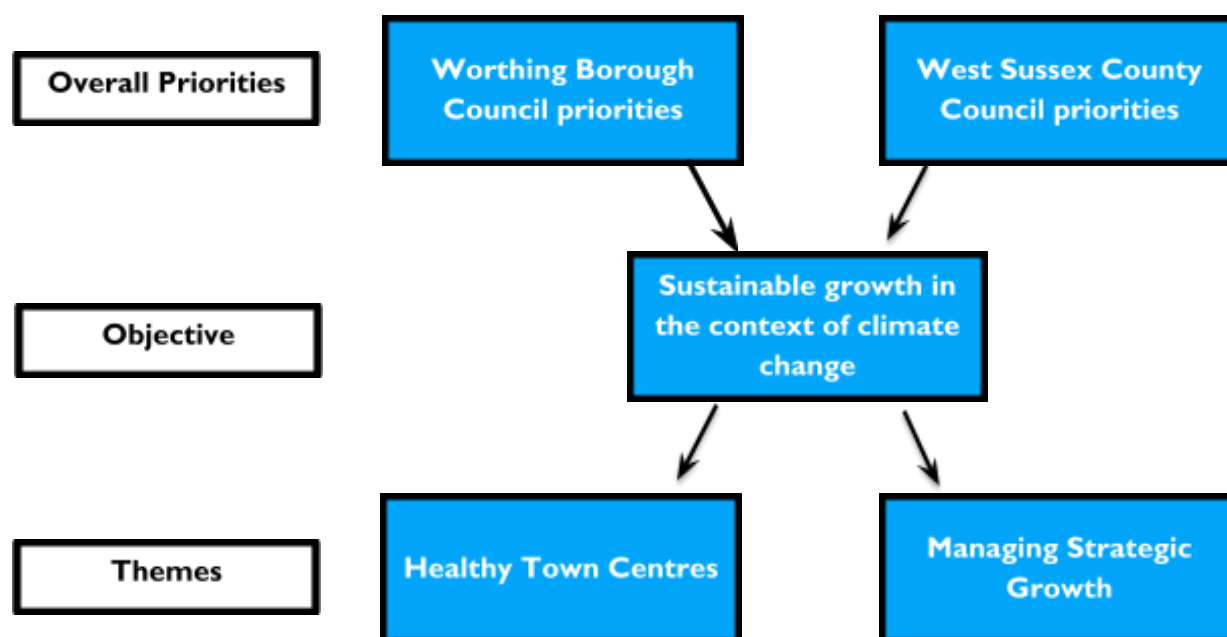
4.0 Prioritisation of Infrastructure Projects

4.1 In order to be able to assess which projects should benefit from CIL funding it is important to assess what are the key priorities of Worthing Borough Council (WBC) and West Sussex County Council (WSCC). At appropriate stages stakeholder consultation will take place to discuss priorities which will help inform which projects are allocated CIL funding.

4.2 A shared priority of both WBC and WSCC is responding to the impacts of climate change whilst at the same time managing and supporting growth. In April 2019 WSCC pledged to work towards making the County Council carbon neutral (net zero carbon emissions by 2030) and prioritised a campaign to encourage residents and businesses to do more to help tackle climate change. In July 2019 Adur and Worthing Councils declared a climate change emergency

which commits the Councils to demonstrate leadership to respond to the climate agenda and aims to see the authorities become carbon neutral by 2030.

4.3 Informed by this overarching objective, for the 3-year period 2020-2023, two main 'themes' have been identified to be the focus for infrastructure funding from the CIL strategic pot (70% of total CIL). As illustrated below, these are 'A Healthy Town Centre' and 'Managing Strategic Growth'. Both of these themes are key goals for both Councils and rest under the overall objective, whilst providing some further focus as to the types of infrastructure projects that could receive CIL funding. An explanation of what is meant by the two themes is given below.



4.4 The key themes have been agreed on the basis of current priorities across both Worthing Borough Council and West Sussex County Council. The themes link in to a number of important policy documents including:

- [Platforms for Our Places¹](#) - plan that sets out Adur & Worthing Councils' ambition for our places' and our communities' prosperity and wellbeing. Five 'Platforms' are identified, three of which (Leadership of our Places, Our Social Economies and Stewarding our Natural Resources) have very close links to key priorities identified in this IBP.
- [Sustainable AW](#) - through this programme, the Councils are committed to protecting and improving the environment in Adur and Worthing and achieve carbon neutral status by 2010. By working with the local community and collaborating with partners, the Councils plan to tackle

¹ An overview of progress against the commitments are available on the Council's website; <https://www.adur-worthing.gov.uk/platforms-for-our-places/>

some of the biggest environmental issues of our time - from climate change, biodiversity loss, clean energy and transport, to poor air quality, water efficiency, water quality, and waste reduction.

