

PLANNING PERFORMANCE AGREEMENT

JULY 2020

Nursery Fields, Chalcraft Lane, West Bersted

Between:

Arun District Council

and

Landform Bersted Ltd

Planning Performance Agreements

“The Planning Performance Agreement process is a project plan framework through which the local planning authority and applicant manage suitable planning proposals. For a PPA to be successful, it is essential that the local planning authority and the applicant establish a collaborative relationship based on trust, with good communication and regular exchange of information. However, it is important to emphasise that a PPA is not a guarantee, nor an indication of likelihood that the application will be approved. It relates to the process of considering development proposals and not to the decision itself.

The Government believes that where the nature of the planning application requires significant input from government and non-government agencies, environmental bodies and specific consultees, the project plan should be used to bring them in early in the process. Early engagement with all such bodies should allow the authority and the applicant to plan their community engagement strategy better, to ensure transparency and openness.”

‘Planning Performance Agreements: a new way to manage large-scale major planning applications Department for Communities and Local Government Consultation’

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1. Introduction and Purpose

Arun District Council ('the Council') is the local planning authority for development within the area in which the West Bersted strategic allocation is located. This PPA is to cover approximately 14.04ha within the allocation and under the control of Landform Bersted Ltd ('the Site') ('the Applicant'). A site location plan is included at Appendix 1.

The PPA will cover pre application advice and the prospective outline planning application up to the point of determination, together with the preparation of a masterplan to address the allocation. The intention is that the masterplan is prepared through an iterative process working constructively with the landowners and their representatives within the area of the strategic allocation ('the Masterplan Area'), the Council, the County Council and other stakeholders including the Parish Council.

Once the application request has been submitted to the Council and comments are received, a planning application will be prepared and submitted for the residential led development of the Site. At this early stage, it is anticipated that the proposed development will comprise:

Development of up to 230 residential units, with associated parking, open space and access.

The pre-application and planning submissions will be designed in accordance with policies HSP2 (Strategic Site Allocations) and HSP2a (Greater Bognor Regis Urban Area) of the Arun Local Plan 2011-2031 (July 2018).

The intended Applicant for the planning application will be Landform Bersted Ltd.

This Planning Performance Agreement seeks to:

- Agree requirements and timescales for consideration of the development proposals (at this stage), prior to submission and access to the Council for formal approval including public consultation and stakeholder involvement.
- Agree the scope of the planning application and the technical information supporting it.
- Agree requirements and timescales for the consideration and approval of the planning application for the purposes of providing the parties with a level of certainty as to the process and timescales to be followed.

- Agree requirements and timescale for consideration of emerging application proposals at pre-application stage.
- Agree requirements and timescales for consideration and determination of the planning application for the purposes of providing the parties with a level of certainty as to the process and timescales to be followed.
- Engagement with Statutory consultees, and
- Establish regular review mechanisms.

This Planning Performance Agreement is made pursuant to Section 111 of the Local Government Act 1972, Section 2 of the Local Government Act 2000 and Section 93 of the Local Government Act 2003.

This agreement will not fetter the Council in exercising its statutory duties as local planning authority. It will not prejudice the outcome of the planning application or the impartiality of the District Council.

This agreement will not restrict or inhibit the Applicant from exercising the right of appeal under Section 78 of the Town and Country Planning Act 1990 (as amended) nor indeed to submit an application(s) outside the scope of this PPA (see below).

The planning application will be supported by a number of assessments and statements, which at this stage are anticipated to comprise that set out in **Appendix 3** of this agreement.

This Planning Performance Agreement is an agreement between the Council and the Applicant to provide a project management framework for handling this proposed planning application through to determination. This framework is intended to improve and speed-up the planning process by committing both parties to an agreed timetable containing “milestones” that make clear what level of resources and actions are required and ensure that all key planning issues are properly considered and resolved.

This agreement does not give a guarantee of planning permission. It relates to the process of considering development proposals and not the decision itself. Therefore, this agreement will be effective for the period up to the determination of the prospective planning application.

The pre-application procedure is intended by both parties to be an iterative process and a number of revisions to the proposals may be considered before the application is submitted. This PPA provides for that iterative process.

