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Council

Wednesday, 27th April, 2016 at 6.00 pm
Conference Room, Parkside, Chart Way, Horsham

To: All Members of the Council

(Please note that prayers will be taken by The Reverend Canon Guy Bridgewater, Vicar of Horsham before the meeting commences)

You are summoned to the meeting to transact the following business

Tom Crowley
Chief Executive

Agenda

	Page No.
1. Apologies for absence	
2. Minutes To approve as correct the minutes of the meeting of the Council held on 24 th February 2016	3 - 26
3. Declarations of Members' Interests To receive any declarations of interest from Members	
4. Announcements To receive any announcements from the Chairman of the Council, the Leader, Members of the Cabinet or the Chief Executive	
5. Questions from the Public To receive questions from the public	
6. Questions from Members under Rule 10.2 To receive questions from Members under Rule 10.2 (Questions by Members on notice)	

7. **Minutes of Committees**

To receive the minutes of the following Committees and, if approved, to adopt any recommendations contained therein:

- | | | |
|----|---|---------|
| a) | Personnel Committee on 9th March 2016 | 27 - 28 |
| b) | Standards Committee on 16th March 2016 | 29 - 32 |
| c) | Accounts, Audit and Governance Committee on 23rd March 2016 | 33 – 38 |

8. **Minutes of the Scrutiny & Overview Committee** 39 - 46

To receive the minutes of the meeting of the Scrutiny & Overview Committee held on 14th March 2016

9. **Review of governance** 47 - 56

Report of the Leader on the review of governance by the Governance Group

10. **Key Decisions** 57 - 64

Report of the Leader on Key Decision making

11. **Constitution Review Group** 65 - 70

Report of the Leader on the formation of a group of Members to review the Constitution

12. **Draft Supplementary Planning Guidance** 71 - 162

Report of the Cabinet Member for Planning and Development on Draft Planning Obligations and Affordable Housing Supplementary Planning Guidance

13. **Henfield Parish Neighbourhood Plan** 163 - 168

Report of the Cabinet Member for Planning and development on the making of the Henfield Parish Neighbourhood Plan

14. **Bishopric/Worthing Road Improvement Scheme** 169 - 176

Report of the Cabinet Member for Leisure and Culture on the removal of the Rising Universe Sculpture, Bishopric/Worthing Road Improvement Scheme and additional town centre landscape improvements

15. **Urgent Business**

To consider matters certified by the Chairman as urgent

GUIDANCE ON COUNCIL PROCEDURE

(Full details in Part 4A of the Council's Constitution)

<p>Addressing the Council</p>	<p>Members must address the meeting through the Chairman. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop. The Chairman will decide whether he or she prefers Members to stand or sit when addressing the Council.</p>
<p>Minutes</p>	<p>Any comments or questions should be limited to the accuracy of the minutes only</p>
<p>Declarations of Interest</p>	<p>Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting</p>
<p>Announcements</p>	<p>These should be brief and to the point and are for information only – no debate/decisions</p>
<p>Questions from the public (Notice must have been given in writing to the Chief Executive by 12.00 on the last but one working day before the meeting)</p>	<p>Directed to Leader, Cabinet Member or Chairman of an ordinary committee. 2 minutes in total to put 1 or 2 questions. Appropriate Member to reply. Questioner may ask one supplementary question. Member to reply. Overall time limit for questions of 15 minutes. If a questioner is unable to attend, the Chairman may ask the question or a written reply may be given. If a question cannot be dealt with at the meeting (lack of time or absence of relevant Member), a written reply to be given. No discussion but any Member may move that a matter raised by a question is referred to Cabinet or committee. If seconded, no discussion – vote taken.</p>
<p>Petitions (See petitions procedure – Part 4J of the Council's Constitution)</p>	<p>Petition organiser has maximum of 5 minutes to present the petition. Relevant Cabinet Member has maximum 5 minutes right of reply. Members discuss for overall maximum of 30 minutes – each Member speaking has a maximum of 3 minutes. Council decides how to respond (e.g. recommend Cabinet Member to take specific action or ask for further investigation/report).</p>
<p>Cabinet recommendations (see also rules of debate)</p>	<p>Leader/Cabinet Member presents and moves recommendation(s) – seconder required. Members may:</p> <ul style="list-style-type: none"> - ask a question on the item under consideration – max 2 minutes; and/or - make a statement – max 5 minutes.
<p>Questions from Members on Notice (Notice must have been given in writing to the Chief Executive by 12.00 on the last but one working day before the meeting)</p>	<p>These are directed to the Chairman, Leader, Cabinet Member or chairman of any committee:</p> <ul style="list-style-type: none"> - 2 minutes maximum for initial question - 5 minutes maximum for the response - 1 minute maximum for a supplementary question - 2 minutes maximum for a response to the supplementary question - 5 minutes maximum for the questioner to make a final statement in response, if they wish - If an oral reply is not convenient (e.g. too lengthy) a written answer may be circulated later. <p>No discussion.</p>

<p>Rules of debate</p>	<p>The Chairman controls debate and normally follows these rules but Chairman's interpretation, application or waiver is final.</p> <ul style="list-style-type: none"> - No speeches until a proposal has been moved (mover may explain purpose) and seconded - Chairman may require motion to be written down and handed to him/her before it is discussed - Secunder may speak immediately after mover or later in the debate - Speeches must relate to the question under discussion or a personal explanation or a point of order (max 5 minutes) - A Member may not speak again except: <ul style="list-style-type: none"> o On an amendment o To move a further amendment if the motion has been amended since he/she last spoke o If first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried) o In exercise of a right of reply. Mover of motion at end of debate on original motion and any amendments (may not otherwise speak on amendment). Mover of amendment has no right of reply. o On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final. o Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman's ruling on the admissibility of the personal explanation will be final. - Amendments to motions must be to: <ul style="list-style-type: none"> o Refer the matter to an appropriate body/individual for (re)consideration o Leave out and/or insert or add others (as long as this does not negate the motion) - One amendment at a time to be moved, discussed and decided upon. - Any amended motion becomes the substantive motion to which further amendments may be moved. - A Member may amend a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).
<p>Voting</p>	<p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> - A majority of the Members present request a ballot; or - A single Member requests a recorded vote (this overrides a request for a ballot). <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>

HORSHAM DISTRICT COUNCIL
24TH FEBRUARY 2016

Present: Councillors: Tricia Youtan (Chairman), Christian Mitchell (Vice-Chairman), John Bailey, Andrew Baldwin, John Blackall, Toni Bradnum, Karen Burgess, Peter Burgess, John Chidlow, Jonathan Chowen, Philip Circus, Paul Clarke, David Coldwell, Leonard Crosbie, Brian Donnelly, Matthew French, Nigel Jupp, Liz Kitchen, Adrian Lee, Gordon Lindsay, Tim Lloyd, Paul Marshall, Mike Morgan, Josh Murphy, Godfrey Newman, Brian O'Connell, Stuart Ritchie, Kate Rowbottom, Jim Sanson, David Skipp, Simon Torn, Michael Willett

Apologies: Councillor: Alan Britten, Roger Clarke, Roy Cornell, Christine Costin, Jonathan Dancer, Ray Dawe, Tony Hogben, Ian Howard, David Jenkins, Connor Relleen, Ben Staines, Claire Vickers

CO/73 **MINUTES**

The minutes of the meetings of the Council held on 9th December 2015 and 28th January 2016 were approved as correct records and signed by the Chairman.

CO/74 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

CO/75 **ANNOUNCEMENTS**

The Chairman of the Council referred to the recent deaths of Barbara Palmer, a former Member and Chairman of the Council, and Malcolm Curnock, a former Member. Tributes were paid by current Members and a moment's silence was observed as a mark of respect.

In view of the Notice of Motion later on the agenda, the Deputy Leader made a statement indicating that the Council would continue to honour its statutory obligations under the Environmental Protection Act 1990 to clean all roads in the District, including the B2139, as and when it was felt necessary. Also, this issue was to be considered at the next meeting of the Cabinet Member's Clean & Tidy Advisory Group and that the matter would be referred to Cabinet for consideration if appropriate. The Deputy Leader thanked both Councillor Baldwin for highlighting this issue and the many Adopt a Street Volunteers and other residents across the District who gave up their time to litter pick public areas in their own neighbourhoods. It was appropriate that this issue was highlighted as the Country prepared to mark the Queen's 90th Birthday with a "Clean for the Queen Weekend" from 4th to 6th March 2016. It was hoped that all Members would be able to join at least one of the many events being organised across the District and that perhaps all the effort and publicity would persuade others not to drop litter in the first place.

CO/75 Announcements (cont.)

The Deputy Leader and Cabinet Member for Leisure and Culture also referred to the official opening of the high ropes in Horsham Park which had taken place on 22nd February 2016.

The Cabinet Member for Local Economy congratulated Horsham Markets on winning the Sussex Farmers Market of the Year category at the Sussex Food & Drink Awards this year, the second time they had achieved this accolade in the last three years.

CO/76 **UPDATE ON THE CHAIRMAN'S TRUST**

The Chairman indicated that, in view of the amount of business on the agenda, she had decided to deal with this item by means of an e-mail, which had been sent to all Members, rather than a presentation at the meeting.

CO/77 **QUESTIONS FROM THE PUBLIC**

(1) Mr Kornycky asked the following questions:

On 11th August & 7th September last year, having been dissatisfied with the data released under 2 Freedom of Information requests, I asked for an internal review of each. Such requests require a maximum 40 working day turnaround under the Environmental Information Regulations, (EIR) Regulation 11.

HDC are well aware of this obligation having been formally admonished regarding this exact point in 2014 by the Information Commissioners Office, the ICO.

As the deadlines approached, I sent reminders, all of which failed to elicit any response from HDC. I even called & left unanswered messages.

Being totally ignored, I had no alternative but to refer these cases to the ICO.

Eventually, on 25th January 2016 the ICO advised me as follows:

"I wrote to the Council about your complaint on 21 December, to make enquiries about its withholding of the information you originally asked for in July 2015. The Council has now reversed its position in respect of your requests.

The Council's disclosure has been made significantly later than the compliance period which the EIR requires and it is for this reason that the Commissioner will record a breach of Regulation 5(2) against the Council. Recording this breach allows the Commissioner to gather information about the general compliance of this local authority."

CO/77 Questions from the Public (cont.)

So, after a 6 month struggle, I now have all the originally requested information, but only thanks to the ICO & certainly not to HDC.

Q1. Why did this blatant breach of procedures happen?

Q2. What steps are you taking to prevent any recurrence?

Councillor Jonathan Chowen, the Deputy Leader replied as follows:

Thank you for your questions Mr Kornycky. The matter of the delay in dealing with your freedom of information request was dealt with last week at our Finance and Performance Working Group. I am told you have now received a letter from our Monitoring Officer that provides a full response to your question and also deals with the second question you have posed this evening. A copy of the response you were sent will be printed in the minutes of this meeting.

The response sent to Mr Kornycky was as follows:

"I write further to your email to the Chairman of Finance & Performance Working Group dated 14 February 2016 in which you make comment on the Freedom of Information performance report. The Chairman asked for my response to your email so I set out below the full and un-redacted text of my response. You will note I have referred to you as a member of the public, rather than by name, because the letter may have been read out and I thought it was not appropriate to refer to you by name.

Once again can I apologise for the delay in dealing with your request for a review. I know it may not be of comfort for you to see me referring to our excellent performance in dealing with the vast majority of requests given the delay in your case but I hope you will appreciate the delay in your case should not affect our whole approach. We are really working hard to get to 100% compliance and I think to get to 98% compliance in the last 6 months reflects well on the effort relevant staff have put in.

Our performance is monitored both by Finance & Performance Working Group and the Information Commissioner so there is a high level of assurance that the Council is doing a good job. At the meeting Members of the Working Group decided to retain quarterly reporting of FOI performance.

If you have any further comments to add please let me know.

Yours sincerely etc.

Text of email to Chairman

Dear Councillor Ritchie

I am writing to you in your capacity as Chairman of the Scrutiny Committee, Finance & Performance Working Group as the officer responsible for the FOI function at the Council. You circulated an email received by a member of the public and after due consideration, my response now follows. I'm not sure if you would want to read my response for the Working Group or alternatively ask Ben Bix to do so but I would be grateful if you would be happy for it to be circulated to all the Members who received the original email so they can note my response.

The member of the public makes two general points in his correspondence, the first is in relation to the reporting process on FOI and second in respect of his individual requests. My response addresses those matters in sequence.

Firstly, contextually, like the rest of the public sector HDC is dealing with more and more FOI requests. In the last three years the number of requests has increased despite the increase in publicly available information. In calendar year 2013 there were 576 requests, this increased in 2014 to 659 requests and again in 2015 there was an increase to 686 requests.

There is a significant and increasing burden that affects all Council Departments and in the current climate it is not a realistic option to increase resources devoted to this area (we have one Information Officer as well as a proportion of my own time) so we have improved our processes to deal with the increased number and to increase our response rate which had been below 85% for a number of years. The ongoing response rate of below 85% had to be proactively addressed to mitigate the engagement of the Information Commissioners Office who may issue a monitoring notice upon the Council. For clarity, the ICO has not issued a monitoring notice.

The focus of the KPIs has been and remains focused on the areas that are measurable and in respect of throughput is the area of interest to the external Regulator (the Information Commissioner). These are the KPIs that we can benchmark against other organisations. The Working Group will continue to receive that information in its quarterly report (earlier on tonight's agenda). The subsequent report before members tonight notes that response performance is reported twice on the agenda and asks whether the Working Group would like to handle the information differently. The quarterly report of the high level indicators would remain in place. The subsequent report restates the high level report. Should the working group wish to receive the report 6 monthly, they are welcome to resolve that.

There has been no disregard of quality as is suggested. There is a clear process to follow which has not been changed. The ICO may formally monitor response rates below 85% - in the last year, monitoring was undertaken by the ICO on Salford, Greenwich, Cumbria and Nottingham councils. Horsham is no longer vulnerable to a monitoring notice as we have got our response rate up to above 98% in the last six months. This response rate aligns us with the very best performance of organisations that deal with FOI requests. Response rates are the focus of monitoring by the ICO and they publish the details of the process involved in monitoring online.
<https://ico.org.uk/action-weve-taken/monitoring-compliance/>.

Secondly, turning to the review process, the steps in the Council's review process have not been changed. There were 32 requests for review out of 789 requests for information since 1 April 2014 (4%). Of those 32 reviews, 24 requestors did not choose to appeal to the ICO. Five did appeal to the ICO and the ICO upheld the Council's decision on all 5 occasions. One appeal was informally resolved by the ICO. A further two were the subject of the email received from a member of the public today which I shall refer to below.

If the Working Group wish to be notified of the number of reviews then it may resolve to do so. The log itself was subject to an FOI request and it is therefore published online in the Council's disclosure log in its redacted form due to the Council's data protection duty
https://horsham.axlr8.uk/disclosureLogMonth.asp?npr=1&year_value=2016&month_value=1 (FOI 298 refers).

Two outstanding reviews are mentioned in the report. Those are the subject of the second part of the correspondence received from the member of the public.

It is correct to say that two of the review requests (the requestors original requests as well as other requests made by the requestor in recent months have been within time limit) were delayed and we have apologised to him for the delay. This particular member of the public has regular contact with the Council utilising FOI requests, questions at Council meetings and other enquiries. Whilst he is within his right to make these requests it should be acknowledged at the same time that Council resource, and at times significant resource, is engaged with dealing with this interaction. It is regrettable but not surprising that his requests fall within the very isolated examples where requests have not been dealt with in the required timely manner.

The member of the public is incorrect to describe the action of the Information Commissioner as decisive and that the Council has a finding against it. By dealing with his request outside the 20 day time limit he is right

to suggest the Council breached regulation 5(2) and in fact in 1 to 2 % of cases the Council continues to breach regulation 5(2) as does every other public body that does not comply with 100% of requests within 20 days. However this is recognised and should be seen in the context that the Information Commissioner has a tolerance level of 85% completed within 20 working days, that is, the Information commissioner has tolerated breaches of regulation 5(2) in respect of 15% of requests. As I have said above we are 98% compliant (well above the tolerance level) but we aim to be 100% compliant.

The member of the public has however failed to state that the Information Commissioner in fact found the Council in compliance with the main duty (regulation 5(1)) to provide the information and therefore closed the case with no further action. It is therefore incorrect to say there is an adverse view of the Council with the Information Commissioner. Some members of the public will continue to seek to involve the Information Commissioner when they are dissatisfied with how the Council has dealt with their request and that is a big part of the Information Commissioner's role. In the last eighteen months the Information Commissioner has either found in favour of the Council or else closed the case because the Council has complied with the substantive duty.

Members may be assured that the Information Commissioner has the necessary powers to address underperformance and have not used those powers with regard to HDC.

In conclusion, this example demonstrates that out of 789 cases, less than 0.2% are the focus of this correspondence. If the Working Group wants to have that report going forward, then they can, but this may be at the expense of understanding the contextual compliance. As I have said above it is regrettable that we have not dealt with these two requests for information from this member of the public to the same high standard we are dealing with 98% of requests and disappointed that this may have distracted attention from the excellent performance of the Council in this area of work."

Mr Kornycky asked a supplementary question as to why the situation in respect of his requests had happened.

The Deputy Leader indicated that this had been addressed in the reply by the Monitoring Officer.

(2) Mrs Kornycky asked the following question:

The draft CIL proposals give minimal detail as to why the North of Horsham strategic development is to have NIL CIL. However, it is clear from the Infrastructure plan that a S106 developer contribution in excess of £10m, perhaps £13.6m, will be sought for the funding of a new Railway Station.

CO/77 Questions from the Public (cont.)

But Horsham District Council has always been adamant that the North of Horsham planning decision is in no way dependent upon the provision of a new Railway Station.

Q1 - Please explain how such a S106 condition can satisfy the 3 tests of CIL 2010 Regulation 122(2), since if an obligation does not meet all of these tests it cannot in law be taken into account in granting planning permission?

At Kilnwood Vale, even though a planning requirement, the S106 for its new Railway Station merely required the site to be provided, & not the building of the station itself.

Q2 – Please explain how it was originally expected that the build of the Kilnwood Vale station would be funded & why a similar approach is not appropriate for North of Horsham, thereby drastically improving the viability margin & potentially allowing at least some CIL to be charged?

Councillor Jonathan Chowen, the Deputy Leader replied as follows:

Thank you for giving me the opportunity to clarify this matter Mrs Kornycky.

The provision of a station on land north of Horsham is not a requirement of our recently adopted Local Plan (also known as the Horsham District Planning Framework). As a result, we would not be able to collect CIL monies for its provision neither would we be able to require the developer to pay for it through a s106 agreement.

The developer wishes to see a new station incorporated into the development and the responsibility for funding it therefore rests with them. We will work to ensure that the development as a whole fulfils all relevant planning policy requirements and that these do not suffer because of the cost of the station.

The Infrastructure Delivery Schedule attached to the Council report at Appendix A shows what infrastructure is needed to deliver the local plan strategy and to demonstrate how much will be delivered via section 106 agreements and what will be funded through CIL.

Unfortunately there is a typographical error on page 43 of the document. The estimated cost of the new station should appear in the column headed "Funding Source Other" and not under the heading "Funding Source s106". This will be corrected before the document is published for consultation.

The station at Kilnwood Vale was not a requirement of our adopted planning policies and, as is the case with the proposal at land north of Horsham, it is the developer's choice to pursue this aspect of the development. Whilst

CO/77 Questions from the Public (cont.)

land at Kilnwood Vale has been reserved for a station for a period within the s106 agreement responsibility for funding it rests entirely with the developer. The cost was not part of Crest Nicholson's viability assessment that supported their planning application and infrastructure package.

The Council has been and continues to be consistent in its handling of the two station proposals.

(3) Mrs White asked the following question:

As the A24 from Great Daux to Clarks Green at Capel is the only part of this National Primary Route into London that remains single carriage and little better than a country lane, have you any plans at all for seeking funding for upgrading and dualling it in the foreseeable future – and by setting the CIL for North Horsham at zero aren't you missing a golden opportunity to extract a large contribution towards the costs of this from Liberty's? Why not make it a condition of granting planning permission if and when a formal application is made?

Councillor Jonathan Chowen, the Deputy Leader replied as follows:

West Sussex County Council as the Highway Authority is responsible for the highway network in the District. It has been a long standing aim of both Councils to see improvements to this stretch of the A24.

Developers are only required to provide mitigation measures or contributions when these are required as result of their development. Liberty could not be required to make (or contribute to) improvements to the A24 north of Great Daux Roundabout unless the full Transport Assessment (TA) that will accompany their planning application indicates that it is a requirement of the development. The evidence submitted to date, which was scrutinised by the local plan Inspector indicated that no mitigation measures or improvements on the A24 north of Great Daux Roundabout would be required as a result of the development.

Mrs White asked a supplementary question as to whether the Council was in contact with another developer regarding a number of possible developments southwards from Kingsfold who would contribute to improvements to this stretch of the A24.

The Deputy Leader indicated that this would be dealt with by means of a written response.

CO/78 **QUESTIONS FROM MEMBERS UNDER RULE 10.2**

No questions had been received.

CO/79 **RECOMMENDATIONS FROM CABINET**
Corporate Plan 2016 to 2019

The Deputy Leader reported that, prior to the local elections in 2015, it had been agreed that the Council's 2011 to 2015 District Plan priorities would be revised following the elections. To enable budgets and service plans for 2015/16 to be set the priorities in the District Plan had been carried forward for the current financial year. In recent months Cabinet Members had discussed revisions to the District Plan with the Senior Leadership Team and had identified a set of draft priorities, which were set out in the report to Cabinet.

If approved by Council, the draft priorities together with the Budget recommendations would both form the basis for the 2016/17 departmental service plans.

The priorities were grouped and presented under four broad headings, which covered the Council's economic, environmental, social and organisational responsibilities. These four themes would replace the six contained in the last District Plan and would help put individual priorities and the routine work of the Council in context.

RESOLVED

That the draft Corporate Plan be adopted as submitted.

REASON

To ensure that Corporate Priorities for the remainder of the current Council are clarified and form the basis of service plans and related activity across the Council.

CO/80 **BUDGET FOR 2016/17 AND COUNCIL TAX**
(a) The 2016/17 Budget and the Medium Term Financial Strategy to 2019/20

In accordance with Rule 13.5 of Part 4A of the Constitution, the Chairman of the Council gave her consent to the Cabinet Member for Finance and Assets and the Leader of the Liberal Democrat Group each speaking for longer than five minutes on this item, if they wished to do so.

Further to the detailed consideration of the Budget for 2016/17 by the Cabinet, Councillor Brian Donnelly, the Cabinet Member for Finance and Assets introduced this item; presented the recommendations of the Cabinet in respect of the 2016/17 budget and moved that they be approved. Councillor Peter Burgess seconded the proposal.

CO/80 Budget for 2016/17 and Council Tax (cont.)
(a) The 2016/17 Budget and the Medium Term Financial Strategy to 2019/20 (cont.)

Councillor Donnelly reminded Members that, whilst the recommendations from Cabinet proposed a balanced budget for 2016/17, the Council faced significant financial pressure in future years.

The budget for 2016/17 reflected the hard work of officers to increase income opportunities and reduce costs via efficiencies. The proposed small increase in council tax of 1.2% was in line with the local Conservative Group's pledge at the last elections that any rise would be no more than RPI and recognised the impact that such increases had on many of the District's residents.

Councillor David Skipp, Leader of the Liberal Democrat Group also addressed the Council. He also expressed his appreciation of the work undertaken by officers to produce a balanced budget for the next year. However, he suggested that it was difficult to determine whether the projected deficit by 2019/20 was accurate, averaged or based on assumptions open to interpretation. A particular area of uncertainty in future years was the continuation and level of New Homes Bonus. He also questioned the majority group's pledge to cap council tax increases at no more than RPI; the increase in the charge for the collection of green waste; and the introduction of Sunday and Bank Holiday car parking charges.

It was proposed by Councillor David Skipp and seconded by Councillor Godfrey Newman that a further recommendation should be added to read: "At its meeting in October the Council is presented with an interim updated Medium Term Financial Strategy after the outcome of New Homes Bonus is known."

On being put, this amendment was declared **LOST**.

Councillor Leonard Crosbie then addressed the Council in his capacity as Chairman of the Scrutiny & Overview Committee.

The debate was opened to all Members and items raised included: the proposed increase in council tax, the costs/ income impact of the increasing number of houses in the District and the effect on the Council's income of the conversion of business premises to residential use.

Having been moved and seconded, the substantive motion was put.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the voting in respect of the motion was recorded and was as follows:

CO/80 Budget for 2016/17 and Council Tax (cont.)
(a) The 2016/17 Budget and the Medium Term Financial Strategy to 2019/20 (cont.)

FOR THE MOTION: Councillors: John Bailey, Andrew Baldwin, John Blackall, Toni Bradnum, Karen Burgess, Peter Burgess, John Chidlow, Jonathan Chowen, Philip Circus, Paul Clarke, David Coldwell, Brian Donnelly, Matthew French, Nigel Jupp, Liz Kitchen, Adrian Lee, Gordon Lindsay, Tim Lloyd, Paul Marshall, Christian Mitchell, Josh Murphy, Brian O'Connell, Stuart Ritchie, Kate Rowbottom, Jim Sanson, Simon Torn, Michael Willett, Tricia Youtan

ABSTAINED: Councillors: Leonard Crosbie, Mike Morgan, Godfrey Newman, David Skipp,

ABSENT: Councillors: Alan Britten, Roger Clarke, Roy Cornell, Christine Costin, Jonathan Dancer, Ray Dawe, Tony Hogben, Ian Howard, David Jenkins, Connor Relleen, Ben Staines, Claire Vickers

The motion was declared **CARRIED** and it was:

RESOLVED

- (i) That the level of Council Tax for 2016/17 be increased from £135.54 by 1.2% to £137.17 at Band D.
- (ii) That the net revenue budget for 2016/17 of £12.55m be approved, as submitted.
- (iii) That Special Expenses of £270,909 and a Band D charge of £23.93 be agreed in respect of the unparished area for 2016/17.
- (iv) That the capital programme for 2016/17 be approved as submitted and that the indicative capital budgets in the programme for future years be noted.
- (v) That the projected future deficits on the revenue account be noted and the Medium Term Financial Strategy continue to be reviewed and refined to ensure that decisions are taken to develop a balanced budget in 2017/18 and subsequent years.
- (vi) That the Minimum Revenue Provision Statement be approved, as submitted.

CO/80 Budget for 2016/17 and Council Tax (cont.)
(a) The 2016/17 Budget and the Medium Term Financial Strategy to 2019/20 (cont.)

- (vii) That the prudential indicators and limits for 2015/16 to 2018/19 be approved, as submitted.
- (viii) That the statement on the robustness of the level reserves be noted.
- (ix) That a further £2,000,000 of New Homes Bonus Reserve be allocated towards the Broadbridge Heath Leisure Centre capital project.
- (x) That the decision to accept the proposed four year settlement be delegated to the Cabinet Member for Finance and Assets, in consultation with the Section 151 Officer, once the detail of the four year settlement has been finalised and the results of the consultation announced.

REASON

To meet the Council's statutory requirement to approve the budget and the prudential indicators before the start of a new financial year.

(b) Council Tax 2016/17

It was moved and seconded that the Council Tax resolution for 2016/17 be approved.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the voting in respect of the motion was recorded and was as follows:

FOR THE MOTION: Councillors: John Bailey, Andrew Baldwin, John Blackall, Toni Bradnum, Karen Burgess, Peter Burgess, John Chidlow, Jonathan Chowen, Philip Circus, Paul Clarke, David Coldwell, Brian Donnelly, Matthew French, Nigel Jupp, Liz Kitchen, Adrian Lee, Gordon Lindsay, Tim Lloyd, Paul Marshall, Christian Mitchell, Josh Murphy, Brian O'Connell, Stuart Ritchie, Kate Rowbottom, Jim Sanson, Simon Torn, Michael Willett, Tricia Youtan

ABSTAINED: Councillors: Leonard Crosbie, Mike Morgan, Godfrey Newman, David Skipp,

ABSENT: Councillors: Alan Britten, Roger Clarke, Roy Cornell, Christine Costin, Jonathan Dancer, Ray Dawe, Tony Hogben, Ian Howard, David Jenkins, Connor Relleen, Ben Staines, Claire Vickers

CO/80 Budget for 2016/17 and Council Tax (cont.)
 (b) Council Tax 2016/17 (cont.)

The motion was declared **CARRIED** and it was **RESOLVED**:

1. The Council Tax Base 2016/17 be noted:
 - a. for the whole Council area as 58,207.9 (Item T in the formula in section 31B of the Local Government Finance Act 1992, as amended (the “Act”)) and
 - b. for dwellings in those parts of its area to which as Parish Precept or Special Expenses relates as shown below:

Parish	2016/17 tax base
Amberley	313.6
Ashington	1,119.6
Ashurst	147.0
Billingshurst	3,664.4
Bramber	411.1
Broadbridge Heath	1,819.0
Coldwaltham	462.5
Colgate	796.0
Cowfold	812.0
Henfield	2,417.8
Itchingfield	696.9
Lower Beeding	531.7
North Horsham	8,421.4
Nuthurst	1,022.8
Parham	120.5
Pulborough	2,466.9
Rudgwick	1,326.6
Rusper	779.6
Shermanbury	284.4
Shipley	607.8
Slinfold	847.1
Southwater	4,200.0
Steyning	2,559.2
Storrington & Sullington	3,170.9
Thakeham	854.4
Upper Beeding	1,428.2
Warnham	959.2
Washington	1,037.2
West Chiltington	2,183.1
West Grinstead	1,313.0
Wiston	97.1
Woodmancote	271.3
Horsham Town	11065.6
Total	58,207.9

CO/80 Budget for 2016/17 and Council Tax (cont.)
(b) Council Tax 2016/17 (cont.)

2. That the Council Tax requirement for the Council's own purposes for 2016/17 (excluding Special Expenses and Parish precepts) is £137.17.
3. That the following amounts be calculated for the year 2016/17 in accordance with Sections 31 to 36 of the Act:
 - (a) £87,052,606.00 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - (b) £76,133,902.00 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - (c) £10,918,704.00 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
 - (d) £187.58 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - (e) £2,934,256.00 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act
 - (f) £137.17 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

CO/80 Budget for 2016/17 and Council Tax (cont.)
(b) Council Tax 2016/17 (cont.)

(g)				
Parish	Precept Amount £	Council Tax at Band D		
		Parish Precept/ Special charge for Unparished Area £	Basic Amount of District Council Tax £	Total £
Amberley	17,935.00	57.19	137.17	194.36
Ashington	92,737.00	82.83	137.17	220.00
Ashurst	10,989.00	74.78	137.17	211.95
Billingshurst	280,790.00	76.63	137.17	213.80
Bramber	20,876.00	50.78	137.17	187.95
Broadbridge Heath	87,985.00	48.37	137.17	185.54
Coldwaltham	13,988.00	30.25	137.17	167.42
Colgate	12,400.00	15.58	137.17	152.75
Cowfold	37,288.64	45.92	137.17	183.09
Henfield	175,050.00	72.40	137.17	209.57
Itchingfield	54,477.00	78.17	137.17	215.34
Lower Beeding	12,307.00	23.15	137.17	160.32
North Horsham	282,726.00	33.57	137.17	170.74
Nuthurst	33,245.00	32.50	137.17	169.67
Parham	3,860.00	32.04	137.17	169.21
Pulborough	180,010.00	72.97	137.17	210.14
Rudgwick	62,848.00	47.37	137.17	184.54
Rusper	25,100.00	32.20	137.17	169.37
Shermanbury	16,500.00	58.01	137.17	195.18
Shipley	25,694.66	42.27	137.17	179.44
Slinfold	49,760.00	58.74	137.17	195.91
Southwater	324,468.00	77.25	137.17	214.42
Steyning	238,793.86	93.31	137.17	230.48
Storrington & Sullington	164,000.00	51.72	137.17	188.89
Thakeham	37,615.00	44.03	137.17	181.20
Upper Beeding	125,000.00	87.53	137.17	224.70
Warnham	58,139.38	60.61	137.17	197.78
Washington	37,930.40	36.57	137.17	173.74
West Chiltington	110,526.00	50.63	137.17	187.80
West Grinstead	64,227.00	48.92	137.17	186.09
Wiston	4,128.00	42.52	137.17	179.69
Woodmancote	8,100.00	29.86	137.17	167.03
Horsham Town - Special charge	264,762.00	23.93	137.17	161.10

being the amounts given by adding to the amount at (f) above the amounts of the special items relating to the dwellings in those parts of the Council's area mentioned above, calculated by the Council, in accordance with section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

CO/80 Budget for 2016/17 and Council Tax (cont.)
 (b) Council Tax 2016/17 (cont.)

