

**PLANNING PERFORMANCE AGREEMENT
ARUN DISTRICT COUNCIL AND TAYLOR WIMPEY**

PROJECT PLAN FOR DEVELOPMENT

*Application for Approval of Reserved Matters Application following the granting of
Outline Planning Application AL/61/13 (Demolition of existing glasshouses,
bungalow, stables and outbuildings and a residential development of up to 268
dwellings including 30% affordable housing (including 60 senior living units) with
associated access, public open space and landscaping)*

Land at Nyton Road and Northfields Lane, Westergate and Land off of Fontwell Ave

1. Background and Purpose

The purpose of this Planning Performance Agreement (PPA) is to ensure the timely consideration and determination of the planning application for the proposed development mentioned above. This PPA establishes a shared commitment by all parties of the PPA to an agreed timetable for the assessment, consideration and determination of the planning application.

This PPA aims to set out the decision making timeframe to enable the views of third parties to be discussed and, if necessary, any objections to be resolved before the planning application is considered and determined in a manner which satisfies the reasonable expectations of all parties of this PPA. This recognises that whilst the proposed development would help to boost the provision of additional housing / employment (*delete as appropriate*), all aspects of the proposed development and the views of third parties must be properly considered.

Nothing in this PPA obligates the Council to approve the application. It instead establishes a method of collaborative / joint working.

2. Parties

The parties to this PPA are:

Arun District Council – Local Planning Authority (LPA)¹

and

Taylor Wimpey– (the Applicant)

3. Site Description

3.1 *Land at Nyton Road and Northfields Lane, Westergate and Land off of Fontwell Avenue*

4. Description of the Development

4.1 *Residential development of up to 268 dwellings including 30% affordable housing (including 60 senior living units) with associated access, public open space and landscaping)*

¹ This PPA relates to Arun District Council as local planning authority and not as a landowner. All discussions with ADC as landowner are outside the remit of this PPA.

5. Vision for the Development / Masterplan



5.1 The adopted Arun District Plan (2003) and the emerging Arun District Local Plan 2011 – 2031 (October 2014) contain the following policies which set out a vision/ requirements for the site

- GEN 7 Form of new Development – the key design principles of development
- GEN 8 Development and the Provision of Infrastructure
- GEN 9 Foul and Surface Water Drainage
- GEN 12 Parking in New Development
- GEN 15 Cycling and Walking
- GEN 20 Provision of Public Open Space within New Development
- GEN 29 Nature Conservation Across the District
- AREA 2 Conservation Areas
- DEV 21 Accommodation Restricted to Occupation by the Elderly

Emerging Policy

- SD SP1 Sustainable Development
- H DM1 Housing Mix
- H DM2 Independent living and care homes
- D SP1 Design
- D DM1 Aspects of form and design quality
- D DM2 Internal space standards
- D DM3 External space standards
- ECC SP1 Adapting to climate change
- ECC SP2 Energy and Climate change mitigation
- HWB SP1 Health & Wellbeing
- OSR DM1 Open space, sport & recreation
- HER SP1 The historic environment
- HER DM3 Conservation Areas
- ENV SP1 Natural Environment
- ENV DM5 Development and biodiversity

5.2 The Aldingbourne Neighbourhood Plan (2011-2026) (un-adopted) includes the following vision/policies for the site:

- H1 Quality of Design
- H2 Housing Mix
- H3 Housing Density
- H4 Affordable Housing
- H8 Outdoor Space
- H9 Attention to Detail
- EH5 Surface Water Management
- EH6 Protection of trees and hedgerows
- EH8 Buildings and structures of character
- EH9 Conservation Areas and Areas of Special Character
- GA1 Promoting sustainable movement
- GA2 Footpath and Cycle path Network
- GA3 Parking and new development
- LC1 – Supporting Independent living

6. Key Objectives for this PPA

6.1 The aims and objectives of this agreement can be summarised as:

- Clarity
- Transparency
- Managing all expectations
- Giving an indication of timescales
- Setting out the actions of both the Applicant and the Local Planning Authority (including the engagement with their Elected Members, so far as that does not

- conflict with an Elected Members duty to avoid bias and/or not to pre-determine any future decision with which they are to be involved)
- Nothing in this Agreement fetters the Council's statutory powers to grant or refuse planning permission.
 - Determine the application within 13 weeks of submission

7. Project Governance

- 7.1 A dedicated project team, comprising of Applicant, ADC and key stakeholders, and clear governance arrangements are required to facilitate this complex proposal and ensure the delivery of a high quality development.
- 7.2 This is essential to ensure that all stakeholders are successfully engaged, that the planning application provides all the information that will be needed by ADC to properly assess it, and that Officers are able to meet the agreed programme for a Committee resolution.
- 7.3 Governance arrangements are summarised below and the terms of reference set out at Appendix A.

