



# ADUR DISTRICT COUNCIL

## Infrastructure Funding Statement (IFS)

2021 – 2022

November 2022



ADUR DISTRICT  
COUNCIL

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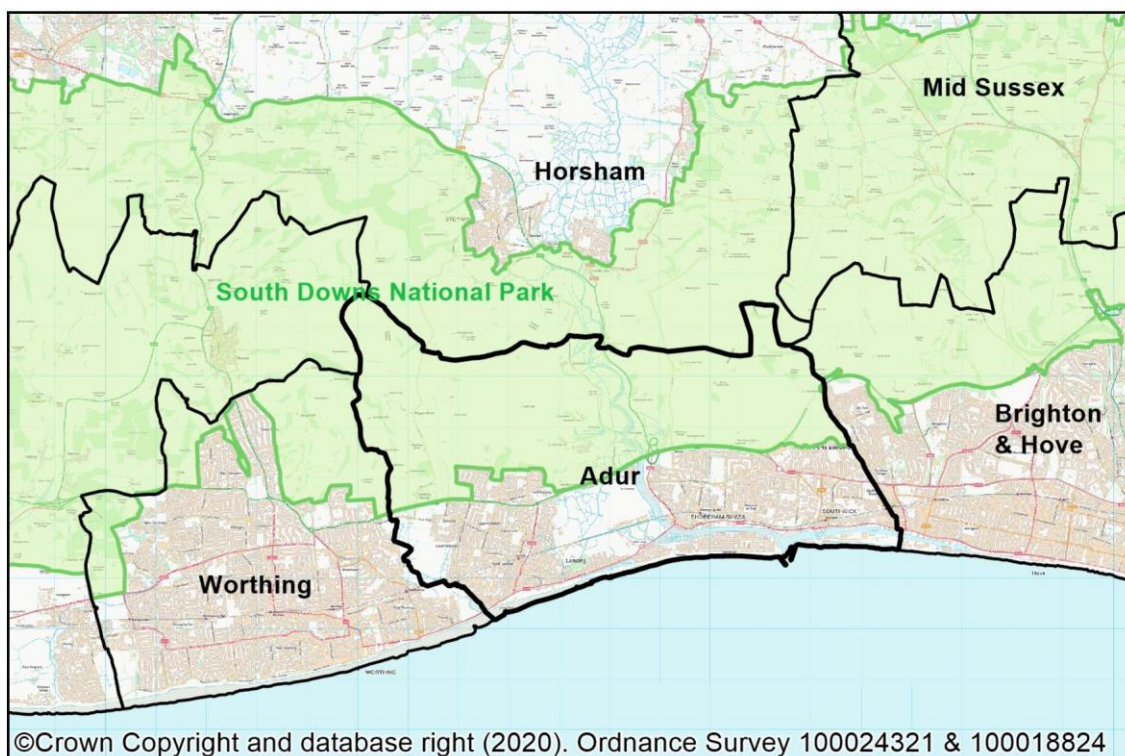
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# Introduction

The Infrastructure Funding Statement (IFS) is an annual report typically published in December, which provides a summary of all financial and non-financial developer contributions relating to section 106 Legal Agreements (s106) within Adur District<sup>1</sup> for a given monitoring year. The first infrastructure funding statement was required to be published by 31st December 2020, with subsequent statements published at least annually thereafter. This annual report reflects the monitoring year from 1st April 2021 to 31st March 2022.

Figure 1: Map of Adur District



Throughout the IFS there will be references to the following definitions:

- **Agreed** – Contributions that have been agreed within a signed legal document. These contributions have not been collected or delivered and if the planning applications are not implemented they will never be received
- **Secured** – Contributions which have been ‘triggered’ in accordance with the signed legal agreement
- **Received/Collected** – Contributions received, either non-monetary or monetary, by Adur District Council (ADC)
- **Transferred** – Contributions that have been received by ADC and transferred to another agency (e.g. West Sussex County Council)

<sup>1</sup> Excluding the area covered by the South Downs National Park – that area is covered by the SDNP Infrastructure Funding Statement

- **Allocated** – Contributions that have been received by ADC and committed to specific infrastructure projects
- **Spent/Delivered** – Monetary or non-monetary contributions that have been spent on specific infrastructure projects, or used to deliver infrastructure projects
- **The monitoring year 2021/22 (the last monitoring year)** - unless stated otherwise, this refers to the period 01/04/2021 – 31/03/2022

The government published a Levelling Up and Regeneration Bill in May 2022 which includes plans to partially replace the current developer contributions (s106 and CIL) with a new 'infrastructure levy'. If implemented, this would be the means by which developers would contribute towards the cost of the additional infrastructure needs to the local area caused by the development. Until such a time that it is in place, the Council has an obligation to report on planning obligations for the last monitoring year.

## Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a fixed, tariff-based planning charge, which allows Local Planning Authorities (LPAs) to require developers to pay a levy on liable development (per square metre). CIL is designed to recognise the costs to LPAs in providing infrastructure to support the cumulative impact on infrastructure from development. It is a mechanism to secure financial contributions from developers on certain liable developments and CIL monies can be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the area.

LPAs can determine whether or not to introduce the levy and the rates used for different development types, informed by viability of development in the area. CIL Rates must be set out via a published charging schedule. Adur District Council (ADC) does not currently have a CIL Charging Schedule in place. As such, developer contributions are sought solely via section 106 planning obligations. Therefore, there is no need, at the current moment in time, to produce an Infrastructure List (a statement of the infrastructure projects which the charging authority intends may be wholly or partly funded by CIL) or a CIL report (on matters specific to CIL in relation to the previous monitoring year) as part of the IFS.

Should the situation regarding CIL in Adur change, information will be uploaded to the Council's website, at:

<https://www.adur-worthing.gov.uk/planning-policy/adur/adur-developer-contributions/#adur-cil>

## Section 106 Planning Obligations

Planning obligations under section 106 of the Town and Country Planning Act 1990 (as amended) are commonly known as section 106 (s106) agreements. S106 contributions can either be provided on-site, for example through the provision of affordable housing, or off-site in the form of financial payments. Obligations can only be sought where they are directly related to the development, fairly and reasonably related in scale and kind to the development,

and necessary to make the development acceptable in planning terms, in accordance with Regulation 122 of the CIL Regulations (as amended). S106 agreements should be focused on addressing the specific mitigation required by a new development. Whereas CIL, if adopted, is designed to address the broader impacts of development. For a number of reasons developers do not implement all planning permissions and therefore if a planning permission is not implemented, the associated section 106 agreement will not be implemented.

Financial planning obligations contained in an s106 agreement tend to include details on the specific purpose the money can be spent on. A timeframe for the spend of s106 funds is often set in the agreement, meaning that the LPA will have to pay back any unspent financial contributions at the end of the timeframe. County Council contributions, for the provision of services such as education, highways, fire and libraries will be collected by West Sussex County Council (WSSC). Contributions relating to WSSC will not be reported on in the ADC IFS, but can be found in the IFS produced by WSSC;

[www.westsussex.gov.uk/roads-and-travel/information-for-developers/section-106-planning-obligations/#infrastructure-funding-statement](http://www.westsussex.gov.uk/roads-and-travel/information-for-developers/section-106-planning-obligations/#infrastructure-funding-statement)

## **Section 278 Highways Agreements**

Additional legal agreements that can fund infrastructure are section 278 Agreements (s278). These are legally binding agreements made under the Highways Act 1990 between Local Highway Authorities and Developers. S278 agreements are required to secure alterations or improvements to the highway. The works may include minor highway realignments, roundabouts, traffic signals, passing bays etc. Contributions towards mitigation on the Strategic Road Network by individuals or groups of developments are dealt with via section 278 of the Highways Act 1980, not via CIL or s106. Information on section 278 highways agreements can be found on the West Sussex County Council (WSSC) webpage;

[www.westsussex.gov.uk/roads-and-travel/information-for-developers/road-agreements/](http://www.westsussex.gov.uk/roads-and-travel/information-for-developers/road-agreements/)

It has been agreed that West Sussex County Council will report on the section 278 agreements entered into in Adur in their Infrastructure Funding Statement (IFS):

[www.westsussex.gov.uk/roads-and-travel/information-for-developers/section-106-planning-obligations/#infrastructure-funding-statement](http://www.westsussex.gov.uk/roads-and-travel/information-for-developers/section-106-planning-obligations/#infrastructure-funding-statement)

