

Planning Performance Agreement
Arun District Council and Langmead Group

Project Plan for Development

PARTIES

Arun District Council – Local Planning Authority
Landlink Estates – Applicant

SITE DESCRIPTION

Salt Box site, off Rowan Way, Bognor Regis

DESCRIPTION OF DEVELOPMENT

Hybrid application (part full, part outline) (Revised scheme).

“Hybrid planning application for the comprehensive development of the Salt Box site comprising:

- a) Full planning application for erection of Class B8 warehouse with fuel island and car parking; 2 No Class B1/B8 employment units with associated parking and servicing; Class A1 retail food store with car parking and servicing; 2 No drive thru units with car parking and servicing; car showroom, workshops (including MOT testing) vehicle storage, external display areas, service areas and parking; together with access roads, associated ground and engineering works, landscaping and ancillary works*
- b) Outline planning application for the development of employment units, parking and servicing areas, landscaping and associated works.”*

KEY OBJECTIVES

1. To secure planning permission for the development of the site for employment led uses before end of March 2019.
2. To deliver the objectives of the development plan and the draft Local Development Order for Salt Box
3. Delivery of first phase of the development by September 2019

KEY OBJECTIVES FOR THIS AGREEMENT

The aims and objectives of this agreement can be summarised below:

1. Clarity
2. Transparency
3. Managing expectations of both parties
4. Providing greater certainty of timescales

5. Setting out the actions of both the applicant and the Local Planning Authority (including their engagement with their Elected Members, so far as that does not conflict with an Elected Members duty to avoid bias and/or not to predetermine any future decision with which they are not to be involved).
6. Nothing in this agreement fetters the Council's statutory powers to grant or refuse planning permission.

BACKGROUND AND PURPOSE

The purpose of this 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 employment provision 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.

PROJECT GOVERNANCE

A dedicated project team comprising the applicant, the LPA and key stakeholders and clear governance arrangements are required to facilitate this substantial proposal and ensure 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 ADC to properly assess it and that officers are able to meet the agreed programme for a committee resolution.

Governance arrangements are summarised below.

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
Paul Hanson	Represents David	

	Langmead as Landowner and Applicant
Karl Roberts	Director of Place, Arun District Council
Michael Eastham	Principal Planning Officer, Arun District Council
Steering Group Names	
Applicant	
Arfon Hughes /Nia Russell	Director, Mango Planning and Development – Planning Agent
Michael Whitwell	Senior Architect, Mountford Pigott – Architects
Tony Chapman	Director, ADL Highway Engineering– Highways
Keith Sarchett	Quartz Project Services – Project Management
Colin Lee	Aspect Landscape, Arboriculture and Ecology
Steve Hawkins	Kirk Saunders – Drainage, flood risk
Guy Sackett	Irwin Mitchell, London
Arun DC	
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

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

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 provision of written responses.

PLANNING POLICY

Arun District Local Plan 2018
National Planning Policy Framework
Draft Enterprise Bognor Regis Local Development Order

SUPPORTING DOCUMENTATION

The applicant and Arun DC agree that the information/documentation required to be submitted in support of the planning application is as below:

Statutory Planning Application Forms
Ownership and Agricultural Land Certificates
Site Location Plan
Site/Block plan
Site Parameters Plan
Phasing plan defining extent of outline and full areas
Proposed Elevations, Proposed Floor Plans and Roof Plans for full application areas
Illustrative perspectives
Design and Access Statement
Planning and Retail Statement
Biodiversity Survey and Report & Checklist
Noise Assessment
Flood Risk Assessment and Foul and Surface Water Drainage Statement
Landscaping Strategy
Transport Assessment /Travel Plan
Heritage Statement
Archaeological assessment
Lighting plans

Phase 1 Geo Environmental Desk Study
Services Report (including broadband/telecoms)

CONSULTATION STRATEGY

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

- WSCC Local Development Division
- WSCC Lead Local Flood Authority
- Highways England
- Southern Water
- Environment Agency
- Natural England
- Historic England
- Sussex Police
- Ecology
- Archaeology
- ADC
- Estates Manager
- Parks and Green Space (including Arboriculture)
- Ecology
- Economic Regeneration
- Environmental Health
- Engineers (Coastal Protection, Flooding, Surface Water Drainage)
- Conservation Officer
- Environmental Amenities and Community Safety
- Town Council/Parish Council
- Local Employment Partnership

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.

On validation of the application the application details will be placed on the ADC 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.

TIMETABLE

Pre-application meeting 7th December 2018

Consultation meeting with Bersted PC 11th December 2018

Application submission 14th December 2018

Validation 21st December 2018

Determination date 15th March 2019

ADHERENCE TO THE PROJECT PLAN

The Lead Council Officer and Applicants' Planning Agent 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

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.

This is a 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 public interest. To adhere to this timetable there is 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 by 21st December 2018 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.

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.

DECISION MAKING AND COMMUNICATION

The primary line of communication should be between the case officer at Arun DC and the Applicants Planning Agent. 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 Planning Agent.

ADC'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.
- 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.
- 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.

APPLICANTS' OBLIGATIONS

- 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.

RESOURCES/PPA FEE

The applicant will make a financial contribution of £XXXX. 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.

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 notice 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.

LEGAL FEES

The applicants agree 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.

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