Project Team

The project team will provide direction to the delivery of the development. It will provide a forum for the discussion of all technical aspects of the development including but not limited to design, infrastructure, layout, highways and transportation, drainage, ecology, employment, landscaping and heritage.

Principal Name(s)	Position and Role	Contact Details
Karl Roberts	Director of Place, Arun District Council	
Claire Potts	Strategic Development Team Leader ADC	
Michael Eastham	Principal Planning Officer	
Steering Group Names		
Applicant	Adam Davies – Land Buyer – TW Southern Counties Alex Sciarretta – TW Southern Counties – Land & Planning Director	
Planning Consultants	David Ramsay – JLL	

	Aiden Murray – JLL	
Arun District Council		
Andy Elder	Housing Strategy and Delivery Manager	
Delwyn Jones	Planning Solicitor Arun District Council	
Joe Russell-Wells	Environmental Services and Emergency Planning Manager (Open Space for Arun District Council)	
Paul Cann	Engineering Services (Drainage for Arun District Council)	
Anna Appleton	Environmental Health Officer	

Member Involvement

- 7.4 Relevant ADC Ward Councillors will be openly and appropriately engaged with the development of the project, whilst ensuring that their decision making function is not compromised.

External Agencies

- 7.5 External agencies, such as West Sussex County Council, Environment Agency, Heritage England do not fall within this agreement but will be approached as appropriate to fully engage with the project through attendance at Project Team meetings and through provision of written responses.

Community Engagement

- 7.6 All parties recognise the importance of involving the local community in accordance with the Localism Act 2011. Key community stakeholders will need to be identified, recognised and engaged throughout the project development in accordance with the objectives and framework below:
- to provide further information to accurately reflect the submitted plans and provide additional feedback opportunities
 - Direct engagement with such other non-statutory consultees/ local groups as deemed necessary and most appropriate by Applicant and ADC.

- ADC will carry out the normal publicity for a major application as set out in the Statement of Community Involvement.

8. Planning Policy

- Arun District Local Plan 2003 saved policies
- Emerging Local Plan
- Neighbourhood Development Plan
- National Planning Policy Framework (NPPF)

9. Supporting Documentation accompanying the Planning Application

- 9.1 The Applicant and ADC will separately agree the documentation required to be submitted in support of the planning application, in accordance with the timetable set out in the Project Plan in Appendix B.

10. Consultation Strategy

- 10.1 The following people will be consulted on the planning application when it is submitted and validated:

- WSCC Local Development Division
- WSCC Lead Local Flood Authority
- Ecology
- Archaeology
- NHS / Sussex Coastal Clinical Commissioning Group (CCG)
- ADC
 - Housing Strategy
 - Parks and Green Space (including Arboriculturalist)
 - Ecology
 - Environmental Health
 - Engineers (Coastal Protection, Flooding, Surface Water Drainage)
 - Building Control
 - Conservation Officer
 - Environmental Amenities and Community Safety
- Town Council/Parish Council

- 10.2 If there is a need to re-consult with a consultee, this will be carried out by ADC within 5-days of receipt of the information.

- 10.3 On validation of the application, the application details will be placed on the District Council's website and advertised in the next available printing of the West Sussex Gazette. Site Notices will also be placed at strategic points around the site within 7 working days following validation.

11. Project Plan

- 11.1 The timescales for determination of the Application are set out in the Project Plan.
The Project Plan is set out at Appendix B.

Adherence to the Project Plan

- 11.2 The Lead Council Officer and Applicants' Project Manager shall agree to make each other aware at the earliest possible opportunity (and no later than two weeks from the milestone date) of any commitments made in the Project Plan that will not be met and the reasons for which that is the case.

Changes to the Project Plan

- 11.3 Where revisions need to be made to the Project Plan, either as a result of the addition of new issues or revisions to existing issues, these shall be agreed (in writing where appropriate) between both the Lead Council Officer and the Promoters' Project Manager.
- 11.4 This is an extremely tight timetable for a major application that will have a significant level of input from a number of Council departments and external consultees. There will also be significant public interest. To adhere to this timetable there is a huge onus on the applicant and their team to be able to provide at the outset all the necessary information to not only allow the application to be validated before the 4th September but in order that statutory consultees can respond without the need to seek additional information. There is also a requirement to respond to both case officer and consultation comments and supply the requested information to the council in order that any further consultations and discussions can be had.
- 11.5 The applicant should be aware that all major applications require amendments to the design and detail, development is a fluid process and this application will require re-consultation. Consultees will seek clarification which will require their further feedback.