## Section 106 report

The following information is presented in order to comply with the CIL Regulations (as amended in 2019) on the reporting of section 106 Agreements (s106) for the monitoring year 2021/22. It sets out how much s106 has been collected, where it has been allocated to and how it has been spent. It includes both monetary and non-monetary contributions. **Please note that in most cases education, libraries, fire and some transport contributions are paid to and are spent by West Sussex County Council (WSCC) and are therefore not included in this report. This information can be found [here](#).**

Table 1: Overview of section 106 contributions agreed, received and spent in 2021/22<sup>2</sup>

Description	Amount	Further Information
Total amount of money which may be provided under any planning obligations which were entered into during 2021/22 <sup>3</sup>	£15,000.01 <sup>4</sup>	The monies are not a guaranteed income source and should therefore not be relied upon for forecasting purposes as the payment is contingent upon relevant triggers set out in the section 106 agreement.
The total number of affordable housing units agreed under any planning obligations which were entered into during 2021/22	22 affordable housing units	These will be secured and delivered at agreed points before, during or after the completion of the relevant developments.
Total amount of money under any planning obligations which was received during 2021/22 <sup>5</sup>	£185,026.86	Details are set out in the 'S106 received' section on pg. 15.
Total amount of money under any planning obligations which was received before 2021/22 which has not been allocated <sup>6</sup>	£197,211.55	Over £51,000 is required to be used to deliver Open Space and Leisure projects - but is waiting to be formally 'allocated' for spending or passed on to an infrastructure provider.
Total amount of money under any planning obligations which was	£53,162.47	Details are set out in the 'S106 allocated and unspent' section on pg. 17.

<sup>2</sup> Note that this only includes contributions which relate to ADC, not WSCC

<sup>3</sup> Schedule 2, Paragraph 3(a)

<sup>4</sup> Includes a conditional contribution which has not yet been calculated

<sup>5</sup> Schedule 2, Paragraph 3(b)

<sup>6</sup> Schedule 2, Paragraph 3(c)



allocated, but not spent, in 2021/22 <sup>7</sup>		
Total amount of money (received under any planning obligations) which was spent by the authority in 2021/22 <sup>8</sup>	£75,669.85	This includes transferring it to another body to spend (e.g. West Sussex County Council)
Total amount of money received (under any planning obligations) during any monitoring year which was retained at the end of 2021/22	£691,639.88	Of this amount, £326,851.47 has been 'allocated' to infrastructure projects.

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<sup>7</sup> Schedule 2, Paragraph 3(e)

<sup>8</sup> Schedule 2, Paragraph 3(f)

## Monetary contributions agreed

In the monitoring year 2021/22:

- 536 planning applications were permitted, of which 8 were major applications
- Four applications contained signed section 106 agreements
- This is an increase from the two section 106 agreements signed in 2020/21

Note that a number of other planning applications were approved at Planning Committee during 2021-22, but the s106 legal agreement is yet to be signed off. These will be reported on in future versions of the IFS.

The table below provides more information on the monetary contributions which have been included in the section 106 agreements which were entered into by Adur District Council (ADC) in the 2021/22 monitoring year. These will be secured and delivered at agreed points before, during or after the completion of the relevant developments.

**Table 2: Details of monetary contributions included in section 106 agreements entered into by ADC in 2021/22<sup>9</sup>**

Planning Ref	Site Address	Date of s106	Contribution	Purpose of contribution
AWDM/1281/19	Mannings, Surry Street, Shoreham-By-Sea	14/10/2021	£15,000	Improvement of the Ham Road Recreation Ground, Shoreham
			Conditional Contribution <sup>10</sup>	Air Quality measures in the Shoreham Air Quality Management Area or within 500 metres of the Site

More details on the planning obligations contained in Table 2 can be found in the 'Case Study' section below.