4. To note that the County Council have proposed precepts and the Sussex Police and Crime Commissioner has notified precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table below.

Band Authority	A	B	C	D	E	F	G	H
West Sussex County Council	805.26	939.47	1,073.68	1,207.89	1,476.31	1,744.73	2,013.15	2,415.78

Band Authority	A	B	C	D	E	F	G	H
Sussex Police and Crime Commissioner	99.27	115.82	132.36	148.91	182.00	215.09	248.18	297.82

The Horsham District Figures are shown below:-

Band Authority	A	B	C	D	E	F	G	H
Horsham District Council	91.45	106.69	121.93	137.17	167.65	198.13	228.62	274.34

5. That, having calculated the aggregate in each case of the amounts at 3 and 4 above the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2016/17 for each part of its area and for each of the categories of dwellings:

CO/80 Budget for 2016/17 and Council Tax (cont.)
 (b) Council Tax 2016/17 (cont.)

BAND	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Amberley	1,034.11	1,206.46	1,378.81	1,551.16	1,895.86	2,240.56	2,585.27	3,102.33
Ashington	1,051.20	1,226.40	1,401.59	1,576.80	1,927.19	2,277.59	2,628.00	3,153.60
Ashurst	1,045.83	1,220.14	1,394.44	1,568.75	1,917.36	2,265.96	2,614.58	3,137.50
Billingshurst	1,047.06	1,221.58	1,396.08	1,570.60	1,919.61	2,268.63	2,617.66	3,141.19
Bramber	1,029.83	1,201.48	1,373.11	1,544.75	1,888.03	2,231.30	2,574.58	3,089.50
Broadbridge Heath	1,028.23	1,199.60	1,370.96	1,542.34	1,885.08	2,227.82	2,570.56	3,084.68
Coldwaltham	1,016.14	1,185.51	1,354.86	1,524.22	1,862.93	2,201.64	2,540.36	3,048.43
Colgate	1,006.37	1,174.10	1,341.82	1,509.55	1,845.00	2,180.45	2,515.91	3,019.10
Cowfold	1,026.59	1,197.70	1,368.79	1,539.89	1,882.08	2,224.28	2,566.48	3,079.78
Henfield	1,044.25	1,218.29	1,392.33	1,566.37	1,914.45	2,262.53	2,610.62	3,132.74
Itchingfield	1,048.10	1,222.78	1,397.46	1,572.14	1,921.51	2,270.87	2,620.24	3,144.29
Lower Beeding	1,011.41	1,179.98	1,348.54	1,517.12	1,854.25	2,191.38	2,528.53	3,034.23
North Horsham	1,018.36	1,188.09	1,357.81	1,527.54	1,866.99	2,206.44	2,545.90	3,055.08
Nuthurst	1,017.65	1,187.26	1,356.86	1,526.47	1,865.69	2,204.90	2,544.12	3,052.95
Parham	1,017.34	1,186.90	1,356.45	1,526.01	1,865.12	2,204.22	2,543.34	3,052.01
Pulborough	1,044.63	1,218.73	1,392.83	1,566.94	1,915.14	2,263.35	2,611.56	3,133.88
Rudgwick	1,027.56	1,198.83	1,370.08	1,541.34	1,883.86	2,226.38	2,568.91	3,082.69
Rusper	1,017.44	1,187.02	1,356.59	1,526.17	1,865.31	2,204.46	2,543.61	3,052.33
Shermanbury	1,034.65	1,207.10	1,379.53	1,551.98	1,896.86	2,241.74	2,586.63	3,103.96
Shipley	1,024.16	1,194.86	1,365.55	1,536.24	1,877.63	2,219.01	2,560.41	3,072.49
Slinfold	1,035.14	1,207.67	1,380.18	1,552.71	1,897.75	2,242.79	2,587.85	3,105.42
Southwater	1,047.48	1,222.07	1,396.64	1,571.22	1,920.38	2,269.54	2,618.71	3,142.45
Steyning	1,058.19	1,234.55	1,410.91	1,587.28	1,940.00	2,292.73	2,645.47	3,174.56
Storrington & Sullington	1,030.46	1,202.21	1,373.94	1,545.69	1,889.17	2,232.66	2,576.15	3,091.38
Thakeham	1,025.33	1,196.22	1,367.10	1,538.00	1,879.77	2,221.54	2,563.33	3,075.99
Upper Beeding	1,054.33	1,230.06	1,405.77	1,581.50	1,932.94	2,284.38	2,635.83	3,162.99
Warnham	1,036.39	1,209.12	1,381.85	1,554.58	1,900.04	2,245.50	2,590.97	3,109.16
Washington	1,020.36	1,190.42	1,360.48	1,530.54	1,870.66	2,210.77	2,550.90	3,061.08
West Chiltington	1,029.73	1,201.36	1,372.97	1,544.60	1,887.84	2,231.08	2,574.33	3,089.20
West Grinstead	1,028.59	1,200.03	1,371.45	1,542.89	1,885.75	2,228.61	2,571.48	3,085.77
Wiston	1,024.33	1,195.05	1,365.76	1,536.49	1,877.93	2,219.37	2,560.82	3,072.98
Woodmancote	1,015.89	1,185.20	1,354.51	1,523.83	1,862.45	2,201.08	2,539.71	3,047.66
Horsham Town - Special charge	1,011.93	1,180.59	1,349.24	1,517.90	1,855.20	2,192.51	2,529.83	3,035.79

CO/80 Budget for 2016/17 and Council Tax (cont.)
(b) Council Tax 2016/17 (cont.)

6. To note that the Council 's basic amount of Council Tax for 2016/17 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

Horsham District Council Tax Band D

2015/16	2016/17	Council Tax increase
40.03	£141.71	1.20%

As the billing Authority the Council has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2016/17 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 522K Local Government Act 1992.

7. To note that from 1 April 2016, changes to the Council Tax discount policies will affect empty properties in classes C and D, relating to unfurnished and vacant property and for uninhabitable property and the current discounts will be removed. This was previously approved at the Council meeting on 9th December 2015.

REASON

To meet the Council's statutory requirement to set a Council Tax.

CO/81 **NOTICE OF MOTION**

Further to the Deputy Leader's statement at Minute No. CO/75 above, Councillor Andrew Baldwin withdrew his notice of motion.

CO/82 **MINUTES OF COMMITTEES**

The following minutes were received:

CenSus Joint Committee – 11th December 2015

Accounts, Audit and Governance Committee – 6th January 2016

Councillor Godfrey Newman, the Chairman of the Committee, moved the recommendations contained in Minute No. AAG/37.

Treasury Management Strategy 2016/17

RESOLVED

- (i) That the Treasury Management Strategy for 2016/17 be approved.
- (ii) That the Treasury Management Indicators for 2016/17 be approved.

REASONS

- (i) The Council has adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2011 Edition which requires the Council to approve a treasury management strategy before the start of each financial year.
- (ii) The Department for Communities and Local Government issued revised guidance on local authority investments in March 2010 that requires the Council to approve an investment strategy before the start of each financial year.

CO/83 **MINUTES OF THE MEETING OF THE SCRUTINY & OVERVIEW COMMITTEE OF 11TH JANUARY 2016**

The minutes of the meeting of the Scrutiny & Overview Committee held on 11th January 2016 were presented by Councillor Leonard Crosbie, Chairman of the Committee.

CO/84 **COMMUNITY INFRASTRUCTURE LEVY (CIL) DRAFT CHARGING SCHEDULE CONSULTATION**

Three members of the public addressed the Council in respect of this item expressing concern regarding the proposed zero CIL charge for the north of Horsham Strategic Development Area and questioning why the full CIL Levy Viability Update Assessment (February 2016) had not been included with the agenda papers.

The Cabinet Member for Local Economy presented this report on behalf of the Cabinet Member for Planning and Development. He advised Members of a number of typographical changes to the report:

- Recommendation (iii) to be amended to read “That the *Cabinet Member for Planning and Development* has delegated authority to agree minor editorial changes.”
- The Billingshurst section of the Infrastructure Delivery Schedule under Community Facilities - Dedicated Youth facility – Eye Project: the delivery group to be amended to the *Billingshurst Community Partnership*.
- The Horsham Town section of the Infrastructure Delivery Schedule under Transport - New Railway Station: the cost of £13.6m to be moved to the ‘*Funding Source Other*’ column.

He also noted that, for clarity, the Draft Regulation 123 List at Annex 1 would be amended by the addition of specific named infrastructure items in the exclusion column of the table, to include items required by policy such as roads, schools and community facilities on site.

The Cabinet Member for Local Economy reported that, following the adoption of the Horsham District Planning Framework in November 2015, the Council was now developing its Community Infrastructure Levy (CIL). The CIL was a new charge on development that had come into force through the Community Infrastructure Levy Regulations in 2010 and was intended to fund a range of infrastructure that was needed as a result of development and would operate alongside Section 106 agreements. He reported that, in this respect, the land north of Horsham would be zero rated for CIL as the package of infrastructure would be the subject of a legal agreement, which would be a requirement of planning permission.

The report set out the steps which the Council would need to take towards the adoption of the CIL charge.

Members were asked to approve the Council’s Community Infrastructure Levy (CIL) Draft Charging Schedule for a six week public consultation and submission to the CIL Examiner for independent examination. A further Member seminar would be arranged during the consultation period.

The Cabinet Member for Local Economy confirmed that the full CIL Levy Viability Update Assessment (February 2016) would be available on the website as part of the public consultation and a hard copy was available for Members and members of the public to view.

RESOLVED

- (i) That the Community Infrastructure Levy Draft Charging Schedule and supporting documents be approved for consultation purposes.

- (ii) That the Cabinet Member for Planning and Development be authorised to approve the Community Infrastructure Levy Draft Charging Schedule for submission to examination, if there was no change proposed to the rates following consultation.
- (iii) That the Cabinet Member for Planning and Development be authorised to agree minor editorial changes.

REASON

The Draft Charging Schedule is the next stage in preparing the Community Infrastructure Levy. The Infrastructure Delivery Plan sets out what infrastructure is required to support new growth and how developer contributions from the CIL are likely to be spent.

CO/85 **BILLINGSHURST VILLAGE CENTRE – SUPPLEMENTARY PLANNING DOCUMENT (CONSULTATION)**

The Cabinet Member for Local Economy presented this report on behalf of the Cabinet Member for Planning and Development.

In order to plan for growth in Billingshurst and to ensure that the village centre was improved so that it could play a role as the social and economic focus for the area a Supplementary Planning Document had been produced based on previous research and stakeholder consultation.

The Supplementary Planning Document identified key issues and priorities for the improvement of the village centre and included a delivery plan which indicated how and when projects would be delivered pending further cost information. Other schemes that came forward for consideration would be considered and prioritised as part of a comprehensive approach to regenerating the village centre within available funding sources.

The Supplementary Planning Document was therefore submitted for approval for consultation purposes. A further report would be submitted following the expiry of the consultation period and consideration of comments received.

RESOLVED

- (i) That the Billingshurst Village Centre Supplementary Planning Document be approved for consultation purposes.
- (ii) That the Cabinet Member for Planning and Development be authorised to agree minor editorial changes.

REASON

Through research and consultation with stakeholders issue and options to enhance Billingshurst Village centre have been identified. This work has been included and will be implemented through a Supplementary Planning Document.

CO/86 **SUPPLEMENTARY ESTIMATE FOR PROPOSED PURCHASE OF
AMBULANCE STATION, HURST ROAD, HORSHAM**

The Cabinet Member for Finance and Assets reported that the land at Hurst Road between Horsham Hospital and the Pavilions Leisure Centre had been identified as an area with potential for regeneration, as the public sector buildings in this location were old and, in many instances, expected to become surplus to occupier requirements.

The Ambulance Station, owned by South East Coast Ambulance Service (SECamb), was now surplus to SECamb's operational requirement and had been marketed for sale as a site for residential development. This parcel was an important holding if a site assembly operation was to be successful and therefore terms had been agreed to purchase the property, subject to Member approval. If the Council did not purchase this site, the opportunity to facilitate a comprehensive redevelopment of the Hurst Road site would be compromised or lost.

The proposed purchase would need to be funded from reserves and therefore it was necessary for Council to agree a supplementary estimate to the budget for the transaction to proceed.

RESOLVED

That a supplementary estimate to the budget in the sum identified be approved to enable the proposed transaction to proceed.

CO/86 Supplementary Estimate for Proposed Purchase of Ambulance Station,
Hurst Road, Horsham (cont.)

REASON

For the proposed purchase to take place it is necessary to fund the purchase from Council reserves

CO/87 **CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL 2016/17**

RESOLVED

That, subject to formal election at the annual meeting, it be noted that Councillor Christian Mitchell will be Chairman and Councillor Roger Clarke will be Vice-Chairman for the municipal year 2016/17.

CO/88 **URGENT MATTERS**

There were no urgent matters to be considered.

The meeting closed at 8.05pm having commenced at 6.00pm.

CHAIRMAN

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PERSONNEL COMMITTEE
9th March 2016

Present: Councillors: Michael Willett (Vice-Chairman), John Blackall, Roy Cornell, Jonathan Dancer, Nigel Jupp, Liz Kitchen, Mike Morgan, Godfrey Newman

Apologies: Councillors: Roger Clarke (Chairman), Alan Britten, Ray Dawe, Matthew French, Tony Hogben, Josh Murphy, Brian O'Connell

PC/21 **MINUTES**

The minutes of the meeting of the Committee held on 25th November 2015 were approved as a correct record and signed by the Chairman.

PC/22 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

PC/23 **ANNOUNCEMENTS**

There were no announcements.

PC/24 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That under Section 100A of the Local Government Act 1972 as amended the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act 1972 by virtue of paragraphs 2 and 4 and in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PC/25 **HOUSING SERVICES - RESTRUCTURE**

The Strategic Housing Manager introduced the proposed restructure of the department, which had been undertaken with the aim of further streamlining the service and re-focusing the team.

It was reported that households being presented as homeless and those in temporary accommodation had significantly reduced over the last year. The introduction of online applications to the housing register had led to a reduction in numbers of those attending the Council's drop-in service. This restructure would need to be achieved in order to enable the department to further streamline all housing services.

RESOLVED

That, on completion of the formal consultation process, approval of the new structure of the Housing Services team be determined by the Human Resource & Organisational Development Manager, in consultation with the Chairman of the Committee.

REASON

- 01 It is considered that the proposed change to the structure will improve the overall flexibility and competence of the team, provide resilience in the Council's approach to Welfare Reform and in delivery of affordable housing as well as provide a budget saving to the department.

The meeting finished at 5.52pm. having commenced at 5.30pm.

CHAIRMAN

STANDARDS COMMITTEE**16th March 2016**

Present: Councillors: David Coldwell (Vice-Chairman), Brian Donnelly,
Mike Morgan, Godfrey Newman, Tricia Youtan

Advisory members

Present: Parish Council Representatives: Val Court
Independent Persons: John Donaldson, Mary Jagger

Apologies: Councillors: Ian Howard (Chairman), Brian O'Connell,
Parish Council Representatives: Kieran Diamond

Also Present: Councillor: Peter Burgess, Christian Mitchell

SC/20 MINUTES

The minutes of the meeting of the Committee held on 2nd December 2015 were approved as a correct record and signed by the Chairman.

SC/21 DECLARATIONS OF INTEREST

There were no declarations of interest.

SC/22 ANNOUNCEMENTS

There were no announcements

SC/23 EVALUATION OF THE EFFECTIVENESS OF CHANGES TO THE STANDARDS (AND ASSOCIATED) FUNCTION

The Monitoring Officer reminded Members that when the current Standards Regime had been adopted in May 2014, Council had resolved that the regime would be reviewed during the current municipal year. At the meeting in December the Committee had agreed that the review should be carried out by the Monitoring Officer and his staff, with contributions from Members of the Committee.

The review had looked at the current function with particular regard to the changes that had been made regarding complaints about councillor behaviour: the removal of the internal right of review for a complainant; the removal of the right of appeal for the subject member; and the delegation of power to the Monitoring Officer, with the discretion to refer to a Standards Sub-Committee.

Members considered the outcome of the review and were satisfied that the current Standards Regime functioned well and no material changes were required.

SC/23 Evaluation of the Effectiveness of Changes to the Standards (and associated) Function (Cont.)

RESOLVED

That the outcome of the review of the Standards function be noted.

REASON

To enable the Standards Committee to note that it has satisfied the Council resolution of May 2014 (CO97 refers) that a review of the Standards regime at Horsham District Council be undertaken after the local elections in May 2015.

SC/24 **ETHICAL FRAMEWORK UPDATE**

The Monitoring Officer presented the report on developments in the ethical framework that affected the role and activities of Councillors and the Council's business.

- Training and awareness: As part of the ongoing Induction Programme for Members, Ethical Governance training had taken place on 10th March. Members expressed disappointment at the low attendance rate at training sessions and discussed the need to encourage more Councillors to attend. It was noted that whilst it was good practice to attend training, in particular for Safeguarding and Ethical Governance, there was no legal requirement to do so.

The Monitoring Officer had arranged for Parish Councillors and Clerks to attend similar Ethical Governance training on 21st April at Parkside. Further training sessions for Parish Councillors and Clerks would be offered in a location outside Horsham to encourage those from around the District to attend. The role of Parish Clerks in supporting their Councillors was discussed, and the Monitoring Officer would raise the need for training with Clerks next month. It was noted that SLCC (Society of Local Council Clerks) training was available to Parish Clerks.

- Local assessment, other action, investigations and determinations: The Monitoring Officer advised that there had been a sharp rise in the number of complaints against Parish Councillors. Several of the cases were interrelated and the increase was considered to be an anomalous situation.
- Register of Interests: Members discussed the current Register of Interest form, which the Monitoring Officer was to review.

SC/24 Ethical Framework Update (Cont.)

It was agreed that the Monitoring Officer would produce two draft forms for the Standards Committee to consider at their next meeting: one version would be simplified and shortened; the other would be more comprehensive.

- Work Programme update: The list was noted.

RESOLVED

That the contents of the report be noted.

REASONS

- (i) To ensure that the Committee, the Members of the Council and others to whom the report is circulated are kept up to date with developments in the ethical framework.
- (ii) To promote and maintain high standards of conduct amongst Members.

The meeting finished at 10.47am having commenced at 10.00am.

CHAIRMAN

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Accounts, Audit & Governance Committee
23 MARCH 2016

Present: Councillors: Godfrey Newman (Chairman), Stuart Ritchie (Vice-Chairman), Brian Donnelly, Adrian Lee and Paul Marshall

Apologies: Councillors: Paul Clarke and Ian Howard

Also Present: Councillors Leonard Crosbie and Nigel Jupp
Paul King, Audit Director, Ernst & Young
Hannah Lill, Manager, Ernst & Young
Tom Crowley, Chief Executive
Dominic Bradley, Head of Finance
Paul Miller, Chief Internal Auditor

AAG/45 **MINUTES**

The minutes of the meeting held on 6th January 2016 were approved as a correct record and signed by the Chairman.

AAG/46 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

AAG/47 **ANNOUNCEMENTS**

There were no announcements.

AAG/48 **AUDIT PLAN 2015/16 - TO BE PRESENTED BY THE EXTERNAL AUDITOR**

Paul King, Audit Director, Ernst & Young, presented the External Auditors Plan in respect of the 2015/16 audit. The Plan set out the audit work the Auditor proposed to undertake for the audit of financial statements; the statutory conclusion on the Council's arrangements to secure value for money (economy, efficiency and effectiveness); and the review of the Whole of Government Accounts return.

The Audit Director drew attention to two risks that had been identified as being relevant to the audit of financial statements and indicated how these areas would be audited:

- Risk of management override (the Audit Director reassured Members that this was not a particular risk at Horsham but one that was identified and responded to on every audit engagement they undertook).
- National Non-Domestic Rates (NNDR) rateable value appeals provision.

With regard to value for money, the Audit Director had identified one significant risk: Sustainable Resource Development (the predicted budget gap in future years). The Audit Director also gave a short presentation on the new code of audit practice.

The Audit Director referred to the definition used by the auditors for materiality when determining whether the financial statements were free from material error.

The planned fee for the 2015/16 audit had been set at £50,094, a 25% reduction from the out-turn fee for 2014/15.

The outcome of the 2015/16 audit would be reported to the meeting of the Committee in September 2016.

AAG/49 **AUDIT PROGRESS REPORT 2015/16 - TO BE PRESENTED BY THE EXTERNAL AUDITOR**

Paul King, Audit Director, Ernst & Young, gave an overview of plans for the 2015/16 audit. Certification of the 2014/15 housing benefit subsidy claim had been completed in November 2015 and the certification report was a separate item on the agenda for this meeting.

The report also noted that a key area of the Accounts and Audit Regulations 2015 was that from the 2017/18 financial year, the timetable for the preparation and approval of accounts would be brought forward to a draft accounts deadline of 31st May and an audit deadline of 31st July. These changes provided challenges for both the preparers and the auditors of the financial statements. With this in mind, Ernst & Young had provided some suggestions which would help achieve these new statutory deadlines.

The Department for Communities and Local Government had recently announced that it had decided to extend the existing arrangements for awarding external audit contracts by one year, to the end of 2017/18. From 2018/19 onwards, larger local government bodies would be responsible for appointing their own auditors and directly managing the resulting contract. Existing external audit arrangements would remain unchanged for the 2015/16, 2016/17 and 2017/18 financial years

AAG/50 **GRANT CERTIFICATION REPORT 2014/15 - TO BE PRESENTED BY THE EXTERNAL AUDITOR**

Hannah Lill, Manager, Ernst & Young, presented the outcomes of the certification work on the 2014/15 claim and returns. The claim involved was for the Housing Benefits subsidy (£31,572,184).

It was noted that a qualification letter had been issued in respect of the claim due to the identification of errors in the calculation of benefits or compilation of claims, which had an impact on the subsidy paid. These issues had been

previously discussed at the Committee's last meeting (Minute No. AAG/36 (6/1/16) refers). It was also noted that senior officers from the CenSus partnership had met with Members to discuss the issues and answer questions.

The actual certification fee for 2014/15 was the same as the initial indicative figure and was lower than that for 2013/14 as the Department of Work and Pensions had not requested any additional work. The indicative certification fee for 2015/16 was lower again at £12,360.

The report recommended that the Council continued to implement the recommendations it made in respect of the 2013/14 certification claim and summarised the progress that had been made to date.

AAG/51 **RISK MANAGEMENT - QUARTERLY UPDATE**

The Chief Executive presented the latest quarterly update of the Corporate Risk Register.

The Senior Leadership Team had reviewed all outstanding actions on the corporate risk register and updated the comments to reflect the current position for each risk. As requested by the Committee, two new risks had been added to the register: temporary absence of Section 151 Officer (CRR16) and Benefit Subsidy Claim (CRR17).

It was noted that the Chief Internal Auditor had provided updated training to all service managers and risk champions on how to manage their risks.

RESOLVED

That the report be noted.

REASON

To ensure that the Council has adequate risk management arrangements in place.

AAG/52 **INTERNAL AUDIT - QUARTERLY UPDATE REPORT**

The Chief Internal Auditor submitted a report summarising the work of the Internal Audit Section since December 2015.

A summary of audit findings in respect of Building Control Fees and National Non-Domestic Rates (both of which had achieved an overall audit opinion of substantial assurance) and Housing Allocations, VAT, DEFRA Grant (Flooding) and Council Tax (all of which had achieved an overall audit opinion of satisfactory assurance) was submitted.

It was noted that the audit plan for 2015/16 was currently on schedule.

The Internal Audit Strategy, Internal Audit Plan 2016/17 and the Internal Audit Charter were all submitted for approval.

RESOLVED

- (i) That the summary of audit and project work undertaken since December 2015 be noted.
- (ii) That the Internal Audit Strategy, Internal Audit Plan for 2016/17 and the revised Internal Audit Charter be approved.

REASONS

- (i) To comply with the requirements set out in the Public Sector Internal Audit Standards 2013.
- (ii) The Committee is responsible for reviewing the effectiveness of the Council's system of internal control.

AAG/53 **URGENT BUSINESS**

There were no urgent matters to be considered.

AAG/54 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That, under Section 100A(2) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information, as defined in Part I of Schedule 12A of the Act, by virtue of the paragraph specified against each item, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

AAG/55 **INTERNAL AUDIT - QUARTERLY UPDATE ON AUDIT FOLLOW-UPS**

The Chief Internal Auditor submitted a report summarising progress since December 2015 on the implementation of actions in respect of audits undertaken in 2015/16, 2014/15, 2013/14 and 2012/13.

RESOLVED

- (i) That progress in terms of agreed actions implemented since December 2015 be noted.

- (ii) That the position in respect of the specific areas highlighted by the Chief Internal Auditor be noted.

REASON

The Committee is responsible for reviewing the effectiveness of the Council's system of internal control.

AAG/56 **AUDIT REPORT**

The Chief Internal Auditor submitted a report summarising the findings from a recent audit which had achieved an overall audit opinion of limited assurance.

RESOLVED

That the audit findings and remedial action arising from the recent audit be noted.

REASONS

- (i) To comply with the requirements set out in the Public Sector Internal Audit Standards 2013.
- (ii) The Committee is responsible for reviewing the effectiveness of the Council's system of internal control.

The meeting closed at 7.45 pm having commenced at 6.00 pm

CHAIRMAN

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Scrutiny and Overview Committee
14 MARCH 2016

Present: Councillors: Leonard Crosbie (Chairman), David Coldwell (Vice-Chairman), Alan Britten, John Chidlow, Jonathan Dancer, Matthew French, Nigel Jupp, David Skipp and Michael Willett

Apologies: Councillors: Paul Clarke, Roger Clarke, Tony Hogben, Tim Lloyd, Brian O'Connell and Ben Staines

Also Present: Toni Bradnum, Christian Mitchell, Godfrey Newman, Stuart Ritchie and Tricia Youtan

SO/1 **MINUTES**

The minutes of the meeting of the Committee held on 11th January 2016 were approved as a correct record and signed by the Chairman.

SO/2 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

SO/3 **ANNOUNCEMENTS**

There were no announcements.

SO/4 **REPLIES FROM CABINET/COUNCIL REGARDING SCRUTINY & OVERVIEW RECOMMENDATIONS**

There were no announcements.

SO/5 **BUSINESS IMPROVEMENT WORKING GROUP**

A Member of the Business Improvement Working Group presented the notes of the meetings held on 12th January, 10th February and 8th March 2016.

The main focus for the Working Group was the review of the S106 process.

The Committee noted the recommendation on page 13 of the agenda which related to a new Working Group being established to look at the Council investing in its own affordable housing stock.

At the meeting of the 8th March 2016 the Chairman of the Working Group gave a summary of the conclusions of the S106 review and there were a number of recommendations listed which the Group would consider at its next meeting, along with the draft version of the final report, if approved by the Working

Group the final report would be presented to the Scrutiny and Overview Committee on 9th May 2016.

The Committee suggested that following completion of the S106 review the Working Group should review the outcome and progress 12 months later. This would be fed back to the Chairman of the Working Group.

It was also confirmed that all Councillors would be briefed on the planning application for new homes and a business park on land north of Horsham and this would include briefings on the infrastructure package to be secured through the s106 process.

RESOLVED

That a new Working Group be established to look into the potential for the Council to invest in building and managing its own affordable housing stock.

REASON

All new working groups are to be approved by the Committee.

SO/6 **CRIME AND DISORDER WORKING GROUP**

The Committee noted that there had been no further meetings of the Crime and Disorder Working Group and the next meeting was on Monday 18th April 2016.

RESOLVED

That an update from the Crime and Disorder Working Group be received.

REASON

All updates of Working Group meetings are to be received by the Committee

SO/7 **FINANCE AND PERFORMANCE WORKING GROUP**

The Chairman of the Finance and Performance Working Group presented the notes of the meeting held 17th February 2016.

There was some concern at the meeting regarding the CenSus Revenues and Benefits performance and the cost that the Council had incurred as a result of the audit of benefits payments which revealed for the second year

that errors had exceeded the permitted tolerances.

As a result of the Group's concerns the Members had asked for a full explanation from Mid Sussex District Council which was the lead authority for the Revenues and Benefits service in the CenSus partnership.

There would be an informal briefing, to which all Members were invited, which would be given by the Chief Executive at Mid Sussex District Council, their Head of Finance and HR and also the Head of CenSus Revenues and Benefits on 22nd March 2016. The Committee suggested that the Cabinet Members who represented Horsham on the CenSus Joint Committee, also be invited to the briefing. The Chief Executive would contact them.

The Chairman of the Working Group clarified that this cost was recouping of an overpayment and that the authorities would be asked to pay back money which had been paid out in error.

The Committee agreed that this item should appear on the next agenda for the Working Group in order for Members to monitor this.

Members questioned the impact of Adur District Council exiting the CenSus partnership 2017. The Chief Executive explained that the remaining authorities were faced with a number of options and a report would be brought before Councillors in due course. The Committee suggested that the Committee and Working Group be involved in this.

The Committee also noted the discussions which the Group had at the meeting on requests made under the Freedom of Information Act, following an email received by a member of the public in relation to the performance indicators which were monitored by the Working Group.

RESOLVED

That the notes of the Finance and Performance Working Group meeting held 17th February 2016, be received

REASON

All notes of Working Group meetings are to be received by the Committee

SO/8 **SOCIAL INCLUSION WORKING GROUP**

The Chairman of the Social Inclusion Working Group presented the notes of the meeting held 7th March 2016.

The Working Group heard from the Financial Inclusion and Engagement

Officer at West Sussex County Council in relation to the causes of indebtedness and financial hardship.

Arising from discussions the Working Group suggested that the Council review its method of council tax collection, by adopting a more flexible approach. A more flexible system would help those residents suffering financial hardship by making it easier to pay their bills and therefore avoiding debt; in addition it could optimise the efficiency of collection and reduce costs to the Council.

The Scrutiny and Overview Committee agreed with this proposal and made a recommendation to the Cabinet Member for Finance and Assets.

**RECOMMENDED TO THE CABINET MEMBER
FOR FINANCE AND ASSETS**

That the Cabinet Member for Finance and Assets review the Council Tax fixed collection date with a view to having more flexibility in the system. By engaging with those in debt at an early stage rather than simply pursuing them for payment would have a positive outcome on the Council by reducing costs (e.g. bailiff costs) and potentially reducing cases of homelessness.

SO/9 HEALTH PROVISION WORKING GROUP

The Chairman of the Health Provision Working Group presented the notes of the meeting 25th January 2016.

The Working Group agreed to write a letter to West Sussex County Council to seek its support in action to address the lack of health provision in the District. A letter addressed to the Chairman of the WSCC Health and Adult Social Care Select Committee (HASC) was presented to the Committee for approval.

The Committee noted that the Chief Executive had already corresponded with HASC and circulated a copy of his letter.

There had previously been meetings with the CCG and NHS England and Members were keen to keep pressure on in relation to this issue with the support of the County Council. The Chairman of the Working Group had already contacted the local MP.

Once there was a strategy in place the Council could look to gain the support of the local GPs.

Members noted that there was also some parallel working with the Cabinet Member for Community and Wellbeing and the Leader in relation to this

matter.

RESOLVED

That the notes of the Health Provision Working Group meeting held 29th January 2016, be received

REASON

All notes of Working Group meetings are to be received by the Committee

SO/10 **FEEDBACK FROM WEST SUSSEX JOINT SCRUTINY**

The Chairman of the Committee had attended the meeting of the West Sussex Joint Scrutiny Steering Group, which met twice a year, at which it agreed that the West Sussex Joint Scrutiny Task and Finish Group would review the housing provision for care leavers.

Councillor Alan Britten represented Horsham District Council on the Task and Finish Group and he provided the Committee with an update following the first meeting.

Ofsted had highlighted many areas which required improvement in relation to the education and housing provision, for care leavers. The service was considered to have deteriorated.

The Task and Finish Group, which included representatives from all district and boroughs in the County along with the County Council, would be looking into whether there was adequate support for young people leaving care. The review was due to be completed by the end of April; some Members were concerned that this was not adequate time to cover such a wide scope.

