



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
12 September 2024

Key Decision [~~Yes~~/No]

Ward(s) Affected: Manor, Mash Barn,
Cokeham, Churchill, Widewater, Central,
Selden

Release of s106 funds to the NHS & WSCC

Report by the Assistant Director for Regenerative Development

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Executive Summary

1. Purpose

- 1.1. Adur District Council received £313,249.40 of s106 funds for healthcare provision and Worthing Borough Council have received a total of £229,411.00 of s106 funds for transport provision.
- 1.2. NHS Sussex Integrated Care Board are requesting the utilisation of s106 funds received by Adur District Council for health provision as part of the New Pond Row extension.
- 1.3. The s106 funds have been received as part of the legal agreement for the development at Land East Of Shadwells Road At Mash Barn Estate, Mash Barn Lane, Lancing (New Monks Farm).
- 1.4. This report is seeking approval of the release of the s106 funds to NHS Sussex for the scheme, in accordance with the stipulations contained in the s106 agreement.

- 1.5. West Sussex County Council are requesting the utilisation of (historic) s106 funds received by Worthing Borough Council for implementation of a formalised crossing at Chesswood road making crossing road safer.
- 1.6. The s106 funds have been received as part of a number of historic legal agreements, outlined in the Appendix A.
- 1.7. This report is seeking approval of the release of the s106 funds to WSCC for the scheme, in accordance with the stipulations contained in the s106 agreements.

2. Recommendations

The Joint Strategic Committee is recommended to:

- 2.1. Approve the release of £313,249.40 of s106 funds held by Adur District Council to NHS Sussex as detailed in 3.1 onwards and to approve a budget virement of £313,249.40 from S106 monies for Adur District Council, creating a capital budget of the same amount. Authorising the Assistant Director for Regenerative Development to enter into a Deed of Agreement with NHS West Sussex to release those funds.
- 2.2. Approve the release of £229,411.00 of s106 funds held by Worthing Borough Council to WSCC as detailed in 3.8 onwards and to approve a budget virement of £229,411.00 from S106 monies for Worthing Borough Council, creating a capital budget of the same amount. Authorising the Assistant Director for Regenerative Development to enter into a Deed of Agreement (if required) to release those funds to WSCC.

3. Context

Adur S106 funds

- 3.1. The s106 agreement dated 04/02/2020 under the development AWDM/0961/17 at Land East Of Shadwells Road At Mash Barn Estate, Mash Barn Lane, Lancing (New Monks Farm) contained an obligation for the developer to provide a £500,000 financial contribution to Adur District Council to be used 'towards improvements to healthcare facilities in the parish of Lancing'.
- 3.2. The payment was split into four instalments, based on the occupation of 50% of the dwellings in each of the four residential phases. The first instalment of £152,535.11 was received 20/12/2022 and the second instalment of £160,714.29 was received on 03/08/2023. Therefore, a total of £313,249.40 has been received by ADC from the developer. There is a deadline of 10 years from the receipt of a contribution for it to be spent, as stipulated in the s106 agreement.
- 3.3. A Deed of Variation (DoV) to the s106 agreement dated 13/02/2023 under AWDM/0021/22 superseded the final two payment instalments and revised the wording of the stipulation on how that contribution could be spent. The revised wording was to better reflect the reason for the contribution which is to help cover the costs associated with the relocation of the Medical Centre. The further £250,000.00 financial contribution under the DoV has yet to be received and will be dealt with at a later date once the payment has been received by ADC.
- 3.4. The Adur Infrastructure Delivery Plan (IDP) 2016, which was prepared alongside the Adur Local Plan 2017, in section C lists the infrastructure requirements needed to meet the needs generated by the development proposed with the Adur Local Plan and to ensure that infrastructure is properly planned for and delivered in line with the identified requirement.
- 3.5. In relation to the New Monks Farm development planned for in the Adur Local Plan 'Extension / improvements to Lancing Health Centre' was included as being required to meet demand arising from the development. It was noted that this would be reviewed following publication of the NHS CCG Strategic Estates Plan.
- 3.6. Healthcare provision (specifically "Extension or new Medical Facility to serve the development") was included in the s106 Heads of Terms in the Committee Report for the application AWDM/0961/17.

