

Planning Performance Agreement between Arun District Council (“the Council”) and Rydon Homes Ltd and Gleeson Strategic Land (“the Applicant”).

Outline planning application for the “development of up to 525 residential dwellings (Class C3), 3 ha (gross) of employment land (Class B1), public open space, play areas, associated infrastructure and landscaping” (“the Proposed Development”).

At

Land North of Water Lane, Angmering (“the Site”)

## **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 agreement 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 / possible, 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, 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 (“the Council”)

and

Rydon Homes Ltd and Gleeson Strategic Land (“the Applicant”)

## **3. Site Description**

The Site covers an area of approximately 32.9 hectares to the north east of Angmering.

To the south of the Site is Water Lane, to the North is the A27, to the east is partly an ancient woodland and to the west is existing residential and commercial developments beyond which is Dappers Lane.

## **4. Description of Development**

The application to be submitted seeks outline planning consent, with all matters reserved other than principal means of vehicular access to the highway, for:

*“development of up to 525 residential dwellings (Class C3), 3 ha (gross) of employment land (Class B1), public open space, play areas, associated infrastructure and landscaping” (“the Proposed Development”).*

## 5. Key Objectives for this PPA

The aims and objectives of this PPA can be summarised as:

- Clarity
- Transparency
- Managing all expectations
- Giving an indication of timescales
- Setting out the actions of both the Applicant and the Council (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 PPA removes the Council’s statutory powers to grant or refuse planning permission.

## 6. Project Governance

A dedicated project team, comprising of the Applicant, the Council and key stakeholders, and clear governance arrangements are required to facilitate this complex proposal and ensure the delivery of a high quality development.

This is essential to ensure that all stakeholders are successfully engaged, that the planning application provides all the information that will be needed by the Council to properly assess it, and that Officers are able to meet the agreed programme for a Committee resolution.

Governance arrangements are summarised below and the terms of reference set out at Appendix A.

## 7. Project Team

The project team will provide direction to the delivery of the Proposed Development. It will provide a forum for the discussion of all technical aspects of the development relevant to the outline planning application.

The Council:

Case Officer: Michael Eastham, Principal Planning Officer, Arun District Council

[Michael.Eastham@arun.gov.uk](mailto:Michael.Eastham@arun.gov.uk) Tel: 01903 737 772

Team Leader: Claire Potts, Strategic Development Team, Arun District Council.

[Claire.potts@arun.gov.uk](mailto:Claire.potts@arun.gov.uk) Tel: 01903 737698

### The Applicant

Zoe Knott, Nexus Planning



Adam Ross, Project Director.



## **8. Member Involvement**

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

## **9. External Agencies**

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

## **10. Community Engagement**

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:

- Direct engagement with such other non-statutory consultees/ local groups as deemed necessary and most appropriate the Council; and
- The Council will carry out the normal publicity for a major application as set out in the Council's Statement of Community Involvement.

## **11. Planning Policy**

The development plan for the District currently includes:

- The Arun District Local Plan (2003) saved policies; and
- Angmering Neighbourhood Development Plan

Other relevant documents include the National Planning Policy Framework and the emerging Local Plan.

## **12. Application Documentation**

A pre-application meeting took place with the Council on 13<sup>th</sup> July 2017. Advice in writing was received in draft format on 25<sup>th</sup> September 2017. A final version of this pre-app response is yet to be provided.

It was further agreed that the following supporting information would be required for validation:

- Planning Assessment (incorporating Affordable Housing Statement and draft Section 106 Agreement Head(s) of Terms);
- Design and Access Statement
- Biodiversity Survey and Report
- Flood Risk Assessment
- Foul and Surface Water Drainage Statement
- Landscaping Strategy
- Noise Statement
- Transport Assessment/ Travel Plan;
- Tree Survey and Arboricultural Report;
- Archaeology assessment
- Letter outlining no built heritage

### **13. Consultation Strategy**

The following people will be consulted on by the Council for the pre-application when it is submitted and validated:

- WSCC Local Highway Authority
- WSCC Lead Local Flood Authority
- South Downs National Park Authority
- Highways England;
- Southern Water;
- Environment Agency;
- Natural England;
- Historic England;
- Sussex Police;
- Ecology;
- Archaeology
- NHS;
- Internal Council consultees:
  - o Housing Strategy
  - o Parks and Green Space (including Arboriculturalist)
  - o Ecology
  - o Environmental Health
  - o Engineers (Flooding and Surface Water Drainage)
  - o Conservation Officer
  - o Cultural Development

- Environmental Amenities and Community Safety; and
- Angmering Parish Council

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

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 days following validation.