- [Draft Local Cycling and Walking Infrastructure Plan \(LCWIP\)](#) & [Walking and Cycling Strategy](#) - Adur & Worthing Councils, with key partners, have been preparing the LCWIP which promotes new and enhanced cycling routes and core walking zones. In addition, the West Sussex Walking and Cycling Strategy is designed to complement the Government's emerging Cycling and Walking Investment Strategy and sets out the County Council's aims and objectives for walking and cycling together with our priorities for investment in infrastructure improvements
- [UN Sustainable Development Goals \(SDGs\)](#) - the emerging Local Plan is likely to incorporate these Goals that will help to achieve a better and more sustainable future for all. They address a wide range of challenges including those related to poverty, inequality, climate change and environmental degradation. For example, United Nations Sustainable Development Goal 9: Industry, Innovation & Infrastructure includes the following target (No. 9.1) "Develop quality, reliable, sustainable and resilient infrastructure, including regional and trans-border infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all".
- [Public Realm Strategy](#) - A key priority for both WSCC and WBC is a public realm improvement strategy focussed on a number of key locations around the town centre. It encompasses streets, parks, squares, pedestrian and cycle routes as a network of interconnected spaces. Good quality public realm, that encompasses streets, parks, green infrastructure and pedestrian / cycle routes is essential in creating environments that people want to live and work in.

4.5 What do we mean by A Healthy Town Centre and Managing Strategic Growth?

- 'A Healthy Town Centre' covers a wide range of issues, including: improving the public realm; helping to deliver key development opportunities; supporting the visitor economy; promoting the use of sustainable transport modes; responding to the changing nature of town centres (less reliance on the retail sector); improving the health of residents and visitors; and supporting growth and diversification.
- 'Managing Strategic Growth' encourages investment into areas and projects where there is a high concentration of development. In addition, it can help to prioritise funding for projects in areas of deprivation and / or where there is an existing or forecast under-provision of infrastructure.

4.6 A wide range of infrastructure projects come under the two themes above. However, to achieve the most significant impact it has been deemed appropriate that the CIL money collected should be used to fund 'large' infrastructure projects that provide a clear and tangible range of benefits to the town and the people who use it. The projects listed in the section below have been identified as key infrastructure projects to be delivered in the next 3 years.

5.0 Estimated CIL Receipts

5.1 The identification of likely cash flow provides an opportunity to review the projects which benefit from funding, based on the prioritisation of infrastructure projects set out above.

5.2 For the purposes of this IBP, an estimation of CIL receipts between 2019 and 2029 has been calculated. This information will be updated as further information becomes available. The trajectory has been informed by the Worthing Core Strategy/draft Local Plan housing trajectory. To ensure infrastructure delivery is aligned with growth, the phasing of development is then linked to its supporting infrastructure.

5.3 Based on a number of assumptions, the estimated CIL receipt income, as of August 2019, can be seen in the table in Appendix 1. Over the 3 year period 2020-2023, the estimated CIL receipt income is just over £6,000,000.

6.0 Priority Projects

6.1 The Councils emerging Public Realm Strategy promotes a step change in the overall quality of public realm. It helps to support the vitality and viability of Worthing town centre by improving access from the railway station, promoting enhanced pedestrian and cycle accessibility and enhancing the overall appearance and attractiveness of the area. This joint infrastructure project with the County Council is dependent on a funding strategy that includes CIL funding. The priority projects identified are:

- *Railway Approach to town centre:* The recent approval for the redevelopment of Teville Gate House to provide a new 5 storey office accommodating 800 staff and the current proposals for the redevelopment of Teville Gate for 370 homes, hotel, retail and commercial floorspace provides an opportunity to deliver significant improvements to the public realm from the railway station through Teville Gate (Station Square) and into the town centre.