12. Decision Making and Communication

- 12.1 The primary line of communication should be between the case officer at Arun DC and the Applicants Project Manager. Other team members will continue to work with their counterparts but will also feed in their comments and issues to either the case officer or Applicant's project manager.

Arun District Council's Obligations

- ADC shall respond substantively to all urgent emails, letters and telephone calls within three (3) working days of receipt and, in any event, within six (6) working days of receipt.
- Where circumstances beyond the reasonable control of the Council prevent its compliance with this PPA, it shall in each case notify the applicant and clarify the timescales for such a response.

- Notify the Applicants on the date of dispatch, prior to any meeting of the ADC Development Control committee at which any report or matter relevant to the development will be discussed and or considered and to provide the Applicant with a copy of any report to the ADC Development Control committee at that time
- Provide to the Applicant at least three (3) working days prior to any meeting all substantive and relevant documents which are relevant to that meeting which relate to any relevant action or agenda points identified
- To provide the Applicant within five (5) working days of any meeting the minutes or action points arising from that meeting.
- Where reasonably requested by the applicant, use all reasonable endeavour to make available, within ten (10) working days, an officer with the appropriate level of authority and relevant experience to attend meetings with external third parties.
- Examine the application at the earliest opportunity following the submission and to promptly advise the Applicant's Lead Consultant of any matter on which further clarification or information is required.
- Make available on the Council's website, in a timely fashion, the responses received from internal local authority consultees and from statutory undertakers and other statutory consultees, so that matters can be addressed by the Applicant at the earliest opportunity. To the extent that it is considered appropriate to do so, officers will draw the agent's attention to any matters arising from third party consultation.
- The applicant and the Council accept that land ownership issues are separate from the Planning Process and that the lack of an Agreement in place between the parties concerning the leasing of the land and/or other property ownership matters shall not prejudice nor fetter the application in any way.

Applicants' Obligations

The Applicant agrees:

- To use their reasonable endeavours to address any concerns raised by any statutory consultee prior to the submission of the application to ADC
- Not to submit the application unless it is accompanied by the discussed application documents
- To provide ADC with such additional information, if reasonable, as may be requested within ten (10) working days of such written request from ADC (or such other time period as may be agreed)
- To provide to ADC at least three (3) working days prior to any meeting all substantive and relevant documents which are relevant to that meeting and which relate to any relevant action points or agenda identified
- To provide to ADC within five (5) working days of any meeting the minutes or action points arising from that meeting.
- To respond substantively to all emails, letters and telephone calls within (5) working days of receipt. Where circumstances beyond the reasonable control of the Applicant prevent its compliance with the PPA, the Applicant shall in each case notify the Council and clarify the timescales for such a response.

13. General

All parties to this PPA shall work jointly in complying with their respective obligations under this agreement.

This PPA will apply from the date this agreement is signed and shall remain in force until the decision date (being the date a planning decision is issued by the Council on the planning application) or such extension of this deadline by the Team in accordance with the terms of this agreement whichever is the earlier and upon the expiry of such period this PPA shall cease.

Should the Applicant submit an appeal under Section 78 of the Town and Country Planning Act 1990 in relation to the planning application (for whatever reason), this PPA shall automatically terminate, but such termination will not automatically be deemed to constitute a departure by the parties of this PPA from the principles contained within this agreement.

If the Council or Applicant considers that the principles and intentions of this PPA are not being followed, it will draw this to the attention of the other parties. The other parties will then have a period of not less than 10 working days (and no more than 15 working days) within which to comment on and / or address the concerns.

In the event that there is a material failure by any of the parties to comply with the terms of this PPA, the other parties may terminate the agreement immediately upon the giving of written notice to this effect to the party in breach, provided always the breach is within the control of the party that is in breach and is capable of being remedied.

All parties to this PPA are committed to collaborative working and to using all reasonable endeavours to carry out the tasks outlined in this agreement within the timetable identified. However, for the avoidance of doubt, this PPA is not legally binding.

By signing up the PPA we will expect that the reserved matters would be approved by 4th December – 13 weeks from the 4th September.

14. Decision Making and Obligations

- 14.1 The Applicant will make a financial contribution of £16,128 plus VAT. The applicant should send the fee on both parties signing of the PPA. This will allow a dedicated officer resource to work with the Applicant during the determination and post-determination process.

15. Legal Fees

- 15.1 The Applicant agrees to pay upon completion of the s106 agreement, the Council's reasonable and proper legal fees for negotiating and completing a s106 agreement. Such costs must be incurred on the basis of agreed hourly rates and subject to detailed breakdowns with full narratives.