<sup>9</sup> Some transport contributions are sent directly to West Sussex County Council, so would not be reported as received by ADC in future years

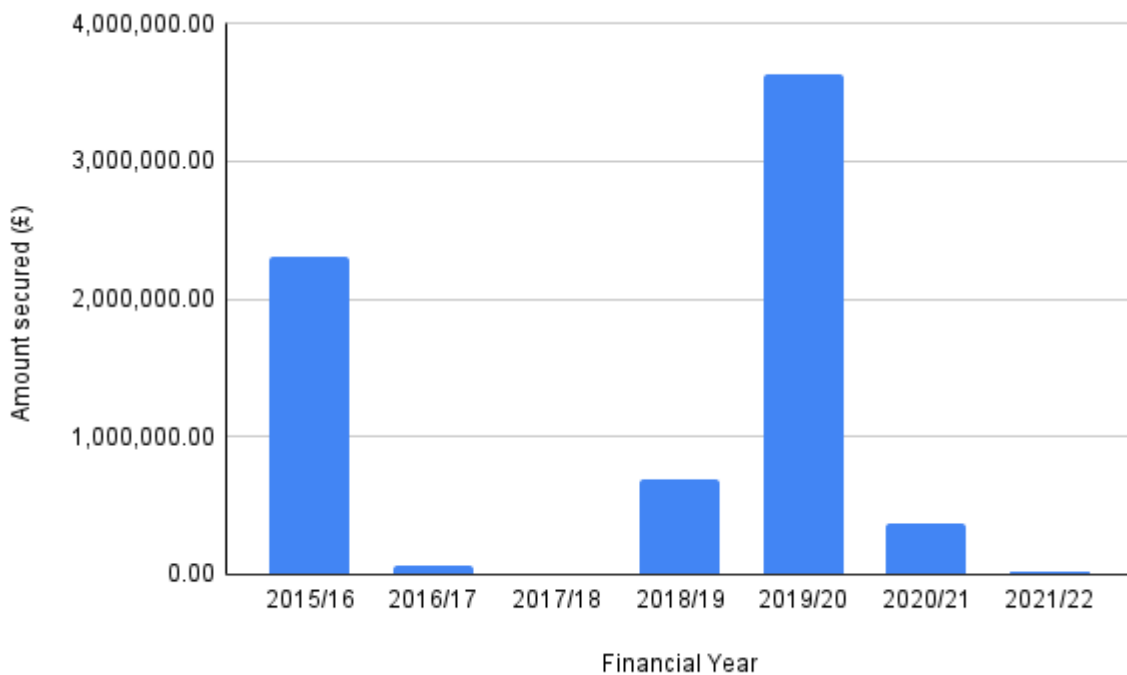
<sup>10</sup> Dependent on the outcome of an Air Quality Emissions Mitigation Assessment

During this monitoring year:

- A total of around £15,000<sup>11</sup> was secured through s106 agreements by ADC
- The majority of these contributions relate to Open Space and Leisure

The graph below indicates the amount of money secured through s106 agreements by ADC in previous years<sup>12</sup>.

Figure 2: Total potential value of section 106 financial contributions included in agreements entered into by ADC in each monitoring year<sup>13</sup>



<sup>11</sup> Note that this is an estimates amount that could be received and is dependent on a number of factors, including conditional contributions

<sup>12</sup> Note that some of the contributions may appear in multiple years where agreements have been varied under a Deed of Variation in subsequent years

<sup>13</sup> Note that this only includes contributions which relate to ADC, not WSCC

## Non-monetary contributions agreed

The table below sets out the non-financial contributions which have been included in s106 agreements entered into by ADC during 2021/22<sup>14</sup>. These will be secured and delivered at agreed points before, during or after the completion of the relevant developments.

**Table 3: Details of non-financial contributions included in section 106 agreements entered into by ADC during 2021/22**

Planning Ref	Site Address	Date of S106	Contribution	Details
AWDM/1281/19	Mannings, Surry Street, Shoreham-By-Sea	14/10/2021	22 Affordable Dwellings	17 Social Rent and 5 Intermediate Housing. To be provided as part of the development
			District Heat Network	All dwellings to be connected to a centralised, communal wet system for space heating and hot water
			Car Club	Includes at least one car club vehicle on the site

Other site or development specific requirements, including net proceeds of sale, occupancy restrictions, details of management companies, provision of street furniture, schedule of specific works, highways and general estate management matters are not listed within the table above.

<sup>14</sup> Schedule 2, Paragraph 3(d)(i) - (ii)

## Case Study – The Mannings, Surry Street Development

The contributions contained in the s106 agreement for AWDM/1281/19 relate to the application for 74 residential flats on the site known as The Mannings, in Shoreham-by-Sea. The application was granted in October 2021 upon the signing of the s106 agreement. The proposals see the demolition of the existing 4-storey residential block which had areas that were starting to deteriorate due to age and weather. As a result the building suffered from significant heat loss and water penetration.