- 3.7. As negotiations on the s106 agreement continued, the terminology of “improvements to healthcare facilities in the parish of Lancing” was agreed as the basis for how the financial contribution should be used.

Worthing S106 funds

- 3.8. West Sussex County Council (WSSCC) have requested the transfer of a total of £229,411.00 of s106 funds which are held by Worthing Borough Council for their Chesswood Road Crossing Improvements scheme, which has a total cost of £300,000 and is being implemented in 2024/25.
- 3.9. The s106 receipts come from a total of 30 s106 agreements which have been signed over a number of years. The table in Appendix A shows from which developments the s106 receipts have been received.
- 3.10. The Worthing Infrastructure Delivery Plan (IDP) 2021, which was prepared alongside the Worthing Local Plan 2023, in section C lists the infrastructure requirements needed to meet the needs generated by the development proposed in the Worthing Local Plan and to ensure that infrastructure is properly planned for and delivered in line with the identified requirement.
- 3.11. Included under ‘Walking and Cycling’ improvements are “quiet routes including locations in East Worthing to connect businesses and schools”, which can include the implementation of a formalised crossing at Chesswood road making crossing road safer, which is very near to Chesswood Middle School.
- 3.12. In 2020, Adur & Worthing Councils adopted the Local Cycling and Walking Infrastructure Plan (LCWIP). The plan highlights walking areas and potential cycling routes which would increase active travel and create a cohesive system of walking, wheeling and cycling infrastructure.
- 3.13. The [Local Cycling and Walking Infrastructure Plan \(LCWIP\) addendum - Prioritisation](#) highlights sections of routes within the original LCWIP. These prioritised areas link schools, green spaces and transport networks to facilitate active travel in key areas.

- 3.14. Included in the Worthing 'Walking & Wheeling Zones' is the 'East Worthing Zone' which includes East Worthing Station, St Andrews High, Chesswood Primary, Davison High & Lyndhurst Primary. The issues to be addressed in this area include 'Crossing provision'. Therefore, the WSCC scheme for Chesswood Road Crossing Improvements aligns with the AWC ambitions set out in the LCWIP.

4. Issues for consideration

Adur S106 funds

- 4.1. Since the s106 contributions were received, discussions have been held between ADC officers and the NHS Sussex Integrated Care Board (previously known as the Clinical Commissioning Group, CCG) on how the c.£313k s106 funds could be best utilised in the Parish of Lancing.
- 4.2. The GP surgeries in the Parish of Lancing include:
- New Pond Row Surgery, 35 South Street, Lancing
 - Ball Tree Surgery, Kingfisher Site, 19-21 Culver Rd, Lancing
 - The Orchard Surgery, Penstone Park, Lancing
- 4.3. The main Ball Tree Surgery site at Western Road North, Sompting is located outside of the Parish of Lancing but serves residents of Lancing as well as Sompting. However the s106 funds cannot be used at this site due to the stipulations of "healthcare facilities in the parish of Lancing".
- 4.4. Therefore, it is proposed that the s106 funds should be used to part fund the work recently completed at New Pond Row Surgery in Lancing under the planning application AWDM/0318/16¹ for a 'single-storey extension to the north side of the existing doctors surgery'.
- 4.5. The scheme comprises a series of functional spaces to enhance the range and quality of services offered by the surgery, including treatment and consulting rooms. It has helped to improve the offer of healthcare provision (specifically GP practice) in Lancing, which will be impacted by the new homes being built at New Monks Farm. This

¹ Details of the planning application can be found [here](#) by searching for the ref AWDM/0318/16.

scheme needed to be brought forward before the receipt of the s106 funds, due to the timeframe around receiving the s106 funds at the relevant trigger points stated in the agreement.

- 4.6. This scheme ties in with the NHS Sussex Integrated Care Board timeline for the upgrade to GP provision in Sompting and Lancing. If the funds were not used for this scheme, then there would be the potential for the spend deadline to pass before another suitable scheme comes forward which the funds may be used for.