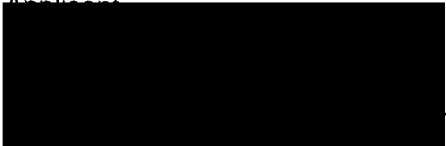
16. Good Faith

Both parties enter into this Agreement in the spirit of good faith and with the intention of working together in partnership to secure the desired result of facilitating this planning application for the proposed development.

Acceptance of Planning Performance Agreement

Signatories

Applicant



..... For APPLICANT

Local Planning Authority



..... for Arun District Council

Appendix A: Project Team Terms of Reference

The role of the team:

- To manage the implementation of the PPA, oversee the direction and progress of the application
- Commit resources and make key decisions on the project (where within its power to do so)
- Resolve any blockages and issues in the determination/ planning process, should they occur
- Approve any changes to the PPA including Project Plan and timescales
- Monitor progress against key milestones
- Ensure an effective flow of information between all parties and the statutory consultees and key stakeholders, including elected Members
- Identifying and evaluating risks to project delivery, identifying actions to reduce risks
- Act as a decision making body with regard to technical issues – meetings will be focused on specific topics
- Facilitate the cohesive development of the proposal, through promoting effective communication between all technical disciplines, to ensure the development proposals progress in accordance with the PPA.
- Use all reasonable endeavours to prevail upon all third parties, stakeholders and consultees to respond within a timescale that does not compromise nor prejudice the timescale or the progress of this application.

Timing and location of meetings

Meetings will be held monthly in Arun Civic Centre, Littlehampton, unless otherwise agreed by the Chair

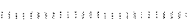
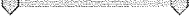
Confidentiality

Outcomes of the Project Team meeting will be made available on ADC website where relevant. However, the minutes of the meetings will be confidential.

Appendix B: Project Plan – separate document

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ID	Task Mode	Task Name	Duration	Start	Finish	14/08	21/08	28/08	September	04/09	11/09	18/09	25/09	October	02/10	09/10	16/10	23/10	November	30/10	06/11	13/11	20/11	27/11	December	04/12	11/12	18/12
1		LPA to confirm validation requirements	2 days	Wed 30/08/17	Thu 31/08/17																							
2		Submission of application documentation	2 days	Fri 01/09/17	Mon 04/09/17																							
3		Planning Application to be validated, registered and formal consultation undertaken	21 days	Tue 05/09/17	Tue 03/10/17																							
4		Project team meeting to discuss any consultee comments	1 day	Mon 25/09/17	Mon 25/09/17																							
5		JLL to monitor application online to review any consultee comments and respond accordingly	21 days	Tue 05/09/17	Tue 03/10/17																							
6		End of consultation period	0 days	Mon 02/10/17	Mon 02/10/17																							
7		Project team meeting - review timetable in light of consultation comments and agree whether December is still determination date	1 day	Thu 05/10/17	Thu 05/10/17																							
8		Consultants to review comments and amend plans/reports/response to LPA as necessary.	11 days	Mon 02/10/17	Mon 16/10/17																							
9		Project meeting with main parties to discuss application progress/outstanding consultant responses	1 day	Tue 17/10/17	Tue 17/10/17																							
10		LPA to draft conditions and pass to JLL who will distribute to wider team to review/comment	11 days	Mon 23/10/17	Mon 06/11/17																							
11		LPA to draft committee report	16 days	Tue 07/11/17	Tue 28/11/17																							
12		Project Team Meeting	1 day	Wed 15/11/17	Wed 15/11/17																							
13		Members briefing meeting	1 day	Wed 29/11/17	Wed 29/11/17																							
14		Members briefing feedback	1 day	Thu 30/11/17	Thu 30/11/17																							
15		JLL to prepare committee speech for client review	4 days	Fri 01/12/17	Wed 06/12/17																							

Task		Summary		Rolled Up Task		Inactive Summary		Start-only		Deadline	
Split		Manual Summary		Inactive Task		Manual Task		Finish-only		Progress	
Milestone		Project Summary		Inactive Milestone		Duration-only		External Tasks			

ID	Task Mode	Task Name	Duration	Start	Finish
16		application to be presented at planning committee	1 day	Wed 13/12/17	Wed 13/12/17
17		decision notice to be sent to JLL	1 day	Thu 14/12/17	Thu 14/12/17



Task

Summary

Rolled Up Task

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Inactive Task

Inactive Milestone

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Inactive Summary

Manual Task

Manual Summary

Start-only

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Finish-only

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External Tasks

Deadline

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Progress

Milestone

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Split

Project Summary

Summary

Manual Summary

Project Summary