- *South Street:* The main route into the town centre and seafront finishes in South Street and feasibility work has assessed 3 options for enhancing both the north and south end of the street to enhance the primary shopping areas and gateway to the pier and seafront.
 - *Portland Road:* As well as the main access into the town centre (via Chapel Road/South Street) the public realm strategy has identified Portland Road as a key pedestrian route into the primary retail area of Montague Street and an opportunity to provide a shared surface enhancing pedestrian access and assisting businesses in the area. The scheme has significant support from retailers and the Town Centre Initiative.
- 6.2 Following the delivery of these priority projects, Worthing Borough Council, jointly with West Sussex County Council, are already considering other public realm improvements to enhance cycling and walking through the emerging Local Cycling and Walking Infrastructure Plan (LCWIP).
- 6.3 The other strategic projects relate to the delivery of public Wi-Fi to the town centre and seafront and the implementation of the Brooklands Masterplan.
- 6.4 Worthing is one of 14 areas to join CityFibres Gigabit City programme, a £2.5billion investment plan to bring full-fibre broadband to at least five million homes. The Council in partnership with the County Council has also secured funding to help deliver additional benefits and in particular to create public Wi-Fi to support key town centres and the seafront. Maximising the digital benefits to the public, businesses and residents is part of an integrated approach to promote healthy town centres.
- 6.5 Brooklands is an important area of public open space which is identified as a priority area for investment. It is Worthing's largest area of open space and provides an important role in the local community providing a wide range of formal and informal recreational activities. Whilst it is anticipated that private sector investment will deliver the formal recreational facilities proposed for the site, the provision of a large play area would help to pump prime investment into the site and therefore there is a need for a contribution of CIL money.
- 6.6 Whilst the above are the key priority projects, the IIP is reviewed and updated on an annual basis, to ensure that the appropriate prioritisation of projects is being taken alongside the CIL income trajectory. The projects that are selected for each financial year are dependent on the amount of CIL money that has been collected. Money can only be allocated if it is in the pot (not borrowed

against projected income). Therefore projects will only be able to spend CIL money that it has been allocated for the financial year.

- 6.7 In addition to the main ‘priority projects’ summarised within this IIP there may be additional CIL funding available for other projects. Each of these projects would need to be evaluated against the overarching objective and themes for funding. However, given the focus established in this IIP it is unlikely that funding from the ‘strategic pot’ would be available for smaller projects within the first 3 years period unless any of the larger infrastructure projects identified are delayed.
- 6.8 To ensure efficient but robust processes this IIP establishes a clear and focussed set of priorities that highlight a small number of projects that will best reflect the overarching objectives. However, a degree of flexibility is required to allow for any change in priorities and to reflect the, often uncertain, nature of the development industry (and therefore the level of CIL receipt).
- 6.9 With this in mind Appendix 2 sets out a number of ‘live’ or longer-term projects that, whilst not being prioritised in this IIP, do meet many of the overarching objectives. As such they may be prioritised for CIL funding in subsequent versions of the IIP, particularly when the next 3 year funding period (2023-2026) is considered. This appendix also includes reference to the new Local Plan and other emerging strategies that will, once adopted, define other priority infrastructure projects across the Borough.
- 6.8 The table below shows the projects which have been selected to be funded from the ‘Strategic pot’ of the CIL income over this three year IIP period (2020-2023). Each project is given a unique code in the title to ensure consistency with reporting.

Infrastructure projects to be funded from ‘strategic pot’

	2020/2021	2021/2022	2022/2023
1 st April b/fwd	£532,600	£143,800	£51,000
Income			
Estimated CIL income	£711,200	£907,200	£2,571,800
Funds available	£1,243,800	£1,051,000	£2,622,800
Expenditure			
IIP001 – Public Realm Enhancements Railway Station to the Town Centre:	£650,000	£1,000,000	£2,000,000

I) Railway Approach			
II) South Street			
III) Portland Road.			
IIP002 - Public Wi-Fi for Town Centre(s)/ Seafront	£300,000		
IIP003 – Brooklands Masterplan	£150,000		
Total Expenditure	£1,100,000	£1,000,000	£2,000,000
31st March c/fwd	£143,800	£51,000	£622,800

Note - figures for the amount of CIL funding for each project are only estimates at this stage as projects are still being developed and costed. The IIP and progress on the projects would, in any event, be reviewed on an annual basis.

6.9 The above expected CIL receipts assume that a number of large developments progress in the three year period, such as Teville Gate and Union Place. If any of the schemes were to be delayed, then the likely amount of CIL receipts available in 2022/23 would be lower than the figures in the table above.

7.0 'Other agencies pot'

7.1 There is currently just over £60,000 in the 'other agencies' (10%) pot. To ensure that the process is efficient, it has been agreed that this pot would not be opened up to bids until it had reached a sufficient level of CIL receipts (£100,000). At that time, the above priorities will be used to assess which projects receive funding in relation to this pot at such a time where the authority has collected the sufficient level of receipts.