The Council intends to present the masterplan to committee for endorsement and that such consideration will constitute endorsement as requirement by Policy SD3 of the adopted local plan. This provision however shall not prevent Landform Bersted Ltd from exercising their rights under the Town and Country Planning Act 1990 (as amended) to submit a planning application(s) at a time of its (their) own choosing. However, should Landform Bersted exercise such a right to submit an application prior to the masterplan being presented to Committee, the Council reserves the right not to follow other obligations of this PPA.

2. Term

This agreement will be effective for the period commencing from 13 July 2020 to when the planning application is finally approved (up to and including receipt of the decision notice and the signed Section 106 Agreement) or such other date agreed to accommodate any delay in determination. A separate provision is made for post approval resourcing below.

The Term will be subject to review as may be agreed between the Applicant and the Council.

The agreement will be terminated where:

- the Applicant submits an appeal in relation to the planning application(s) under Section 78 of the Town and Country Planning Act 1990 (as amended); or
- the planning application is called in for determination by the Secretary of State, or
- Either party gives notice of its intention to terminate the agreement (such notice to be 7 days and given in writing).

3. General Principles

The objective of this Planning Performance Agreement is one of co-operation and consistency throughout the negotiation and determination of the master plan and planning application, to provide a degree of certainty for the intended outcomes and to improve the quality of the project and of the planning decision.

The Council and the Applicant agree to be governed at all times by the following principles:

- Principle 1:** To provide senior oversight and leadership of the process to meet all parties' strategic aims and objectives.

- Principle 2:** To work together in genuine partnership and in good faith, and to respect each other's interests and confidentiality.
- Principle 3:** To commit and respond promptly in providing information to support and manage the development management process, in accordance with the Performance Standards contained in this agreement.
- Principle 4:** To be transparent and consistent at all times between all parties so that outcomes are anticipated, defined and clearly understood.
- Principle 5:** To provide effective guidance on process, involvement and consultation with the surrounding community, statutory and other stakeholders, and any individual or groups with a legitimate interest.
- Principle 6:** To establish clear milestones which will remain fixed unless agreed by all parties otherwise.
- Principle 7:** To identify and engage specialist consultees and advisors including authority officers/managers at appropriate stages in the process.
- Principle 8:** All parties will seek to use the pre-application period to address matters that would otherwise arise via planning conditions and obligations, and significantly reduce the level of potential conditions and obligations, particularly in respect to those preventing commencement of works.

4. Form and Content of the Application

The Applicant is preparing an outline application for planning permission for the residential led development of the site, with the current intention being that the applicant will seek planning permission for:

Development of 230 residential units, with associated parking, open space and Access on 14.04 ha of land north of Chalcraft Lane, Bersted.

The site is as shown on the location plan at **Appendix 1**.

Consideration is currently being given by Landform Bersted Ltd to delivering a small quantity of the above units as a self-build / custom build phase.

The project programme is included at **Appendix 2**.

The list of documents which have been prepared to support the planning application are agreed and are set out at **Appendix 3**. It is anticipated that the outline application will be parameters based and the development will be phased.

The current policy framework relevant to an outline planning application is set out at **Appendix 4**.

5. Resources and Liaison

The Project Team

The Project Team will comprise of the Applicant's Team and the Councils 's Team, as defined below, and will be expanded by prior agreement.

The Applicant's Team:

Name	Discipline	Position & Role	Contact Details
Erik Pagano Landform Estates	Applicant	Director	
Ed Hanson Barton Willmore	Planning	Associate Planner	
Valentina Ballerani JTP Architects	Masterplanner / Architects	Lead Architect	
Dominic Smith i-Transport	Transport	Lead Transport consultant	
Julian Cooper Cooper Landscape	Landscape	Lead Landscape consultant	
Mike Neep Ecology Solutions	Ecology	Lead Ecology consultant	
Rik Totman Cannon Consulting	Drainage	Lead Drainage Consultant	

Arun District Council's Team:

Name	Discipline	Position & Role	Contact Details
Karl Roberts	ADC	Director of Place	
Claire Potts	ADC	Strategic Development Team Leader	