Councillor Britten wished to thank the Community Development and Engagement Manager and the Housing Needs Manager, for their help and assistance during this review and he would report back on progress at the next meeting of the Committee.

The Committee supported the suggestion that this Task and Finish Group be responsible for reviewing and monitoring the progress and outcome following the completion of this review. Normally any follow up would be carried out by the Joint Scrutiny Steering Group. Councillor Britten would report this back to the Group.

It was also important that the outcome of this review was fed into the Scrutiny and Overview Committee and then subsequently Council.

SO/11 **PLANNING APPEALS: BUDGET 2015/16 COSTS TO DATE AND CURRENT STATUS OF MAJOR APPEALS**

The Chairman of the Committee was concerned about the costs of three major planning appeals, which were in addition to the figures reported in the performance data for the Finance and Performance Working Group.

The Committee noted that there were not any decisions at this stage.

SO/12 **WORK PROGRAMME**

The Scrutiny and Overview Work Programme was circulated.

There was one additional suggestion for the work programme raised by the Chairman. As a result of all the additional housing in the District he was concerned that this would lead to an increase in car ownership and that there was no provision for an increase in parking in the town centre. Car parking fees were also an important part of the Council's revenue and needed to be safeguarded.

The Chairman sought support from the Committee to ask the Cabinet Member for the Local Economy to produce a report with a strategy for the future with consideration to be given to the additional houses, potential car parking sites, park and ride and the car parking revenue. The Committee suggested that this also include rural car parks.

The Committee noted that the Cabinet was already looking at a future vision and plan for Horsham and parking was also part of this.

The Committee supported the request that the Cabinet Member for the Local Economy produce an overall review of car parking in the District.

SO/13 **CIL REPORT CONSULTEES: ROLE OF SCRUTINY & OVERVIEW COMMITTEE**

The Community Infrastructure Levy (CIL) Draft Charging Schedule Consultation and Viability Assessment were now available and the Scrutiny and Overview Committee had expressed their wishes to be a consultee in the process. Members were awaiting confirmation from the officers on when the consultation period would take place, but in the meantime Councillors Crosbie and Jupp would begin reading the documents as part of the background work for Scrutiny's official response.

SO/14 **URGENT BUSINESS**

None.

The meeting closed at 8.09 pm having commenced at 6.00 pm

CHAIRMAN

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Council

27 April 2016

By the Leader of the Council

DECISION REQUIRED



Not Exempt

Report on the review of governance by the Governance Group

Executive Summary

The Localism Act 2011 provides Local Authorities an opportunity to review their governance arrangements. It provides for two permissible forms of council governance i) executive arrangements (the Cabinet and Leader model) or ii) the Committee system. Following the election of a new council in May 2015, the Leader undertook to facilitate a review of the Council's current and future governance arrangements. The review of the Council's governance arrangements was enabled in two parts: i) a Governance Group of members and ii) three all-member seminars – the final one being to hear and discuss the report and proposals of the Governance Group.

This report proposes a range of formal and informal enabling changes to existing governance arrangements.

Recommendations

That the Council is recommended:

- i) To endorse and support the Cabinet and Leader model of governance for Horsham District Council;
- ii) To delegate to the Head of Legal and Democratic Services the enablement of the consequences of this review as detailed in section 3 of this report throughout the Constitution of the Council with immediate effect; and
- iii) To agree that the Accounts, Audit and Governance Committee undertake a review of the effectiveness of such changes to governance arrangements in 2017 after one year of operation.

Reasons for Recommendations

- i) To receive the report of the findings of the Governance Group and enable improvements to the governance arrangements at Horsham District Council.

Background Papers

Governance briefing three – presentation from the Governance Group to all members, 29 March 2016.

Wards affected: All Wards.

Contact: Paul Cummins, Head of Legal and Democratic Services.

1 Introduction and Background

- 1.1 In the light of the 2011 Localism Act, the Council has the opportunity to review its Governance arrangements. At the start of the new council, the Leader stated that he would be leading a review of the council's governance arrangements. This has been in two parts
- i) A Governance Group consisting of the chairman and vice chairman of scrutiny, the council chairman, the chairman of the standards committee, a cabinet member, the Leader of the minority group, the deputy leader and the Leader of the council.
 - ii) Two all-member seminars where the governance options were explained and discussed and members' queries were answered. Members' comments and opinions were sought. The presentation and members' comments were then circulated to all councillors. Post seminar member comments were also circulated. A third all-member seminar was held to present and discuss the proposals of the Governance Group. The outcome of that seminar is described in section 5 of this report.

2 Relevant Council policy

- 2.1 The Corporate Plan 2016/19 has a council priority of '*Efficiency - Great value services*' which will be better enabled by clear, well understood and supported governance arrangements that allow the council to achieve this.

3 Details

- 3.1 There are two permissible forms of council governance:
- i) The executive (Leader & Cabinet) system
 - ii) The committee system
- 3.2 Horsham District Council currently operates (i) the executive (Leader & Cabinet) system. The national picture of governance arrangements is:
- a) cabinet system (167 shire districts – including those styled Borough)
 - b) an adapted cabinet system –known as “hybrid”- (7 councils)¹
 - c) the committee system. (32 districts)
- 3.4 Any council changing from the cabinet system to the committee system cannot change back for 5 years (Localism Act 2011, Section 9KC). A council operating the cabinet system can produce its own variation of the arrangements and there is no 5 year rule preventing further revision of these.

The Governance Group

¹ The term 'hybrid' was introduced in the document "Rethinking Governance" published by the Local Government Association and the centre for Public Scrutiny in 2013. A 'hybrid' arrangement is one which retains the leader/ cabinet model but effectively adds an advisory board or committee stage prior to decisions being made by the cabinet.

- 3.5 The Governance Group was guided by the Local Government Association publication '*Rethinking Governance*' 2013. The Group examined how governance arrangements worked in similar councils and evaluated those along with a detailed understanding of how the Cabinet system currently works at Horsham District Council.
- 3.6 Councils that had changed their governance arrangements were chosen for comparison: Maidstone & Canterbury (committee system) and Sevenoaks & Tunbridge Wells (hybrid).
- 3.7 The Governance Group met on 12 occasions, visited other councils and received representations from experienced officers who had worked in all arrangements.
- 3.8 The Group asked that seminars be held for all council members to explain the history of council governance, possible change considerations and briefings about how other councils worked. The seminar notes were then circulated to all members.
- 3.9 Any members with a particular view on governance were invited to come and give those views to the Governance Group. Officers were available to members throughout the review to give further explanation and hear any members' views that were to be passed on to the Governance Group.

The role of Scrutiny in governance

- 3.10 The Local Government Act of 2000 introduced Scrutiny as a major part of governance so it was felt that an examination of the role of Scrutiny should be included in the review. All councils operating cabinet governance arrangements must have an Overview and Scrutiny Committee. They are intended as a backbench counterbalance to the Cabinet.
- 3.11 Scrutiny's role is to question the council's cabinet, its chief officers and representatives of certain other organisations and to make recommendations to the cabinet and (where appropriate) to the council.
- 3.12 It was felt that the HDC Scrutiny function was an important part of HDC governance and was considerably appreciated by members. The group felt that it should be retained under any changed governance arrangement and that ways to empower it should be examined. Neither of the comparator councils with the committee system has a Scrutiny function.

Comparison of current Horsham District Council governance arrangements with committee and hybrid arrangements

3.13 The Governance Group evaluated the governance arrangements at HDC alongside committee and hybrid arrangements against five key lines of enquiry sourced from the *Rethinking Governance* publication.

	Horsham 2015	Committee	Hybrid
Member Involvement	Backbench involvement in policy development but pathway not always clear	Officers generate reports, and lead at committee. Few members are engaged in policy development	Executive members generate policy but advice of the advisory function arrives at the end of process
Efficiency	Existing decision making responsibilities may not be well understood	Has many meetings and often takes operational decisions	Officers take operational and administrative decisions
Accountability	Cabinet Member and Cabinet collective accountability. Scrutiny Committee. Accountability not always clear.	No scrutiny function and no individual member responsibility	Appears to reduce scrutiny function
Timely decision making	Decisions may be taken quickly	Requires a committee meeting. Can be very fast or very slow depending on matter.	Adds an extra layer before cabinet
Openness	Emerging forward plan and 'thinking space' advisory function	Public committee stage, but no advisory stages nor Forward Plan	Lack of member involvement in early stages of policy development

Alignment of member seminar and Governance Group views

3.14 Having considered the alternatives to the existing arrangements at Horsham, and having heard the views of members at two seminars, it appeared that there was general alignment in a view that cabinet governance arrangements should be retained but modified. These changes should emphasise:

1. Involving backbenchers in policy development at an early stage
2. Accountability with a strong Scrutiny function
3. Engagement and commitment from backbenchers
4. Member responsibility rather than an officer led culture
5. Clear pathways to efficient/timely decision making

Horsham governance 2016 onwards

- 3.15 The Group examined the existing HDC system to see how this could be changed to include the guiding principles that had emerged.
- 3.16 It was felt that while the advisory group system at Horsham District Council had been criticised, it did provide backbenchers with the opportunity to give their views early on evolving cabinet level decisions. It was seen that the hybrid 'advisory board' system formalised backbench involvement but this tended to be heavily towards the end of policy making. It was clear that backbench members had not generally participated in policy development before the publication of an advisory committee/board report. The group looked at what adaptations could be made to the existing HDC system to combine the advantages of the hybrid system with an early and greater advisory role for backbenchers.
- 3.17 The Governance Group believed that it was possible to combine obtaining the views of a nominated group of members per portfolio, who meet before a cabinet level decision is made (hybrid system) with the more relaxed, less formalised, positive features of advisory groups participating in early policy development and initiation. Having 'room to think' was a clear benefit recognised by both case law and the original authors of the 2000 model constitution. Members should be able to express their opinion during the early stages of policy development.
- 3.18 A clear path from policy development to final agreement should be visible and well understood by members.
- 3.19 The Group believes that it would be highly desirable to implement any changes in governance so that they can run from the beginning of the forthcoming council year.
- 3.20 It further proposed that a review of the effectiveness of the changes to governance be undertaken by the Accounts, Audit and Governance Committee after Annual Council 2017.

Proposals

- 3.21 The Governance Group propose that the following changes should be introduced:
- A single Policy Development Advisory Group (PDAG) should be appointed for each Cabinet portfolio at each meeting of Annual Council [in accordance the with Local Government (Committees and Political Groups) Regulations 1990];
 - Annual nominations of membership of PDAGs will be made by group leaders and agreed by members at the Annual Council meeting. Subsequent (in-year) changes to membership will be delegated to group leaders;
 - PDAG membership size will be 11 to include the Cabinet Member who will chair the meeting. A variance in size (not exceeding 11) will be permitted by notification of group leaders and the subsequent assent of Annual Council. There will be a quorum of three (including the Cabinet Member) and membership will be politically balanced;
 - An annual timetable of 6 PDAG meetings per Group per year will be agreed at Annual Council;
 - Officers will publish an agenda, attendance and notes for each meeting of PDAGs on the council's website and members will be able to see a list of 'what's newly published' in one place;
 - Visiting members may attend PDAG meetings by prior notice and speak at the discretion of the chairman;
 - A record of the final views of PDAGs will be included in cabinet reports;
 - Sub-groups of a PDAG can be created from the membership of the PDAG and with the assent of the group, duly noted by the Proper Officer;
 - At the request of the Leader, additional in-year PDAGs may be created by approval of full council;

- The terms of reference of a PDAG will be to advise Cabinet Members on their areas of responsibility;
- These proposals would replace any existing constitutional references to “advisory groups”;
- The Cabinet meeting in public and not officers will take key decisions based on a clearer financial value; and
- Audio broadcast and the making available of recordings of public meetings on the Council’s website be trialled for three months.

Scrutiny 2016 onwards

3.22 Members felt that a strong Scrutiny function independent of the executive (cabinet) aided good governance. The Governance Group examined the existing HDC scrutiny function against good practice scrutiny functions elsewhere and proposes that:

- The existing overall Scrutiny structure be retained and that the committee that discharges the function be called the ‘Overview and Scrutiny Committee’;
- Cabinet Members be held to account by a programme of appearance before the committee;
- Existing ‘working groups’ be renamed ‘sub-committees’ to permit the discharge of the Overview & Scrutiny function directly where appropriate; and
- Enable the ‘call-in’ function to allow the Overview & Scrutiny committee to challenge decisions taken by the cabinet.

The effect of proposed changes

3.23 The Governance Group believe that its proposals will have the following effects:

- **Member involvement:** Clear member advisory pathway at the earliest possible stage
- **Efficiency:** Clearer key-decision making responsibilities
- **Accountability:** Strong Scrutiny function. Clear line of cabinet member accountability
- **Timely decision making:** Decisions, subject to advisory stage may be taken quickly
- **Openness:** Published agendas, member attendance, and policy development advisory group conclusions, benefitting from ‘thinking space meetings

4 Next Steps

4.1 This report recommends that delegation be made to the Monitoring Officer to enact the consequential and administrative changes to the constitution of the recommendations so that the requirements of this report may be discharged for the 2016/17 municipal year and thereafter.

5 Outcome of Consultations

5.1 Paragraph 1.2 above details that three all-member seminars were facilitated. The summary feedback from the third all-member seminar was:

- The proposals that strengthened Scrutiny were welcomed, particularly the clarification of decisions that may be 'called-in' and the strengthening of the accountability of cabinet members;
- Support for the formalisation of policy development advice at the earliest possible stages of decision making, with improved administrative support and publication of agenda and notes;
- Endorsement of the change to the cabinet report template to require the views of the PDAG to be included in summary form;
- Support for the benefits of a clear Forward Plan of forthcoming decisions for a 12 month rolling period;
- Endorsement of the need for all members to support and engage in the council's governance arrangements; and
- Acknowledgement that the public perception of governance arrangements at HDC would be improved by the modifications proposed.

5.2 The proposals in this report were supported and endorsed in full at the third briefing on governance for all members held on 29 March 2016. The intention to receive the report of the governance group was included on the publicly available Forward Plan from February 2016. There was no legislative nor regulatory requirement to conduct any form of public consultation on this matter as there is no formal change in governance arrangements as defined by the Localism Act 2011.

6 Other Courses of Action Considered but Rejected

6.1 The Governance Group considered two alternative forms of governance arrangements, the committee system and the modified cabinet and leader model known as hybrid. Paragraph 3.13 of this report contrasts each consideration and paragraph 3.21 proposes the course of action for governance at Horsham District Council.

7 Financial Consequences

7.1 The Council needs to have well-understood and supported governance arrangements to meet the ambitions set out in the Corporate Plan. The financial consequences of this report relate to the potential resource requirement of improving the advisory function as described in paragraph 3.21. Further, whilst the trial of new audio technology has no financial implications at this stage, an annual revenue cost would be subsequently generated should the trial prove acceptable to members. A consequent executive report may be made after the trial as required.

8 Legal Consequences

8.1 The Council is permitted to review its governance arrangements pursuant to the Localism Act 2011. The setting of the financial threshold for a key decision is a Council decision pursuant to the Local Government Act 2000. Improved governance arrangements will further strengthen the legitimacy of the Council's actions and will provide mitigation against Corporate Risk as described in section 10 of this report.

9 Staffing Consequences

- 9.1 Staffing arrangements are the responsibility of the Head of Paid Service. It is proposed that the changes in governance recommended herewith be met within existing resources for the time-being subject to review by the Monitoring Officer and the Head of Paid Service after 3 months of operation.

10 Risk Assessment

- 10.1 The recommendations within this report are part of mitigating a Corporate Risk described in the Corporate Risk Register presented to the Accounts, Audit and Governance Committee, 23 March 2016. The risk is CRR08 Governance, *Source*: The Council's decision-making processes are based on Constitution that is overly bureaucratic and unnecessarily complicated. *Event*: Non-compliance with the Constitution and delays in decision-making. The potential consequences described in the register are: opportunities lost, complaints / claims / litigation, financial losses and lack of openness and transparency.
- 10.2 Certainty of around the parameters of decision making mitigates risk.

Appendix 1

Consequences of the Proposed Action

<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>Section 17 of the Crime and Disorder Act 1998 requires the Council to do all that it reasonably can to reduce crime and disorder. The governance arrangements at the Council enable the meeting of that duty. There are no crime and disorder implications as a result of this report.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>The Human Rights Act 1998 requires not only that the Council shall not infringe the convention rights but also (by inference) promotes the convention rights. The governance arrangements at the Council enable the meeting of that duty.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p>	<p>The Equality Act 2010 brings about an obligation upon the Council as a public authority to have due regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation; b) Advance equality of opportunity between different groups; and c) Foster good relations between different groups. <p>The governance arrangements at the Council enable the meeting of that duty.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>There are certain activities where the need to consider environmental and social impacts alongside traditional economic/financial considerations is a legal requirement:-</p> <ul style="list-style-type: none"> • if the report relates to procuring and/or commissioning the Social Value Act 2012 applies (regard must be given to economic, social and environmental well-being), • Climate Change Act 2009 includes legally binding targets to reduce carbon dioxide emissions and for public sector organisation to prepare for changes to the climate, such as increase incidence of flooding and heatwaves, • Significant plans and programmes might require a Strategic Environmental Assessment/Sustainability Appraisal to be completed (there are limited instances where this would apply). <p>Beyond these legal requirements consideration of how projects and proposals can secure environmental, social and economic benefits and reduce negative consequences should be an integral part of decision-making. The governance arrangements at the Council enable the meeting of that duty.</p>

Council

27 April 2016

By the Leader of the Council

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Report on 'Key Decision' making in the council

Executive Summary

The majority of decisions taken by a council are operational or administrative and have a limited effect on a council's budgets or its residents. There are also a small number of decisions which are regarded as 'key' since they affect large numbers of a council's residents or are of a significant high value.

A key decision is a cabinet decision which:

- a) results in the council spending money or making savings which are deemed to be 'significant'.
- b) is 'significant' in terms of its effects on communities living or working in a district area comprising two or more electoral areas (wards).

This report proposes changes to (a), the financial element of the Council's 'Key Decision' process, to ensure that all such decisions are taken by Cabinet in a public meeting yet are of sufficient value to ensure that lower value administrative decisions do not overburden this public process.

Recommendations

The Council is recommended:

- i) To revise the financial threshold for a 'key decision' as defined by the Local Government Act 2000 to £250,000;
- ii) To agree that all key decisions will be made by the Cabinet meeting in public;
- iii) To agree that the Accounts, Audit and Governance Committee undertake a review of the effectiveness of these changes in 2017 after one year of operation.

Reasons for Recommendations

To enable improvement to governance arrangements at Horsham District Council.

Background Papers

Governance briefing three – presentation from the Governance Group to all members on 29 March 2016.

Wards affected: All Wards.

Contact: Paul Cummins, Head of Legal and Democratic Services.

1 Introduction and Background

- 1.1 The 'Key Decision' monetary threshold had not been reviewed by this council since 2001 and this report seeks to address that and to provide clarity as to who should take a key decision.
- 1.2 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 state that a key decision is, 'an executive (cabinet) decision, which is likely
 - a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant or
 - b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards'.
- 1.3 Individual councils define the monetary value of 'significant' to make it clear which decisions to them are the most important.
- 1.4 HDC has operated on significant value levels that have been unchanged since the system was introduced in 2001. These levels are defined in the constitution as £50,000 or 5% of the projected cost for capital matters (whichever is the lower) or £10,000 or 10% of any saving for revenue matters (whichever is the lower) subject to a minimum of £2000.
- 1.5 Currently at HDC it is unclear whether a key decision needs to go to Cabinet, should be made by a portfolio holder or whether an officer can make the decision.

2 Relevant Council policy

- 2.1 The Corporate Plan 2016/19 has a council priority of '*Efficiency - Great value services*' which will be better enabled by clear, well understood and supported governance arrangements that allow the council to achieve this.

3 Details

- 3.1 Key decisions are defined in legislation as being only the most important ones for a council in terms of value or effect on the community, which should be taken in public in an open and transparent way. The taking of key decisions is therefore central to any proposed changes to provide good and clear governance.
- 3.2 The current situation at HDC regarding key decisions did not satisfy the ambition of the governance group set up by the Leader to look into future council governance at HDC. The governance group wanted clarity around how key decisions are taken. It should be very clear who can take them and importantly they should be taken by the Cabinet meeting in public.
- 3.3 The public and members should receive notification of those key decisions from the Forward Plan and be able to attend and speak at the meeting of Cabinet where the decision is to be taken.

- 3.4 The above actions would mean that going forward all key decisions of significant value would be taken by cabinet members in a public meeting. Furthermore, it would bring clarity for officers since there would be no doubt as to who needs to take that level of decision.

'Significant' monetary threshold for a Key Decision

- 3.5 It is most important that the monetary level that makes a decision a key one is of sufficient value to ensure that a disproportionate number of such decisions do not overburden or devalue the process of bringing all such decisions to cabinet meetings.
- 3.6 The typical 'significant' value range of district council financial thresholds for a key decision within the wider geographical region of the council ranges from £500,000 (Crawley) to £100,000 (Chichester). Larger council key decisions thresholds often exceed £1m. Appendix 2 provides a sample list of thresholds at district councils.

Proposals

- 3.7 That the definition of the value of a key decision at HDC should be changed and be made much clearer and easier for the public, officers and members to understand.
- 3.8 To provide alignment with similar councils, it is proposed that the future key decision monetary figure for HDC be £250,000 and that this value be reviewed annually.

Urgent decisions

- 3.9 Key decisions are required by regulation to appear on the Forward Plan for 28 days. Paragraphs 15 and 16 of Part 4E of the Constitution describe the steps that must be taken if a key decision needs to be made urgently. There is no change required to those existing provisions. The existing provisions are briefly a) to inform the chairman of the scrutiny committee when a decision cannot be included on the forward plan by public notice for 5 clear days upon the elapse of which the decision may be taken or b) seek the agreement of the chairman of the scrutiny committee that the decision cannot be reasonably deferred. In both cases, a decision notice must be published.

4 Next Steps

- 4.1 This report recommends that delegation be made to the Monitoring Officer to enact the consequential and administrative changes to the constitution of the recommendations so that the requirements of this report may be discharged for the 2016/17 municipal year and thereafter.

5 Outcome of Consultations

- 5.1 The need for a change to the value of key decisions was made in the third of three facilitated all-member seminars looking at future council governance held on 29 March 2016. The proposals of the governance group were supported and endorsed in full. The intention to receive the report of the governance group was included on the publicly available Forward Plan from February 2016.

6 Other Courses of Action Considered but Rejected

- 6.1 The existing key decision threshold is no longer appropriate when compared with other district councils. Alternative values were considered but rejected due to the benefit of having a clear financial value of key decisions that do not conflict with other financial values in the constitution and is in line with similar district councils.

7 Financial Consequences

- 7.1 Certainty of decision making parameters provides for good governance.

8 Legal Consequences

- 8.1 This report addresses the requirements of Statutory Instrument 2089 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

9 Staffing Consequences

- 9.1 Staffing arrangements are the responsibility of the Head of Paid Service. There are no staffing consequences to this report.

10 Risk Assessment

- 10.1 The recommendations within this report are part of mitigating a Corporate Risk described in the Corporate Risk Register presented to the Accounts, Audit and Governance Committee, 23 March 2016. The risk is CRR08 Governance, *Source:* The Council's decision-making processes are based on Constitution that is overly bureaucratic and unnecessarily complicated. *Event:* Non-compliance with the Constitution and delays in decision-making. The potential consequences described in the register are: opportunities lost, complaints / claims / litigation, financial losses and lack of openness and transparency.
- 10.2 Certainty around the parameters of decision making mitigates risk.

Appendix 1

Consequences of the Proposed Action

<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>Section 17 of the Crime and Disorder Act 1998 requires the Council to do all that it reasonably can to reduce crime and disorder. The governance arrangements at the Council enable the meeting of that duty. There are no crime and disorder implications as a result of this report.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>The Human Rights Act 1998 requires not only that the Council shall not infringe the convention rights but also (by inference) promotes the convention rights. The governance arrangements at the Council enable the meeting of that duty.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p>	<p>The Equality Act 2010 brings about an obligation upon the Council as a public authority to have due regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation; b) Advance equality of opportunity between different groups; and c) Foster good relations between different groups. <p>The governance arrangements at the Council enable the meeting of that duty.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>There are certain activities where the need to consider environmental and social impacts alongside traditional economic/financial considerations is a legal requirement:-</p> <ul style="list-style-type: none"> • if the report relates to procuring and/or commissioning the Social Value Act 2012 applies (regard must be given to economic, social and environmental well-being), • Climate Change Act 2009 includes legally binding targets to reduce carbon dioxide emissions and for public sector organisation to prepare for changes to the climate, such as increase incidence of flooding and heatwaves, • Significant plans and programmes might require a Strategic Environmental Assessment/Sustainability Appraisal to be completed (there are limited instances where this would apply). <p>Beyond these legal requirements consideration of how projects and proposals can secure environmental, social and economic benefits and reduce negative consequences should be an integral part of decision-making. The governance arrangements at the Council enable the meeting of that duty.</p>

Appendix 2

Sample of key decision thresholds at district councils.

Sample Key Decision Threshold	A (Expenditure)
Adur & Worthing	£100,000 revenue, £250,000 capital
Aylesbury Vale	£250,000 +/-
Blackpool	£250,000 +/-
Breckland	£250,000 +/-
Chichester	£100,000 +/-
Crawley	a) not in annual budget & capital programme b) revenue exceeding £100,000 c) Capital in excess of £500,000 d) Any contract award exceeding £500,000
Epping Forest	£250,000 +/-
Fenland	£250,000 +/-
Guildford	£200,000 +/-
Horsham	Capital: lower of 5% of the project cost or £50,000 Revenue: lower of 10% of the budget or £10,000 Minimum of £2,000 +/-
Kings Lynn & West Norfolk	£250,000 +/-
Lewes	Significant (not defined)
Mid Sussex	£50,000+ -£100,000
Mole Valley	£100,000 +/-
Northampton	£250,000 +/-
Reigate & Banstead	£250,000 +/-
Sevenoaks	£50,000 +/-
South Northants	£100,000 +/-
Stevenage	£250,000 +/-
Swale	£250,000 +/-
Tunbridge Wells	£250,000 +/-
Wealden	£250,000 +/-
Wycombe	£250,000 +/-

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Council

27 April 2016

By the Leader of the Council

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Appointment of a Constitution Review Group

Executive Summary

The Council is required under section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011) to prepare and keep up to date its Constitution. This report establishes a Constitution Review Group of nine Members to undertake the first comprehensive review of the Constitution since the Constitution was adopted in 2001.

Recommendations

That the Council is recommended:

- i) To form a Constitution Review Group of nine Members.

Reasons for Recommendations

- i) To satisfy provisions contained within Articles 4 and 16 of the constitution and section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011)
- ii) To facilitate member engagement in the review of the Constitution.

Background Papers

None.

Wards affected: All Wards.

Contact: Paul Cummins, Head of Legal and Democratic Services.

Background Information

1 Introduction and Background

- 1.1 The current Constitution of Horsham District Council was first approved by the Council pursuant to the Local Government Act 2000 Section 37, the Local Government Act 1972 sections 101, 102, 106 and 135 Schedule 12 paragraph 42 and all other enabling powers on 2nd May 2001 and became operative on 23rd May 2001. The Constitution has been subject to amendment since then in response to legislative and regulatory requirements.
- 1.2 Article 16 of the Constitution provides that changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Leader and Director of Corporate Resources responsible for monitoring and reviewing constitutional matters.
- 1.3 Following the election of a new council in May 2015, the Leader set up a member group to look at the Council's future governance arrangements. Its primary focus was to make conclusions and recommendations regarding retaining the executive (cabinet) model or whether to change governance arrangements - that is the subject of a separate report to council. However, the Governance Group also concluded that a pro-active comprehensive review of all other aspects of the Constitution would be timely.
- 1.4 The outcome should be a modern, agile constitution which is flexible, permissive, well understood, and realigned to a model constitution in an accessible single-document format.
- 1.5 Prior to such the proposals being considered by the Leader and Director of Corporate Resources and then being taken to full council - as under Article 16 of the Constitution - the Governance Group proposes that Horsham adopts an approach involving more members forming a Constitution Review Group.
- 1.6 This review will involve a series of meetings post Annual Council 2016 and knowledge will need to be gained by those participating. The creation of a group of members is proposed as follows:
 - Chairman of the Council
 - The Leader of the Council
 - The Deputy Leader of the Council
 - The Leader of the minority group
 - The Chairman of the Scrutiny and Overview Committee
 - The Vice-Chairman of the Scrutiny and Overview Committee
 - The Chairman of the Standards Committee
 - The Chairman of the Accounts, Audit and Governance Committee
 - A Cabinet Member
- 1.7 There is no conferment of delegated powers to the Constitution Review Group and as such there is no requirement that the membership be politically balanced. This preserves Article 4.2 which provides that only the Council will exercise the function of adopting and changing the Constitution.

2 Relevant Council policy

- 2.1 The Corporate Plan 2016-19 heading *Efficiency-Great value services* will be better enabled by a modern, agile constitution which is flexible, permissive, well understood, and realigned to a model constitution in an accessible single-document format.

3 Details

Background

- 3.1 In 2000 the then Department for the Environment, Transport and the Regions, issued a model constitution and associated guidance to all councils to enable the provisions of the Local Government Act 2000 which introduced executive arrangements to local government in England. Councils such as Horsham adopted a Constitution based on that model and the guidance provided. Since 2000, there have been a range of Acts and associated regulations that have required adjustment to the Constitution. Such Acts include (but are not limited to) the Local Government Act 2003, the Local Government and Public Involvement in Health Act 2007, the Local Democracy, Economic Development and Construction Act 2009 and the Localism Act 2011. During 2015 alone, seven consequential amendments to parts 3A, 3F, 4H, 5C, 6, 7 and 8 of the constitution were made, subject to the resolution of Council.
- 3.2 Councils have proceeded to amend their constitutions as required, often introducing local nuances and inconsistencies due to drafting. No further model constitution has been issued by successive governments.
- 3.3 Consequent to the Localism Act 2011 and in response to a request of Monitoring Officers nationally to address councils' constitutional inconsistencies, the Association of Chartered Secretaries and Solicitors (now known as Lawyers in Local Government) commissioned Dickinson Dees (now Bond Dickinson) to produce a new 'model local authority constitution' to provide a consistent template, already fully legally compliant for local authorities to use (if they so choose).
- 3.4 As part of its conclusions, the Governance Group proposed that the Constitution should be reviewed and included that conclusion (which was supported) in its briefing to members on 29 March and its report to Council on 27 April. The Monitoring Officer and the Director of Corporate Resources endorse the need for a review.
- 3.5 The Constitution must contain
- a copy of the Council's standing orders for the time being;
 - a copy of the Council's Members' Code of Conduct for the time being under section 28 of the Localism Act 2011;
 - such information as the Secretary of State may direct, and
 - such other information (if any) the Council considers appropriate.
- 3.5 Take-up of the new model local authority constitution has been good. A sample of the councils utilising the model fully include: Breckland, South Holland, Sefton, Oadby and Wigston, and North Hertfordshire. Many other councils, such as Dover, Gedling and Sevenoaks have utilised the model partially.

- 3.6 Alignment to the model local authority constitution will be sought to ensure that the constitution enables Horsham District Council to achieve its ambitions.

Terms of reference

- 3.7 The proposed terms of reference for the Constitution Review Group are to:
- i. be guided by the Monitoring Officer and to seek alignment with the Model Constitution,
 - ii. understand current statutory and regulatory requirements,
 - iii. propose amendments or updates to bring the document into line with legislative requirements,
 - iv. identify and propose how to address any duplication or contradictory provisions within and across the various sections of the document to ensure consistency,
 - v. address where successive revisions and additions may have affected coherence,
 - vi. review the method by which the constitution is amended (Articles 4 and 16)
 - vii. not negate any recent (2014 -16) amendments agreed by Full Council,
 - viii. bring forward suggested revisions to consolidate and improve presentation into a single document and;
 - ix. Make a report to Council in September 2016 with recommendations in order that Council may consider those recommendations in exercising the function provided by Article 4.2

4 Next Steps

- 4.1 The requirement to make recommendations to Council on 7 September 2016 enables a timeline to be set to guide the review. A cycle of weekly meetings would be necessary and members should note the commitment involved. The group will start the review after Annual Council 2016 and be comprised of the post holders stated at 1.6 above. Once the review group has concluded, Article 16 requires the proposals to be considered by the Leader and the Director of Corporate Resources before being recommended to Council for approval.