7.2 Infrastructure projects provided by 'other agencies' will be prioritised in line with the overarching themes and objectives as described above. The range of 'other agencies' who would be eligible to receive CIL funding from this pot include, but are not limited to, the following:

- NHS Coastal West Sussex Clinical Commissioning Group (CCG)
- South East Coast Ambulance Service NHS Foundation Trust (SECAmb)
- Sussex Police & Crime Commissioner
- Environment Agency

- 7.3 An early potential project which has been identified proposes a new health hub on the Town Hall Car Park. This is a joint project between the Borough Council and various health partners and would provide greatly enhanced health facilities to improve health outcomes for a wide range of residents. It has been identified that there will be a need for a CIL contribution to help ensure a viable project.
- 7.4 Because of the strategic importance of this project it is considered that 10% of the strategic pot should be allocated for the new health hub project, if the scheme comes forward within the next 3 years.

Estimated CIL receipts trajectory

The figures set out in this receipts trajectory table are based on a number of assumptions (set out below). It represents a running total that assumes ‘no spend’. The table will be updated and revised in future iterations of the IIP, particularly once money has been allocated to priority projects.

Financial Year	Total CIL receipts	Strategic Pot (70%)	Neighbourhood Pot (15%)	‘Other Services’ Pot (10%)	Admin Pot (5%)
Carried f/wd	£753,000	£532,600	£114,150	£76,100	£38,050
2020/21	£1,769,000	£1,238,300	£265,350	£176,900	£88,450
2021/22	£3,065,000	£2,145,500	£459,750	£306,500	£153,250
2022/23	£6,739,000	£4,717,300	£1,010,850	£673,900	£336,950
2023/24	£9,110,000	£6,377,000	£1,366,500	£911,000	£455,500
2024/25	£10,011,000	£7,007,700	£1,501,650	£1,001,100	£500,550
2025/26	£10,599,000	£7,419,300	£1,583,850	£1,059,900	£529,950
2026/27	£10,860,000	£7,602,000	£1,629,000	£1,086,000	£543,000
2027/28	£11,052,000	£7,711,200	£1,652,400	£1,101,600	£550,800
2028/29	£11,244,000	£7,870,800	£1,686,600	£1,124,400	£562,200

These projections are based on the following assumptions:

- They are aligned to the housing land supply trajectory set out in the most recently published Annual Monitoring Report (AMR) – which is published each December to cover the preceding financial year.
- An affordable housing rate of 30% has been applied to all major developments
- For previously developed sites (with existing buildings) an adjustment for existing floorspace (50% discount) has been made.
- A 30% discount has been applied to the ‘windfall’ allowance – as some of the dwellings delivered will be self-build and a significant proportion will involve the redevelopment of existing buildings
- Greenfield sites will deliver 3 bed houses @ 90 sqm
- Apartment schemes will deliver 2 bed flats @ 66sqm
- Windfalls will deliver 2 bed houses @ 77 sqm

- Payments have been calculated/phased in line with the Council's adopted Instalment Policy
- No index linking has been applied to account for inflation over time

Potential Future Priority Projects

The table below sets out a number of emerging plans that are identifying new infrastructure projects as well as larger strategic redevelopment projects that, whilst not being prioritised in this IIP, are likely to meet the overarching themes. As such they may be prioritised for CIL funding in subsequent versions of the IIP, particularly when the next 3 year funding period (2023 - 2026) is considered.

Emerging Strategies	Comments
The Local Walking and Cycling Improvement Plan (LCWiP).	The Plan is to be adopted during 2020 and will highlight priority projects for investment to help cycling and walking across the Borough.
Sustainable Transport Improvement Plan (STiP)	This Plan is under preparation and once approved will identify key improvements to encourage more sustainable modes of transport and support new strategic growth.
The new Local Plan for Worthing	The Plan, which is due to be adopted in 2021, will allocate sites for development and be accompanied by a new Infrastructure Delivery Plan (IDP) which will set out the key infrastructure improvements necessary to support sustainable growth.
Future Projects	Comments
Annual Delivery Programme (ADP)	The Annual Delivery Programme sets out highways and transport projects for the coming year. It brings together funding streams from Highway Maintenance and transport Improvement Grants, supported by other external contributions such as development funding and WSCC corporate capital funding. The ADP includes projects from the STiP, Local Transport Investment Programme and Community Highway Schemes. Projects include those that are identified to mitigate specific developments and support development in the area.
Creative Industries	Research has shown that this is a growth sector in the area but there is a lack of affordable floorspace to support and grow this sector in Worthing. It is likely that public sector funding including a contribution from CIL would be required to maximise the employment potential from the creative and cultural sector.
Redevelopment of Leisure Centre, Shaftesbury Avenue	The emerging Open Space, Sport and Recreation Strategy identifies the need to redevelop this site to provide enhanced indoor sport and recreational facilities.