James Cross	ADC	Strategic Sites Project Officer
Paul Cane	ADC	Principal Engineer (Drainage)
Liz Annalls	ADC	Environmental Officer
Sue Howell	ADC	Leisure, landscape & greenspace Officer
Mark Warwick	ADC	Tree Officer
Caroline Perry	ADC	Legal Services – Principal Lawyer
Henry Mayo	WSCC	Transport (WSCC) – Principle Engineer, Highways Agreements, Planning Services
Elaine Munns	WSCC	Infrastructure (WSCC) – Team Manager Infrastructure
Tracey Dunn	WSCC	Education – School Planning Officer (south & west)
Joff Edevane	Southern Water	Water – Growth Planning Lead (Southern Water)
Simon Clavell Bat	Healthcare (NHS)	Head of Estates

Performance Standards

Both parties will act with fairness and in good faith in respect of all matters related to the handling of the planning applications and will work jointly in complying with their respective obligations under this agreement.

Both parties will address expeditiously any requests for clarification and/or further information. Both parties undertake to meet and/or discuss matters by telephone or email in a spirit of cooperation and where necessary seek early resolution of any areas of misunderstanding or dispute.

The Applicant and the Council will use all reasonable endeavours to adhere to the timetable for the project. All parties will ensure relevant resources and capacity are maintained throughout the process to ensure the timetable is adhered to. The Council's case officer will be responsible for ensuring that where necessary other Council officers are available to attend subject specific meetings where required and agreed in advance with the Applicant.

The timetable will be reviewed between both parties and amended as necessary to take account of any relevant unforeseen matters that might arise.

Communications, be it via email or hard copy correspondence shall be acknowledged within 5 working days with a suitable response where possible.

Telephone messages shall be returned within 2 working days of receipt.

Relevant information will be circulated by all parties no later than 3 working days prior to a meeting.

The Applicant's planning agent to circulate meeting agendas, unless otherwise agreed, no later than 3 working days prior to any meeting.

Unless otherwise agreed, actions arising from meetings shall be agreed no later than 5 working days after the meeting.

Unless otherwise agreed, the Applicant's planning agent will circulate minutes no later than 3 working days after the meeting.

If requested by the Applicant or its planning agent, the Council shall provide informal feedback on information presented at a meeting within 7 working days from that meeting.

In so far as the performance standards relate to the Council it is understood that this relates to the resourcing of the planning officers. Where input is required from other departments at the Council, officers will aim to meet the performance standards but this is subject to resourcing commitments in those departments at that time.

Meetings

Meetings will be attended by the relevant members of Project Team. The attendees will be agreed in advance through the agreement of the agenda in accordance with the performance standards set out herein.

The Applicant's planning agent, in conjunction with the Council's Project Officer/case Officer (case officer), will act as PPA Project Manager and will convene meetings, organise agendas and produce minutes to be agreed by the Project Team.

Project Team meetings will be held at the times set out in the Project Programme (unless otherwise agreed or cancelled). It is proposed that each meeting is focused on specific planning issues as set out below. This may be subject to change and will be kept under review:

- 1st Pre Application Meeting –(held on 9 July 2020 – a separate pre application fee was paid)

- Initial scoping, opportunities and constraints and understanding of infrastructure requirements
- 2nd Pre Application Meeting – 2nd Week August 2020
- Presentation of Framework Masterplan
- 3rd Pre Application Meeting – 1st week of September 2020
- Agreement of Final Masterplan, Parameter Plans and application package for submission to the Council
- Submission of outline planning application to The Council on 2020

The intention is that any site visits which are required will be accompanied with representatives from both the Council and the Applicant subject to social distancing measures as per the Council's and Applicant's (specific team members' policies and protocols) in light of CV-19.

Where attendance at meetings is required by other Council departments, every endeavour will be made to secure attendance, but this will be subject to resourcing at that time.

In light of the CV-19 outbreak, both parties will respect 'social distancing measures' and will seek to utilise all reasonable measures to maintain progress and contact, including web-based meetings for example.