Worthing S106 funds

- 4.7. Historically, transport contributions were paid to Worthing Borough Council, however, more recent s106 agreements have stated that transport and highways contributions should be paid straight to West Sussex County Council, as the highways authority.
- 4.8. West Sussex County Council are installing signal-controlled pedestrian crossings on all four arms of the crossroads junction formed by Chesswood Road with Ladydell Road in Worthing. The need to provide crossings at this location was identified by the Chesswood Junior School and Davison Girls School as a high priority within their travel plans.
- 4.9. The finalised scheme has been included into the WSCC Local Transport Improvement Programme for delivery in 2024-25.
- 4.10. Many pupils of Chesswood Junior School and Davison Girls School walking to school need to cross the road at the junction of Chesswood Road and Ladydell Road. The northern arm of Ladydell Road gives access to the Ladydell railway footbridge which is a main pedestrian route to both schools and there is also a rear access to Chesswood Junior School on this length of road. Installing a signal-controlled junction and pedestrian crossing facilities at this location will provide a safe crossing point for local residents and in particular school children walking to Davison and Chesswood schools, as well as those travelling further to St Andrews Secondary, Springfield and Lyndhurst Infants schools.
- 4.11. The installation of traffic signals is also intended to improve safety for cyclists at the junction. The crossing will incorporate dropped kerbs and tactile paving.

- 4.12. If the funds were not used for this scheme, then there would be the potential to wait for another suitable scheme to come forward which the funds may be used for. However, this might prevent the Chesswood Road Crossing Improvements from being finalised due to lack of funding.

5. Engagement and Communication

- 5.1. Discussions between Officers at ADC and the NHS Sussex Integrated Care Board take place on a regular basis to discuss the planned provision of healthcare facilities in Adur. Included in these discussions are the utilisation of any forthcoming s106 funds.
- 5.2. Discussions between Officers at WBC and WSCC take place on an ad-hoc basis to discuss the planned infrastructure provision in Worthing. WSCC officers attend the CIL Board meetings to discuss the potential to use CIL Strategic funding on any prioritised WSCC projects.

6. Financial Implications

- 6.1. Financial regulations require that the release of S106 funding be approved by the Joint Strategic Committee where it is in excess of £100,000.
- 6.2. 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 funding will need to be recognised in the capital programme.
- 6.3. s106 funds are held by both Councils' in relation to these transfers and therefore there are no revenue or capital financing implications to be considered.

7. Legal Implications

7.1 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.

7.2 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

7.3 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.

7.4 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 - List of s106 receipts requested by WSCC for the Chesswood Road Crossing Improvements](#)
- [AWDM/0961/17 - s106 agreement](#)
- [AWDM/0961/17 - Committee Report](#)
- [AWDM/0318/16 - New Pond Row proposed ground floor plan](#)

Sustainability & Risk Assessment

1. Economic

- Use of the ADC s106 funds to improve the healthcare facilities in the Parish of Lancing will help to improve our economy and meet the demand for GP appointments.

2. Social

2.1 Social Value

- Improvements to healthcare facilities in Lancing will bring a social benefit to the residents of Adur.
- Improvements to walking and cycling infrastructure in Worthing will bring a social benefit to the residents of Worthing.

2.2 Equality Issues

- Matter considered and no issues identified

2.3 Community Safety Issues (Section 17)

- Use of the WBC s106 funds to improve the pedestrian crossing at the junction of Chesswood Road and Ladydell Road will improve the safety of children and adults crossing the road, particularly during the school run.

2.4 Human Rights Issues

- Matter considered and no issues identified

3. Environmental

- Matter considered and no issues identified

4. Governance

- This proposal helps to meet the strategies included in the adopted Adur Local Plan and Adur Infrastructure Delivery Plan (IDP) 2016.
- This proposal helps to meet the strategies included in the adopted Worthing Local Plan and Worthing Infrastructure Delivery Plan (IDP) 2021.