5 Outcome of Consultations

- 5.1 Support and endorsement for this proposal was received from the Governance Group (including the Leader and Chairman of the Council) whom were involved in the development of this proposal and from the Senior Leadership Team who had been consulted in February 2016. Considerations from the Monitoring Officer and Director of Corporate Resources are incorporated within this report.
- 5.2 This proposal was supported at a third briefing on governance for all members held on 29 March 2016 and the issue was subsequently included on the published Forward Plan.

6 Other Courses of Action Considered but Rejected

- 6.1 A Scrutiny 'task and finish' group approach was considered but not proposed as the membership of such a group would preclude executive members. An Advisory Group approach was also considered (notwithstanding the recommendations in favour of a clearer structure with Policy Development Advisory Groups). It was however concluded that such a Constitution Group should be representative of the relevant council committees and be consistent with the Governance Group.

7 Financial Consequences

- 7.1 The Council needs to have well-understood financial and associated regulations to meet the ambitions set out in the Corporate Plan and this report enables Member engagement in the review process.
- 7.2 There is no cost associated with using the new model constitution.

8 Legal Consequences

- 8.1 The Council is required to keep its Constitution under review pursuant to section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011). The constitution in its entirety has not been reviewed for a number of years and this revision will ensure that the Constitution will enable Horsham to achieve its ambitions. The revised Constitution will further strengthen the legitimacy of the Councils actions and will provide mitigation against Corporate Risk 08 (below).

9 Staffing Consequences

- 9.1 The review of the constitution will be undertaken within existing resources by the Monitoring Officer and his staff.

10 Risk Assessment

- 10.1 The recommendations within this report are part of mitigating a Corporate Risk described in the Corporate Risk Register presented to the Accounts, Audit and Governance Committee, March 2016. The risk is CRR08 Governance, *Source:* The Council's decision-making processes are based on Constitution that is overly bureaucratic and unnecessarily complicated. *Event:* Non-compliance with the Constitution and delays in decision-making. The potential consequences described in the register are: opportunities lost, complaints / claims / litigation, financial losses and lack of openness and transparency.

Appendix 1

Consequences of the Proposed Action

<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>Section 17 of the Crime and Disorder Act 1998 requires the Council to do all that it reasonably can to reduce crime and disorder. The Constitution is one of the enabling tools in meeting that duty. There are no crime and disorder implications as a result of this report.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>The Human Rights Act 1998 requires not only that the Council shall not infringe the convention rights but also (by inference) promotes the convention rights. The Constitution is one of the enabling tools in meeting that duty.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p>	<p>The Equality Act 2010 brings about an obligation upon the Council as a public authority to have due regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation; b) Advance equality of opportunity between different groups; and c) Foster good relations between different groups. <p>The Constitution is one of the enabling tools in meeting that obligation.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>There are certain activities where the need to consider environmental and social impacts alongside traditional economic/financial considerations is a legal requirement:-</p> <ul style="list-style-type: none"> • if the report relates to procuring and/or commissioning the Social Value Act 2012 applies (regard must be given to economic, social and environmental well-being), • Climate Change Act 2009 includes legally binding targets to reduce carbon dioxide emissions and for public sector organisation to prepare for changes to the climate, such as increase incidence of flooding and heatwaves, • Significant plans and programmes might require a Strategic Environmental Assessment/Sustainability Appraisal to be completed (there are limited instances where this would apply). <p>Beyond these legal requirements consideration of how projects and proposals can secure environmental, social and economic benefits and reduce negative consequences should be an integral part of decision-making. The Constitution is one of the enabling tools in meeting such considerations.</p>

Report to Council

27 April 2016

By the Cabinet Member for Planning and Development

INFORMATION REPORT



**Horsham
District
Council**

Not Exempt

Draft Planning Obligations and Affordable Housing – Supplementary Planning Document

Executive Summary

Following the adoption of the Horsham District Planning Framework (HDPF) in November 2015, the Council is intending to introduce a Community Infrastructure Levy (CIL) that will set a charge on new development to help fund infrastructure requirements set out in the HDPF. The Community Infrastructure Levy (CIL) is a new charge on development that came into force through the Community Infrastructure Levy Regulations in 2010. The draft CIL Charging Schedule was approved in February for public consultation and once adopted will be the primary mechanism for seeking developer contributions for infrastructure. However, S.106 obligations will still be used in a reduced format to meet site specific requirements which arise from development. To provide details about the collection of contributions and affordable housing, a draft Planning Obligations Supplementary Planning Document (SPD) has been produced which reflects the changing nature of S106. The SPD is a guidance document and not a policy document.

As CIL and Planning obligations are closely linked it was felt that it would be appropriate to undertake consultation on the CIL documentation and Planning Obligations at the same time. The purpose of this report is therefore for Council to approve the Draft Planning Obligations and Affordable Housing Supplementary Planning Document for public consultation alongside the CIL Draft Charging Schedule.

Recommendations

Council is asked to approve the following recommendations:

- i) To agree the Draft Planning Obligations and Affordable Housing Supplementary Planning Document for consultation.
- ii) To approve the revised Regulation 123 list.
- iii) That the Cabinet Member for Planning and Development has delegated authority to agree any necessary changes before consultation.

Reasons for Recommendations

- i) The Planning Obligations and Affordable Housing SPD is needed to support the next stage in preparing the Community Infrastructure Levy. The SPD sets out the guidance and mechanisms that will be used to justify the requirement to secure the developer contributions and affordable housing, alongside the new Horsham District CIL.
- ii) To ensure that the Regulation 123 list is fully consistent with the approach taken in the Infrastructure Delivery Plan and in addition the draft Planning Obligations and Affordable Housing Supplementary Planning Document.

Background Papers

Draft Planning Obligations and Affordable Housing - Supplementary Planning Document, Infrastructure Delivery Plan and Regulation 123 List (updated April 2016) – attached at Appendix 2

Wards affected: All (except areas within the South Downs National Park area).

Contact: Dr Chris Lyons, Director of Planning, Economic Development & Property; Barbara Childs, Head of Strategic Planning and Sustainability; Julia Dawe, Planning Policy Advisor.

Background Information

1 Introduction and Background

- 1.1 Following the adoption of the Horsham District Planning Framework in November 2015, the Council is intending to introduce a Community Infrastructure Levy (CIL) that will set a charge on new development to help fund infrastructure, services and amenities that are required by everyone. In addition, new development will continue to have site specific impacts, and any infrastructure which is directly required as a result of development will continue to be sought through Section 106 Agreements, as will affordable housing. The draft Planning Obligations and Supplementary Planning Document (SPD) has been prepared to provide further details about the collection of contributions and affordable housing through Section 106 agreements.
- 1.2 The Draft Planning Obligations and Affordable Housing SPD is presented for approval for public consultation. As CIL and Planning obligations are closely linked it was felt that it would be appropriate to undertake consultation on the CIL documentation and Planning Obligations at the same time and so the CIL consultation was postponed. Once the consultation has taken place and comments have been taken into account the SPD will be returned to Council for approval before it is adopted. The SPD will be used as a supporting document alongside the CIL Charging Schedule which will all be submitted for Public Examination once the consultation comments on the Draft CIL Charging Schedule have been taken into account.

2.0 Relevant National and Council Policy

- 2.1 In March 2012 the Government published the National Planning Policy Framework (NPPF). One key element of the NPPF is to ensure that sufficient infrastructure, such as transport, health, education, community and leisure facilities, have been identified to support new development and that development identified in the development plan is viable and deliverable. The ability to set CIL charges was introduced by the Planning Act 2008, with further detail about its application set out in The Community Infrastructure Levy Regulations 2010, and subsequent amendments.
- 2.2 The Horsham District Planning Framework (adopted November 2015) sets out the Council's planning strategy for the years up to 2031, to deliver the social, economic and environmental needs of the plan area. This includes allocating land for housing development, together with policies for affordable housing and the required infrastructure to deliver development. The CIL charge will ensure that an appropriate levy is set to provide development that is economically viable and that can be used to a wide range of infrastructure needed to support new development in the District, (not necessarily in the location where the money is raised). In addition, new development will continue to have site specific impacts, and any infrastructure which is directly required as a result of development will continue to be sought through Section 106 Agreements, as will affordable housing. To provide details about the collection of contributions and affordable housing, a draft Planning Obligations Supplementary Planning Document (SPD) has been prepared which

reflects the changing nature of S106. The SPD is a guidance document and not a policy document.

3 Details

3.1 Almost all development has some impact on the environment or amenities, or on the need for infrastructure, services and affordable housing. Sometimes, the impacts arising from development are such that without mitigation, development would not be acceptable. The draft Planning Obligations and Affordable Housing SPD sets out the Council's proposed guidance for developers and land owners on why, when and how the Council will seek planning obligations from new development proposals in the context of Horsham's emerging CIL regime.

The key topic areas are:

- The relationship between planning obligations and CIL.
- The use of planning obligations.
- Standard planning obligations.
- Negotiations and development viability;
- Detailed Guidance on Standard Planning Obligations, including Affordable Housing;
- Implementation and Monitoring.

3.2 The SPD is designed to be a useful tool for developers and the Council when considering a development proposal; from the initial design and pre-application discussions through the planning application consideration process and finally implementation and monitoring.

3.3 The provision of affordable housing is a complex process requiring negotiations. However, there are some standard practices that the Council will apply when considering applications where there is a policy requirement for affordable housing. The SPD contains further guidance and detail on the key requirements and mechanisms for securing affordable housing. This includes a calculator for seeking off site financial contributions. This will help ensure that there is an efficient, and where possible, standardised process to consider applications where the provision of affordable housing is required.

3.4 The SPD will refer to the Infrastructure Delivery Plan and the Regulation 123 lists which sets out which projects will be funded through CIL (in whole or in part) and which will be funded through planning obligations and other sources of funding. At the council meeting there were changes suggested to these and more up to date information has been received from infrastructure providers so an updated version of these is attached to this report.

4 Next Steps

4.1 If approved for consultation the draft Planning Obligations and Affordable SPD will be consulted upon alongside the CIL proposals. The consultation will run for six weeks.

5 Outcome of Consultations

- 5.1 The draft Planning Obligations and Affordable Housing SPD has been prepared in consultation with other departments in the Council – for example Housing. These departments will continue to feed specialist knowledge in to the preparation of the SPD prior to its adoption. The Monitoring Officer and the Director of Corporate Resources have been consulted during the preparation of the SPD.

6 Other Courses of Action Considered but Rejected

- 6.1 The only other course of action to be considered is to not prepare an SPD. This would however not provide guidance to landowners, developers in the context of Horsham's emerging CIL regime.

7 Financial Consequences

- 7.1 It is important that when development is permitted, it will be supported by the infrastructure and facilities needed to support growth. In requiring planning obligations the Council must have the objective of making acceptable development proposals which would otherwise be unacceptable in planning terms. This process will be facilitated by the guidance set out in this SPD.
- 7.2 Preparation of the Planning Obligations and Affordable Housing SPD will be funded within existing budgets, including consultancy support where required.

8 Legal Consequences

- 8.1 There are no legal implications of this report in addition to the normal activities undertaken by the Council's Legal Services team in relation to securing S106 agreements.

9 Staffing Consequences

- 9.1 There are no establishment staffing consequences resulting from this decision in addition to the normal activities undertaken by the Council in relation to securing S106 agreements.

10 Risk Assessment

- 10.1 The SPD will be used as a supporting document alongside the CIL Charging Schedule which will all be submitted for Public Examination. There is a risk that if not progressed, the Examination and subsequent introduction of a CIL levy could be delayed. In addition, without an SPD, negotiations on securing S106 agreements for affordable housing and other planning could be more time consuming to achieve due to a lack of clear guidance. These delays could lead to a potential loss of capital funding through CIL and / or the delivery of on-site infrastructure or affordable housing.

Appendix 1

Consequences of the Proposed Action

How will the proposal help to reduce Crime and Disorder?	There are no crime and disorder implications as a result of this report.
How will the proposal help to promote Human Rights?	None directly but each of the priorities and associated projects would be considered on a case by case basis.
What is the impact of the proposal on Equality and Diversity?	An EqIA has been undertaken and demonstrates that there will be no adverse impacts. The delivery of Affordable Housing will assist accessibility for groups with protected characteristics.
How will the proposal help to promote Sustainability?	The SPD is informed by the Horsham District Planning Framework (HDPF) which seeks to ensure that development which takes place in the future meets the needs of current and future residents.



**Horsham
District
Council**

Draft Planning Obligations and Affordable Housing

Supplementary Planning Document

April 2016

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Section 1: Introduction

Relationship with other Planning Documents

- 1.1 The Horsham District Planning Framework (HDPF) was adopted in November 2015 as Horsham District's 'local plan'. The HDPF sets out the strategy for development and growth with the District to 2031, including policies for the securing of affordable housing and the provision of infrastructure and services to support new planned development.
- 1.2 The Planning Obligations and Affordable Housing SPD is not a policy document. It provides guidance on the implementation of the adopted policies. Once it comes into effect, this SPD will replace the previous Planning Obligations SPD, which was adopted in 2007.
- 1.3 The approach set out through this SPD sits within the context of the emerging Horsham District Community Infrastructure Levy, which the Council expects to bring into effect at the same time as the final version of this SPD. Once in effect, CIL will become the primary mechanism by which the Council seeks developer contributions to help meet the District's infrastructure needs. However, a significant role for planning obligations remains and the SPD aims to provide the necessary guidance to facilitate that continuing role.

Purpose of this Document

- 1.4 This SPD sets out Horsham District Council's approach to securing planning obligations and affordable housing from new development across Horsham District (except the area covered by the South Downs National Park). Its purpose is to provide developers and landowners with further details and guidance on when, how and why the Council will seek planning obligations from new development proposals.
- 1.5 Almost all development has some impact on the environment or amenities, or on the need for infrastructure and services. Sometimes the impacts may be of such significance that development should not be permitted. However, often they can be mitigated through the design of the scheme and/or through appropriate mitigation measures, including financial contributions to help address the cumulative impacts of development on infrastructure.
- 1.6 Mitigation can generally be achieved in three ways:
 - Through conditions imposed on planning applications;
 - Through planning obligations, where conditions are not effective or appropriate to deliver the mitigation (for example, in relation to financial contributions);

- Through the payment of the Community Infrastructure Levy in accordance with the adopted CIL Charging Schedule, where the impacts relate to infrastructure needs which the Council has said will be funded (at least in part) by CIL receipts.

1.7 The objective of this SPD is to provide guidance regarding the basis on which planning obligations and affordable housing will be sought. It will assist in implementing local objectives in respect of the provision of sustainable development across the District by contributing towards the delivery of the HDPF. To achieve this objective, the SPD explains how the HDPF's policies relating to the securing of infrastructure and affordable housing will be applied in the context of Horsham's emerging CIL regime.

Section 2: Legislative and Policy Context

Relevant Legislation

- 2.1 Planning obligations are legal agreements negotiated between local planning authorities and those with an interest in a piece of land (e.g. developers). Planning obligations can be secured either through a bilateral Section 106 (s106) Agreement or through a 'Unilateral Undertaking' from a developer.
- 2.2 The statutory basis allowing anyone interested in land in the area of a local planning authority to enter into planning obligations is Section 106 of The Town and Country Planning Act (TCPA) 1990 (as amended). Further legislation is set out in Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).
- 2.3 In dealing with planning applications, it may be possible in some instances to make acceptable development proposals which might otherwise be unacceptable in planning terms, through the use of planning conditions or, where this is not possible, through planning obligations under Section 106 of the TCPA 1990.
- 2.4 Section 106 (1) of the TCPA allows a planning obligation to:
- restrict development or use of the land in any specified way;
 - require specified operations or activities to be carried out in, on, under or over the land;
 - require the land to be used in any specified way; or require a sum or sums to be paid to the authority on a specified date or dates or periodically.
- 2.5 The CIL Regulations 2010 came into force in April 2010. Regulation 122 (2) sets out the statutory tests for planning obligations, namely that they should only be sought where they are:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 2.6 For example, planning obligations might be used to prescribe the nature of a development (e.g. by requiring that a given proportion of housing is affordable); or to secure a contribution from a developer to compensate for loss or damage created by a development (e.g. loss of open space); or to mitigate a development's impact (e.g. to pay for or implement changes to the highway required to address traffic/access issues arising from the development).

- 2.7 This draft SPD adheres to a fundamental principle that planning obligations must only be sought to make acceptable, development which would otherwise be unacceptable in planning terms. The outcome of the use of planning obligations as set out in the statutory tests should be that the proposed development concerned is made to accord with published local and national planning policies. Planning obligations affect all those with an interest in the land being developed and will continue to affect subsequent owners of the property, if the obligations are still capable of being complied with or carried out.

National Planning Policy and the Horsham District Planning Framework

- 2.8 The statutory Framework is supported by the National Planning Policy Framework (NPPF), which was published in March 2012, The NPPF sets out the Government's planning policies and how these are expected to be applied. Paragraph 153 covers the use of Supplementary Planning Documents and Paragraphs 203 to 205 of the NPPF relate to planning obligations. The National Planning Guidance (NPG) also supports the NPPF. The NPG is maintained as 'live' online guidance.
- 2.9 In addition, the HDPF was adopted in November 2015 as the up-to-date local plan for the District. A number of policies within the HDPF (including policies 16 – Affordable Housing and 39: Infrastructure Provision) set out policy expectations, which could result in the Council seeking to secure planning obligations and these are covered in more detail in Section 6 of this SPD.

Section 3: Methods of Securing Developer Contributions

- 3.1 Developer contributions can be sought through a number of different mechanisms. This section provides an overview of how developer contributions may be secured by the Council through the planning system. The four key methods comprise:
- Planning conditions (these cannot secure financial contributions);
 - Planning obligations (also known as Section 106 Agreements);
 - Section 278 agreements (relating to agreements made under Section 278 of the Highways Act 1980); and
 - Community infrastructure Levy (CIL)
- 3.2 This SPD provides guidance only on planning obligations, and on the relationship between planning obligations and the Community Infrastructure Levy.

Planning Obligations

- 3.3 Section 106 of the TCPA 1990 (as amended) gives local planning authorities the power to enter into legal agreements with owners of land. These agreements are known as ‘planning obligations’ but are sometimes also referred to as ‘Section 106 Agreements’.
- 3.4 Planning obligations are legal deeds that have to be entered into by the landowner and anyone else who has a legal interest in the land.
- 3.5 Section 106 also makes provision for planning obligations to be given to the Council unilaterally, i.e. only signed by the land owner(s) and any other parties with an interest in the land, and not by the Council. These unilateral obligations (known as ‘unilateral undertakings’) are most frequently used in planning appeal situations, but can also be used in other circumstances.

Community Infrastructure Levy

- 3.6 The Community Infrastructure Levy (CIL) is a charge placed on new development. The funds raised through CIL can help to pay for a wide range of infrastructure to support development across Horsham District. Please see that document for more details about the proposed charge rates and information about exemptions and relief from CIL.
- 3.7 CIL is intended to supplement rather than replace other infrastructure funding streams and to help ensure that new development is supported by the infrastructure it requires, which in turn helps to ensure that the Horsham District Planning Framework (HDPF) can be implemented effectively. CIL

funds are meant to help fund new, or upgrade existing infrastructure to support growth, rather than being used simply in order to cover the cost of existing deficiencies.

- 3.8 The CIL chargeable amount is derived from the figures contained in the Council's Charging Schedule and the formula contained in the CIL Regulations, including the rules set out in the regulations for the annual indexation of CIL charge rates.
- 3.9 In broad terms funds raised through CIL receipts will be used to help fund infrastructure projects that support the growth of the area. This might include supporting housing and economic growth, as well as providing greater certainty over future development, and benefiting local communities through the provision of new or upgraded facilities. CIL is also designed to provide a more predictable funding stream so that the delivery of infrastructure projects can be planned more effectively.

Section 4: Horsham District Council's Approach to Securing Planning Obligations

The Relationship between Planning Obligations and CIL

- 4.1 Where a CIL charge is payable this is the primary source of developer funding for infrastructure and will replace some of the role previously undertaken by planning obligations. Whilst CIL receipts make a significant contribution, other sources of public sector and private funding will still form the main part of the total funding required to ensure that planned development is adequately supported by infrastructure.
- 4.2 As part of this overall approach to infrastructure funding and delivery, planning obligations may continue to be used for a number of purposes to secure or fund new infrastructure, in addition to being used to secure affordable housing as part of new development. However, the use of planning obligations is now restricted in a number of ways by Regulations 122 and 123 of the CIL Regulations 2010 (as amended).
- 4.3 First, CIL Regulation 122 states that planning obligations may only be used as a reason to grant planning permission if they are: necessary to make the development acceptable in planning terms; directly related to the development; and be fairly and reasonably related in scale and kind to the development being permitted.
- 4.4 Secondly, CIL Regulation 123 limits the 'pooling' of financial contributions secured through planning obligations, so that no more than 5 separate planning obligations (completed since 1 April 2010) may contribute to the same infrastructure project or type of infrastructure.
- 4.5 Finally, Regulation 123 seeks to ensure that there is no overlap between the infrastructure projects and types that are funded by CIL and those for which the Council may continue to seek to secure planning obligations. To set out this separation the Council will publish on its website a 'Regulation 123' list identifying infrastructure projects or types that the Council intends to fund, in whole or in part, through CIL receipts.
- 4.6 The Council may change its Regulation 123 list at any time, subject to compliance with the procedures set out in the CIL Regulations and the National Planning Guidance, including the need for consultation on the changes proposed. The Council's up-to-date Regulation 123 list will always be published on the Council's website.

- 4.7 There will be occasions in which a development will be liable for CIL as well as there being the requirement for the completion of a planning obligation. Such obligations will relate to the provision of affordable housing (which cannot be funded through CIL) or to site specific requirements that are necessary to make the proposed development acceptable in planning terms whilst adhering to the provisions of Regulations 122 and 123 of the CIL Regulations.

The Use of Planning Obligations

- 4.8 As has been the case in the past, the Council will act as the co-ordinating authority for the negotiation of planning obligations and the collection of contributions. Although the District Council is not responsible for the provision of all services and facilities listed in this document, the Council will collect and remain accountable for the spending of funds. Other service providers, for example, West Sussex County Council and the Environment Agency, will be consulted on individual planning applications likely to require the securing of planning obligations.
- 4.9 In order to ensure compliance with the CIL Regulations 122 and 123, the Council will operate a transparent process of identifying where a new development proposal is likely to give rise to the need for infrastructure works or financial contributions to be secured through planning obligations.
- 4.10 The Council will also liaise with West Sussex County Council and any other relevant body that which may also be seeking to secure planning obligations from a proposed development, to ensure that they are able to justify the expectations made, consistent with the legislation and national policies.
- 4.11 Given the above, although this SPD seeks to support the HDPF in establishing the circumstances in which planning obligations are likely to be sought, it is important to retain a level of flexibility in negotiations regarding all planning obligations as it is not always possible to identify the specific services for which land, works or finance may need to be secured, even when the proposal is an allocation within the development plan.

'Standard Planning Obligations'

- 4.12 There are a variety of purposes for which the Council may seek a planning obligation in relation to planning applications within the District. Where possible, guidance on these different purposes has been included within this SPD. These include the more common, or 'standard' type of obligations, which may be required from a range of development proposals typically expected within Horsham District. Detailed guidance on 'standard planning obligations' is provided in Section 6, and a summary is set out below. The standard obligations are divided into three broad categories, which are based

on the relationship between these obligations and the statutory restrictions to use of planning obligations, introduced by the CIL Regulations 2010 (as amended).

- 4.13 The planning obligations listed below are not exhaustive however, and there are likely to be occasions when additional or alternative planning obligations are required to address the impacts of a specific planning application. The requirement for these 'non-standard obligations' is more likely to arise for larger or more complex planning applications, or for applications for types of development that are rare within Horsham District.

Category 1: Affordable Housing

- 4.14 Affordable housing is not considered to be 'infrastructure' by the CIL legislation and so is not affected by the restrictions to the use of planning obligations. Therefore, the Council will continue to secure affordable housing through planning obligations, in accordance with Policy 16 of the HDPF and the guidance within this SPD.

Category 2: Other standard planning obligations not restricted by the CIL Regulations

- 4.15 This category refers to a range of planning obligations that may be required to make development acceptable in planning terms, but which do not seek to secure works or contributions for infrastructure, as defined by Section 216(2) of the Planning Act 2008 (as amended), meaning that these obligations are not restricted by CIL Regulation 123. Therefore, where appropriate and where the tests set out in CIL Regulation 122 can be met, planning obligations can be used in this way to secure works or contributions for, but not limited to:
- Category 2.1 – Non-Infrastructure mitigation to address impacts of development to biodiversity and protected European Sites (HDPF Policies 31, 35 and 38);
 - Category 2.2 – Mitigation required due to the implementation of local Air Quality Action Plans (HDPF Policy 24);
 - Category 2.3 – Mitigation required due to the implementation of any relevant management plan for protected landscapes (HDPF Policy 30);
 - Category 2.4 – Mitigation measures required to protect the historic environment
 - Category 2.5 – Non-infrastructure public bus service enhancements;
 - Category 2.6 – Travel Plans and 'Smarter Choices' contributions;
 - Category 2.7 – Traffic Regulation Orders (TROs); and
 - Category 2.8 – Restrictions to the use of land necessary to make a planning application acceptable in planning terms.

Category 3: Standard planning obligations excluded from the Regulation 123 List

- 4.16 This category of planning obligations refers to site-specific developer contributions that are necessary to make the development acceptable in planning terms. These contributions relate specifically to the provision of necessary on or off-site infrastructure or to the requirement to improve the natural or historic environment on-site or in the immediate surrounds of the development site.
- 4.17 Since many, if not all, of these requirements are infrastructure that would be capable of being funded through CIL, the Council has ensured that these are specifically excluded from the Regulation 123 list. In addition, the types of provision that may be secured within this category planning obligations are underpinned by the Council's evidence base, and in particular the Horsham District Infrastructure Delivery Plan, which is available on the Council's website.
- 4.18 Therefore, where appropriate and where the tests set out in CIL Regulation 122 can be met, planning obligations can be used in this way to secure works or contributions for, but not limited to:
- Category 3.1 – Transport and Highways
 - Category 3.2 – Education
 - Category 3.3 – Leisure, Sport and Open Space
 - Category 3.4 – Community Facilities
 - Category 3.5 – Public Services
 - Category 3.6 – Flood Management Improvements
 - Category 3.7 – Biodiversity and Nature Conservation Improvements

Section 5: Negotiations and Development Viability

Negotiations

- 5.1 It is the Council's aim to carry out negotiations on planning obligations and to agree Section 106 agreements prior to issuing of the planning permission to which the agreement is linked. The aim is to ensure that developers and landowners are informed of the likely works or contributions required for a proposed development at the earliest opportunity. This may be through pre-application discussions, which developers are encouraged to undertake as soon as possible.
- 5.2 Pre-application dialogue is particularly important where the proposed development may give rise to an affordable housing requirement. This will allow issues such as local housing need and demand to be considered in addition to the form of any affordable housing contribution.
- 5.3 During pre-application dialogue, the Council will advise whether other service providers will need to be engaged in relation to the proposed development, in order to gain a better understanding of any requirements they might make in relation to the proposed development.

Development Viability

- 5.4 The NPPF (paragraph 173) puts emphasis on the need for Local Authorities to consider the viability of schemes carefully. It states that *“to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking into account the normal costs of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”*
- 5.5 Viability considerations are emphasised further in the Planning Practice Guidance (ID: 10-019-20140306), which states *“In making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.”*
- 5.6 Assessing the overall viability of a scheme, developers should take full account of the scale of planning obligations that are likely to be appropriate in addition to any CIL liability that may arise. Where a developer raises viability concerns in relation to contributions for an application, the Council will expect a full “open-book” viability assessment for the scheme to be submitted to

support the viability case being made. See Appendix 2 'Financial Viability Appraisals' for further guidance on this.

- 5.7 The Council reserves the right to have all viability assessments checked by an independent RICS-qualified surveyor/ valuer to ensure the robustness and validity of the assumptions and methods used. In these circumstances, the Council will appoint the surveyor/ valuer, but the viability assessment costs incurred by the Council would need to be paid by the applicant. The applicant will also be required to provide a written undertaking to cover the costs before the surveyor/valuer is appointed. Viability reports resulting from this process will be shared and discussed with the applicant.
- 5.8 Where, following the above process, conflicts of opinion about scheme viability remain, additional viability work may be sought and this will be preceded by supplementary undertakings to reimburse the Council being sought from the applicant. Any remaining disputes between the Council and the applicant will be referred to an independent arbitrator (in accordance with RICS guidance). To ensure open and transparent decision making the Council expects all viability assessments to be publically available unless the applicant can clearly demonstrate why parts must be redacted.
- 5.9 The NPPF is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted. This means that although the Council will be flexible in seeking planning obligations where viability has been demonstrated to be a concern, development that cannot provide the necessary requirements may be considered unacceptable and will, in such cases, be refused.

Section 6: Detailed Guidance on Standard Planning Obligations

6.1 The following section sets out in more detail the Council's guidance the standard types of planning obligation that the Council will seek to secure via a legal agreement. This section sets out the guidance for each of the three categories of planning obligations that were set out in Section 4. It is important to note that this is not an exhaustive list and the exact requirements for planning obligations for any given development proposal will be decided on a case-by-case basis, in negotiation with the developer or landowner, following the principles and guidance contained within the SPD.

6.1.0 Category 1: Affordable Housing

6.1.1 One of the roles of the District Council is to enable and coordinate the provision of housing to meet local need. This includes affordable housing, which is provided for those who cannot afford to buy or rent on the open market.

6.1.2 The Council seeks to maximise the supply of homes to meet the needs of local people and ensuring that all new residential development contributes to the supply of homes to meet that need in terms of size, type and tenure. Whilst it is recognised that the Housing and Planning Bill is likely to have an impact on the how affordable housing is classified and delivered in the future, this guidance sets out the detail as it currently relates to the existing legislative framework and adopted HDPF.

Policy

6.1.3 The Horsham District Planning Framework (HDPF) *Policy 16: Strategic Policy: Meeting Local Housing Needs* applies to all types of residential development sites including change of use, mixed use sites that incorporate an element of residential development, sheltered and extra care schemes (Use Class C3), conversions and any other developments where there is a net increase in the number of units on the site.

6.1.4 Residential care homes and nursing homes (Use Class C2) are not required to provide affordable housing.

6.1.5 Policy 16 sets a target for the delivery of affordable housing through residential development. Contributions towards the provision of affordable housing will be either through the on-site provision of affordable homes or by financial contribution. The provision of affordable housing or financial contributions will be secured through an appropriate legal agreement or undertaking.

6.1.6 The policy requirement is different depending on the number of units to be developed on the site:

- On sites of 15 or more dwellings or over 0.5 hectares in area, the Council require 35% of dwellings to be affordable. Unless there are exceptional circumstances it is expected that the affordable housing would be provided on site;
- Sites of between 5 and 14 dwellings require on-site provision based on 20% of dwellings being affordable. This section of the policy acknowledges the potential financial contributions to be made to off-site provision where on-site provision is not achievable or will not most appropriately meet needs.

Guidance on the Application of Policy 16

Sites of 15 or more dwellings or sites over 0.5ha

6.1.7 Policy 16 of the HDPF states that on development sites of 15 or more dwellings, or on sites over 0.5 hectares, 35% affordable housing should be provided on-site.

6.1.8 In calculating the number of units to be provided on any qualifying site, the Council will normally round to the nearest number of whole units. Where applying 35% (or any other agreed proportion that the development will provide - higher or lower) achieves 0.5 or more of a dwelling, the approach will be to round up. For example, in a scheme of 30 dwellings, applying 35% gives 10.5 homes. This would be rounded up to 11 homes. Anything below 0.5 will be rounded down. For example, in scheme of 18 dwellings, applying 35% gives 6.3 dwellings and would be rounded down to 6 dwellings.

Financial Viability

6.1.9 The policy states that the Council will assess the viability of developments when applications depart from adopted policy. Given the level of housing need in the District, the Council will expect 35% of housing on qualifying sites to be affordable unless the applicant can provide sound evidence that this cannot be achieved without making the scheme unviable. The Council's approach to financial viability is explained in Section 5.