#### 14. Project Plan

The timescale for determination of the Application are set out in the Project Plan below, which shall be subject to review as may be agreed between the parties in accordance with the proposed timetable.

The Application seeks that the Council determines the application at the earliest possible planning committee date. All dates within the project plan are subject to amendments with the agreement of both the Council and Applicant.

| Objective                                                                                                                              | Date                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Submission of Planning Application                                                                                                     | w/c 19 <sup>th</sup> March                                        |
| Council's validation of the planning application                                                                                       | w/c 26 <sup>th</sup> March                                        |
| Consultation with statutory consultees begins                                                                                          | w/c 26 <sup>th</sup> March                                        |
| Planning Meeting 1 with Case Officer to discuss Consultee responses and implications, together with Section 106 Heads of Terms.        | w/c 23 <sup>rd</sup> April or w/c 30 <sup>th</sup> April          |
| Nexus Planning to respond to Meeting 1                                                                                                 | 1 week following planning meeting 1 unless otherwise agreed.      |
| Planning Meeting 2 with Case Officer                                                                                                   | Prior to planning committee (if required)                         |
| Planning Committee (the s106 agreement must be near completion in advance of planning committee in order for this date to be achieved) | June 2018                                                         |
| Section 106 agreement to be engrossed                                                                                                  | 2 weeks from Planning Committee (if resolution to grant achieved) |
| Decision notice to be issued                                                                                                           | 3 weeks from Planning Committee (if resolution to grant achieved) |

The Council will undertake additional public consultation on amended plans and details as relevant. The timeframe for this additional public consultation, together

with a period of time for the Council to consider any consultation responses arising from the consultation process is allowed for within the timetable above, although is not specifically identified.

The Council's case officer and the Applicant's Lead Consultant 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 why that is the case.

When 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 Council's Case Officer and the Applicant's Lead Consultant.

## **15. Decision Making and Obligations**

The primary line of communication should be between the Council's Case Officer and the Applicant's Lead Consultant. Other team members will continue to work with their counterparts but will also feed in their comments and issues to either the Council's Case Officer or Applicant's Lead Consultant (as appropriate).

### **The Council's Obligation**

The Council shall (subject to timely receipt of responses from statutory consultees):

- 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 Applicant no later than ten (10) working days prior to any meeting of the Planning Committee at which any report or matter relevant to the Proposed Development will be discussed and or considered and to provide the Applicant via their Lead Consultant, with a copy of any report to the Planning Committee at that time;
- Provide to the Applicant at least five (5) working days prior to any meeting all substantive and relevant to that meeting and which relate to any relevant action or agenda points identified;
- Confirm minutes of any meetings attended by the Council and the Applicant within five (5) working days of receipt;
- Where reasonably requested by the Applicant, use all reasonable endeavours 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 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 any 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 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.

### **The Applicant's Obligation**

The Applicant agrees:

- to use reasonable endeavours to address any concerns raised by any statutory consultee;
- not to submit the Application unless it is accompanied by the application documents mentioned in Section 12 above;
- to provide the Council with such additional information, if reasonable, as may be requested within ten (10) working days of such written request from the Council (or such other time period as may be agreed);
- to provide to the Council 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 the Council within five (5) working days of any meeting the minutes or action points arising from that meeting; and
- to respond substantively to all emails, letters and telephone calls within five (5) working days of receipt. Where circumstances beyond the reasonable control of the Applicant prevent its compliance with this PPA, the Applicant shall in each case notify the Council and clarify the timescales for such a response.

## **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 week commencing 23<sup>rd</sup> July (or such extension of this Terms in accordance with the terms of this agreement) or the Decision Date (being the date a planning decision is issued by the Council on the Planning Application) 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 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 the Applicant considers that the principles and intentions of this PPA are not followed, it will draw this to the attention of the other parties. The other parties will 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 the breach is within the control of the party that is in breach and is incapable 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.

## **16. Decision Making and Obligations**

The Applicant will make a financial contribution of £24,192 + VAT to facilitate this PPA. The Applicant should send the fee to the Council upon both parties signing this PPA. This will allow a dedicated officer to resource the work with the Applicant during the determination and post determination process.

## **17. Legal fees**

The Applicant agrees to pay, upon completion of the Section 106 Agreement, the Council's reasonable and proper legal fees for negotiating and completing the Section 106 Agreement. Such costs must be incurred on the basis of agreed hourly rates and subject to detailed breakdowns with full narratives.

## 18. Good Faith

Both parties enter into this PPA 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.

Signed by: Zoe Knott



Date: 09/04/2018

For and on behalf of Nexus Planning acting on behalf of Rydon homes Ltd and Gleeson Strategic Land.

Signed by:



Date: 9/4/18 .

For and on behalf of Arun District Council.