The replacement building will range in height from three to six storeys and provide 74 residential units comprising 28no. one-bedroom, 40no. two-bedroom and 6 no. three-bedroom units. Also included are 27 car parking spaces, 3 of which are wheelchair accessible, 86 cycle parking spaces, communal amenity roof gardens, and improved public realm.

The s106 agreement includes the provision of 22 affordable housing units to be provided on site. 75% are to be affordable rent units, with 25% intermediate housing. However, the entire block will be provided as affordable housing, with a net gain of 34 units. The current proposed mix is for 17 social rent and 57 shared-ownership homes. The developer Southern Housing, who are a local registered provider, are helping to meet the need for affordable housing in Adur.

A £15,000 contribution towards the improvement of the Ham Road Recreation Ground, Shoreham-by-Sea is also included in the s106 agreement. There is also an obligation to connect all dwellings to a centralised, communal wet system for space heating and hot water, procure the establishment and promotion of a Car Club for the benefit of the occupiers of the dwellings and provide an air quality emissions mitigation assessment.

Further contributions are to be made to West Sussex County Council (WSCC), including a contribution of £37,400 towards the cost of cycle route improvements to the A259. As part of the agreement, the developer will also pay a £3,373 library contribution and a £269 fire service contribution.

Figure 3: Artists impressions of The Mannings development (Credit: Southern Housing Group)



## S106 received

The Council received a total of £185,026.86 in s106 financial contributions during 2021/22, which came from two developments. 83% of the contributions received relate to the provision of open space and leisure in Adur. There were also two non-financial contributions received in the form of affordable housing.

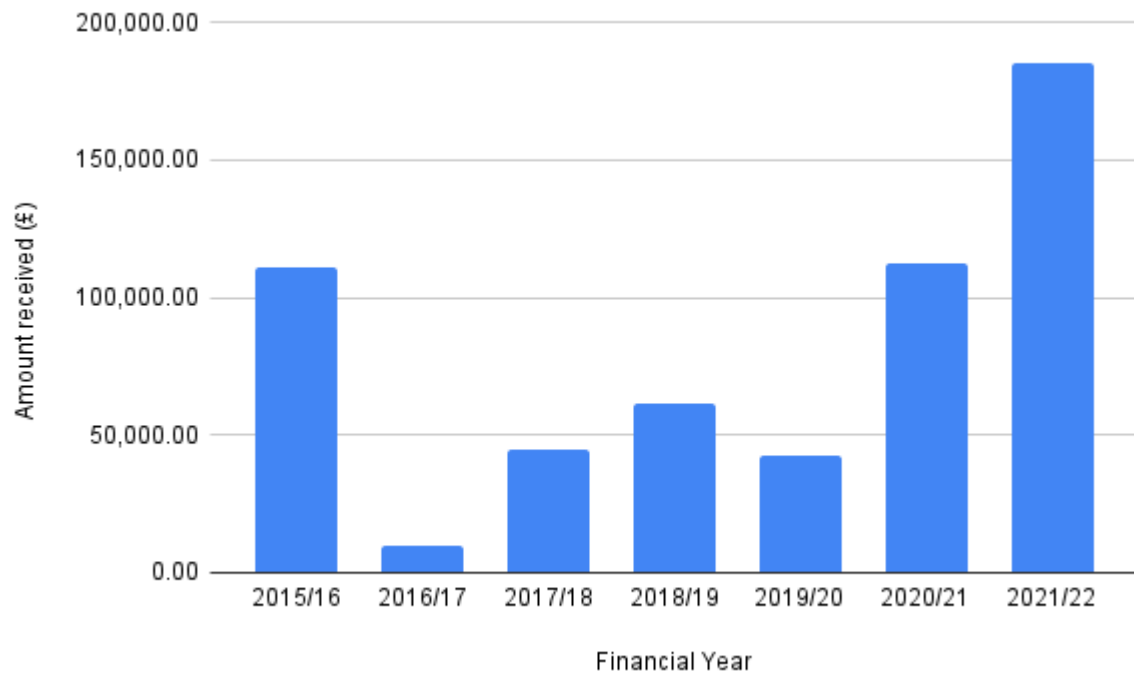
Table 4: Section 106 contributions received by ADC during 2021/22<sup>15</sup>

