

Planning Performance Agreement between Arun District Council ('the Council') and Rydon Homes Ltd and Gleeson Developments Ltd ('the Applicant').

Outline planning application for “development of up to 175 residential dwellings, public open space, play areas, with associated infrastructure including roads, drainage and landscaping” ('the Proposed Development')

at

land south of Water Lane, Angmering, Arun ('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 Developments Ltd ('the Applicant').

3. Site Description

The Site covers an area of 9ha of land, located to the south of Water Lane on the eastern fringe of Angmering.

Further, to the east of the Site is the A280, to the south lies High Street, and to the west lies Weaver's Hill. The land is currently defined as agricultural land.

4. Description of the 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:

"a development of up to 175 residential dwellings, public open space, play areas, with associated infrastructure including roads, drainage 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 fetters 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: David Innes, Planning Consultant, Arun District Council (david.innes@arun.gov.uk)
Tel: 01930 737776

Team Leader: Claire Potts, Strategic Development Team Leader, Arun District Council
(Claire.potts@arun.gov.uk)
Tel: 01903 737698

The Applicant:

Zoe Knott, Nexus Planning [REDACTED]
[REDACTED]

Adam Ross, Nexus Planning [REDACTED] – Project Director
[REDACTED]

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 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 has taken place with the Council on 12th September 2016. Advice in writing was then received dated 20th September 2016. Following that written advice, the Council confirmed that a number of identified application deliverables identified within the written pre-application advice were included in error and would not be required as part of a planning application submission. Specifically these are:

- elevations, floor plans and roof plans;
- details on bin storage and collection;
- parking plan;
- street scenes;
- Lighting Assessment;
- Land Contamination Assessment (agreed that a geo-environmental assessment would be sufficient);
- Economic Development Statement; and
- Affordable Housing Agreement (which would be formed within an appropriate legal agreement at the appropriate time).

It was, therefore, agreed that the application submission should include for approval:

- Planning Application Form (including ownership and agricultural land declaration certificates);
- Location Plan;
- Site Plan;
- Parameters Plan; and
- Proposed Access Plans.

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;
- Historic Environment Record Search;
- Heritage Statement.

13. Consultation Strategy

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

- WSCC Local Development Division;
- 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:
 - Housing Strategy;
 - Parks and Green Space (including Arboriculturalist);
 - Ecology;
 - Environmental Health;
 - Engineers (Flooding and Surface Water Drainage);
 - Conservation Officer;
 - 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 working days following validation.

14. Project Plan

The timescales 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 Applicant seeks that the Council determines the application at the earliest possible planning committee date. However, it is agreed that the Applicant may at any time request that the application is instead determined in parallel with the emerging Local Plan process timetable.

Objective	Date
Submission of planning application	Week commencing 15 May 2017
Council's validation of the planning application	Week commencing 22 May 2017
Consultation with statutory consultees begins	Week commencing 22 May 2017
Planning Meeting 1 with Case Officer to discuss Consultee Responses and implications, together with Section 106 Heads of Terms	Week commencing 19 or 26 th June 2017
Nexus Planning to respond to Meeting 1	Week commencing 3rd July 2017
Planning Meeting 2 with the Case Officer	Prior to the 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)	18 th October 2017
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 permission granted)

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.

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 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 Obligations

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 documents which are 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 Obligations

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 week commencing 30th October 2017 (or such extension of this Term 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 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 the 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 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 £9,676.80 (inc 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 to 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: 16/05/2017

For and on behalf of **Nexus Planning** acting for and on behalf of Rydon Homes Ltd and Gleeson Developments Limited.

Signed



Date:

27/7/17

For and on behalf of **Arun District Council**.

Appendix A: Project Team Terms of Reference

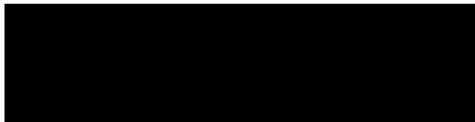
The role of the team:

- 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; and
- 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 Council and the Applicant.

Members

Principal Names	Position and Role	Contact Details
David Innes	Planning Consultant	david.innes@arun.gov.uk 01903 737776
Claire Potts	Strategic Development Team Leader, ADC (Chair and Project Lead)	Claire.potts@arun.gov.uk 01903 737698
Karl Roberts	Director Planning and Housing Strategy Arun District Council (as required)	karl.roberts@arun.gov.uk 01903 737760
APPLICANT		
Rydon Homes Ltd	Applicant	c/o Nexus Planning
Gleeson Development Ltd		
Nexus Planning	Senior Planner	Zoe Knott 

Nexus Planning	Planner	Fay Goodson [REDACTED]
Other appropriate specialists or external agencies to be invited depending on the agenda as follows:		
APPLICANT	Masterplanner	Chris Fry [REDACTED]
	Landscape Architect	Paul Gibbs [REDACTED]
	Ecologist	Alexia Tamblyn [REDACTED]
	Transport	Tim Wall [REDACTED]
	Arboriculture	Nick [REDACTED]
	Hydrology	Gemma Jinks [REDACTED] Siobhan Jackson [REDACTED]
	Archaeology/Heritage	Suzanne Gailey [REDACTED] Elizabeth DaSilva [REDACTED]
	Noise	Paul Hayward [REDACTED]
	Air Quality	Paul Hayward [REDACTED]
ARUN DC		
Andy Elder	Housing Strategy and Delivery Manager	01903 737714 andy.elder@arun.gov.uk
Louise Greene	Principal Solicitor Arun District Council	01903 737713 louise.greene@arun.gov.uk
Joe Russell-Wells	Environmental Services & Emergency Planning Manager (Open Space for Arun District Council)	01903 737914 joe.russell-wells@arun.gov.uk

Paul Cann	Engineering Services (Drainage for Arun District Council)	01903 737597 paul.cann@arun.gov.uk
tbc	Environmental Health Officer	

Confidentiality

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