Availability of People and Resources

The parties to this agreement will endeavour to make available members of the Project Team to facilitate meetings within 7 working days from a formal written request, unless otherwise agreed.

The parties will also share with each other project tools (such as traffic models, visualisation models and development viability information) subject to protecting commercial confidentiality and Freedom of Information considerations.

Confidentiality

Confidentiality protocols will be agreed and applied to specific issues and/or information as they emerge.

Costs

In consideration of this agreement and without prejudice to the statutory requirements, the Applicant agrees to the principle of making a financial contribution to the Council to assist the Council in resourcing the Project Plan.

- The total fee for the PPA is £10,800 The PPA will run from 13 July 2020 until 31st January 2021
- First payment £6,800 will be made within 10 working days of signing this PPA.
- Second payment £4,000 will be made on 1st September 2020.

The above funding schedule will enable the efficient administration, review and engagement by the Council LPA and its own stakeholders as part of the process of facilitating pre-application and the application process. Council officers will provide a monthly schedule of tasks undertaken.

The Applicant will benefit from exclusive capacity and resourcing to provide the level of service required to meet its obligations under this Planning Performance Agreement, excluding the Council's the Council's 's legal costs incurred in association with the preparation of the S106 Agreement which shall be borne by the applicant.

These fees are in addition to the application fees payable under the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008.

6. Project Programme

The PPA Programme is devised to provide a realistic timeframe for determining the Framework Masterplan and planning application. The Applicant and Council acknowledge that the timetable may be subject to change which will be kept under review moving forward. The Project Programme is detailed in **Appendix 2** of this document.

The Applicant (or Planning Agent on their behalf) will formally submit the proposed outline planning application including all documentation, drawings, the application fee and other supporting information including draft S106 Heads of Terms as is agreed with the Council by 1st October 2020 unless notified by the Applicant to the contrary.

The Council will complete checking and validation of the application within 10 working days of receipt of the complete applications.

The Council's case officer will be responsible for the full range of issues raised by the application.

The Council will issue consultation letters within 5 working days of validation of the application.

The Council ADC will advise the Applicant within 2 working days of any issues that arise as a result of consultation responses received on the application so that any matters arising can be addressed by the applicant at the earliest opportunity.

Both parties agree to commence work on the Section 106 agreement as soon as possible after the validation of the application; the Council will instruct the Council's legal team to progress the draft S106 Agreement in association with the Applicant's legal representative within 4 weeks of validation of the application, unless both parties agree otherwise.

The Council will report the application to the relevant Planning Application Committee for determination within 13 weeks of the application, unless both parties agree otherwise.

Subject to the relevant Committee resolving to grant permission for the proposal, the Council will aim to conclude the S106 Agreement within 6 weeks, subject to both parties being satisfied with the details of the Agreement.

In agreeing to this timeframe, the Applicant and the Council agree to extend the statutory period for determination of the planning application under Article 29 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

Within the agreed timeframe, meetings will be arranged as above and when considered necessary by agreement, with suggestions of appropriate meetings set out within the Project Programme (**Appendix 2**).

If there is a delay in the Project Programme, the Project Team will review whether the Project Programme and the Planning Performance Agreement determination timeframe need to be revised. Any revisions to the Planning Performance Agreement determination timeframe shall be agreed in writing by the Applicant and the Council.

7. Consultation strategy overview

In addition to engagement with the Council, the Applicant's Team will consult with relevant statutory and local consultees as follows:

1. WSCC Highways
2. WSCC Education

3. PROW Officer.
4. Environment Agency
5. Southern Water / Utilities
6. Natural England

The specific details of the consultation strategy will be agreed separately and due to current events will be subject to review/change to account for Government advice on Covid-19. As part of engagement with statutory consultees, the Applicant's team will seek to agree the baseline conditions for technical assessments.

8. Agreement

Arun District Council and Landform Bersted Ltd hereby agree to the content of this Planning Performance Agreement.