Redevelopment of Grafton Multi Storey car Park	The Council has identified the car park is in need of redevelopment as it is not economic to continue to repair the structure. It is likely that the costs of redevelopment will require some level of public subsidy.
Future School Provision	The emerging Local Plan will increase the town's population and this may require additional education provision including primary and secondary schools and/or expansion of existing schools/facilities.
Coastal Defence	Climate change will require significant investment in coastal defence as sea levels rise.
Regeneration of Worthing Seafront	A number of projects are being considered to enhance the offer of Worthing Seafront to assist the objective of enhancing Worthing's economy and help support the viability and vitality of the town centre. Some of the emerging projects may require pump priming investment.
West Durrington	The urban extension at West Durrington of 700 dwellings has been extended recently by the grant of outline planning permission for a further 240 dwellings. Reserved matters applications have been submitted and there is a need to deliver cycle path links (including to Goring station to improve the sustainability of the site).
Climate Change	A number of community led projects as well as Council led projects (such as rewilding and tree planting) will come forward to help meet the climate change challenge and the Council's commitment to be carbon neutral by 2030.

CIL Funding Request Draft Proforma
Infrastructure Investment Plan period 2020 - 2023

This form should be completed when requesting any expenditure of CIL funds held by Worthing Borough Council, for projects that have been approved CIL funding in the Infrastructure Business Plan period 2020 – 2023.

1. Contact details for this project

Full Name	
Position and organisation	
Address for correspondence	
Phone Number	
Email	

2. Project title & IIP reference

Project Title	
IIP Reference	

3. Project summary

Brief description of the project	
Total cost of project	
Amount requested from CIL	

4. Project details (Part A)

Is the infrastructure Project identified in the adopted Infrastructure Investment Plan?	Yes <input type="checkbox"/> proceed to question 5 No <input type="checkbox"/> continue below
Does the project meet one of the overall themes of the IIP, if so which?	

What other funding has been identified to help deliver the infrastructure project?	
Is the infrastructure necessary to deliver a Local Plan allocation for employment or housing?	

5. Project details (Part B)

Attach Project plan/Project feasibility study/ committee reports/other relevant information	
Date project will start	
Date project will finish	
Key milestones (with anticipated dates)	
Details of how the project will be managed	
Details of who will be responsible for future maintenance	
Likely annual costs of future maintenance	

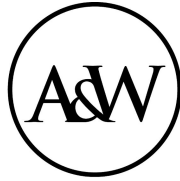
6. Project Costs & Management

Project Breakdown		How the project is funded	
Item or activity	Item/activity cost	CIL Contribution	Other contributions (£amount & source)
Totals	£	£	£

Please remember that CIL can only be spent on infrastructure and cannot be used to fund feasibility studies or investigative work.

7. Confirmation

<p>I confirm that I have been authorised by the organisation to apply for this funding and that to the best of my knowledge all the information I have provided is true.</p> <p>I understand that WBC may use your project as an example to other applicants on how CIL funds can be used.</p>	
<p>Date</p>	



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
31 March 2020
Agenda Item 7

Key Decision [Yes/No]

Ward(s) Affected:

Unlocking Development at Decoy Farm

Report by the Director for the Economy

1. Purpose

- To update Members on the progress made towards the remediation of the former landfill site, Decoy Farm which ensures that the money funded by the Local Enterprise Partnership is spent by the March 2020 deadline.
- To inform Members of the timetable to Remediation works commencing on site including the procurement of a specialist remediation contractor
- To seek the delegation of authority to the Director for the Economy to award the required contracts to enable the works to be carried out.

2. Recommendations

- 2.1 To authorise the Director for the Economy to undertake the procurement and awarding of all contracts necessary to support and enable the remediation works at Decoy Farm the costs for which shall be met from the budgets set out below.

3. Context

3.1 At over 7ha, Decoy Farm is the most significant opportunity to deliver new employment floorspace for Worthing and one of the last remaining large-scale development opportunities in Coastal West Sussex. Our planning framework has always highlighted Decoy Farm's potential as an opportunity for economic growth, but has been equally clear on the need to address some key constraints:

"The land was formerly a landfill area and there is clear evidence of existing contamination and flooding problems. Due to these constraints, and poor accessibility, this site has remained undeveloped and is in need of significant investment to realise its full potential." (pg 70, Adopted Core Strategy, April 2011).