Exceptional Circumstances

6.1.10 As indicated in the HDPF (paragraph 6.8), the Council will consider the acceptance of provision off-site in exceptional circumstances subject to the provision of robust and evidenced reasons to the Council. Circumstances where the Council may consider the acceptance of off-site provision include the following:

- Where housing need priorities could be better met in an alternative location;
- Where there is a dominance of a particular type of affordable housing provision in the immediate area; and

- Where the integrity or viability of the particular form of development might be compromised by the integration of affordable housing for reasons that can be clearly set out and justified.

The Provision of Land

6.1.11 The provision of land may apply where the Council considers that such a contribution either on the proposed development site or on an alternative site would enable the Council to meet the identified housing needs of the District more effectively. Land should be serviced to its boundaries and be of sufficient area to provide the equivalent on-site provision. An appropriate timescale will be applied. Financial contributions may also be sought in addition to land where the site area is insufficient to provide the equivalent on-site provision.

Sites providing 5 to 14 dwellings

6.1.12 Policy 16 of the HDPF states that on development sites of between 5 and 14 dwellings the Council will require 20% of the dwellings being provided as affordable or, if on-site provision is not achievable, a financial contribution equivalent to the cost of the developer providing the units on-site. The Council will normally round to the nearest number of whole units as a starting point representing the on-site provision requirement or its equivalent.

6.1.13 The policy makes clear that the Council will take account of any particular costs associated with the development, and that the viability of the development will be a consideration. Details of how the financial contribution will be calculated are set out in para 6.1.65s onwards.

Financial Viability

6.1.14 The policy states that the Council will assess the viability of developments when applications depart from adopted policy. Given the level of housing need in the District, the Council will expect developments of this size to provide 20% of housing to be affordable or equivalent financial contributions unless the applicant can provide sound evidence that this cannot be achieved without making the scheme unviable. The Council's approach to financial viability is explained in Section 5.

Delivery

Planning application process

6.1.15 Before making a planning application, applicants should contact the Council to discuss the affordable housing requirements of the proposed scheme. The purpose of the discussion is to establish how affordable homes will be delivered, funding implications and opportunities; and to help provide all parties with certainty as the proposals move forward. The discussions will need to include the following as appropriate:

- Clarify the amount, type, size, tenure of affordable housing to be provided.
- Identify the Housing Association/Affordable Housing Provider and contact the provider to discuss the delivery of the affordable housing element of the development.
- Reach agreement with the chosen Housing Association in respect of the design and specification of the affordable housing units.
- Agree the arrangements for the provision of affordable housing with the Housing Association prior to the submission of a planning application.
- Agree with the Council the Heads of Terms of the s106 Agreement that will be required to ensure the delivery of the affordable housing

6.1.16 The applicant should complete an Affordable Housing Statement (AHS) following the pre-application discussion with the Council. This should outline the proposed methods of meeting the affordable housing requirements of the scheme and be submitted to the Council as part of any subsequent planning application. If an application (for 5 units or more) does not include an AHS, or that Statement is unacceptable, the application may not be validated and will be returned to the applicant. Once the affordable housing provision has been agreed with the Council, the Council will draft an appropriate s106 agreement. The s106 Agreement should be finalised and ready for completion prior to the determination of the application.

Size mix and tenure split

6.1.17 The affordable housing mix shown in the table below reflects the affordable housing size requirements and waiting list demands identified during the production of the HDPF. Housing mix will also need to reflect the requirements of affordable housing providers, which is generally focussed on provision of homes of up to three bedrooms. Overall, there is an increasing need for smaller homes, particularly 2 bed properties.

Recommended affordable housing mix by bedroom size				
1 bed	2 bed	3 bed	4 bed	Total
20%	45%	25%	10%	100%

6.1.18 The overall housing target is to provide 70% of the total as social/affordable rented properties and 30% as intermediate/ shared ownership properties (HDPF, paragraph 6.8). The tenure split should aim to meet the Council's assessment of housing need. However, it is recognised the tenure split on each site may need to vary from this figure (e.g. 50:50). The split will need to be determined in the light of up-to-date information, particularly on local need and supply.

6.1.19 The Council expects individual sites to deliver the target tenure split. However, on smaller sites the Council may negotiate a revised mix having

regard to the overall target and the site specifics. This may mean that some sites will be expected to deliver a single tenure in order to meet the District-wide target.

6.1.20 Where the Council agrees to a reduction in the overall level of affordable housing provision due to viability reasons, the tenure mix may need to be revised to take account of the tenure for which there is the greatest need at the time the application is being assessed.

6.1.21 In terms of rented affordable housing the Council will accept both Social Rent and Affordable Rent. However, the Council will not support providers seeking upfront payments from tenants in the form of deposits, rent in advance or administration costs in relation to social or affordable rented properties.

6.1.22 For intermediate affordable housing the Council would normally expect this to be delivered as shared-ownership housing, subject to its affordability.

Affordable Housing Providers

6.1.23 The Council expects that affordable housing would usually be provided by Housing Associations, also known as Registered or Affordable Housing Providers. However, in exceptional circumstances the Council may use its discretion to allow other providers approved by the Council to deliver affordable housing units, subject to affordability and satisfactory management and allocations arrangements being in place. This will, at all times, be strictly in line with the National Planning Policy Framework (NPPF), Homes and Communities Agency (HCA) guidance and the Council's Housing Register and Nominations Policy requirements.

6.1.24 The Council's preference is for affordable housing to be provided and managed by Housing Associations. The Council works with a number of preferred Registered Provider partners that meet the following criteria:

- Own and manage stock in the District
- Commitment to developing in the District
- Commitment to the Council's housing policies
- Ability to fund and deliver affordable housing

A list of the Council's preferred Registered Providers is available on request.

6.1.25 Although the Council will work to ensure affordable housing is delivered by preferred partner housing associations, it cannot be prescriptive on this issue. If a developer proposes to provide affordable housing other than through a preferred provider, the Council will consider this, taking account of the following:

- Whether the organisation has any other affordable housing in the District or in neighbouring local authority areas
- Past commitment and performance in the District
- Local management base and arrangements for interaction with tenants
- Management arrangements for external amenity space

- Rent levels
- Nomination arrangements
- Participation in community initiatives; and other criteria
- Track record in delivering and funding affordable housing

In all cases the provider of on-site affordable housing will need to meet the requirements in the remainder of the Affordable Housing section of this document.

Maintaining accommodation as affordable housing

6.1.26 In order to ensure that the need for affordable housing in Horsham District continues to be met in the future, it is considered that there should be provisions that either preserve the status of the affordable housing, replace it, or if it is no longer used for affordable housing, that resources derived from it are recycled to replace the dwelling(s) that have been lost.

The Council will therefore require provisions in the s106 agreement that:

- Keep the units within the definition of affordable housing, and
- Require any purchaser (other than an occupier) to preserve the accommodation as affordable housing, or replace it within the District like for like, and
- Require any purchaser to take on the obligations in the Nomination Agreement or enter into a replacement Nomination Agreement

Recycling of receipts

6.1.27 There are a number of reasons why affordable housing dwellings may be lost, for example: a tenant's statutory acquisition of a rented dwelling, shared ownership staircasing to 100%, discharge of the Charge on a shared-equity dwelling. In all cases the Council expects the dwelling to be replaced within the District, or any receipts arising from the disposal of the dwelling to be recycled to provide further affordable housing in the District.

The Section 106 agreement will include requirements relating to:

- Continued use of affordable dwellings in perpetuity
- The retention of obligations relating to the affordable dwellings
- Requirements to replace the affordable dwellings
- Requirement to recycle any receipts or grant arising from the disposal of all or part of an affordable dwelling

6.1.28 All the above requirements concerning recycling of receipts are subject to current Homes and Communities Agency (HCA) policies or requirements. The obligations will be amended as appropriate to reflect any changes arising from the HCA.

6.1.29 In addition, when considering changing the tenure of affordable dwellings to tenures outside of the definition of affordable housing, applicants are advised to consider the implications of the CIL Regulations with respect to the 'clawback' of any social housing relief from CIL that was claimed when the dwellings were granted permission. The CIL Regulations currently set the clawback period as seven years from the commencement of the development.

Funding of affordable housing

6.1.30 In formulating proposals for affordable housing, applicants should be aware of the limitations on the funding of affordable housing and the price that affordable housing providers can typically pay for affordable housing dwellings. This is a direct consequence of ensuring affordability to the occupants. It will need to be explored with reference to the location and scheme proposals.

6.1.31 The Council's latest assessment indicates that providers should pay developers in the range approximately 40 to 75% market value for affordable homes, dependent on the type(s) and mix of tenure appropriate as affordable housing on a particular site. Very broadly, in the case of a mixed tenure scheme (i.e. including both priority needs rented and intermediate tenure (such as shared ownership) a developer may expect to receive not more than approximately 50-60% market value for the affordable element overall. This point needs to be included amongst the very early consideration of development proposals.

Infrastructure contributions and affordable housing

6.1.32 The Council is proposing to implement a Community Infrastructure Levy Charging Schedule (CIL) in accordance with further consultation being progressed in parallel with this additional guidance - all related to the HDPF. The CIL Charging Schedule will set out a standardised local charge on new development to help fund infrastructure to support new growth across the District. Once CIL is adopted, new affordable housing units meeting the definition in the CIL Regulations will be entitled to apply for 100% relief from CIL. It should be noted that such social housing relief is subject to the 'clawback' provisions of the CIL Regulations where homes on which relief has been granted cease to be affordable dwellings.

Affordable housing scheme

6.1.33 Generally, all aspects relating to the provision and delivery of affordable housing should be included in a Section106 Agreement. There may be circumstances, particularly with Outline applications, where the details of affordable housing provision have not been finalised. The Section106 Agreement will contain a requirement for the submission and approval of an Affordable Housing Scheme. The Affordable Housing Scheme would normally need to be submitted and approved prior to the commencement of the development; and in the case of Outline applications, prior to, or as part of, the Reserved Matters application. The most common details to be provided in the Affordable Housing Scheme are listed in Appendix 4.

Scheduling affordable housing delivery

6.1.34 The Council will normally include triggers in the legal agreement to ensure that the affordable housing is not delivered significantly in advance or later than the market housing. These may vary from site to site, but a guide would be:

- Not to allow the commencement of development until a contract has been entered into with a Registered Provider to deliver the affordable housing in accordance with an Affordable Housing Scheme approved by the Council.
- Not to allow or permit occupation of more than 50% of market dwellings until the affordable housing has been completed and transferred to the Registered Provider and is ready and available for occupation.

Legal agreement

6.1.35 The Council will expect the developer to enter into an appropriate Section106 Agreement covering all aspects of the on-site delivery of affordable housing outlined above. The content of the agreement can vary considerably from site to site so the Council does not produce a standard Section106 Agreement.

6.1.36 Mortgagee in Possession clauses will be included in the legal agreement; together with limitations on the occupation of the affordable housing. Such clauses may be varied by agreement to meet the borrowing requirements of Affordable Housing Providers.

6.1.37 The Council will draft an appropriate agreement for which a fee is payable. The fee will depend on the complexity of the Agreement. An estimate of the fee payable can be obtained from the Council's Legal Services.

Affordability

6.1.38 Affordable housing is provided for 'eligible households whose needs are not met by the market'.

6.1.39 Affordable Housing Providers should consider the impact of different rent levels on different household types, and ensure that all household types in need of affordable housing can be catered for, including larger families requiring three or four bedroom accommodation. Providers need to take this into account in setting their rent policies for new build housing, and also in their approach to converting existing stock from target to affordable rents.

6.1.40 Affordable rents should be set no higher than current Local Housing Allowance rates in the District or 80% of market rent, whichever is the lower.

Calculation of market rents

6.1.41 The Homes and Communities Agency/Royal Institute of Chartered Surveyors have issued guidance for Housing Associations on how to calculate market rents in *The regulatory framework for social housing in England from April 2012: Annex A: Rent Standard Guidance*

Universal Credit

6.1.42 From October 2013 the Welfare Reform Act imposed an upper cap on the total amount of benefit an individual household not in work can receive. The current benefit cap can be found on the Department for Work and Pension's website www.gov.uk/benefit-cap. Where total benefit entitlement is higher than the cap, entitlement will be reduced to the cap. This is likely to present particular challenges for setting rent levels for family sized homes of three or more bedrooms where a high Affordable Rent level would cause the total benefit needed by the household to exceed the cap.

Shared ownership housing

6.1.43 Shared ownership housing must be:

- For eligible households who cannot afford to purchase on the open market, and
- Significantly more affordable than existing similar second hand market properties in the same area of the District
- Affordable to the majority of applicants on the Help to Buy Agents List which live or work in the District. The Help to Buy agents for Horsham District are bpha Limited (www.bpha.org.uk)

Nominations

6.1.44 Policy 16 is intended to meet identified local housing need. It is therefore important that households with an established local connection with the District are nominated to affordable housing provided through the Horsham District Planning Framework.

6.1.45 Providers of affordable housing will be required to enter into a nomination agreement with the Council. The Council's usual requirement is to include a draft Nomination Agreement in the Section106 Agreement signed by the landowner or developer. The Council will normally require:

For rented housing:

- Initial lets – 100% nominations
- Relets – 75% nominations

6.1.46 Nominations will be made from the Council's Housing Register directly to the Housing Association. Horsham District Council does not operate Choice Based Lettings. In all cases, allocations or prioritisation for affordable housing will be in accordance with the Council's Housing Register and Allocations Policy. https://www.horsham.gov.uk/_data/assets/pdf_file/0019/30619/Housing-Register-And-Nominations-Policy-2016.pdf

6.1.47 Shared ownership housing is allocated through the Help to Buy Agent for the District.

Financial Viability

6.1.48 There may be circumstances where the application of the relevant target in Policy 16, in combination with any other s.106 requirements necessary to make the proposed development acceptable in planning terms and the relevant CIL liability, makes the proposed development financially unviable in the view of the applicant. In these cases the applicant will need to demonstrate that the proposed development can only be made financially viable with a reduced affordable housing provision. This must be demonstrated through a viability submission made to the Council, which should adopt an 'open book' approach.

6.1.49 In brief, the viability submission should include as the key elements of:

- A summary clearly stating the request to vary the usual affordable housing requirements and setting out (with explanation) the reasons that in the applicant's view make the site unviable when policy compliant affordable housing provision is included;

- Detailed appraisal(s) making clear with supporting information and all sources stated how the applicant's assumptions come together to inform the submitted viability view. Section 5 and Appendix 2 refer to the detailed expectations in these respects.

6.1.50 If an applicant wishes to make a viability submission, this should be included as part of the planning application, alongside the Affordable Housing Statement. A draft Unilateral Undertaking may also be included at the applicant's discretion. It should be noted that planning applications without the required information or documentation may not be validated.

Basis of the financial viability assessment

6.1.51 The minimum requirements to be provided by the applicant are outlined in Appendix 2, but each assumption relating the proposed scheme revenue (vales), costs, land value and profit must be supported with component figures included sources made clear; the submitted approach, assumptions and reasoning will need to be clearly explained in detail.

6.1.52 The Council will assume that: the cost of meeting the affordable housing requirements in Policy 16 should be reflected in the price paid, or price to be paid, for the land, and should be based on:

- No public subsidy or grant;
- Payment by the provider of the affordable housing should be based on the provision meeting current HCA Guidance;
- Any site constraints and the development scope (including as influenced by planning policies) including abnormals should be reflected in the price paid, or to be paid, for the land; and
- In accordance with the relevant viability guidance (see section 5 /Appendix 2) the land value to be used in the calculation or as a land value benchmark should be the current land value, not necessarily the amount paid for the land.

6.1.53 The Council will carry out an assessment of the viability submission and related appraisal to determine whether the information and data submitted supports the Applicant's request to vary the affordable housing requirements on the basis of financial viability.

6.1.54 The Council may instruct external consultants to review a viability submission independently. If external consultants are to be instructed the Applicant will be required to pay the fees. The applicant will be advised of the fees payable and the amount will need to be paid to the Council prior to the FVA being assessed.

Transparency and confidentiality

- 6.1.55 The application process, including any viability submission, must be open and transparent. However, the Council recognises that certain information or data within such a submission may be commercially sensitive but the starting position is that any viability report should be publically available.
- 6.1.56 The applicant must make it clear if any information or data is commercially sensitive, and the scope of that. The Council will make a judgment as to which information is released for public view.
- 6.1.57 A viability appraisal and submission (submission meaning the appraisal plus explanation and conclusion, information and sources – as per Appendix 2) is only current at the time it is prepared. Financial viability will vary over time and with the changing economic and property markets. On large sites that are expected to build or sell over a number of years, and particularly where the planning application is in Outline, viability may need to be considered at multiple / varying points – for example at pre-application / initial application stage and subsequently for each phase, which will need to be updated when the Reserved Matters application is made or prior to the commencement of each phase.

Outcome of the assessment of scheme viability

- 6.1.58 Where the Council is satisfied that the usual policy requirements for affordable housing cannot be met in full due to financial viability, the Council will decide on the appropriate level of reduction or other revision to the affordable housing requirement to enable the scheme to remain financially viable.
- 6.1.59 Where the level of affordable housing provision is reduced due to an accepted viability submission position, clawback or top-up by way of an affordable housing financial contribution may be pursued by the Council, if the development of the site proves to be significantly more financially viable as it progresses than the initial position suggested would be the case.
- 6.1.60 If the Council decides that a clawback or similar arrangement is required this will be incorporated into a s106 Agreement and will usually be based on the actual costs, values, revenues etc. of the completed development compared with the viability submission made with the application or agreed subsequently.

Financial Contributions in Lieu of On-site Affordable Housing

- 6.1.61 Dixon Searle Partnership (DSP) has been working with the Council on its CIL Viability Assessment. Using the same principles, viability base appraisals and inputs, DSP has considered the appropriate level at which financial contributions in lieu of on-site affordable housing should be sought by the

Council in circumstances where that route is agreed in principle and is to be applied consistent with the on-site equivalent starting point.

6.1.62 Where necessary, the same principles and methods of review etc. in respect of viability, will be applied as in an on-site affordable housing scenario as set out in the earlier paragraphs in this section.

6.1.63 Broadly aligned with the CIL principles (in terms of a proportional floorspace based approach) and aimed at providing clarity as well as a relatively simple route to calculation, the Council's approach is based on a financial contribution to be charged per square metre of Gross Internal Area ('GIA') totalled across the dwelling units themselves, but excluding communal and other areas outside the homes. This makes the requirement equivalent to the on-site starting point as per the Council's Policy 16, whereby any communal areas do not add to the affordable housing requirement. In the case of doubt, the gross internal area of a dwelling will be as defined by the Royal Institution of Chartered Surveyors most recent Code of Measuring Practice or equivalent.

6.1.64 This approach seeks to secure financial contributions broadly equivalent to the cost of providing on-site affordable housing, provides transparency and ensures that scheme viability is treated consistently with the approach to setting, and therefore taking account of, the CIL charges.

6.1.65 Where agreed as applicable, the above approach produces the following requirements aligned to Policy 16. In each case the rates assume affordable housing sought on a best-fit basis, including on tenure mix, with the Council's policy. To be applied to the total GIA of the dwelling units within the application scheme:

- Equivalent to 20% affordable housing: A financial contribution at a rate of £155 per square metre;
- Equivalent to 35% affordable housing: A financial contribution at a rate of £280 per square metre. The above affordable housing financial contribution rates are considered appropriate for guidance and will be reviewed from time to time as may be necessary to reflect the influences of the housing market together with other changes such as in affordable housing tenure, funding and delivery.

Other parameters consistent with s.106 generally will be applied, for example in respect of agreed payment triggers / timings and indexing where a financial contribution will be paid at a future point.

Illustrative calculation of Affordable Housing Financial Contributions

An eligible development includes 6 x market houses; comprising 4 @ 100 square metres GIA each (400 sq. m) and 2 @ 85 square metres GIA each (170 sq. m). The GIA total relevant to the calculation is therefore 570 sq. m. In an on-site scenario, this would attract 20% affordable housing.

570 Square Metres x £155 = £88,350 financial contribution in lieu of on-site affordable housing.

Payment requirements for financial contributions

6.1.66 Generally the Council will expect the following requirements to be incorporated in the Section 106 Agreement or Unilateral Undertaking:

- The amount to be paid set at the date of the application or date of the Planning Committee resolution
- Indexation from the date of the Resolution to Grant or Unilateral Undertaking until the date of payment. Indexation will be on an annual basis in accordance with the Retail Price Index
- Payment to be made on the commencement of development for amounts up to £50,000. For amounts over £50,000 the payment schedule will be 50% on commencement and 50% when half of the (market sale) units have been occupied. Indexation will continue until the final payment is made
- Applicant to notify the Council when payment trigger is reached
- Penalty interest to be payable on late payments
- The Council will have 10 years in which to spend the contribution
- The Council may spend the money in any part of the District for the provision and / or improvements to affordable housing

Collection of financial contributions

6.1.67 The Section 106 Agreement or Unilateral Undertaking will contain a milestone that triggers the payment of the contribution, usually (but not always) this will be the carrying out of any Material Operation. When the payment is triggered the Applicant should notify the Council that the payment is now due.

6.1.68 On receipt of the notification the Council will issue an invoice for the amount payable including any indexation.

6.1.69 The Council will monitor Building Control and other sources, including CIL Commencement Notices, and will issue an invoice if the Applicant fails to advise the Council that the payment has been triggered. Indexation applies until the date of the invoice, so in these circumstances the amount may be higher than if the Applicant had advised the Council when the payment was triggered. Penalty interest is payable at the rate set out in the agreement if the invoice is not paid within the required timescale.

Using financial contributions

6.1.70 The Council may choose to support a variety of affordable housing enabling initiatives within the district, including but not limited to funding:

- The Council or Housing Associations to buy land for affordable housing
- Development of affordable housing by the Council or Housing Associations
- Purchase of affordable housing by the Council, Housing Associations, the Council or other charitable bodies
- Refurbishment, conversion, or redevelopment of existing affordable housing where the property no longer meets an identified need
- Conversion of existing affordable housing where the proposed completed dwelling cannot be (or is unlikely to be) provided in other ways
- Other innovative methods of providing affordable housing

6.1.71 The Council will normally aggregate financial contributions from different sites and will spend contributions in the way that best achieves the Council's priorities for affordable housing. The number of units resulting from expenditure may be more, or less, than the number of units used in calculating the original contribution. Financial contributions may be used to fully fund a project or to top up funding from other sources.

6.1.72 Decisions on the expenditure of financial contributions will be made in accordance with the Council's Constitution and Scheme of Delegation, details of which are available on the Council's website. <https://www.horsham.gov.uk/councilanddemocracy/councillors/committees-and-council-business/constitution>

6.2 Category 2: Other standard planning obligations not restricted by the CIL Regulations

- 6.2.1 This category refers to planning obligations that may be required to make development acceptable in planning terms, but which do not seek to secure works or contributions for infrastructure, as defined by Section 216(2) of the Planning Act 2008 (as amended). CIL Regulation 123 does therefore not restrict these planning obligations. Where appropriate, and where the tests set out in CIL Regulation 122 (and also in the NPPF) can be met, the Council may seek planning obligations within this Category to secure specific measures or contributions.
- 6.2.2 The measures and contributions anticipated to be required under 'Category 2' are not considered to constitute infrastructure. Where however, specific measures required for any given development proposal would represent the need for improved or additional infrastructure, the Council may nevertheless require a planning obligation to secure such measures, if these are required to mitigate the impact of the specific development proposal. This is reflected in the Council's 'Regulation 123 list', and further details are provided for a range of purposes under 'Category 3'.

Category 2.1 – Mitigation to address impacts of development on biodiversity and protected European Sites (Non-infrastructure)

Policy basis: *HDPF Policies 31 (Green Infrastructure and Biodiversity), 35 (Climate Change) and 38 (Flooding).*

- 6.2.3 Policy 31 of the HDPF requires new development to contribute to the enhancement of existing biodiversity and to create and manage new habits where appropriate. The principle behind the policy is that new development will be expected to deliver a net gain in biodiversity. In some cases, specific biodiversity mitigation may be required in order to comply with Policy 31. Such measures could include the creation and management of new habitats, or relocating protected species that may be harmed by new development. Where such measures cannot be achieved through the imposition of planning conditions, a planning obligation may be required.
- 6.2.4 Development within parts of the District has the potential to impact on the integrity of two sites within the South Downs National Park that are protected for nature conservation under European Union legislation, often known as 'European sites'. The European sites relevant to Horsham District are the Arun Valley Special Protection Area and the Mens Special Area for Conservation. The law requires that development that may give rise to a significant harmful impact on these sites may only proceed where mitigation

or avoidance measures can be demonstrated to avoid the harmful effects on the protected sites.

- 6.2.5 A Habitat Regulations Assessment (HRA) was carried out to support the preparation of the HDPF and can be found on the Council's website. The HRA provides a detailed commentary on the circumstances in which the integrity of the protected sites may be harmed by development and it identifies the types of avoidance and mitigation measures that may be required in order to avoid harmful effects.
- 6.2.6 Where it is identified that the development proposal would require avoidance or mitigation measures in order to avoid a significant harmful impact, these measures are likely to be required either through the imposition of planning conditions or, where this is not appropriate, through planning obligations.
- 6.2.7 Under Category 2, a planning obligation may be required to secure mitigation measures that do not comprise infrastructure, and which is therefore not restricted by the CIL Regulations. For example, a planning obligation may be sought to secure financial contributions towards a new or existing management programme to help ensure that the integrity of the protected sites is maintained.

Category 2.2 - Mitigation required due to the implementation of local Air Quality Action Plans

Policy basis: HDPF Policy 24 (Environmental Protection), Storrington Draft Air Quality Action Plan; Cowfold Air Quality Action Plan.

- 6.2.8 In two parts of the District (Storrington and Cowfold) the air quality has fallen below certain thresholds, particularly associated with vehicle emissions. The Council has therefore declared Air Quality Management Areas (AQMAs) in these locations and has developed Air Quality Action Plans (AQAPs) to address the air quality issues.
- 6.2.9 The AQAP for Cowfold (2013) and the Draft AQAP for Storrington (2012) can be found on the Council's website. These documents set out details about the causes and effects of the identified air quality issues and include a range of measures identified to address the issues. In accordance with HDPF policy 24, new development within or adjacent to the AQMAs may be required to incorporate specific measures to mitigate the impact of the development on air quality. In addition, financial contributions may be sought to help fund existing or new management programmes designed to implement the AQAPs in each location.

Category 2.3 - Mitigation required due to the implementation of any relevant management plan for protected landscapes

Policy basis: *HDPF Policy 30 (Protected Landscapes), High Weald AONB Management Plan 2014-2019, South Downs National Park Local Plan (emerging)*

6.2.10 Parts of the District fall within protected landscapes, in particular the High Weald AONB, within the east of the District, and the South Downs National Park which includes parts of the south of the District.

6.2.11 Any development proposals within or in close proximity to these protected landscapes have the potential to harm the landscape character and the local distinctiveness of these landscapes and therefore risks undermining the purposes for which they are protected. Sometimes these harmful impacts can be addressed through mitigation measures that can be secured either through planning conditions or through planning obligations, to make development acceptable. Appropriate mitigation may include the need to secure for financial contributions towards the implementation of any relevant management plans in effect for the protected landscapes.

6.2.12 In the case of the High Weald AONB, the Management Plan is available on the High Weald AONB's website and this should be consulted by those preparing planning applications within or in close proximity to the AONB.

6.2.13 Whilst this SPD relates only to those parts of Horsham District that fall outside of the South Downs National Park, development proposals within the District that are close to the Park's boundaries have the potential to adversely impact on landscapes within the National Park. Therefore, those preparing planning applications close to the National Park's boundaries should consider any relevant guidance or requirements within the emerging South Downs National Park Local Plan, and its supporting evidence documents (including the South Downs Integrated Landscape Character Assessment).

Category 2.4 – Mitigation required to protect the historic environment

Policy basis: *HDPF Policy 34 (Cultural and Heritage Assets).*

6.2.14 Policy 34 of the HDPF makes it clear that new development will be expected to integrate into the historic environment and respond to local character and distinctiveness. Planning obligations may offer opportunities to fund improvements to, and/or mitigate the adverse impacts of development on the District's historic environment. Where appropriate, based on the circumstances of the development proposal, the following sorts of measures may be sought through a planning obligation:

- Repair, restoration or maintenance of a heritage assets and their setting;
- Production and implementation of conservation management plans;

- Increased public access, public open days and the dissemination of information about the historic environment;
- Improved signage to/from heritage assets and interpretation panels/historical information at the site;
- Measures for the preservation, in situ, of archaeological remains and sites or the investigation and recovery where considered necessary to excavate; and
- The recording of remains and appropriate publication and placing on the Historic Environment Record.

Category 2.5 - Public bus service enhancements (Non-infrastructure)

Policy basis: *HDPF Policies 5 (Horsham Town); SD1 (Land North of Horsham) and; 40 (Sustainable Transport).*

6.2.15 Enhancements to public bus services are sometimes required as a consequence of new development in order to reduce the impact of additional vehicle movements on the District's road network and to reduce the potential for social exclusion as a consequence of new development. This is particularly the case with large strategic development, such as that planned to the North of Horsham.

6.2.16 Within Category 2, non-infrastructure bus service improvements may be required, including revenue support to help establish a new bus service or to sustain an existing route as a new strategic development is built out. The Council's Infrastructure Delivery Plan includes these sorts of measures in relation to the North of Horsham Development. In addition, other development, for example within Horsham Town or the District's other larger settlements, may also be required to contribute towards bus service improvements, where these were justified to mitigate the impact of new development.

6.2.17 Improvements to bus service infrastructure, such as bus stops and dedicated bus lanes, may also be sought by the Council through planning obligations, and these are covered within Category 3 below.

Category 2.6 - Travel Plans and 'Smarter Choices' contributions

Policy basis: *HDPF Policies SD9 (Transport Infrastructure) and 40 (Sustainable Transport).*

6.2.18 Larger developments, which could give rise to adverse impacts on the District's road network through additional vehicle movements, are sometimes required to deliver a range of 'soft' measures aimed at encouraging people to use sustainable modes of travel rather than private vehicles. These measures often include a Travel Plan setting how the travel behaviour of future

occupiers of the new development will be influenced away from private car use. The measures within a Travel Plan are sometimes known as 'smarter choices' after a Department for Transport guidance document of that name published in 2005.

6.2.19 Many of the 'smarter choices' measures do not relate to infrastructure and are therefore not restricted by the CIL Regulations. Generally, it is the applicant's responsibility to prepare a Travel Plan, but the Council will seek to secure the implementation of the measures within the Travel Plan through the use of planning obligations.

Category 2.7 - Traffic Regulation Orders (TROs)

Policy basis: *HDPF Policies 40 (Sustainable Transport) and 41 (Parking).*

6.2.20 Some new development, especially within urban areas, may have an impact on the effectiveness of the local road network or may impact on-street parking within close proximity of the proposed development. In such cases, West Sussex County Council, acting as the Local Highway Authority, may seek to impose parking restrictions or other changes to the way vehicles use the street network, in order to mitigate the impact of a new development.

6.2.21 Generally, Traffic Regulation Orders (TROs) will be used for this purpose. These are statutory orders which can be imposed either on a temporary or permanent basis to effect the required restrictions or other changes. Where requested by the Local Highway Authority, the Council may seek to secure the TRO through a planning obligation. Where it is justified by the circumstances of the proposed development and its likely impact, the Council may also seek a financial contribution towards the costs of preparing and implementing the TRO.

Category 2.8 - Restrictions to the use of land necessary to make a planning application acceptable in planning terms.

Policy basis: *HDPF Policies 4 (Settlement Expansion); SD1 (Land North of Horsham) and; SD9 (Transport Infrastructure).*

6.2.20 To ensure that the overall development strategy, set out within the HDPF, is deliverable and to encourage the most efficient use of land, the Council may require a planning obligation to restrict the use of land in order to make development at the site acceptable in planning terms.

6.2.21 The need to secure a planning obligation for this purpose will be considered on a case-by-case basis, however a planning obligation for this purpose may be sought, for example, avoid a proposed development prejudicing the provision of access to an adjacent site.