Planning Ref	Site Address	Amount of s106 received	Category of expenditure
ADC/0287/09	Redundant West Part, Southlands Hospital, Upper Shoreham Road, Shoreham-by-Sea	£17,450.00	Play area equipment
		£31,226.42	Maintenance of on-site play space
AWDM/1006/16	Riverbank Business Centre, 39 Old Shoreham Road, Shoreham-By-Sea	26 Affordable Housing Units	Provided on-site.
AWDM/0961/17	Land East Of Shadwells Road At Mash Barn Estate, Mash Barn Lane, Lancing (New Monks Farm)	23 Affordable Housing Units	Provided on-site. 6 shared ownership, 17 at affordable rent
		£32,205.18	Improvements to the Sussex Police Service
		£104,145.26	Improvements to the local equipped area of play on Shadwells Road, Lancing

The amount of s106 contributions received by ADC vary each year according to the number of agreements signed and how many obligations have reached a trigger point for payment.

<sup>15</sup> Note that this only includes contributions which relate to ADC, not WSCC

Figure 4: Total value of section 106 financial contributions received by ADC in each monitoring year





## S106 allocated and unspent

The total amount of s106 money (received under any planning obligations) which was allocated but not spent during 2021/22 for funding infrastructure was £53,162.47<sup>16</sup>. All of the s106 funds allocated in 2021/22 relate to open space and leisure improvements. A summary of the infrastructure projects and amount of money allocated to it are set out in the table below<sup>17</sup>. The 's106 funded projects - Case Studies' section below includes more information on some of the projects which have been allocated or received s106 funds.

**Table 5: Summary of infrastructure projects allocated section 106 funds during 2021/22<sup>18</sup>**

<b>Scheme Allocated to</b>	<b>Amount Allocated</b>	<b>Further Information</b>
Southlands Way Play Area Improvements	£17,540.00	Upgrade to the play area at Southlands Way, Shoreham-by-Sea
Studies into improvement at The Meads Park	£5,275.00	To facilitate studies to support the options appraisal development and delivery of improvement at The Meads Park and playground, Victoria Road, Shoreham-by-Sea
Buckingham Park Leisure Equipment	£30,437.47	Surfacing, roundabout, markings and play equipment at Buckingham Park, Upper Shoreham Road, Shoreham-by-Sea

<sup>16</sup> Some of these funds may have previously been 'allocated' to infrastructure projects in previous years, which were not brought forward – hence the funds have been reallocated

<sup>17</sup> Schedule 2, Paragraph 3(g)

<sup>18</sup> Please note that some of these projects may be joint ADC/WSCC projects and therefore may also be recorded in the WSCC IFS

## S106 spent

The total amount of s106 money (received under any planning obligations) which was spent by ADC (including transferring it to another body to spend) in 2021/22 was £75,669.85. These funds were spent from obligations secured across several monitoring years. A summary of the infrastructure on which money has been spent is set out in the table below<sup>19</sup>. The 's106 funded projects - Case Studies' section below includes more information on some of the projects which have been allocated or received s106 funds.

**Table 6: Expenditure of section 106 funds by ADC during 2020/21, by category of infrastructure type<sup>20</sup>**

Category	Amount Spent
Open Space and Leisure	£75,669.85

**Table 7: Summary of infrastructure projects receiving ADC section 106 funds during 2021/22<sup>21</sup>**

Planning Ref	Address	Category	Scheme	Amount Spent
SU/56/03	Sussex Wharf, Harbour Way, Shoreham-By-Sea	Open Space and Leisure	Maintenance of open space at Sussex Wharf	£3,339.79
AWDM/0205/12	Land South West Of New Monks Farm, Mash Barn Lane, Lancing	Open Space and Leisure	Southwick Football Ground Repairs	£50,000.00
AWDM/1340/14	Southlands Hospital, Upper Shoreham Road, Shoreham-By-Sea	Open Space and Leisure	Buckingham Park Leisure Equipment	£22,330.06
<b>Total</b>				<b>£75,669.85</b>

*Note that these projects received S106 funds between 1st April 2021 and 31st March 2022, however the exact date is not recorded.*