3.2 Made possible by the funding from the Coast to Capital Local Enterprise Partnership, the Council have made significant progress towards the start of on site remediation works, which will finally unlock this site for development, 40 years after lying dormant.

4. Issues for consideration

4.1 Resolving historic contamination

4.1.1 The Decoy Farm project is progressing at pace. With our focus on remediation, our team have undertaken the following:

- Completed the Preliminary Ecological Appraisal and associated surveys. This has informed detailed discussions and reached the conclusion that the remediation of the landfill plateaus does not constitute EIA development. A Screening Request has now been submitted to LPA for their consideration. We are however, continuing with the ecological surveys
- The preliminary archaeological assessment and topographical survey has been completed and the Ground Investigations (GI) team are now on site, as well as updating the GI data from 2014, they are installing continuous gas monitoring. This information will be used directly as part of the works information for the remediation contractor
- Applications have been made to EA for flood modelling, and liaison with Sompting estate as they have much more recent modelling. And to WSCC to assist the Transport assessment, modelling and travel planning

4.2 Timetable

4.2.1 The remediation works are timetabled to commence on site in August 2020. In order for this to take place we shall be continuing with the preparatory works. A high level programme is attached at Appendix 1. Over the next year a significant amount of work will take place to get to the point of a remediation site suitable for industrial development. This includes:

- Receipt of the screening opinion (21 days)
- Ecological surveys will be continuing during this time as will our assessments of potential compensatory land. These will then inform the plan for translocation of species.
- Site specific flood and transport modelling will be concluded, to inform the remediation strategy as well as providing information to the planning and masterplanning teams.
- Once the on-site GI is completed later this month we will have the final analysis report which will support the remediation strategy.
- From these documents we will produce the works information to support the procurement of the remediation contractor to start on site in August.
- Subject to the final results from the GI works, we anticipate cleaning / crushing and reusing a significant proportion of material (approximately 40%) suitable for inert capping material as well as soils for landscaping. We will be recycling a similar proportion (e.g. wood, metal, some plastics). With only a limited amount of material having to be discarded. This cleaning and sorting would happen on site, to reduce the wider disruption to neighbouring areas during the remediation.
- Overall there would be an average of 1m reduction in height across the site.

4.3 Many of these processes will require the Council to enter into contracts with the service provider, including the most significant in financial terms, the contract with the remediation specialist to carry out the on site works.

4.4 We are therefore seeking the Committees agreement for this work to proceed, and for the Committee to delegate the authority to the Director for the Economy to award the required contracts. The costs will initially be paid from WBC funds, with claims made to the LEP quarterly for re-payment in arrears, working with the budget envelope of the agreed £4,844,400 grant funding from the Local Enterprise Partnership.

5. Engagement and Communication

5.1 Since the last report, engagement and communication has been focused on partner organisations, statutory bodies and adjoining land owners. These are critical for the delivery of the remediation works, which have prevented this site from coming forward for many decades.

5.2 This engagement and communication will continue throughout the process, ensuring that at each stage the requirements and obligations placed on the Council to safely and effectively undertake the works are being met.

6. Financial Implications

6.1 The overall budget for Decoy Farm is £4.844m which is funded from a Local Growth fund grant. This is expected to be spent as follows:

	2019/20	2020/21			
	Q4 £	Q1 £	Q2 £	Q3 £	Q4 £
Expected spend	306,770	329,080	1,151,330	1,950,130	1,107,130

6.2 In line with previous Local Growth Fund grants, the Council will claim monies in arrears, providing the LEP with proof of expenditure.

7. Legal Implications

7.1 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.

7.2 S1 Local Government (Contracts) Act 1997 confers power on the local authority to enter into a contract for the provision of making available of assets or services for the purposes of, or in connection with, the discharge of the function by the local authority.

7.3 The Council must ensure that any authorised use and development of the site at Decoy Farm is compliant with any obligation imposed on the Council by the Coast to Capital Grant funding terms and conditions.

7.4 The Grant Funding must also be spent by the Council in a way that does not breach the funding terms and conditions or create any unlawful state aid to any commercial undertaking.

7.5 In procuring for a preferred developer, the Council is required to follow a lawful process as required by its Contract Standing Orders and have regard to the Public Contract Regulations 2015 and the Concession Contracts Regulations 2016. All the terms of the proposed arrangement are to be set out in a fair and transparent manner to all potential bidders.

7.6 Any authorised disposal of the site is to be compliant with s123 Local Government Act 1972 and the Secretary of State's General Consent on Disposals.