6.2.22 Policies SD1 and SD9 of the HDPF set out the need for the development proposals for the Land North of Horsham to safeguard the land identified on the Policies Map as a future railway station which may provide significant sustainable transport and economic growth advantages. It is likely that the Council will seek to use a planning obligation to achieve the safeguarding required by the HDPF.

6.3 Category 3: Standard planning obligations excluded from the Regulation 123 List

6.3.1 The CIL regulations allow for planning obligation to continue to be used to secure new or improved infrastructure, where such obligations both meet the three criteria test (Regulation 122) and where such infrastructure types or projects are excluded from the Council's list published under Regulation 123. In addition, Regulation 123 limited the extent to which contributions for infrastructure may be 'pooled' to no more than five separate planning obligations for that purpose, signed since April 2010.

6.3.2 At the time CIL is introduced, the Council intends to publish a 'Regulation 123 list' and a draft version of that list was included within the consultation on the Draft CIL Charging Schedule. The guidance within Category 3 of this SPD should be read alongside the Council's Regulation 123 list.

6.3.4 If and when the Council seeks to review the Regulation 123 list, this will be preceded by consultation, in accordance with the National Planning Guidance. At the same time, the Council will consider whether the proposed changes to the Regulation 123 list would require a partial review of the SPD, in order to maintain a consistency of approach.

Category 3.1 – Transport and Highways

Policy basis: *HDPF Policies 5 (Horsham Town); 6 (Broadbridge Heath Quadrant); SD1 (Land North of Horsham); SD9 (Transport Infrastructure); SD10 (Southwater Strategic Site); SD11 (Land South of Billingshurst); 39 (Infrastructure Provision) and; 40 (Sustainable Transport).*

6.3.5 New development generally gives rise to additional transport movements, and in some cases this may cause adverse impacts on the District's road and other transport infrastructure. To ensure that development is acceptable, such impacts should be addressed through the design of the scheme or through planning conditions that may be imposed. Where it is not possible to address the site-specific impact to transport infrastructure, the Council may seek to secure measures or contributions through planning obligations.

6.3.6 The Infrastructure Delivery Plan (IDP) sets out details about the transport improvements that are anticipated to be required in order to successfully

deliver the development strategy established by the HDPF. The Infrastructure Delivery Schedule (Appendix A of the IDP) indicates that the Council intends to use a combination of funding sources to deliver the infrastructure projects listed:

- Receipts from the Community Infrastructure Levy (CIL)
- Planning Obligations and Section 278 Agreements
- Other sources, including capital budgets of West Sussex County Council, Horsham District Council and a number of Parish Councils

6.3.7 As set out in the Regulation 123 list, CIL will be used to fund, in whole or in part, a range of general transport infrastructure improvements, the need for which is not related to any specific development proposal. These improvements are generally required due to the cumulative impact of development, including that proposed to be brought forward through Neighbourhood Plans.

6.3.8 Planning obligations (and Section 278 Agreements) will be used to secure transport infrastructure improvements, or to secure safe access arrangements required as the result of a specific development proposal, included, but not limited to, the strategic developments planned at North Horsham, Southwater and Billingshurst.

6.3.9 The sorts of transport improvements that may be required to mitigate the impact of larger and strategic developments are listed in the IDP and may include the following:

- Creation of safe access for vehicles and pedestrians;
- Creation of new or enhancement of existing cycle and pedestrian routes to link the development site with existing settlements or the countryside;
- Public transport improvements, such as bus lanes and stops/shelters;
- Highway and junction improvements to create additional capacity to meet the needs of the development proposal;
- Road safety improvements and safe crossings;
- Traffic calming in nearby areas which might be impacted by additional traffic;
- Traffic management measures, such as CCTV, or signage and lane painting;
- The provision (or removal) of street furniture, traffic lights, crossings, signage and trees
- 'Smarter choices' measures such as the establishment of a 'car club' or electric vehicle-charging infrastructure.

6.3.10 The Local Highway Authority (West Sussex County Council) is consulted on all planning proposals that may impact on the highway network and will

provide advice on the scope and nature of planning obligations required to mitigate the impact of development on transport infrastructure.

6.3.11 In addition to the sorts of measures listed above, West Sussex County Council is likely to seek either a planning obligation, or an agreement under Section 38 and/or Section 278 in order to secure the provision of on-site facilities (such as internal roads and bus infrastructure) to an acceptable or 'adoptable' standard.

Category 3.2 – Education

Policy basis: *HDPF Policies SD1 (Land North of Horsham); SD8 (Education); SD10 (Southwater Strategic Site); SD11 (Land South of Billingshurst) and; 39 (Infrastructure Provision).*

6.3.12 West Sussex County Council currently has responsibility for assessing the need for school places and for planning new schools. Most new residential development creates a need for additional school places and the Council considers that receipts from CIL will, in the future, be the most appropriate source of developer funding to ensure that the impact of development across the District is addressed through the creation of additional school place capacity where and when it is required.

6.3.13 For the largest planned developments, and in particular the North Horsham strategic development, specific on-site school infrastructure is required to mitigate the impact of the development. In such cases CIL is not considered an appropriate mechanism to provide the level of certainty required in terms of the timing of school infrastructure delivery and planning obligations will be used for this purpose. It is important to note that the Council's CIL charge rate structure reflects the special requirements of the North of Horsham development and the need to rely on planning obligations to mitigate the impact of the development. This is also reflected in the Council's Regulation 123 list.

6.3.14 For the North of Horsham site, planning obligations will be used to secure a range of education facilities, as set out in Policy SD8 of the HDPF and in Appendix A of the Horsham IDP. These facilities will include the transfer of land, direct infrastructure works to deliver the primary and special schools and early years provision and financial contributions towards the delivery of a secondary school and towards additional tertiary education places within Horsham.

6.3.15 It should be noted that planning obligations are also being used to secure education facilities on the strategic sites at Southwater and Billingshurst, as set out in the IDP. These developments will not pay CIL contributions

however, as they were permitted prior to CIL being introduced, and are therefore not covered by the Regulation 123 list.

6.3.16 Where a planning obligation is used to secure on-site education facilities, West Sussex County Council will advise on the specification, location and delivery of all school infrastructure. Applicants are encouraged to engage with the County Council at an early stage to open a dialogue on the size and location of school sites within any planned strategic development.

Category 3.3 – Leisure, Sport and Open Space

Policy basis: *HDPF Policies SD1 (Land North of Horsham); SD5 (Open Space, Sport and Recreation); SD6 (Landscape Buffer, Landscape Character, Biodiversity and Green Infrastructure); SD10 (Southwater Strategic Site); SD11 (Land South of Billingshurst); 39 (Infrastructure Provision) and 43 (Community Facilities, Leisure and Recreation).*

6.3.17 With the introduction of CIL the majority of leisure, sport and ‘strategic’ open space improvements will be delivered using accumulated CIL funds. However, larger developments will be required to provide on-site facilities to meet the needs of the future residents of the development. Depending on the scale of the proposed development site, the range of on-site provision expected could include: formal and informal open space; indoor and outdoor sport facilities and; children’s play equipment.

6.3.18 On-site provision of this sort is often considered to be a requirement to make development on larger sites acceptable in planning terms, for example, avoiding adverse impacts on the capacity of and quality of existing open space, leisure or sports facilities. Where required for this purpose, the on-site facilities will be secured through a planning obligation. As this provision is required to meet the needs of the development, CIL funds will not be used to deliver the same piece of infrastructure and this is clarified by the exclusion for this type of infrastructure within the Council’s Regulation 123 list.

6.3.19 Policy 39 of the HDPF requires appropriate infrastructure provision to be provided, when new development comes forward, in order to avoid adversely impacting on existing residents. Policy 43 supports the delivery of new and enhanced open space, sport and children’s play facilities as part of new development proposals. The standards for Sport Recreation and Open Space provision are set out in the Sport, Open Space and Recreation Assessment (2014) or in national standards. For ease of reference these will be pulled together and made available in an additional Appendix (Appendix 5) when this is completed.

6.3.20 In the case of strategic development planned within the District, and in particular at Land to the North of Horsham, the HDPF provides specific

requirements for on and off-site sport, leisure and open space facilities that are required to mitigate the impacts of the development and which will be secured through planning obligations. These facilities are also set out in Appendix A of the IDP. In relation to the North of Horsham, the key requirements include:

- Formal open space, including: allotments; 3.2 hectares of playing pitches; multi-games use areas, kick-about areas, skate parks and children's play areas;
- Informal open space, including: a Nature Park, other semi-natural greenspace, green linkages and strategic green corridors; and
- A new cemetery of up to 10 hectares

6.3.21 Where sports pitches are being provided, these would generally be expected to be accompanied by the provision of suitable buildings to accommodate toilets, changing rooms, showers and games equipment storage. The Council will also expect parking to be provided at a level appropriate to the size of the sports facility.

6.3.22 In addition the anticipated on-site facilities, further new infrastructure may be required within neighbouring communities, such as North Horsham and Warnham, to address the wider impacts of the new strategic development on existing sports, leisure and open space facilities.

6.3.23 For all on-site open space, the Council will need to be satisfied that suitable arrangements have been made for their long-term maintenance and that they will be kept as public open space in perpetuity. Where facilities will remain in private hands a management plan may need to be agreed, with implementation of the plan secured by planning obligation. Alternatively, a financial contribution may be sought by the Council as part of any transfer of new facilities to the Council or to any relevant Parish Council.

Category 3.4 – Community Facilities

Policy basis: *HDPF Policies SD1 (Land North of Horsham); SD3 (Local Centre) SD10 (Southwater Strategic Site); SD11 (Land South of Billingshurst); 39 (Infrastructure Provision).*

6.3.25 New or improved community facilities that may be required to address the impacts of new development within the District include health facilities (doctor and dentist surgeries), libraries and community halls and centres. With the introduction of CIL, such facilities would generally be expected to be funded through CIL receipts, in addition to funding from other sources, such as parish councils and the National Health Service.

6.3.26 For strategic development, and in particular Land North of Horsham, on-site provision is required in order to mitigate the impact of the development and to ensure that development is sustainable. In this case, the works to deliver the necessary facilities (or the financial contribution where facilities are not delivered by the developers) will be secured through planning obligation and this is reflected in the Council's Regulation 123 list.

6.3.27 Policy SD3 of the HDPF sets out the main requirements for the North of Horsham development, and further details are provided in Appendix A of the IDP. The anticipated on-site community facilities for the development would be located at the new local centre and include:

- Sufficient healthcare provision to meet the needs of the future residents of the development;
- A multi-use community centres to provide flexible space for a range of users; and
- Library provision, potentially delivered as a self-service facility within the new community centre.

6.3.28 The specification and form of provision in each case would need to be determined at the planning application stage and in the case of the healthcare facilities, the Clinical Commission Group will be consulted to advise on the most appropriate form of provision. Likewise, West Sussex County Council will be consulted on the location, form and specification of the library provision.

Category 3.5 – Public Services

Policy basis: *HDPF Policies 33 (Development Principles) and 39 (Infrastructure Provision).*

6.3.29 Any strategic provision required in order to address the cumulative impact of development across the District on the provision of public services such as the facilities for the 'emergency services', public safety measures and householder recycling facilities are considered to be most appropriately funded through CIL receipts.

6.3.30 Additional site-specific measures may also be required as a consequence of new development in order to mitigate the impact of the development or to meet the specific needs of the future residents or occupiers. Such measures may include CCTV, fire hydrants and small-scale communal recycling points.

6.3.31 Where such measures are required, they will be secured through planning obligations. This is reflected in the Council's Regulation 123 list.

Category 3.6 – Flood Management Improvements

Policy basis: *HDPF Policies SD1 (Land North of Horsham); 35 (Climate Change) and 38 (Flooding).*

- 6.3.32 Where required, new or improved strategic infrastructure designed to reduce flood risks over a wide area, rather than for any specific development site, will be funded through CIL receipts and other available sources and not through the use of planning obligations.
- 6.3.33 Where, conversely, new or enhanced infrastructure is required to achieve flood risk management as a consequence of any specific development proposal, planning obligations may be sought to secure improvements that are necessary to make a development accessible in planning terms. The Council's Regulation 123 list has been drafted to reflect this approach.
- 6.3.34 In relation to the mitigation of flood risk at specific development sites, HDPF Policies 35 and 38 make it clear that the first step should be to incorporate Sustainable Drainage Systems (SuDS), where this is appropriate. Where SuDS are provided, a planning obligation may be required to secure the management and maintenance of the SuDS over the anticipated lifetime of the development. It is often good practice to incorporate SuDS within the Green Infrastructure areas of any large development and where this approach is used, it should be reflected in the management strategy to ensure that green infrastructure facilities remain usable for a great majority of the year.
- 6.3.35 Where additional or off-site flood management infrastructure is required, specifically to mitigate the impact of a development, financial contributions, secured through a planning obligation, may be sought to fund provision and the future management of such measures.

Category 3.7 – Biodiversity and Nature Conservation Improvements

Policy basis: *SD6 (Landscape Buffer, Landscape Character, Biodiversity and Green Infrastructure); SD10 (Southwater Strategic Site); SD11 (Land South of Billingshurst); 31 (Green Infrastructure and Biodiversity).*

- 6.3.36 As set out under 'Category 2' above, Policy 31 of the HDPF requires new development to contribute to the enhancement of existing biodiversity and to create and manage new habitats where appropriate, with the aim to deliver a net gain in biodiversity.
- 6.3.37 Where specific biodiversity mitigation or enhancement is required in order for any development proposal to comply with Policy 31, such measures may be

secured through the use of planning obligations, where this cannot be achieved through the imposition of planning conditions. Such measures could include the creation and management of new habitats or the establishment of buffer zones, for example, within wider green infrastructure areas or corridors.

6.6.38 Within the parts of the District in close proximity to the two 'European sites' (see under Category 2.1 above), the law requires that development which may give rise to a significant harmful impact on these sites may only proceed where mitigation or avoidance measures can be demonstrated to avoid the harmful effects on the protected sites.

6.6.39 The Council's Habitat Regulations Assessment (HRA) of the HDPF provides a detailed commentary on the circumstances in which the integrity of the protected sites may be harmed by development and it identifies the types of avoidance and mitigation measures that may be required in order to avoid harmful effects.

6.6.40 Where it is identified that the development proposal would require avoidance or mitigation measures in order to avoid a significant harmful impact, these measures are likely to be required either through the imposition of planning conditions or, where this is not appropriate, through planning obligations.

6.6.41 Under Category 3, a planning obligation may be required to secure mitigation measures that comprise infrastructure. The Council considers that the high degree of certainty required by the legislation, when securing the identified mitigation or avoidance measures makes funding of such infrastructure through CIL receipts inappropriate as the link between the paying of the CIL charges and the delivery of the required infrastructure is broken. This is reflected in the Council's Regulations 123 list.

6.6.42 The types of infrastructure required to mitigate the impact of a development proposal on the European sites would depend on which of the sites the mitigation was focused on addressing. For example, in relation to the Arun Valley SPA a planning obligation may be sought to deliver, or to secure financial contributions towards, infrastructure designed to manage the water levels within the SPA and to avoid any harmful impact on water levels as a result of additional water abstraction or run-off associated with new development.

Section 7: Implementation and Monitoring of Planning Obligations

Phasing of Delivery and Payments

- 7.1 Policy 39 (Infrastructure Provision) of the HDPF states that: *“Where there is a need for extra capacity, this will need to be provided in time to serve the development or the relevant phase of the development, in order to ensure that the environment and amenities of existing or new local residents is not adversely affected.”*
- 7.2 When the planning obligations are being negotiated, it may therefore be necessary to establish clear agreed trigger points for the implementation of each of the obligations being required. In some cases, different trigger points will be appropriate, for example, where specific on or off-site works are being required and for larger schemes a phased approach to infrastructure provision will need to be negotiated and agreed, based on the nature of the obligation and the stage at which the measure or mitigation is required.
- 7.3 The Council will expect service infrastructure (such as site access, sewerage, water, gas, electricity supply and telecommunications), related to a new development, to be provided in full by the developer and/or landowner. Such service infrastructure is considered as part of the development itself and is therefore not an additional requirement of this Council.

Complying with Planning Obligations

- 7.4 Planning obligations secured by way of a Section 106 agreement or Unilateral Undertaking are binding on the land and are therefore enforceable against all successors in title. They are registered as a local land charge and will remain on the register and therefore revealed on local searches until the planning obligation has been fully complied with or the planning permission to which the Section 106 agreement or Unilateral Undertaking relates has expired.
- 7.5 If the Council has evidence that that a planning obligations is not being complied with, the Council will consider the need to investigate this further and whether enforcement action should be taken if other measures fail to rectify the situation.

Indexation of Financial Contributions

- 7.6 Financial contributions will be subject to indexation by the Council in order to ensure that their value does not decline in the period between the signing of the agreement and the date on which the contributions are paid.

- 7.7 The method of indexation will negotiated with the applicant and, once agreed, will be specified within the Section 106 agreement. The method will generally be based on the published Retail Price Index (RPI) or an appropriate index published by the Build Cost Information Service (BCIS), which is the responsibility of the RICS. In the event that there is a decrease in the relevant agreed index, the financial contribution payable shall not fall below the figure originally set out within the Section 106 agreement.

Monitoring the use of Planning Obligations

- 7.8 As the co-ordinating authority for all planning obligations in the part of Horsham District outside the South Downs National Park, the process of implementation is monitored by the Council to ensure that the whole process is legally compliant and consistent with national and local policies and with any protocols agreed with other infrastructure providers, notably West Sussex County Council.
- 7.9 The effective monitoring of planning obligations creates a financial burden for the Council, which may be considered an impact of new development. Therefore, where justified on a case-by-case basis, the Council may expect the developer or landowner to fund some or all of the necessary costs incurred by the Council in the course of monitoring and the administration of the Section 106 agreement.
- 7.10 Such contributions will generally only be expected where the complexity or scale of the development and its planning application and accompanying planning obligations would lead to unusually high costs for the Council. As with all requirements of a planning obligation, contributions for this purpose must be capable of meeting the tests set out in Regulation 122 and will be calculated based on an estimate of actual costs and not on any 'standard charge'.

Section 8: Next Steps

- 8.1 This is a draft Supplementary Planning Document (SPD) for consultation. The document sets out the Council's draft guidance on the securing of planning obligations and affordable housing from new development within the District. It has been prepared to support the new Horsham District Planning Framework (HDPF), which was adopted in November 2015, and the Community Infrastructure Levy (CIL) Draft Charging Schedule, which is being consulted on at the same time as this draft SPD.
- 8.2 As a draft SPD, this document is an expression of how Horsham District Council intends to approach the use of planning obligations. The draft SPD is subject to change however, in light of any consultation responses or changes to Government legislation and policy.
- 8.3 The Council intends to subject this draft SPD to public consultation, alongside the Draft CIL Charging Schedule. Following this, a final version of the SPD will be prepared to take account of any consultation responses received and any other relevant changes. Once the final version of the SPD has been formally adopted, it will be used by the Council in the determination of planning applications as a material consideration.

Consultation

- 8.4 All responses on the draft SPD that are received within the consultation period will be considered prior to preparing a final version of the SPD for adoption by the Council.
- 8.5 Comments on the draft Planning Obligations and Affordable Housing SPD should be made online or be sent to the Council by:
- Email:** strategic.planning@horsham.gov.uk
- Post:** Strategic Planning Team, Parkside, Chart Way, Horsham, RH12 1RL
- 8.6 The consultation period on the draft Planning Obligations and Affordable Housing SPD runs from 6 May 2016 to 17 June 2016. Please note that all comments will be made public.
- 8.7 For further information, please visit the Council's website at: www.horsham.gov.uk. Alternatively, please call the Strategic Planning Team on 01403 215398.

Glossary

Affordable Housing: For the purpose of this Supplementary Planning Document and in accordance with the Horsham District Planning Framework, the Council's definition of 'affordable housing' is defined in the National Planning Policy Framework (NPPF) (March 2012):

Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Homes that do not meet the above definition of affordable housing, such as 'low cost market' housing, may not be considered as affordable housing for planning purposes in accordance with the NPPF definition of affordable housing.

Affordable Rented Housing: The NPPF defines Affordable Rented Housing as:

Housing let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Air Quality Management Strategy (AQMS): A designation made by a local authority where an assessment of air quality results in the need to devise an action plan to improve the quality of air.

Amenity: A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity.

Area of Outstanding Natural Beauty (AONB): A statutory landscape designation, which recognises that a particular landscape is of national importance. The primary purpose of the designation is to conserve and enhance natural beauty of the landscape.

Authority Monitoring Report (AMR): Section 113 of the Localism Act 2011 requires every authority to produce a report, at least annually, containing information on the implementation of the local plan (Horsham District Planning Framework) and the extent to which the planning policies set out within the local plan are being achieved. This enables the effects of a policy to be monitored transparently to enable a plan to respond quickly to changing circumstances and to implement change where a policy may not be working as anticipated.

Biodiversity: The whole variety of life on earth. It includes all species of plants and animals, their genetic variation and the ecosystems of which they are a part.

Charging Schedule: The document prepared by the Council to introduce Community Infrastructure Levy. It sets out the rates (in pounds sterling per square metre) at which different types of development will be charged.

Community Facilities: Facilities available for use by the community. Examples include village halls, doctors' surgeries, pubs, churches and children play areas; may also include areas of informal open space and sports facilities.

Community Infrastructure Levy (CIL): The Community Infrastructure Levy is a new levy that local authorities in England and Wales can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the council, local community and neighbourhoods want – for example, new or safer road schemes, park improvements or a new health centre. There are several stages in the introduction of this levy, including consultation on the levy of charge proposed on new development. The charging schedule goes through independent examination before being adopted by the Council and applied to new development.

Conditions (or 'planning condition'): Requirements attached to a planning permission to limit or direct the manner in which a development is carried out.

Development Plan: The adopted suite of documents, which set out the parameters for all development in the District. It comprises the adopted Horsham District Planning Framework, the West Sussex Waste Local Plan, The West Sussex Minerals Plan, and any Neighbourhood Plans that have been brought into effect ('made').

Ecological (or Ecology): The interactions and relationships between plants, animals and their environment.

Enabling Development: A development that would normally be rejected as contrary to established policy, but which may be permitted because the public benefits would demonstrably outweigh the harm to other material interests.

Environmental measures: Actions taken as part of a new development designed to protect the environment and mitigate the impact of the development on the local environment.

Environmental infrastructure: The basic facilities, services, and installations needed for the functioning of key systems such as the sewerage network, sustainable drainage systems as well as improvements made to water courses and habitats.

European Sites: Defined in Regulation 8 of the Conservation of Habitats and Species Regulations 2010, these include a range of ecological sites designated for the protection of rare, endangered or vulnerable natural habitats and species of exceptional importance within the European Union. Designations include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and Ramsar sites, which generally overlap SACs and SPAs.

Evidence Base: Collection of baseline specific data for the District which is used to inform the development of all Local Plan policies and Supplementary Planning Documents.

Green Infrastructure: A network of multi-functional green (and blue) spaces, urban and rural, capable of providing a wide range of environmental and quality of life benefits for local communities.

Gross internal floorspace: The entire area inside the external walls of a building and includes corridors, lifts, plant rooms, service accommodation e.g. toilets, but excludes internal walls. The difference between gross internal floorspace and gross external area is typically between 2.5 and 5%.

Habitat: The natural home or environment of a plant or animal.

Habitats Regulations: Refers to the Habitats and Conservation of Species Regulations 2010, which provide for the designation and protection of European sites, and the adaptation of planning and other controls for the protection of European sites.

Habitat Regulations Assessment (HRA): The statutory process and documentation required by the Birds and Habitats Directives of the European Union to assess the effects of a plan on a nature conservation site of European importance. The aim is to enable a judgement to be made as to whether there will be an adverse impact on the site's integrity.

High Weald Joint Advisory Committee: This organisation set up to manage the High Weald AONB.

Homes & Communities Agency (HCA): The Homes and Communities Agency is the Government's national housing and regeneration agency for England. It provides investment for new affordable housing and to improve existing social housing, as well as for regenerating land. It is also the regulator for social housing providers in England. Further details can be found at: www.homesandcommunities.co.uk.

Housing Associations: See *Registered Providers*.

Horsham District Planning Framework (HDPF): The HDPF will be the overarching planning document for Horsham District, when adopted will replace the Core Strategy and General Development Control Policies documents which were adopted

in 2007. The HDPF will set out the planning strategy for the years up to 2031 to deliver the social, economic and environmental needs of the whole district, as well as looking beyond the district's boundaries.

Infrastructure: A collective term for services such as roads, electricity, sewerage, water, education and health facilities.

Intermediate Housing: Homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Intermediate Rent: This is housing available at a rent above social rent costs but below market rent levels. Rents are typically no more than 80% of market levels. Generally intermediate rented properties are reserved for specific groups of tenants and short-term tenancies.

Local Plan: Local Plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment, adapting to climate change and securing good design for the area they cover. They are a critical tool in guiding decisions about individual development proposals, as Local Plans (together with any Neighbourhood Development Plans that have been made) are the starting-point for considering whether applications can be approved. It is important for all areas to put an up to date Local Plan in place to positively guide development decisions.

Masterplan: A type of planning brief outlining the preferred use of land and the overall approach to the layout in order to provide detailed guidance for subsequent planning applications.

Material consideration: A matter that should be taken into account in deciding a planning application or on an appeal against a planning decision.

Mitigation: A measure that is carried out to reduce the impact of a certain activities / development on the environment.

National Planning Policy Framework (NPPF): The key document, introduced in March 2012, setting out Government policy in relation to planning in England. The NPPF is part of the Governments reforms to make the planning system less complex, more accessible and to promote sustainable growth.

Neighbourhood Development Plans (NDP): Written by Parish Councils and Neighbourhood Forums to guide local land use planning issues. They set out policies and plans for an area, such as the identification of new sites which are acceptable

for new local shops. They should not cover broader local concerns or strategic issues such as major development or major public transport infrastructure.

Open market value: The value a property might reasonably fetch if sold on the open market where there is a willing buyer and a willing seller.

Planning Condition: See *'Conditions'*

Planning gain: Refers to items that a developer would not normally regard as commercial necessities for the development, but which are nevertheless required in the public interest if the site is to produce an acceptable development.

Planning Obligation: A legally binding agreement, signed under Section 106 of the Town and Country Planning Act 1990 (as amended), between the local planning authority and persons with an interest in a piece of land. Planning obligations are used to secure funds or works for significant and essential elements of a scheme to make it acceptable in planning terms. Planning obligations will have been set out in an agreement often known as a 'Section 106 Agreement' and may be used to prescribe the nature of development, to compensate for loss or damaged created by development or to mitigate a development's impact on surrounding built and natural environment.

Planning Practice Guidance (PPG): Online guidance introduced in March 2014, which provides further detail as to how the policies within the National Planning Policy Framework (NPPF) should be applied.

Previously developed land: See *Brownfield*

Protected species: Plant and animal species afforded protection under certain Government Acts and Regulations.

Public art: The creation of an art or craftwork project designed and/or made by professional artists and craftspeople, which enhances the appearance of the public realm.

Registered Provider (RP): An independent housing organisation registered with the Homes and Communities Agency under the Housing and Regeneration Act 2008. They may be Housing Associations, Industrial and Provident Societies, registered charities or private companies. Registered Providers may now be profit-making organisations.

Regulation 123 List: Under Regulation 123 of the CIL Regulations 2010 (as amended) a charging authority may publish a list on its website setting out the infrastructure projects or types which it intends to fund, in whole or in part, through the Community Infrastructure Levy. A local authority cannot secure planning obligations to fund infrastructure detailed on the Regulation 123 List.

Rented Affordable Housing: *Refer to Social Rented Housing or Affordable Rented Housing.*

Section 106 Agreement: *See 'Planning Obligation'*

Section 278 Agreement: A legal agreement completed between the developer and the Local Highway Authority, under Section 278 of the Highways Act 1980, where a development requires works to be carried out on the existing adopted highway. These agreements provide a financial mechanism for ensuring delivery of mitigation works identified and determined as necessary for planning permission to be granted.

Shared Equity: The purchaser acquires the whole of the property but effectively only pays a proportion of the value; the remaining value is secured by an equity loan. There have been, and are a variety of schemes available, some with government support.

Shared Ownership: Shared ownership is a mechanism for purchasing a property for those that cannot afford full homeownership. A percentage of the equity is purchased by means of deposit and mortgage. The retained equity is held by a Registered Provider (or similar). The owner takes out a lease, and pays rent on the retained equity. Generally initial purchases are 25-40% of the equity. Owners can usually purchase further shares of the property over time – this is known as “staircasing”.

Social Rented Housing: The NPPF defines Social Rented Housing as:

Housing owned by local authorities and private registered providers (as defined by section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

South Downs National Park (SDNP): The South Downs National Park is England's newest National Park, having become fully operational on 1 April 2011. The park, covering an area of 1,627 square kilometres in southern England, stretches for 140 kilometres (87 mi) from Winchester in the west to Eastbourne in the east through the counties of Hampshire, West Sussex and East Sussex.

Spatial Strategy: A broad overview of how spatial planning objectives can be achieved within the development plan.

Special Protection Area (SPA): *See European Sites.*

Strategic Site Allocation: A location for development of around 200 homes or more. Site-specific details are specified within policies in the Horsham District Planning Framework.

Strategic Road Network (SRN): A road network designated as of strategic importance, comprising motorways, trunk roads, and some other class 'A' roads of more than local importance.

Supplementary Planning Documents (SPD): Supplementary Planning Documents may cover a range of issues, both topic and site specific, which may expand policy or provide further detail to policies contained in a Development Plan Document, where they can help applicants make successful applications or aid infrastructure delivery.

Sustainable Development: Sustainable development is commonly defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Principles of sustainable development include social progress that recognises the needs of everyone, effective protection of the environment, prudent use of natural resources and high and stable levels of economic growth and employment. National policy holds that, taken collectively, the policies within the NPPF define 'sustainable development' as far as the planning system is concerned.

Total Access Demand (TAD): A method previously used by the County and District Councils in West Sussex to calculate planning obligation contributions for sustainable transport. The Community Infrastructure Levy (CIL) has now replaced TAD as a mechanism to secure the majority of transport infrastructure contributions.

Transport Assessment (TA): An appraisal of the likely traffic generation impacts resulting from new development, taking into account the measures which are required to improve road safety and promote walking, cycling and the use of public transport.

Transport Regulation Order (TRO): The legal document required to support a range of measures, which govern or restrict the use of public roads including double yellow lines, one-way streets, banned turns and bus lanes.

Travel Plan: A framework developed by businesses and organisations for changing travel habits in order to provide an environment, which encourages more sustainable travel patterns and less dependence on single occupancy private car use. For example, an employer may use the plan to introduce car-sharing schemes or secure cycle parking facilities. Travel Plans must have measurable outcomes and should be related to targets in the West Sussex Local Transport Plan.

Viability: In planning terms relates to the assessment of a development scheme to establish that favourable conditions regarding the financial aspects will enable development to proceed.

West Sussex County Council (WSCC): The higher tier local authority in which Horsham District is located. WSCC is the statutory planning authority for highways, minerals and waste development for the District and is also the service provider in

relation to other infrastructure and facilities, such as schools, libraries and adult social care.

West Sussex Local Transport Plan (LTP): A ten-year plan setting out key strategic transport objectives and outlining broad strategies that will be pursued to meet the objectives. The LTP must tie-in with the broader strategic planning framework set out in local and national policies.

Appendix 1: Household Occupancy Assumptions

The household size assumptions below are based on the average household size for typical dwelling sizes for the District taken from the Census 2011:

- 1 bed unit = 1.3 persons
- 2 bed unit = 1.8 persons
- 3 bed unit = 2.3 persons
- 4+ bed unit = 2.7 persons

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Appendix 2: Financial Viability Appraisals

Guidance on development viability and the use of development viability appraisals in the planning obligations process is given in Section 5 (Development Viability) and in Section 6 (Detailed Guidance of Standard Planning Obligations) in relation to the securing of affordable housing. The following expectations should to be read in conjunction with those parts of the SPD.