Arun District Council

Karl Roberts

Name:

Signature:



Position:

Director

On Behalf Of:

Arun District Council

Date:

17 July 2020

Applicant

Landform Bersted Ltd

Name:

Erik Pagano

Signature:



Position:

Director

On Behalf Of:

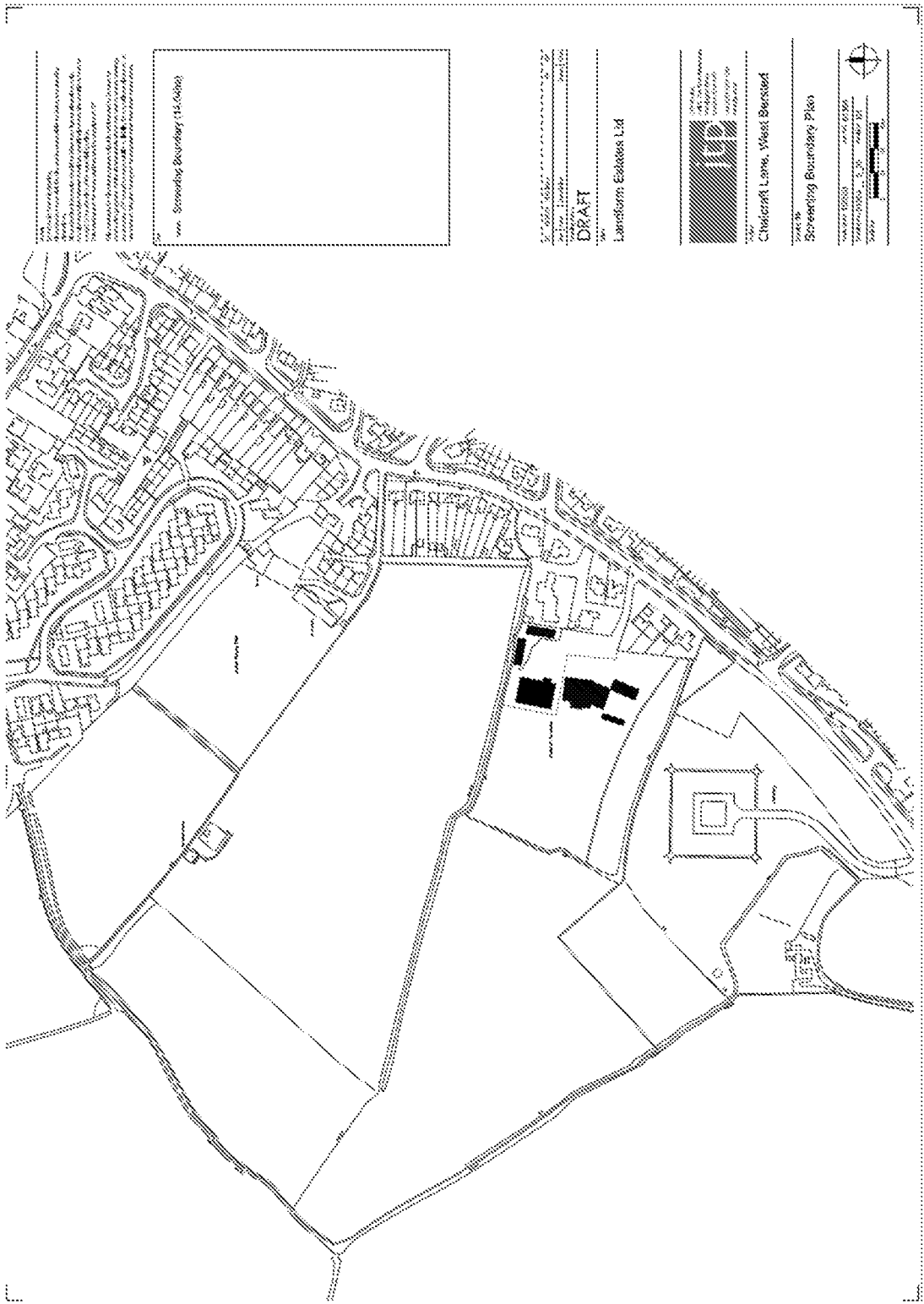
Landform Bersted Limited

Date:

17 July 2020

SITE LOCATION PLAN

Nursery Fields - Land north of Chalcraft Lane, Bersted, Bognor Regis



APPENDIX 2

PROJECT PROGRAMME

The Council and the Applicant shall work to ensure that the consideration of the proposal is progressed in accordance with the Application Programme set out below (unless a variation to the Application Programme is agreed in writing in by both the Applicant and the Council).