<sup>19</sup> Schedule 2, Paragraph 3(h)(i)

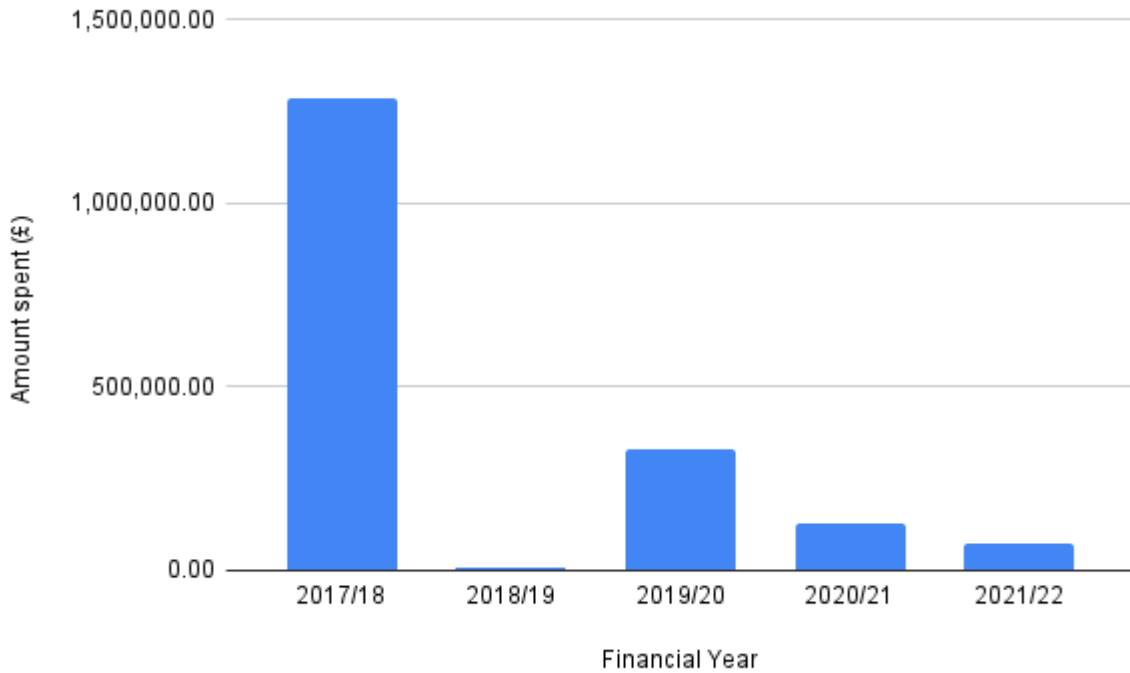
<sup>20</sup> Note that this only includes contributions which relate to ADC, not WSCC

<sup>21</sup> Please note that some of these infrastructure projects are delivered by WSCC – therefore the funds may also appear in their IFS

ii) Amount of s106 money (received under planning obligations) which has been spent on repaying money borrowed, including interest <sup>22</sup> .	£0
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iii) Amount of s106 money (received under planning obligations) which has been spent in respect of monitoring <sup>23</sup> .	£0
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Figure 5: Total value of section 106 financial contributions spent by ADC in each monitoring year<sup>24</sup>



<sup>22</sup> Schedule 2, Paragraph 3(h)

<sup>23</sup> Schedule 2, Paragraph 3(h)

<sup>24</sup> Note that this only includes contributions which relate to ADC, not WSCC

## S106 retained

The total amount of s106 money received (under any planning obligations) during any monitoring year which was retained at the end of 2021/22 was £691,639.88. Of this, £68,302.42 has been retained for the purposes of longer term maintenance (known as a commuted sum)<sup>25</sup>.