Any Development Viability Appraisal submitted to the Council, in support of a developer's case for reviewing or reducing planning obligations identified as necessary by the Council, should contain as a minimum the following information and data:

1. The methodology used for the appraisal and details of any appraisal software or toolkits used.
2. Land values, both current and at the time of purchase (if different)
3. Price paid for the land; & costs taken into account when arriving at the price paid for the land (if the land is not owned by the applicant – details of any option agreements or agreements to purchase)
4. Gross and net area of development
5. Number size and type of units
6. Build costs (per square metre)(and comparison with appropriate published RICS data)
7. Abnormal or exceptional costs not reflected in the land value/price (Note: All abnormal and exceptional development costs should be supported by robust and costed specialist reports, including full technical data to support the stated costs)
8. Costs associated with bringing a heritage asset back into beneficial use or enabling development and/or costs of repairs (Note: all such costs should be supported by robust and costed specialist reports, including full technical data to support the stated costs)
9. Other costs (design, legal, consultants, planning etc.)
10. Cost of any other planning obligations including infrastructure requirements and financial contributions
11. Build programme and phasing
12. Interest rates, cap rates, loan costs, cash flows

13. Developer's profit and an explanation of its make up, and any company or financiers requirements
14. Anticipated phasing
15. Marketing and legal costs (and as a % of GDV)
16. Anticipated sales price for each unit type, and current assumed value of each unit type
17. Anticipated phasing of sales
18. Ground rents and services changes payable
19. Proposals for on-site affordable housing meeting the requirements of the SPD
20. Anticipated price to be paid by the affordable housing provider, and the assumption on which this is based.
21. Substitution values and revenues for less or no affordable housing on site

Depending on individual site circumstances, further information may be required, including:

1. Developer's Market Analysis Report
2. Details of company overheads
3. Copy of financing offer/letter
4. Copy of cost plan
5. Board Report on scheme
6. Letter from Auditors re: land values and write offs
7. Sensitivity analysis showing different assumption options (e.g. low, medium & high)
8. For mixed use schemes similar information and data will be required on the non-residential uses.

All information and data should be evidenced from an independent RICS-qualified expert or a reliable and reputable source in relation to secondary data. Figures included within the appraisal should be benchmarked.

Appendix 3: Affordable Housing Statement

All applications for residential development achieving a net gain of 5 or more units should be accompanied by an Affordable Housing Statement outlining the proposed methods of meeting the affordable housing requirements outlined in the Horsham District Planning Framework Planning Obligations and Affordable Housing Supplementary Planning Document. The applicant is advised to engage in pre-application discussions with the Council on the provision of affordable housing prior to submitting a planning application.

The statement should cover the following issues and if any information is unknown at the time of the application the reason should be stated in the relevant section.

1. Application site
2. Application Description
3. Has the applicant read the relevant guidance within the Planning Obligations and Affordable Housing Supplementary Planning Document?

Yes / No

4. Has the Applicant had discussion concerning affordable housing provision with the Council, if so with whom?

Yes/No

Officer:

Date(s):

5. Applicable number of affordable units when calculated against the relevant policy target in Policy 16 of the HDPF
6. Proposed Affordable Housing Provider
7. Proposed Number of affordable housing units to be provided on-site
8. Type and tenure of proposed on-site affordable housing
9. Is any off-site provision proposed?

Yes/No

Description of proposals, location, number of units, tenure, size etc.
Reasons why off-site provision is considered appropriate

10. Is any financial contribution in lieu of on-site provision proposed?

Yes/No

Calculated sum of financial contribution proposed

Reasons why a financial contribution is considered appropriate

11. Any other information re the affordable housing requirements or proposals

It is accepted that although outline applications will address these issues in general certain details may not yet be finalised.

Appendix 4: Affordable Housing Scheme

The Affordable Housing Scheme should generally meet the requirements outlined below.

It is anticipated that the Developer and Affordable Housing Provider will submit the Affordable Housing Scheme jointly. It is agreed by the parties that where any of the information required below is not available at the time of submitting the Affordable Housing Scheme such information shall be submitted or re-submitted (where an amendment is required) for approval prior to commencement of construction of any affordable housing unit within the relevant phase:

1. The total number of affordable units in the phase as a percentage of the total units in the phase
2. The anticipated tenure, size and type of each of the units
3. A site layout showing the location of the units
4. Plans showing the indicative internal layout of each type of unit
5. Confirmation that the units meet all the requirements set out in this Deed or any approved amendments to such requirements
6. Details of the proposed Affordable Housing Provider that will deliver the units
7. Confirmation that all of the units will be allocated either according to the draft Nomination Agreement set out in the Section 106 Agreement, or through the Home Buy Agent
8. Details of proposed rent and service charge for each type of unit and confirmation that these meet the affordability requirements set out in Section 5
9. Details of management arrangements.

Horsham District Council – Draft Regulation 123 List – as amended post Council meeting

Infrastructure Projects to be funded at least in part by the CIL (provision, improvement, replacement, operation or maintenance)	Exclusions – To be funded by Planning Obligations, Section 278 Agreements or other sources of funding
<p>Transport infrastructure, including:</p> <ul style="list-style-type: none"> • Public transport infrastructure improvements • Strategic Road corridor and junction improvements • Pedestrian and cycle improvements 	<ul style="list-style-type: none"> • Specific on or off-site improvements or infrastructure required to make a development acceptable in planning terms. • All transport infrastructure required due to the strategic development at Zone 2 including: on-site infrastructure; all pedestrian and cycle linkages and crossings; off-site improvements and alterations to the highway network (including to the Strategic Road Network); and public transport infrastructure.
<p>Education infrastructure including:</p> <ul style="list-style-type: none"> • Additional Early Years provision • Additional capacity for SEND (Special Educational Need and Disability) provision in mainstream schools • Provision of additional primary and secondary school capacity within the district • Additional capacity for Post 16 provision 	<ul style="list-style-type: none"> • On or off-site education infrastructure required specifically meet the needs of the strategic development at Zone 2, including: Early years provision; SEN - provision; two primary schools; one secondary school; and Post 16 provision.
<p>Leisure, sport and open space infrastructure including:</p> <ul style="list-style-type: none"> • New indoor and outdoor sports and leisure provision and improvements to existing facilities • New strategic open space and improvements to existing public open space facilities 	<ul style="list-style-type: none"> • Specific on or off-site improvements or infrastructure required to make a development acceptable in planning terms. • All sport, recreation and open space infrastructure and facilities required due to the strategic development at Zone 2 including: on-site formal and informal open space, sport and leisure facilities; all facilities required within the 'Landscape Buffer'; and off-site facilities necessary to mitigate the impact of the development on neighbouring communities.
<p>Community facilities infrastructure, including:</p> <ul style="list-style-type: none"> • Libraries • Health care facilities • Community buildings 	<ul style="list-style-type: none"> • All community facilities provision required to meet the needs of the strategic development at the Zone 2, including; community buildings; healthcare facilities; and library

	provision.
<p>Public Services infrastructure, including:</p> <ul style="list-style-type: none"> • Strategic recycling and waste facilities • Capital expenditure for Emergency services 	<ul style="list-style-type: none"> • Specific on or off-site improvements or infrastructure required to make a development acceptable in planning terms, including: CCTV; fire hydrants; and small-scale communal recycling facilities.
<p>Flood Management Infrastructure, including:</p> <ul style="list-style-type: none"> • Strategic flood management infrastructure 	<ul style="list-style-type: none"> • Specific on or off-site Sustainable Drainage Systems (SuDS) or flood management infrastructure that is required to make a specific development acceptable in planning terms.
<p>Strategic nature conservation Infrastructure, including:</p> <ul style="list-style-type: none"> • New nature reserves or improvements to existing nature reserves. 	<ul style="list-style-type: none"> • Specific on or off-site improvements and mitigation measures required to make a development acceptable in planning terms, including. • All mitigation or avoidance measures (including financial contributions) required specifically to address the impact of a development on protected 'European sites' in accordance with the Habitat Regulations Assessment.

Infrastructure Delivery Plan – April 2016

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
Ashington	Transport	Improve on street parking at Church Lane/Foster Lane junction improving sports pavilion car	£40,000	£0	£0	£40,000	WSCC	£0	2025
	Transport	Speed Management - A24 south of Ashington First School	£24,800	£24,800	£0	£0	PC	£0	2016-2025
	Transport	Improve speed tables in London Road		*	£0	£0	WSCC	£0	2020
	Transport	Extend street lighting to some areas of the		*	£0	£0	WSCC	£0	2015-2025
	Transport	Junction improvements at Rectory Lane/Meiros Way		*	£0	£0	WSCC	£0	2015-2025
	Transport	Noise reduction A24			£0	£0	WSCC	£0	2020
	Community Facilities	Additional Sports Pitches		*	£0	£0	PC	£0	2015-2025
	Community Facilities	Improved accessibility to allotments		*	£0	£0	PC	£0	2020
	Community Facilities	Lights and footpath for Youth Shelter, traversing wall			*	£0	PC or Ashington Community Centre	£0	2015-2025
	Community Facilities	Play Equipment	£10,000	£10,000	£0	£0	HDC	£0	2020
	Community Facilities	Extension of Community Centre (new sports/youth wing to allow demolition of adequate old hall and	£500,000	£500,000	£0	£0	Parish Council	£0	2025
Education	School Safety Zone	£20,000	£20,000	£0	£0	WSCC	£0	2015-2020	

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
Broadbridge Heath	Transport	Traffic Calming	£200,000	£0	£200,000	£0	WSCC	£0	Start 2015-16
	Transport	Broadbridge Heath to Oakhill cycle route	£285,000	£0	£285,000	£0	WSCC	£0	2015-2025
	Transport	Cycle facility - Old Wickhurst Lane - creation of cycle route; upgrade from footpath to bridleway, signage,	£33,000	£0	£33,000	£0	Developer	£0	2015-2025
	Transport	Land south of Broadbridge Heath - Provision of new east - west link road from A24 to A281.		£0	* (Directly providing)	£0	Developer providing directly on	£0	2015-2025
	Transport	Land south of Broadbridge Heath - provision of new grade-separated junction on the A24 (part - A24 road		£0	* (Directly providing)	£0	Developer providing directly on	£0	2015-2025
	Transport	A24 Farthings Hill junction improvements	£1,449,000	£0	£1,449,000	S106, WSCC and other	Developer	£0	2015-2025
	Transport	New vehicular access onto Hills Farm Lane to serve first phase of Berkeley		£0	* (Directly providing)	Developer	Developer providing directly on	£0	2015-2025
	Transport	Broadbridge Heath traffic management scheme	£250,000	£0	£250,000	S106 and WSCC	Developer	£0	2015-2025
	Transport	Warnham Lanes traffic management scheme	£110,000	£0	£110,000	S106 and WSCC	Developer	£0	2015-2025
	Transport	More Buses		*		£0	Arriva/Compass/Metro	£0	2015-2025
	Transport	Downs Link Improvements		£100,000		£0	WSCC	£0	2016 onwards
	Education	Secondary School - expansion of Tanbridge House School to 10FE in permanent accommodation	£5,750,000	£0	£5,750,000	S106 and WSCC (inc Basic Needs	WSCC	£0	2015-2025

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
Broadbridge Heath	Education	Primary Schools - relocation and expansion of Shelley Primary School, moving from a 40	£9,700,000	£0	£9,700,000	S106 and WSCC (inc Basic Needs)	WSCC	£0	2017-2018
	Education	Primary Schools - Expansion of Arunside from 1FE to 2FE from September	£4,431,000	£0	£4,431,000	S106 and WSCC (inc Basic Needs)	WSCC	£0	2015-2025
	Education	Early Years - contribution towards an extra classroom at Arunside Primary	£250,000	£0	£250,000	S106 and WSCC (inc Basic Needs)	WSCC	£0	2015-2025
	Education	Sixth Form – Collyers Expansion	£1,084,600	£0	£1,084,600	S106 and other	Sixth form provider	£0	2015-2025
	Education	Primary School			*	£0	WSCC	£0	2017-2018
	Libraries	Service improvements	£150,000	£0	£150,000	S106	WSCC	£0	2015-2025
	Open Space, Sport and Recreation	Extension to existing Leisure Centre?	?	?		£0		Land provided by S106 re	?
	Community Facilities	Improve outdoor facilities	£200,000	£0	£0	£200,000	HDC	£0	2015 - 2025
	Community Facilities	Village Centre Improvements	£25,000	£25,000	£0	£0	HDC	£0	2015 - 2025
	Open Space, Sport and Recreation	Football Pavilion	£700,000	?	£0	£0	HDC	£0	2016
	Community Facilities	Improve quality, capacity and accessibility of play areas	£200,000	TBC	TBC	TBC	£0	TBC	TBC
Improvements to Scout facilities	TBC	TBC	TBC	TBC	TBC	TBC	TBC	TBC	TBC

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
Billingshurst	Transport	Junction improvement - A29 Oakhurst Lane	*		* (Directly providing)	£0	Developer providing directly on	£0	S106 Trigger
	Transport	Lighting request on the footbridge over the A29 to better enable children to safely cross the youth club.	*			£0	WSCC	£0	2015-2025
	Transport	Marringdean Road to Natts Lane pedestrian improvements to join up footpaths in Marringdean Road	*	*	*	S106 and CIL	WSCC	£0	2015-2025
	Transport	Bus Service and stop improvements	£12,000	£12,000	£0	£0	WSCC	£0	2015-2025
	Transport	Railway station improvements				£0		£0	2015-2025
	Transport	Traffic calming - entrance to Billingshurst on East Street	*					£0	2015-2025
	Transport	Improvements to the school travel plan	£95,486	£95,486	£0	£0	WSCC	£0	2015 - 2025
	Education	Secondary School - land and contributions towards expansion of the Weald School and contribution	£10,000,000	£0	£10,000,000	£0	WSCC	£0	2015-2025 (Sept 2017+)
	Education	Primary Schools - land and contributions towards the construction costs of one	£4,800,000	£0	£4,800,000 - £5,400,000	£0	Developer	£0	2015-2025 (Sept 2019+)
	Education	Early Years - contributions towards an extra classroom at the primary school to provide a pre-school	£250,000	£0	£250,000	£0	WSCC	£0	2015-2025
	Libraries	Potential partnership project with Village Community and Conference Centre	£75,000	£0	£75,000-£100,000		WSCC	£0	2015-2025
Transport	Village enhancement scheme - Billingshurst Station (delivery of scheme to improve accessibility and	£100,000	£0	£100,000	£0	WSCC	£0	2015-2025	

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
Billingshurst	Community Facilities	Improvements to Billingshurst Community Buildings	£35,000	£35,000	£0	£0	Billingshurst Parish Council	£0	2015-2025
	Community facilities	Billingshurst play area improvements	£700,000	£700,000	£0	£0	HDC	£0	2015-2025
	Green Space	Station Road Gardens	£210,000	£168,000		£0	Billingshurst Parish Council	£42,000 (Parish Council)	2015-2025
	Green Space	Allotments	£20,000	£20,000	£0	£0			2015-2025
	Public and Community Facilities	Fire and Rescue - provide hydrant within drill yard	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025
	Community Facilities	Dedicated Youth Facility - Billi Eye Project	£800,000	TBC	TBC	TBC	Parish Council	TBC	TBC
	Transport	Car parking for station	TBC	TBC	TBC	TBC	WSCC/Network Rail	£0	TBC
	Community Facilities	Provision of day care facilities for senior citizens	TBC	TBC	TBC	TBC	WSCC	£0	TBC
	Flood Risk	Surface Water Management Plan and sustainable drainage	TBC	TBC	TBC	TBC	WSCC	£0	TBC
	Community Facilities	Provision of burial ground	TBC	TBC	TBC	TBC	HDC	£0	TBC
	Health	Provision of additional health services including dentist	TBC	TBC	TBC	TBC	NHS	£0	TBC
Police	Provision of additional PCSOs	TBC	TBC	TBC	TBC	Sussex Police	£0	TBC	

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale	
Billingshurst	Transport	Five Oaks roundabout A264/A29	*	*	*	S106 and CIL	WSCC	£0		
Bramber	Transport	Upgrade footpath leading up to St. Nicholas' Church	£10,000	£0	£0	£10,000	Parish Council	£0	2015-2025	
	Transport	All-weather hard surfacing of Downs Link	£150,000	£150,000	£0	£0	WSCC	£0	2015-2025	
	Transport	Downs Link A283 crossing – provide 2m wide central refuge + 30mph speed	£30,000	£0	£0	30000?	WSCC	£0	2015-2025	
	Transport	20mph speed limit	£4,000	£0	£0	£4,000	WSCC to confirm	£0	2015-2025	
	Transport	New Footway – Maudlyn Lane to Soper Lane	£6,000	£6,000	£0	£0	WSCC	£0	2015-2025	
	Community Facilities	Upgrade Clays Field as a Public amenity area				£0	Parish Plan	£0	2015-2025	
	Transport	Improvements to 30mph signage	£17,000	0	£0	£17,000	Balfour Beatty	£0	2018	
	Flood Risk	Investigations to determine flood prevention measures required due to issues arising from housing	TBC	TBC	TBC	TBC	TBC	TBC	£0	TBC
	Highways	Redesign of pavement for consistency and to improve safety	TBC	TBC	TBC	TBC	TBC	Parish Council	0	2020
Colgate	Transport	Traffic Calming (pinch points on Forest Road)		*		£0	WSCC	£0	2015-2025	
	Transport	Formal crossing on A24	TBC	*	*	£0		£0	2015-2025	

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
Colgate	Transport	Pedestrian Scheme - provision of footway on south side of A264 from Holmbush	TBC	*	*	£0		£0	2015-2025
	Transport	Route Safety Scheme - A264 Faygate to Crawley	£80,000	£80,000	£0	£0		£0	2020-2025
	Community Facilities	Colgate Village Hall Improvements	TBC	*	*		Village Hall Committee		
	Community Facilities	Colgate Village Play Area Improvements	£50,000	£50,000	£0	£0	Village Hall Committee		
Cowfold	Transport	Cycling Facilities – 3m shared cycle track widen and resurface / crossing point	£7,886	£7,886	£0	£0		£0	2020
	Transport	Air Quality - study to look at means of reducing traffic emissions and congestion in village centre (either		*		£0	£0	£0	2015-2030
	Transport	Speed Management - A281 southbound entrance to Cowfold (possibly				£0		£0	2015-2025
	Transport	Improved footway - A281 (Hare and Hounds Public House southwards)	£99,000	0	£0	£99,000		£0	2015-2025
	Transport	Improved footway A281/A230 (north of village)	£94,900		£0	£94,900		£0	2015-2025
	Community Facilities	Improved/new pavilion	£50,000	£50,000	£0	£0	Cowfold Parish Council/HDC	£0	2020-2025
Henfield	Transport	Traffic Speed Indicator	£5,000	£5,000	£0	£0	PC	£0	2018-20
	Transport	New Long Stay Car Park	£100,000	0	£0	£100,000	PC	£0	2016-17

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
Henfield	Transport	Improve junction High Street/Church Street	£100,000		£0	£100,000	WSCC?	£0	2016 onwards
	Transport	VAS sign - London Road	£15,000	£15,000	£0	£0	WSCC	£0	2016 onwards
	Transport	School Safety Zone - St Peter's CE Primary School	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025
	Transport	Cycle Link between Deer Park and the Downs Link	£200,000	200000 £0	£0	PC	£0	2016-17	
	Health	Extension to medical centre	£500,000	£500,000	£0	£0	Medical Centre	£0	2018-20
	Community Facilities	Henfield Haven (formerly Day Centre) requires reserve funding	£15,000pa	£15,000	£0	£0	Henfield Social Enterprise CIC	£0	2018-20
	Community Facilities	Town / village enhancement scheme - accessibility improvements and access to Farmers Market, measures identified in TPG study.	£8,099	£8,099	£0	£0		£0	2015-2025
	Community Facilities	Henfield Play Facility improvements	£600,000	£600,000	£0	£0		£0	
	Community Facilities	3G pitch	£1,461,000	£1,461,000	£0	£0	HDC	£0	2020
	Community Facilities	Allotments	£30,000	£30,000	£0	£0	HDC	£0	2016-2025
	Community Facilities	Noise barrier around skate park	£40,000	£0	£0	£40,000	PC/HDC	£0	2016 onwards
	Open Space, Sport and Recreation	Construction of two earth bunds around reed bed	£30,000	£0	£0	£30,000	PC	£0	2016-17
	Open Space, Sport and Recreation	New pavilion	£250,000	£250,000	£0	£0	PC	£0	2016-17
	Open Space, Sport and	Extension to cricket pavilion	£500,000	£0	£0	£0	500000	£0	2016-17

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
	Recreation								
Henfield	Open Space, Sport and Recreation	Drainage	£200,000	£0	£0	£200,000	PC	£0	2016-17
	Cemetery	Henfield Cemetery Extension	£60,000	£60,000	£0	£0	PC/HDC?	£0	2020-2025
	Library	Library Services - upgrade of facilities	£30,000	£30,000	£0	£0	WSCC	£0	2015 -2031
Horsham Town	Transport	Cycle facility - creation of a safe crossing of A264 to complete (Horsham - Crawley Cycle Route (requires construction of path, signage, promotion) Cycle Route - Horsham to Crawley Phase 3. Provision of Bridleway on the same route (no cost included).	£140,900	£0	£140,900	£0	Developer		2015-2025
	Transport	Aspirational Cycle network	£1,159,054	£1,159,054	£0	£0	WSCC	£0	2015-2025
	Transport	Cycle route enhancements - upgrade and widen existing footways, on road cycle way in both directions on Rusper Road	£499,491	£499,491	£0	£0		£0	2015-2025
	Transport	Public transport service enhancement	£470,000	£0	£470,000	£0	Developer	£0	2015-2025
	Transport	A24/A264 Great Daux Roundabout junction improvements	£4,422,000	£0	£4,422,000	S106 and WSCC	Developer	£0	2015-2025
	Transport	A24/B2237 Robin Hood Roundabout improvements	£660,000	£0	£660,000	S106 and WSCC	Developer	£0	2015-2025
	Transport	A264/Rusper Road improvement			*	£0	Developer	£0	2015-2025
	Transport	A264/B2195 Moorhead Roundabout improvements	£110,000	£0	£110,000	£0	Developer	£0	2015-2025
	Transport	A264/Tower Road/ Faygate Lane junction 19 improvements	£398,000	£0	£398,000	£0	Developer	£0	2015-2025
	Transport	New Railway Station	£13,600,000	£0	£	£13,600,000	Developer / Network Rail		2015-2025
	Transport	Route safety scheme - Great Daux	£80,000	£0	£80,000	£0	WSCC	£0	2015-2025

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
		roundabout to Surrey Border							
Horsham Town	Education	Secondary Schools - land and contributions towards the construction cost for a new secondary school (6FE) with potential to expand to 8FE	£26,700,000	£0	£26,700,000 - £28,500,000	S106 and WSCC (inc Basic Need Grant)	Developer	£0	2015-2025 (Sept 2020+)
	Education	Primary School - land and contributions towards the construction costs for two new primary school to include early years and community facilities.	£16,600,000	£0	£16,600,000 - £19,000,000	S106 and WSCC (inc Basic Need Grant)	Developer	£0	2015-2025 (Sept 2020+)
	Education	Special Education - land and contributions towards the construction costs of a new special school (minimum 60 places for ages 2-19)	£8,000,000	£0	£8,000,000	S106 and WSCC Basic Need Grant	Developer and WSCC	£0	2015-2025 (Sept 2020+)
	Education	Early Years - land and contributions towards two 50 place co-located nursery/early years facilities with primary schools and community facilities.	£1,644,000	£0	£1,644,000	S106 and WSCC Basic Need Grant	Developer and WSCC	£0	2015-2025
	Education	Sixth Form - contributions towards appropriate facilities at the College of Richard Collyer or equivalent sixth form provision.	£1,720,000	£0	£1,720,000	£0	Sixth Form Provider	£0	2015-2025
	Education	Safer Routes to Schools/Travel Plan – Heron Way	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025
	Education	Safer Routes to Schools/Travel Plan – Forest School	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025
	Education	School Safety Zone/Travel Plan- St Marys Primary School	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025
	Education	School Safety Zone - Greenway and Trafalgar School	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025
	Education	Safer Route to Schools - Horsham Nursery	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
		School & Kingslea							
Horsham Town	Education	Safer Routes to School Scheme - Tanbridge House School	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025
	Education	School Safety Zone - Queen Elizabeth School	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025
	Education	Route safety scheme - Lambs Farm Road, Roffey - Traffic management	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025
	Education	School Safety Zone/Travel Plan - Littlehaven Primary School	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025
	Libraries	Tier 7 Library offer at strategic site	£75,000	£0	£75,000 - £100,000	£0	WSCC	£0	2015-2025
	Green Infrastructure / Transport	The Green Grid Key Routes are North Horsham to Town Centre and Holbrook Club to Town Centre via Novartis site.	£2,500,000	£2,500,000	£0	£0	WSCC/HDC	£0	2015-2025
	Green Infrastructure	Horsham townscape enhancement	£40,000	£40,000	£0	£0	HDC	£0	2015-2025
	Green Infrastructure	Improved drainage on sports pitches	£500,000	£500,000	£0	£0	HDC	£0	2015-2025
	Community Facilities	Horsham Play Area improvements (Play equipment, landscaping, fencing)	£3,300,000	£3,300,000	£0	£0	HDC	£0	2016-2025
	Community Facilities	3G pitch	£1,461,000	0 £1,461,000	£0	HDC	£0	2016-2025	
	Community Facilities	Changing rooms and community facility improvements at neighbourhood recreation grounds	£3,300,000	£3,300,000	£0	£0	HDC	£0	2016-2025
	Utilities	Sewerage and water distribution infrastructure for land north of Horsham	Not known	£0	£0	Developer and Southern Water	Southern Water and the developer	£0	In parallel with development

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
	Utilities	Sewerage infrastructure for Novatis site.	Not known	£0	£0	Developer and Southern Water	Southern Water and the developer	£0	In parallel with development
Horsham Town	Open Space, Sport and Recreation	Riverside Walk improvements in Forest	£100,000	£100,000	£0	HLF	HTCP/HDC	£0	On-going
	Open Space, Sport and Recreation	Riverside Walk improvements in North Horsham	£100,000	£100,000	£0	HLF	HTCP/HDC	£0	On-going
	Open Space, Sport and Recreation	Riverside Walk improvements in Trafalgar	£100,000	£100,000	£0	HLF	HTCP/HDC	£0	On-going
	Community Facilities	Improvements to North Street subway		*		£0	PC/WSCC	£0	2016 onwards
	Open Space, Sport and Recreation	Riverside Walk improvements in Denne		*		£0	HDC	£0	On-going
	Flood Risk	Warnham Mill/Provender Mill	£2,000,000	0	£0	£2,000,000	Environment Agency	£0	2022
	Healthcare	Primary Care Centre	£7,000,000	£0	£0	£700,000	NHS England	Project only agreed in principle by NHS England at this stage	2021 estimated depending on planning consent for the major development
	Community Facilities	Horsham Rugby Club Improvements	£100,000	£100,000	£0	£0	HDC	£0	TBC
	Community Facilities	Tennis Bubble - Horsham Tennis Club	£400,000	£400,000	£0	£0	HDC	£0	TBC
	Community Facilities	Horsham Skate Park remodelling to concrete	£150,000	£150,000	£0	£0	HDC	£0	2024
	Transport	Five Oaks roundabout A264/A281	£871,000	£0	£871,000	S106 and WSCC	Developer	£0	
Transport	Broadbridge Heath & Slinfold to Christs								

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
		Hospital pedestrian & cycle route improvement via the Downs Link & Horsham Town neighbouring access links							
Horsham Town	Transport	Public transport service enhancement	£1,116,000	£0	£1,116,000	£0	Developer	£0	
	Community Facilities	Parkour outdoor training area	£150,000	£150,000	£0	£0	HDC	TBC	2017
Nuthurst	Transport	Extension to pavement at entrance to Swallowfield	?	*		£0	WSCC	£0	2015-2031
	Transport	Improvements to junction	?	*		£0	WSCC	£0	2015-2031
	Transport	Safe access to A281	?	*		£0	WSCC	£0	2015 - 2031
	Transport	Cycle Track	?	*		£0	WSCC	£0	2015-2031
	Transport	Car Parking	?	*		£0	WSCC	£0	2015-2031
	Education	Safer Routes to School Scheme	£10,000	£10,000	£0	£0	WSCC	£0	2015-2013
Pulborough	Open Space, Sport and Recreation	Sports and Youth Club	£750,000	£500,000	£250,000	£0	PC	£250,000	2016-17
	Community Facilities	3G pitch	£1,461,000	£1,461,000	£0	£0	HDC	£0	2015-2015
	Community Facilities	Pulborough Play Facility Improvements	£200,000	£200,000	£0	£0	HDC	£0	2015-2025
	Utilities	Telecommunications Infrastructure - High Speed Broadband	£30,000	£30,000	£0	£0	BT/WSCC	£0	2016 onwards
	Transport	A Roads inadequate for HGVs	£1,000,000	?		£0	WSCC	Some S106 funds - amount unknown	2020
	Transport	Air Quality management	*	*		£0		£0	2015-2020
	Transport	Pedestrian enhancements – Provision of pedestrian in road warning signs and vehicle activated sign to manage traffic speeds in conjunction with possible minor amendments to the	£35,000	£35,000	£0	£0	WSCC	£0	2015-2025

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
		speed limit to improve pedestrian safety in the vicinity of A283 Stopham Road railway bridge							
Pulborough	Transport	Pedestrian enhancements – Pedestrian crossing on A283 by railway station (east of Station Approach)	*	*		£0	WSCC	£0	2015-2025
Rusper	Transport	Potential new railway station on the Horsham - Three Bridges line with associated car parking and multi-modal interchange	£11,430,000	£0		£11,430,000 - £16,600,000	Developer	£0	2015 – 2020
Rudgwick	Transport	Improvements to junction	?	?		£0	WSCC	£0	2020
	Transport	Car Parking	?	?		£0	WSCC	£0	2020
	Education	Safer Routes to School Scheme at Rudgwick Primary School consisting of a crossing point on Queen Elizabeth Road about 30m west of the junction with Princess Anne Road.	£5,000	£5,000	£0	£0	WSCC	£0	2015 – 2020
	Community Facilities	Multi games area	£120,000	£120,000	£0	£0	HDC/Rudgwick Parish Council	£0	2015 – 2020
	Community Facilities	Refurbishment of the Jubilee Hall, Church Street	£50,000	£50,000	£0	£0	WSCC	£0	2015 – 2020
Shermanbury	Community Facilities	Village Hall	£200,000	£200,000	£0	£0	PC	£0	2015-2025
	Open Space, Sports and Recreation	Play Area	£200,000	£200,000	£0	£0	PC	£0	2015-2025
	Transport	Improvement and installation of pedestrian footpaths	£50,000	£0	£0	£50,000	WSCC	£0	2015-2025
	Transport	Pedestrian road crossings	£50,000	£0	£0	£50,000	WSCC	£0	2015-2025
Shipley	Transport	A24 Buck Barn - Increase length of northbound right turning lane	£100,000	£0	£100,000	£0	WSCC	£0	2015-2025
	Transport	Buck barn traffic lights	£320,000	£0	£320,000	£0	WSCC	£0	2015-2025

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
		refurbishment							
	Transport	Buck Barn traffic lights refurbishment Phase 2	£100,000	£0	£100,000	£0	WSCC	£0	2015-2025
Slinfold	Transport	Speed activated signs	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025
Slinfold	Community Facilities	Village Hall	£250,000	£250,000	£0	£0	PC	£0	2015-2025
	Community Facilities	Upgrade sports pavilion, Cherry Tree	£10,000	£10,000	£0	£0	PC/Football Club	£0	2015-2025
	Community Facilities	New Scout Hut	?	?		£0	PC/Scouts	£0	2015-2025
	Community Facilities	Youth Space	?	?		£0	PC/Youth Club	£0	2015-2025
	Community Facilities	Upgrade cricket pavilion	£500,000	?	£0	£500,000	PC/Cricket Club	£0	2015-2025
	Open Space, Sport and Recreation	Village Green / Village Orchard	?	?		£0	PC/Community	£0	2015-2025
	Open Space, Sport and Recreation	Upgrade and add play equipment	£50,000	£30,000	£0	£20,000	PC/Youth Club	£0	2015-2025
	Telecommunications	Improved broadband and mobile signals	?	?		£0	Telecoms Provider/BT/WSCC?	£0	2015-2025
Southwater	Transport	Pedestrian/Cycle bridge across A24	£2,000,000	£2,000,000		£0	WSCC	£0	2020
	Transport	Circular Bus Route	?	?		£0	Bus Service Provider	£0	2020
	Transport	Bus Shelters with Real Time Passenger Information	?	?		£0	Bus Service Provider/WSCC	£0	On-going
	Transport	Circular leisure cycle/walking route around parish	?	?		£0	WSCC	£0	2025