Background Papers

- Appendix 1: High Level Programme: Decoy Farm Remediation

Officer Contact Details:-

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Sustainability & Risk Assessment

1. Economic

Through the actions of the Council undertaking the remediation of the site and bringing it back into use, the Council is increasing the supply of land available for employment use. It is making best use of Council assets and bringing brownfield land back into use.

2. Social

2.1 Social Value

Improving the condition of the site and bringing it back in to use for employment use will provide new jobs for the local area

2.2 Equality Issues

Matters considered and no issues identified

2.3 Community Safety Issues (Section 17)

Matters considered and no issues identified

2.4 Human Rights Issues

Matters considered and no issues identified

3. Environmental

The planned remediation of the site will improve the overall condition of the site removing contaminants and hazards from the site.

4. Governance

The decontamination and development of Decoy Farm are identified in the Councils corporate plan (Prosperous Places : Section 1.8.3 Decoy Farm) and Core Strategy as priorities for the Council.

Appendix 1: Decoy Farm - High Level Programme

Decoy Farm Landfill Remediation		2020												2021			
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
ID	Task Name																
1	Remediation																
2	Preliminary Ecological Assessment																
3	Ecology Surveys & Mitigation																
4	Transport Assessment																
5	Topographical Survey																
6	Remediation Strategy																
7	Remediation ES & Planning																
8	Ground Investigation (inc. monitoring)																
9	Contractor Appointment																
10	Remediation																
11	Industrial Development																
12	Development Masterplanning																
13	Securing of delivery partner																

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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
31 March 2020
Agenda Item 8

Key Decision [Yes]

Ward(s) Affected:

Use of s106 contributions to improve Widewater Bridge, Lancing

Report by the Director for the Economy

Executive Summary

1. Purpose

- 1.1 This report seeks authority to release s106 funds to deliver an improvement scheme for the Widewater bridge in Lancing.
- 1.2 The majority of funds are held by the County Council but the scheme requires £103,773 held by Adur District to fully fund the scheme. Whilst, these funds are specifically held for transport improvement schemes as the total exceeds £100,000 the Committee approval to release the funds is required.
- 1.3 The report sets out some of the approval processes already undertaken by the County Council and describes some of the key improvements to be undertaken to improve accessibility to the seafront cyclepath.

2. Recommendations

- 2.1 The Committee is recommended to release £103,773 towards the proposed improvement scheme to Widewater Bridge and approve that this scheme is added to the capital programme.

3. Context

- 3.1 The Widewater bridge has been identified by the County Council as a suitable scheme to improve pedestrian and cycle access between the local community and the seafront cyclepath. The County has indicated that the scheme will offer the following public benefits:
- The current bridge is in poor condition and this single span replacement will be an improvement. The width of the bridge will be improved to enable better pedestrian and cycle access. New foundations will be provided. The project has met its criteria and is considered to be viable.
 - The project will deliver accessibility improvements to the bridge, including disabled access. The gradient of the bridge will be altered from a gradient of 1 in 20 to gradient of 1 in 12 to provide access to the beach.
 - The access steps currently prohibit use of the bridge for some members of the disabled community. There is potential for ramps to be installed and steps to be reduced.
- 3.2 The scheme was originally earmarked for completion during the current financial year but after more detailed feasibility work the scheme was halted on the basis that scheme costs exceeded the available budget. The main reason for the increase in costs was the need to extend and improve the southern embankment. A revised scheme has now been designed which removes the need for the south bank works but still ensures a bridge replacement and reduction in height of the northern approach to Widewater Bridge (Footpath No 3029), ensuring that it is still accessible to everyone and fully compliant with the Disability Discrimination Act (DDA).
- 3.3 The overall scheme cost is £480k, of this £385k is held by WSCC (s106 transport contributions paid directly to the County Council). WSCC has requested the release of £103,773 being held by Adur District as s106 transport contributions to ensure the delivery of the scheme. A drawing attached to the report highlights the works proposed to improve the link to the coastal cyclepath.
- 3.4 The County Council now approves such schemes through the Annual Delivery Programme (ADP). This replaced the County Local Committee approval process. Regarding the consultation and approval process undertaken, consultation support for the Annual Delivery Programme (ADP) was received from the Parish and Local WSCC Member, and signed off by the relevant Cabinet Member.