NURSERY FIELDS, LAND NORTH OF CHALCRAFT LANE, WEST BERSTED PROJECT PROGRAMME (KEY ISSUES AND TASK LIST)

Key Stages	Action/Task	Responsibility	LPA Dates (month/year etc)	Dates (month/ year etc)
PROJECT GOVERNANCE				
PPA	Formalisation and sign off	Applicant / ADC	July 2020	July 2020
	Agree monthly schedule	Applicant / ADC	July 2020	July 2020
WORKSTREAM 1: SUBMISSIONS PURSUANT TO OPP				
Endorsement of HLDP (Full Council)	Endorsement of HLDP by Full Council	ADC	15 July 2020	
Southern Consortium Masterplan submitted to ADC		Southern Consortium	w/c 17 August 2020	
Member Engagement	TBC	Applicant/ ADC	July / August 2020	July / August 2020
Community Engagement	Exhibitions, workshops, stakeholder involvement	Applicant	06 July - 27 July 2020	July / August 2020
Pre Application Meeting x3	TBC	Applicant/ ADC	July / August 2020	July/ August / September 2020
Submission of Outline Application	Submission of Outline Application	Applicant		1 October 2020
Validation (5 days)	Formal validation of applications by LPA	ADC	w/c 05 October 2020	

Key Stages	Action/Task	Responsibility	LPA Dates (month/year etc)	Dates (month/ year etc)
Site visits		ADC	w/c 12 October 2020	
Endorsement of Southern Consortium Masterplan		ADC	30 September 2020	
Initial assessment of application	Consideration by officers	ADC	w/c 12 October 2020	
Initial application feedback	Project meeting	ADC	w/c 19 October 2020	
Submission of amended plans/further details	Agree target turnaround of amendments with ADC	Applicant	w/c 02 November 2020	w/c 02 November 2020
Conditions	Agree draft conditions	ADC/ Applicant	w/c 09 November 2020	w/c 09 November 2020
Agree S106 Heads of Terms	Agree S106 Heads of Terms	ADC/Applicant	w/c 09 November 2020	w/c 09 November 2020
ADC Committee Report Due	Submission of Committee Report to Managers	ADC	No later than 16 November 2020	
Committee / Delegated date for determination	Estimate likely Committee date/ delegated decision	ADC	November /December2020	
Agreement of Section 106 Agreement			January 2021	January 2021
Issue decision notice/ DoV	Issue	ADC	January 2021	

Agreed Pre-Application Documents

- 1 Indicative Masterplan drawing outlining:
 - Primary land uses (e.g. housing, employment, community, education and open space etc.)
 - Key infrastructure
 - Key access points
 - Primary access routes
 - Overlay with wider SD3 West Bersted Masterplan Framework
- 2 Indicative Masterplan document with the following suggested contents:
 - a Introduction
 - b Site description/background
 - c site analysis – constraints and opportunities
 - d The Framework Masterplan
 - e Statement of engagement
 - f Delivery and next steps
 - g Infrastructure and phasing

Application Documents

The outline planning application be scoped and agreed with Arun District Council as part of the pre-app process will include technical reports covering the following matters:

- 1 Landscape and visual impact
- 2 Ground conditions and contamination
- 3 Noise, vibration, and dust
- 4 Hydrology, flood risk and drainage
- 5 Ecology and nature conservation
- 6 Sustainable use of land - agricultural land
- 7 Transport and access
- 8 Access, recreation and green infrastructure
- 9 Archaeology and cultural heritage
- 10 Socio-economic
- 11 Cumulative assessment

In addition, the following documents will support the outline planning application:

Doc	Title	Author	Status
1.	Application Form, Ownership Certificates and CIL Forms	Barton Willmore	To support
2.	Planning Statement (including Draft Heads of Terms)	Barton Willmore	To support
3.	Design and Access Statement	JTP	To support
4.	Affordable Housing Statement	Barton Willmore	To support
5.	Biodiversity Survey and Report	Ecology Solutions	To support
6.	Ecology Assessment incorporating Habitats Regulation Assessment	Ecology Solutions	To support
7.	Flood Risk Assessment	Cannon	To support
8.	Foul and Surface Water Drainage Statement	Cannon	To support
9.	Land Contamination Assessment	Nott Group	To support
10.	Land Engineering Works Statement	Cannon / Nott Group	To support
11.	Landscaping Strategy	Cooper	To support
12.	Noise Assessment	TBC	To support
13.	Pagham Harbour SPA Appropriate Assessment	TBC	To support

14.	Pagham Harbour Access Management Contribution Legal Agreement	TBC	To support
15.	Street Scene (within DAS)	JTP	To support
16.	Topographical Survey	Plandescil	To support
17.	Transport Statement incorporating Transport Assessment	i-transport	To support
18.	Travel Plan	i-transport	To support
19.	Tree Survey & Arboricultural Report	AT Coombes	To support
20.	Archaeology and Heritage	Orion	To support
21.	Draft S106	Landform/BW	To support
22.	Statement of Community Involvement	BW	To support
23.	Covering Letter	BW	To support
24.	Site Location Plan and Block Plans	JTP	To support
25.	Parameter Plans	JTP	To support
26.	Illustrative Masterplan (including overlay with wider SD3 West Bersted Draft Masterplan Framework)	JTP	To support
27.	Illustrative Landscape Strategy	JTP	To support
28.	Existing and Proposed Access Plan	JTP	To support
29.	Infrastructure Plan	JTP	To support
30.	Sustainability Statement		To Support
31.	Planning Application Summary	BW	To Support
32.	Validation Checklist	BW	To Support

Current Policy Framework

The Development for Arun District, for the area falling outside of the South Downs National Park comprises of the:

1. The West Sussex Waste Local Plan 2014;
2. The Joint Minerals Local Plan 2018;
3. The Arun Local Plan 2011-2031 (July 2018) (this supersedes all policies in the Arun Local Plan 2003)
4. 'Made' Neighbourhood Plans.

Within the Arun Local Plan 2011-2031 (July 2018) the land West of Bersted is allocated for development by virtue of Policies H SP2 Strategic Site Allocations and H SP2a 'Greater Bognor Regis Urban Area' - site SD3 'West of Bersted'.

Policy H SP2 relates to all Strategic Site Allocations and requires that "*Development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design giving a sense of place and permeable layout.*" Developments are also expected to meet a number of policy requirements set out in criterion (a) to (q).

Policy H SP2a – West Bersted (SD3) states:

Located to the north of Bognor Regis this largest allocation will provide at least 2,500 dwellings over the plan period. Development proposals will need to meet the following key design and infrastructure requirements:

- a. a new three-form entry primary school and nursery places;
- b. a new 3G pitch facility to serve the west of the District;
- c. two new sports pitches and facilities;
- d. a Community Hub which includes shops, healthcare and a Tier 7 library;
- e. road/pedestrian/cycle link between the A259 and Chalcraft Lane including facilitating the cycle route to Pagham and enhancing the A259 cycle route;
- f. improvements to the A259 between Bersted and Drayton;
- g. ensure no detrimental impact to Pagham Harbour SPA, through compliance with ENV DM2 (Pagham Harbour) and its supporting text;
- h. incorporate planned new employment provision;
- i. where possible, provide linkages and accessible pedestrian and cycle routes to Bognor Regis town centre; and,
- j. a comprehensive strategy for surface water management will be developed in line with the specific recommendations for this locality in the Arun Strategic Surface Water Management Study

Other non-site specific policies are also relevant to the site allocation and development proposals but these are not listed here.

Other material considerations include:

- National Planning Policy Framework (2019)
- Planning Practice Guidance
- Arun Open Space and Recreation Standards Supplementary Planning Guidance (SPG) (2020)
- Arun Parking Standards SPG (2020)
- Arun Archaeology SPG (2003)