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
	Transport	Cycle Facility - Shared Use Cycle/pedestrian bridge across A24 linking Southwater to Horsham (Reeds Lane) and Cycle Route - Southwater to Hop Oast (B2237 Worthing Road) cycle route via Southwater Street bridge over A24	£2,124,500	£11,000	£2,113,500	S106 and CIL	Developer	£0	2015-2025
	Transport	Public transport service enhancement				£0	Public transport providers	£0	2015-2025
Southwater	Transport	A24/B2237 Worthing Road (Hop Oast) Roundabout improvements	£264,000	£0	£264,000	£0	Developer	£0	2015-2025
	Transport	Aspirational Cycle Network - Southwater	£47,554	£47,554	£0	£0	WSCC	£0	2015-2025
	Transport	Cycle Facility - Station Road to North Street (route to provide improved access to railway station. Will need to be a combination of signs and further measures to remove parking to allow enough space for improvement - also part of the route is a freight route)	£36,000	£36,000	£0	£0	WSCC	£0	2015-2025
	Transport	A24/Mill Straight Junction 21 improvements	£86,000	£0	£86,000	£0	Developer	£0	2015-2025
	Transport	Tarmac footpath	?	?		£0	WSCC	£0	2020
	Utilities	Broadband	?	?		£0	BT/WSCC?	£0	On-going
	Open Space, Sport and Recreation	Continued enhancement and maintenance of Country Park	?	?		£0	HDC/PC	£0	On-going
	Community Facilities	Hall Space provision e.g. for Scouts and Guides	£1,000,000	?		£0	HDC/PC	£0	On-going
	Community Facilities	Youth worker provision	£140,000	£140,000	£0	£0 [removed: £70,000pa]	Parish Council	£0	On-going
Community	Allotments	£65,000	£650,000	£0	£0	PC	£0	2020	

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
	Facilities								
	Community Facilities	Southwater Country Park Attractions	£5,000,000	£5,000,000	£0	£0		£0	2015-2020
	Community Facilities	3G pitch	£1,000,000	£400,000	£600,000	£0		£0	
	Open Space, Sport and Recreation	Southwater Leisure Centre Changing Rooms	£61,000	£61,000	£0	Grants	PC	£0	2017
	Open Space, Sport and Recreation	Extension to Southwater Leisure Centre	£750,000	£750,000	£0	PC	£0	2025	
Southwater	Transport	Hop Oast Waste Recycling Site: anticipated that capacity may be needed to serve future housing growth.	£2,500,000	£2,500,000	£0	£0	WSCC	£0	2015-2025
	Education	Early Years - contribution to provide or expand a pre-school facility in the village, possibly in an extra classroom at an existing school.	£250,000	£0	£250,000	£0	Developer	£0	2015-2025
	Education	Primary School - contribution towards expansion of existing primary schools in Southwater	£2,000,000	£0	£2,000,000 - £3,000,000	£0	Developer	£0	2015-2025 (Sept 2019+)
	Education	Secondary School - contribution towards the expansion of Tanbridge House School	£250,000	£0	£250,000	£0	Developer	£0	2015-2025
	Libraries	Contribute to re-design of library offer in partnership with Southwater Parish Council	£30,000	£0	£30,000	£0	WSCC	£0	2015-2025
	Utilities	Sewerage and water distribution infrastructure for Southwater strategic site	Not known	£0	£0	Developer and Southern Water	Southern Water and the developer	£0	In parallel with development
	Community Facilities	Play Area improvements - 10 small play areas and 3 NEAPs	£800,000	£800,000	£0	£0	HDC	HDC/CiL	TBC
	Community Facilities	MUGA and Football Wall	TBC	TBC	TBC	£160,000	HDC/Parish Council	Lottery Grants, LA contribution	TBC

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale	
								s and developer contributions		
	Transport	Land widening on approach to Hop Oast roundabout	TBC	£0	TBC	£0	WSCC	TBC	TBC	
Storrington and Sullington	Public Conveniences	Introduction of public toilets	?	?		£0	HDC?	£0	2016 onwards	
	Mobile Signal	Improved mobile phone coverage 4G and beyond	?	?		£0	?	£0	2015-2025	
	Youth Facilities	Replacement toddler play equipment and new skate park	£120,000	£80,000	£40,000	£0	PC/HDC	£40,000 (S106)	2016 onwards	
Storrington and Sullington	Open Space, Sport and Recreation	Hurston Lane Field improvement plan - new football pitches and running track	?	?		£0		£0	2015-2025	
	Community Facilities	3G pitch	£1,461,000	£1,461,000	£0	£0	HDC	£0	2015-2020	
	Community Facilities	Storrington and Sullington Play Facility improvements	£400,000	£400,000	£0	£0	HDC	£0	2015-2020	
	Community Facilities	Improvements to Parish Hall (replacement windows, resurfacing of car park)	£24,000	£24,000	£0	£0	PC	£0	2015-2025	
	Open Space, Sport and Recreation	Improvements to Riverside Walk	?	?		£0	HDC?	£0	2015-2025	
	Transport	Air Quality - possible changes to road network (e.g. changes to B2139 School Hill / High Street / Manleys Hill mini roundabout junction and / or closure of School Hill with traffic redirected via Old Mill Drive / Mill Lane					£0		£0	2015-2030
	Library	Library Service - upgrading of facilities to meet increased demand from new developments	£60,000	£60,000	£0	£0	WSCC	£0	2015-2025	

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
Steyning	Community Facilities	Play equipment	£30,000	£0	£30,000	£0	HDC	£0	2015-2030
	Community Facilities	Play equipment	£35,000	£35,000	£0	£0	HDC	£0	2015-2030
	Education	Safer Routes to School Scheme - Steyning Grammar School	£30,000	£30,000	£0	£0	WSCC	£0	2015-2025
	Education	School Safety Zone - Ashurst Primary School	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025
	Education	School Safety Zone - St Andrew's Primary School	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025
Steyning	Education	School Safety Zone - Steyning Grammar School	£10,000	£10,000	£0	£0	WSCC	£0	2015-2025
	Library	Library Service - upgrading of facilities to meet increased demand from new developments	£30,000	£30,000	£0	£0	WSCC	£0	2015-2025
	Community Facilities	Steyning and Upper Beeding Play Facility improvements	£500,000	0 £50 0,000	£0	HDC	£0	2015-2025	
Thakeham	Education	School Safety Zone - Thakeham First School	£10,000	£10,000	£0	£0	WSCC	£0	2015-2031
Upper Beeding	Community Facilities	Sports facilities project (re-building and extension of faculties)	£200,000	£200,000	£0	£0	Parish Council	£0	2015-2025
	Community Facilities	New play equipment (LEAP)	£50,000	£50,000	£0	£0	Parish Council	£0	2015 - 2025
Washington	Transport	Extension to existing car park	?	*		£0	PC	£0	2015-2025
	Transport	Improvements to junction	?	*		£0	WSCC	£0	2015-2025
	Community Facilities	Village Hall Improvements	£50,000	?		£0	SDNP?	£0	2015-2025
	Health	New GP Surgery	£200,000	?		£0	SDNP?	£0	2015-2025
	Open Space, Sport and Recreation	Replacement children's play area	£65,000	?		£0	SDNP?	£0	2015-2025

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
	Open Space, Sport and Recreation	Millennium Footpath	£75,000	?		£0	SDNP?	£0	2015-2025
	Education	School Safety Zone - St Mary's C of E First School	£10,000	£10,000	£0	£0	WSCC	£0	2015-2031
West Chiltington	Utilities	Mobile/Cellular, 3G and 4G capacity and quality	?	*		£0	WSCC/Utility Companies	£0	2015-2025
	Utilities	Broadband speed/super fast	?	*		£0	WSCC/Utility Companies	£0	2015-2025
West Chiltington	Transport	Bus Routes to surrounding towns. Bus routes to surrounding towns, villages, stations, shops and GP surgeries	?	*		£0	Bus Companies	£0	2015-2025
	Transport	Bus Shelters	£9,000	£9,000	£0	£0	WSCC/HDC	£0	2015-2025
	Transport	Upgrade of footpaths to accessible all weather surface to allow use by pushchairs/buggies, wheelchairs & mobility scooters	?	*		£0	WSCC	£0	2015-2025
	Transport	Shared access road surface with 20mph road speed for enhanced pedestrian safety.	?	*		£0	WSCC	£0	2015-2025
	Transport	School drop off and pick up parking facilities	?	*		£0	WSCC	£0	2015-2025
	Community Facilities	Youth facilities in the village - District wide need	?	*	£0	£0	WSCC/HDC	£0	2015-2025
	Healthcare	GP Capacity	?	*		£0	CCG/NHS England	£0	2015-2025
	Education	School Safety Zone - West Chiltington Community First School	£10,000	£10,000	£0	£0	WSCC	£0	2015-2031
Warnham	Transport	Strood Lane entry control and associated traffic calming	£100,000	£0	£0	£100,000	WSCC	£0	2015-2025
	Transport	Broadbridge Heath Road limited to 40	?	*		£0	WSCC	£0	2015-2025

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
		mph							
	Transport	Friday Street traffic calming	£20,000	£0	£0	£20,000	PC	£0	2015-2025
	Transport	40 mph speed limit on A24	£12,000	£0	£0	£12,000	PC	£0	2015-2025
	Transport	Signal controlled pedestrian crossing, Kingsfold				£0	WSCC	£0	2015-2025
	Transport	A24 junction safety scheme				£0	WSCC	£0	2015-2025
	Transport	Cycle Route – District Wide	*		£0	£0	WSCC	£0	2015-2025
	Transport	Traffic Calming	£200,000	0	£200,000	0	WSCC	£0	2015-2025
Warnham	Community Facilities	New Pavilion	£250,000		£250,000		Cricket Club/PC	£0	2015-2025
	Open Space, Sport and Recreation	New Play Area	£50,000		£50,000		PC	£0	2015-2025
	Community Facilities	Allotments	£50,000		£50,000		PC	£0	2015-2025
	Education	School Safety Zone - Warnham Primary	£10,000	£10,000	£0	£0	WSCC	£0	2015-2031
Wiston	Transport	Pavement at Hole Street	?	*		£0	WSCC	£0	2015-2025
	Community Facilities	Children's Play Area	?	*		£0	HDC	£0	2015-2025
	Transport	Reduction in speed limit on Hole Street	?	*		£0	WSCC	£0	2015-2025
	Transport	Traffic calming measures on Hole Street/Water Lane	?	*		£0	WSCC	£0	2015-2025
	Community Facilities	Replacement Village Hall	£200,000	?		£0	SDNP	£0	2015-2025
	Open Space, Sports and Recreation	New children's play area	£50,000	?		£0	SDNP	£0	2015-2025
	Transport	Cycle Path	£1,040,000	?		£0	SDNP	£0	2015-2025
	Transport	Pavement/Footpath	£30,000	?		£0	SDNP	£0	2015-2025
District Wide	Police	Division based accommodation	£509,952	*	*	£0	Police	£0	Dependent on building programme

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
	Police	Central and Shared accommodation	£1,434,240	*	*	£0	Police	£0	Dependent on building programme
	Police	Provision of fleet vehicles (marked and unmarked cars, vans and units for road policing)	£231,710	*	*	£0	Police	£0	Dependent on building programme
	Police	Specialist Officer Equipment (e.g. body worn camera, radio/telecoms, specialist safety/detection equipment and training)	£708,238	*	*	£0	Police	£0	Dependent on building programme
District Wide	Police	Information Technology Equipment for Officers	£116,000	*	*	£0	Police	£0	Dependent on building programme
	Police	Information Technology Equipment for Police staff members	£64,000	*	*	£0	Police	£0	Dependent on building programme
	Police	ANPR Cameras x 6 future areas of vulnerability	£66,000	*	*	£0	Police	£0	Dependent on building programme
	Police	Custody Provision	£319,404	*	*	£0	Police	£0	Dependent on building programme
	Police	Provision of fleet bicycles	£11,600	*	*	£0	Police	£0	Dependent on building programme
	Community Facilities	Extension of/strategic location for Hockey	£1,000,000	£1,000,000	£0	£0	TBC	TBC	TBC
	Community Facilities	Improvements to dryside sport and leisure centres (sports halls, activity halls, studios, sport specific areas, changing facilities and ancillary areas). Equates to min of 6 badminton courts plus additional requirements)	£7,500,000	£2,500,000	£1,000,000	£4,000,000	TBC	TBC	TBC
	Community Facilities	Improvements to existing Swimming Pool provision (swimming pools, leisure	£3,000,000	£3,000,000	£0	£0	HDC/Community Partners	TBC	TBC

Location	Infrastructure Type	Infrastructure Project	Total Cost (Min)	Funding Source CIL (Min)	Funding Source S106	Funding Source Other	Delivered By	Existing Comm Funding	Delivery Timescale
		waters, changing facilities and associated water treatment plant (Equates to min of 280m2 of water space of 5-6 swimming lanes plus additional requirements).							
	Community Facilities	Improvements to bowls facilities (outdoor flat greens, indoor bowls, short mat bowls)	£200,000	£200,000	£0	£0	HDC	TBC	TBC
District Wide	Community Facilities	Improvements to existing health and fitness facilities (Exercise, gym work stations or equivalent (equates to 160 exercise stations))	£350,000	£350,000	£0	£0	HDC/Community Partners	TBC	TBC
	Community Facilities	Multi-functional green space 5.5sqm per person (per new resident) or tartaric and sub-district MFGs	£2,370,000	£2,370,000	£0	£0	HDC	TBC	TBC
	Community Facilities	New seating in green spaces and recreation grounds	£200,000	£200,000	£0	£0	HDC	TBC	TBC
	Community Facilities	Green space infrastructure access improvements/access to the countryside improvements	£700,000	£700,000	£0	£0	HDC	TBC	TBC
	Community Facilities	Parkour/freestyle gymnastics Indoor facility to accommodate Parkour/Freestyle Gymnastics with associated ancillary facilities	£1,000,000	£1,000,000	£0	£0	HDC	TBC	2015-2020
	Community Facilities	Indoor tennis 4 courts	£500,000	£500,000	£0	£0	HDC	TBC	TBC

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Report to Council

27 April 2016

By the Cabinet Member for Planning & Development

DECISION REQUIRED



Not Exempt

Henfield Neighbourhood Plan

Executive Summary

Following extensive preparation and successful Examination, Henfield Neighbourhood Plan is the second in Horsham district to have been subject to a Referendum, where the majority voted in favour of the plan. The purpose of this report is to seek Council's formal approval to "make" Henfield Neighbourhood Plan part of the Development Plan as required by the Town and Country Planning Act 1990 and the Localism Act 2011.

Recommendations

That the Council is recommended:

- i) To formally "make" the Henfield Neighbourhood Plan part of the Development Plan, following the Referendum held on 12 April 2016.

Reasons for Recommendations

- i) The preparation of the Henfield Neighbourhood Plan has followed the statutory procedures set out in The Neighbourhood Planning (General) Regulations 2012. The plan has successfully undergone examination and has satisfied the basic test that the plan is in conformity with the Horsham District Planning Framework (HDPF).
- ii) Where a Referendum results in a majority 'yes' vote, the Local Planning Authority is required to "make" the Neighbourhood Plan as soon as reasonably possible. This will enable the District Council to use the plan to determine planning applications in Henfield Parish.

Background Papers

The Localism Act 2011

The Neighbourhood Planning (General) Regulations 2012

Wards affected: Henfield

Contact: Maggie Williams Neighbourhood Planning Officer ext 5129

Barbara Childs Head of Strategic Planning and Sustainability ext 5181

Background Information

1 Introduction and Background

- 1.1 The Localism Act, which received Royal Assent on 15 November 2011, introduced new rights and powers to allow local communities to shape development in their areas by coming together to prepare neighbourhood plans. The Act allows Parish/Town Councils and other forums to prepare a Neighbourhood Plan for their designated area.
- 1.2 Preparation of a Neighbourhood Plan is subject to several key stages set out in The Neighbourhood Planning (General) Regulations 2012 which include:
 - Designation of the neighbourhood area;
 - Pre-submission, publicity and consultation;
 - Submission of the plan to the Local Planning Authority;
 - Independent Examination;
 - Referendum; and
 - Making the Neighbourhood Plan (i.e. bringing it into force).
- 1.3 Henfield Neighbourhood Plan is the second within Horsham district to have undergone the statutory procedures culminating in a Referendum held on 12 April 2016 where the result was a majority 'yes' vote in favour of the plan.

2 Relevant Council Policy

- 2.1 The strategic policies within the adopted Horsham District Planning Framework.

3 Progress of the Plan

- 3.1 Henfield Parish Council as the qualifying body successfully applied to Horsham District Council to be designated as a Neighbourhood Area under Regulation 5 of The Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area was subsequently designated by the Council on the 31 January 2014.
- 3.2 Initially, Henfield Parish Council completed a number of tasks that are required to prepare a Neighbourhood Plan. These included the preparation of an evidence base and undertaking various consultation exercises before drawing up a draft of the plan (known as the Pre-submission Draft).
- 3.3 Henfield Parish Council published the Regulation 14 Pre Submission Henfield Neighbourhood Plan for consultation during 5 December 2014 to 23 January 2015. The plan was subsequently amended in response to the comments made and the "Submission Plan" formally submitted to the District Council 13 March 2015.
- 3.4 The "Submission Plan" was published and comments were invited from the public and stakeholders for a six week period between 30 March 2015 and 11 May 2015.
- 3.5 Horsham District Council appointed Ms Clare Wright in agreement with Henfield Parish Council and the South Downs National Park Authority to carry out a public

examination to determine whether the plan met the Basic Conditions together with other legislative requirements and whether the plan should proceed to referendum.

3.6 The Examiner's report was received on 10 July 2015 and stated that:

I am pleased to report that the Plan may proceed to Referendum subject to a series of minor Modifications. None of these fundamentally change the Plan's content or direction, but are intended to ensure that the Plan meets the Basic Conditions. Within this report are also clearly marked recommendations that are optional and will enable the information to be presented more clearly in a user-friendly document.

3.7 The report went on to conclude that the plan should proceed to Referendum.

3.8 The Henfield Neighbourhood Plan Referendum was originally scheduled to be held on Tuesday 22 September 2015 but was postponed after the Council was advised that the SE Tyres site was no longer available solely for residential development as allocated under Policy 2 of the Submission Draft Neighbourhood Plan 10 March 2015.

3.9 The owners of SE Tyres advised that they had been unable to find alternative premises to relocate the existing business and therefore would need to remain on the site. They requested therefore that the site be reallocated as a mixed use site comprising business/residential and be included in the Neighbourhood Plan as an allocated mixed use site under Policy 3. The Parish Council agreed to this request and the Neighbourhood Plan was amended accordingly.

3.10 The changes to the Plan were considered to be significant and therefore the District Council took the decision to undertake a further round of public consultation under Regulation 16 from 9 October 2015 to 20 November 2015. The Plan was subsequently submitted for re-examination by Clare Wright during January and February 2016.

3.11 The Examiner's second report was received on 25 February 2016 which recommended the removal of the SE Tyres site from the Plan. The report stated:

Policy 3A is removed from the NDP due to lack of information on mitigation measures necessary to satisfactorily accommodate the vehicle related (B2) use in proximity to the proposed housing.

3.12 The report went on to conclude that the Plan could proceed to Referendum subject to a number of minor modifications and the removal of the SE Tyres site (Policy 3A) from the Plan.

3.13 The Referendum was held on the 12 April 2016. The overall turnout was 36% with 93% voting 'yes' to the plan.

4 Next Steps

4.1 As a result of the Referendum, the Council has to decide whether or not the Henfield Neighbourhood Plan is "made" part of the Development Plan for Horsham district. This will allow the Plan to be given full weight in determining planning

applications within the parish of Henfield. This process is similar to that used to adopt the Council's own Development Plan documents, but the terminology used in the Act is referred to as "making" the neighbourhood plan part of the Development Plan.

- 4.2 Provided the result of the Referendum shows a majority of over 50% of those who voted in favour of the plan, the Local Planning Authority is required to declare the plan is "made" as soon as possible after the Referendum has taken place.

5 Outcome of Consultations

- 5.1 All consultations have been carried out by both the Parish and District Council in accordance with The Neighbourhood Planning (General) Regulations 2012.

6 Other Courses of Action Considered but Rejected

- 6.1 The Council could reject the Henfield Neighbourhood Plan on the grounds that they consider it to be in breach of any EU obligations or convention rights. Previously Horsham District Council has not identified any breaches and furthermore the Examiner came to the same conclusion. There has been no change in circumstances since those decisions were taken and therefore it is recommended that the Council "make" the Henfield Neighbourhood Plan part of the District Council's Development Plan.

7 Financial Consequences

- 7.1 Failure to "make" the Henfield Neighbourhood Plan could result in the Council being open to High Court challenge on the ground that it has acted in breach of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. This would incur significant costs including Officer's time and costs associated with legal challenges and appeals.

8 Legal Consequences

- 8.1 Given that the plan has been through the correct statutory process, the Council is legally obliged to "make" the plan part of the Development Plan. Failure to do so would mean that Council has not acted in accordance with the law and could be subject to legal challenge.

9 Staffing Consequences

- 9.1 None.

10 Risk Assessment

- 10.1 There are no other risks other than those previously outlined in this report.

Appendix 1

Consequences of the Proposed Action

<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>Section 17 of the Crime and Disorder Act 1998 requires the Council to do all that it reasonably can to reduce crime and disorder. There are no crime and disorder implications as a result of this report.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>This Council has a positive obligation to ensure that respect for human rights is at the core of its day to day work, and must in particular consider Article 6 (Determination of Civil Rights), 8(A Right to Family Life etc.) and Article 1 of the First Protocol (Right to Property). The preparation of the Neighbourhood Plan, by the Parish Council as the statutory designated body, and the involvement of the community at each stage, will potentially contribute to improving the quality of life in the parish of Henfield and will therefore have a positive impact on human rights.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p>	<p>The impact of the Henfield Neighbourhood Plan on equality and diversity has been assessed as part of the wider sustainability appraisal.</p> <p>Mitigation measures that have been identified in the revised Plan have been considered fully in the revised Sustainability Appraisal.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>Key requirement of the NPPF is to achieve sustainable development. The plan therefore seeks to ensure that development which takes place in the future meets the needs of current and future residents and those working in the District. In addition, the plan seeks to ensure that the key environmental features of the District are retained. A sustainability appraisal has been undertaken which seeks to ensure that the plan is as sustainable as possible.</p>

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Report to Council

Date of meeting 27 April 2016

Deputy Leader and Cabinet Member for Leisure and Culture



**Horsham
District
Council**

DECISION REQUIRED

Not Exempt

Removal of Rising Universe Sculpture, Bishopric/Worthing Road Improvement Scheme and additional town centre landscape improvements

Executive Summary

In October 2014 the Council consulted on options to improve the Bishopric area. In line with previous surveys undertaken a significant majority were strongly in favour of the removal of 'The Rising Universe' sculpture.

The 'Rising Universe' has been maintained in static mode pending consideration of its future given the need to undertake further major repairs and the ongoing costs of maintenance. Unfortunately, it is considered that the sculpture has now effectively reached the end of its serviceable life as it requires repeated and costly repairs as well as regular weekly and monthly maintenance. This situation is not considered to be a sustainable option given the current and anticipated pressures on the Council's finances and this report proposes that it should be modified with the globe and satellite arms removed.

Against a backdrop of renewed investment with the recent opening of the John Lewis at Home and Waitrose development; the current refurbishment of Bishop Weald House and the recently announced proposals for a revitalisation of the 'Trend' building to provide family restaurants and a multiplex cinema, a fresh approach to the short and longer term improvement of the Bishopric public realm area is required that builds on the recent West Street improvements.

As part of the work to develop a Town Centre Vision for Horsham, which at its heart focusses on key sites including the Bishopric, it is proposed to make a modest improvement by converting the sculpture's splash pool into a planting bed to provide an immediate visual enhancement of the area in the short to medium term pending consultation this summer on a more comprehensive scheme which addresses current and future needs generated by the proposed developments in the area.

To complement the public realm improvements and to support the overall presentation of the Town Centre as a whole it is also proposed to provide landscape enhancements to add vibrancy, colour and visual interest.

Recommendations

The Council is recommended:

- i) To approve a capital budget allocation of £40,000 to remove the Rising Universe sculpture and to implement the landscaping Bishopric/Worthing Road improvement scheme.
- ii) To approve a revenue budget allocation of £15,000 for Town Centre landscape enhancements to be met from existing budgets.

Reasons for Recommendations

- i) The Council is required to approve capital expenditure where funding has not been previously allocated within the 2016/17 capital programme.
- ii) The Council is asked to note the revenue budget allocation.

Background Papers

LUC Bishopric options consultation results

Wards affected: Denne

Contact: Clive Burley, Project Manager – Planning Ext 5236.

Background Information

1 Introduction and Background

- 1.1 In response to a public consultation exercise in October 2014 86% of 205 survey respondents were strongly in favour of the removal of the Rising Universe sculpture (known locally as the Shelley Fountain).
- 1.2 The consultation followed work undertaken on the Council's behalf by Land Use Consultants (LUC) to look at a range of options for improving the area. LUC prepared baseline, intermediate and high value specifications for each option based on a combination of different elements priced respectively at £1.38m, £1.92m and £2.83m. Due to the overall high costs none of the schemes was taken forward.
- 1.3 The 'Rising Universe' sculpture was originally commissioned in 1994 and whilst in full operational mode was positively identified with Horsham where it was used as a backdrop to the opening credits of the regional evening news programme at the time.
- 1.4 Despite the sculpture's early success the complications arising from maintaining an 'active' kinetic water sculpture increased requiring a major overall, including all hydraulic systems in 2006. Since the end of 1999 over £200,000 of regular maintenance, major repairs and running costs have been incurred. The sculpture requires continuous weekly and monthly maintenance at an annual average cost of £10,950 and an allowance of £3,000 for reactive repairs and utilities costs of £1,800.
- 1.5 Due to the necessity to make further major repairs the sculpture had been maintained in static mode. The sculpture is also showing considerable signs of extended wear and tear to the outer fabric, satellite arms and internal systems and will require significant investment to bring it back into full operational mode and a continuing commitment, to a high level of annual maintenance.
- 1.6 It should also be borne in mind that the original design and method of construction will require major periodic replacement and repair of the main operating systems and design elements. The satellite arms are particularly prone to damage due to their comparative lightweight construction, design and accessibility.
- 1.7 The estimated costs of repairing and bringing the sculpture back into full operational mode would be approximately £30,000 with initial and recurring annual maintenance repair and utilities costs of £15,750. Over the next five years this would amount to £108,750. In the context of the survey results showing 86% of the public in favour of its removal, and the current economic outlook, it is questionable whether further major repairs and annual maintenance costs can be justified and are sustainable in the future.
- 1.8 To complement the Bishopric public realm improvements and to support the overall presentation of the Town Centre it is also proposed to provide additional landscape enhancements to add vibrancy, colour and visual interest.

2 Relevant Council policy

2.1 Relevant Corporate Plan and Service Priorities for 2016-2019 are as follows:

- Economy: Improve and Support the Local Economy by developing a Master plan for Horsham Town Centre.
- Environment: Managing our natural and built environment.
- Strategic Planning Service Plan Priority – Support Horsham Town: Bishopric Enhancement Project.

2.2 The proposed improvement works will provide an immediate enhancement to the Bishopric pending further consultation, as part of the Town Centre Vision, for a wider scheme to improve the whole area and provide greater connectivity between the Waitrose/John Lewis development to West Street and the Town Centre and in the context of current and proposed future investment proposals.

3 Details

3.1 It is proposed to retain and re-use the existing sculpture's 'splash pool' and convert this to a planting bed with a suitable planting scheme to provide an immediate visual improvement to the area over the summer and autumn pending consultation, as part of the Horsham Town Centre Vision, on future options to improve the wider Bishopric public realm area. The sculpture's central globe and satellite arms would be removed. The choice of planting will ensure that it is capable of being relocated and re-used to avoid waste if this is required.

3.2 It is also proposed to provide a revenue budget allocation to enable landscape enhancements to support the appearance and vibrancy of key locations in the town centre.

4 Next Steps

4.1 To obtain separate written quotations from local suppliers to undertake the removal and associated structural works and a planting scheme and following evaluation to appoint a contractor to satisfactorily undertake the works.

4.2 Design, commission and implement landscape enhancements to the Town Centre.

5 Outcome of Consultations

5.1 The comments of the Chief Executive, Head of Finance, the Head of Legal and Democratic Services, the Director of Planning, Economic Development & Property, the Director of Corporate Resources and the Head of Community and Culture Services have been incorporated in the report.

6 Other Courses of Action Considered but Rejected

6.1 Relocation to a donor site: While it may be feasible to remove the central globe it is not possible to remove the splash pool intact as it was constructed in-situ from concrete and would have to be broken out if the sculpture were to be relocated. Such a process would destroy the integrity of the original artwork. In addition it

could not be guaranteed that the 'satellite arms' and base cone could be removed without incurring irreparable damage.

- 6.2 It is also uncertain, in the unlikely event that a suitable location and donor were found, whether the sculpture could be relocated due to its size and cost. At 18ft in diameter the main globe would constitute a 'wide load' requiring Department of Transport approval, a police escort and a technical assessment of the route. This may not be feasible due to small road widths, low bridges or the requirement for extensive temporary removal and reinstatement of traffic signs or other road furniture.
- 6.3 Additionally there would also be the cost of constructing a suitable new concrete base to mount the sculpture; forming a new splash pool and base cone and reassembly of the globe and support stanchion. The operational water, hydraulic and electrical systems would also have to be relocated and rehoused appropriately - they are currently located within the old pedestrian subway beneath Worthing Road. In the unlikely event that a suitable and technically accessible site was found, the cost of dismantling, extensive repair, reassembly and rehousing of the operational systems would be very significant and would easily exceed the sculpture's original cost.
- 6.4 Summers Place Auctions have confirmed that the sculpture has no value in the market due to its age, 20 years old, its complexity and the cost to remove it.
- 6.5 Restore to full working Order: The cost of repairs and on-going annual maintenance are considered to make this option prohibitive. It is considered that there is a low prospect for the long term viability of the sculpture without continuous significant investment in repairs and replacement systems in future as it ages further and that, unfortunately, the sculpture has reached the end of its serviceable life.

7 Financial Consequences

- 7.1 The estimated capital cost of the enhancement scheme would be £40,000 and includes a 12.5% contingency sum which will be met from existing capital funding.
- 7.2 The proposed town centre landscape enhancement budget will be met from within existing resources.

8 Legal Consequences

- 8.1 A legal agreement made on 19 December 1994 between the Council and the artist governed the original scope and carrying out of the work and future rights and responsibilities between the parties. Clause 15.3 of the agreement requires the Council not to intentionally alter, modify or destroy the 'Work' without the artist's consent.
- 8.2 Dialogue between the Council and the artist has been taking place since 2014 and she has been informed that this report, proposing the sculpture's modification and removal, will be considered by the Council on April 27th. The artist has acknowledged that the removal of the sculpture is an appropriate course of action in the circumstances.

9 Staffing Consequences

9.1 There are no staffing consequences arising from the proposal.

10 Risk Assessment

- 10.1 All construction operations carry inherent risks that are required to be managed for both the client, contractor's health and safety and that of the public. The improvement project will be undertaken by all parties in full compliance with relevant statutes and best practice, in particular the Construction (Design and Management) Regulations 2015.
- 10.2 An allowance of 12.5% has been included in the budget estimate to cover unforeseen contingencies arising from the works.
- 10.3 The contractors will be vetted to ensure that they have suitable insurance cover and that operatives carry any requisite licences where necessary.

Appendix 1

Consequences of the Proposed Action

How will the proposal help to reduce Crime and Disorder?	The proposal is considered to be consistent with the Council's policies on reducing Crime and Disorder.
How will the proposal help to promote Human Rights?	The proposal is considered to be consistent with the provisions of the Human Rights Act.
What is the impact of the proposal on Equality and Diversity?	The proposal is considered to be consistent with the Council's policies on Equality and Diversity and with relevant legislation.
How will the proposal help to promote Sustainability?	The proposal is considered to be consistent with the Council's policies on sustainability by reducing overall maintenance costs.

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