4. Issues for consideration

4.1 As the level of funding sought from the District Council exceeds £100,000 this is a key decision. To comply with the Council's Financial Regulations the release of section 106 money over £100,000 requires the approval of the Joint Strategic Committee. In view of the significant cost of this scheme your Officers were concerned that it may affect other planned highway improvements and additional information was requested from the County Council and the following information has been provided:

The following represents a list of the other schemes in Shoreham that we are developing through LTIP which are also utilising suitable S106 contributions and other sources of funding. Owing to this, the bridge is not being developed at the expense of other schemes:

<i>Local Transport Improvement Scheme (LTIP)</i>	<i>Status</i>	<i>Indicative Programme</i>	<i>Summary</i>	<i>Information Source</i>	<i>Cost</i>
<i>LTIP0235</i>	<i>Further feasibility work required.</i>	<i>2020/21</i>	<i>Cycle link on southern side of the road to improve cycle links between Shoreham and Brighton & Hove</i>	<i>Sustainable Transport Improvement Plan (STIP) Scheme</i>	<i>£500k</i>
<i>LTIP207</i>	<i>Further feasibility work required</i>	<i>2019/20</i>	<i>New Pedestrian crossing on Old Shoreham Road</i>	<i>s106</i>	<i>£110k</i>
<i>LTIP0015</i>	<i>Further feasibility work required</i>	<i>2019/20</i>	<i>A259/A283 Norfolk Bridge Junction improvement</i>	<i>Shoreham Town Centre Study March 2014, Adur Local Plan and Shoreham Harbour Transport Study</i>	<i>£300 - £400K</i>
<i>LTIP0014</i>		<i>2019/20</i>	<i>Shoreham High Street traffic flow improvements</i>	<i>Shoreham Town Centre Study March 2014</i>	<i>£150 - £200k</i>

4.3 The revised scheme is now within the budget originally set for the project and will make some significant improvements to the bridge and ensure that it improves access for all. Whilst, the costs remain high given that it would not affect other planned highways improvements and has been taken through the County Council approval process, it is considered that the request for the transport funding held by the District Council is agreed to enable this project to proceed.

5. Financial Implications

5.1 Financial regulations require that the release of S106 funding over £100,000 is approved by the Joint Strategic Committee.

5.2 Section 25 of 2003 Statutory Instrument No. 3146 - Local Authorities (Capital Finance and Accounting) regulations 2003 requires that 'the making of an advance or the giving of a grant or other financial assistance to any person, whether for use by that person or by a third party, towards expenditure, which would, if incurred by the authority, be capital expenditure shall be treated as capital expenditure. Consequently, if approved, this scheme will need to be added to the capital programme.

6. Legal Implications

6.1 Section 106(1) of the Town and Country Planning Act 1990 provides that any person interested in the land in the area of a Local Planning Authority may, by agreement, enter into an obligation requiring a sum of money to be paid to the Authority. Section 106(5) provides that the obligation is enforceable by way of an injunction and section 106(11) provides that the obligation becomes a Local Land Charge.

6.2 Adur District Council holds sufficient funds from section 106 monies, for transport schemes, to release this funding for this scheme.

Background Papers

West Sussex Annual Delivery Programme

Local Transport Improvement Plan (LTiP) and Sustainable Transport Plan (STiP)

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Sustainability & Risk Assessment

1. Economic

- The proposal would help the visitor economy by improving accessibility to the Beach and coastal cyclepath.

2. Social

2.1 Social Value

- The improved bridge and access to the Beach and cyclepath will improve accessibility being fully DDA compliant. The proposal would help promote health and wellbeing for the local community.

2.2 Equality Issues

- By providing access for all the scheme will help improve equality.

2.3 Community Safety Issues (Section 17)

- Matter considered and no issues raised.

2.4 Human Rights Issues

- Matter considered and no issues raised.

3. Environmental

- The scheme will enhance access to the Widewater SSSI and help promote understanding of the areas ecological and environmental importance.

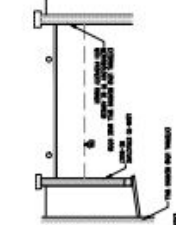
4. Governance

- Addressing disabled access requirements would enhance the reputation of both the County and SDistrict Councils.

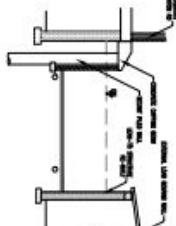
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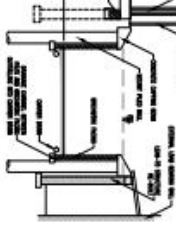
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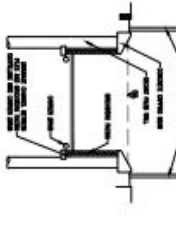
FF-3 WALLS SECTION



CROSS SECTION FF-4



CROSS SECTION FF-5



FF-4 WALLS SECTION