**Table 8: Total value of section 106 financial contributions retained by ADC at the end of 2021/22<sup>26</sup>**

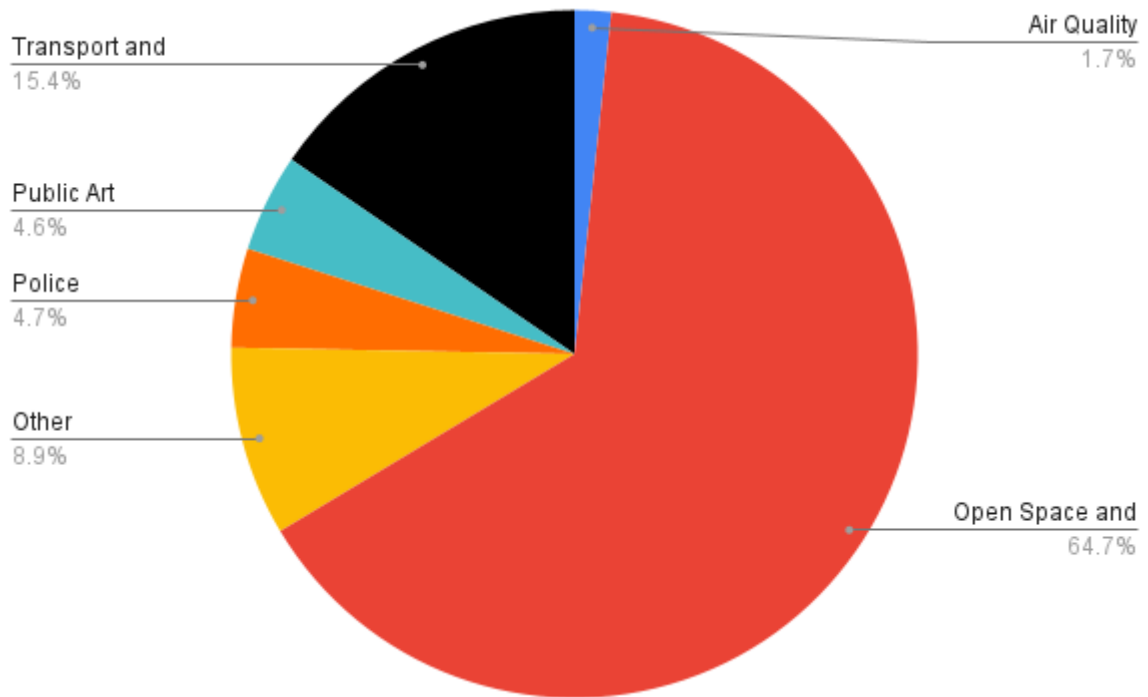
<b>Contribution Type</b>	<b>Amount of money retained and unallocated at the end of 2021/22</b>	<b>Amount of money allocated but unspent at the end of 2021/22</b>
Air Quality	£6,856.87	£5,000.00
Open Space and Leisure	£212,075.56	£235,238.47
Other <sup>27</sup>	£61,610.00	£0
Police Services	£32,205.18	£0
Public Art	£31,895.35	£0
Transport and Travel	£40,145.45	£66,613.00
<b>Total</b>	<b>£384,788.41</b>	<b>£306,851.47</b>

<sup>25</sup> Schedule 2, Paragraph 3(i)

<sup>26</sup> Note that this only includes contributions which relate to ADC, not WSCC

<sup>27</sup> 'To be used for whatever came forward as being most important'

Figure 6: Total value of section 106 financial contributions retained by ADC at the end of 2021/22, by contribution type



Often when section 106 funding is received in smaller amounts, the Council will combine these contributions over time to invest in larger projects which have a greater impact in the community.

## **S106 funded projects - Case Studies**

Below are case studies of some of the infrastructure projects which have received or been allocated section 106 funds.

### **Open Space and Leisure – Southlands Way Play Area**

A total of £17,540 of s106 funds have been allocated to upgrading the Southlands Way Play Area. The play area site, which forms part of the new development on the redundant west part of Southlands Hospital on Upper Shoreham Road, Shoreham-by-Sea, is due to be transferred over to Adur District Council as part of the planning agreement for the development ADC/0287/09.

The local area of play is situated within the Public Open Space that was created as an obligation under the signed legal agreement. The funds have been provided by the developer to pay for the cost of the upgrading and implementing the play area.

### **Open Space and Leisure - Buckingham Park Leisure Equipment**

A total of £52,767.53 of s106 funds have been allocated towards upgrading leisure equipment at Buckingham Park, Upper Shoreham Road, Shoreham-by-Sea. So far, just over £22,000 has been spent on the scheme which includes surfacing works, a new roundabout and additional play equipment.

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**Adur District Council**  
**The Shoreham Centre**  
**Pond Road**  
**Shoreham-by-Sea**  
**West Sussex**  
**BN43 5WU**

