

**PLANNING PERFORMANCE AGREEMENT
ARUN DISTRICT COUNCIL AND PERSIMMON HOMES THAMES VALLEY**

PROJECT PLAN FOR DEVELOPMENT IN RESPECT OF:

**Reserved Matters Planning Application in respect of (1) 260 Units and the
Main Spine Road (Phase 5) and (2) the Central Wetland Area**

**The Reserved Matters Applications will
be bought forward under LU/182/15/PL**

Strategic Development Area at Hampton Park, North Littlehampton

1. Background and Purpose

The purpose of this Planning Performance Agreement (PPA) is to ensure the timely consideration and determination of the planning application within the timescales specified in Appendix B: Project Plan) for the proposed Reserved Matters Applications forming part of the 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 and open space, 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.

Both parties acknowledge the collaborative approach undertaken during pre-application process over the last 12 months including discussions and meetings and a detailed pre-application response from ADC on the proposals. This PPA is entered into on the understanding that the matters raised through the pre-application process have been addressed prior to submission of the applications.

2. Parties

The parties to this PPA are:

Arun District Council – Local Planning Authority (LPA)¹

and

Persimmon Homes Thames Valley – (the Applicant)

3. Site Description

3.1 Strategic Development Area to the north of Littlehampton (known as Hampton Park).

4. Description of the Development

4.1 Two reserved matters applications in respect of: (1) 260 residential units and the main spine road and swales (Phase 5), and (2) the Central Wetland Area.

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 proposals will accord with the approved Development Framework Document (2017) and the broad parameters of the masterplan therein. Parties acknowledge that some amendments have been made through the pre-application process to improve the scheme/ design principles.
- 5.2 The adopted Arun District Local Plan 2011 – 2031 contains the following policies which set out a vision/ requirements for the site
- D DM1 Aspects of form and design quality
 - D DM2 Internal space standards
 - DSP1 Design
 - GISP1 Green Infrastructure and Development
 - HDM1 Housing Mix
 - HWBSP1 Health and Wellbeing
 - WDM2 Flood Risk
 - WDM3 Sustainable Urban Drainage Systems
- 5.3 Arun District Council (as LPA) has set out the vision for these applications in the approved Development Framework Document (2017) and the Applicant will use this document to inform the submission.

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.

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 (including team meetings) 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. Internal consultees will be invited to attend meetings by the Case Officer as required to aid discussion and resolution of technical issues.

Principal Name(s)	Position and Role	Contact Details
Arun District Council		
Michael Eastham	Principal Planning Officer, Case Officer	01903 737772 michael.eastham@arun.gov.uk
Claire Potts	Strategic Development Team Leader ADC	claire.potts@arun.gov.uk 01903 737698
Applicant		
Robert Clark	Land and Planning Director, Persimmon Homes Thames Valley	
Amanda Tinwell	Principal Layout Designer	

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. This will be through the established North Littlehampton Steering Group meetings.

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:

- 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 and Supplementary Planning Documents
- Littlehampton Neighbourhood Plan
- National Planning Policy Framework (NPPF)
- Development Framework Document (2017)

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)
- Southern Water
- Environment Agency
- Natural England
- Historic England
- Sussex Police
- Ecology
- Archaeology
- ADC
 - Housing Strategy
 - Estates Manager
 - Parks and Green Space (including Arboriculturalist)
 - Ecology
 - Economic Regeneration

- 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.

10.4 The applicant will attend the relevant Advisory Group throughout the application process and during the implementation process to ensure that the Town Council and local Members from ADC and WSCC are kept informed and provided with an opportunity to steer the proposals.

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) between both the Lead Council Officer and the Applicants' Project Manager.

11.4 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 28th June 2021 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 may require amendments to the design and detail, development is a fluid process and this application may 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

- To comply with the timescales for determination of the application set out in the Project Plan (Appendix B) and for the avoidance of doubt within **15 weeks** of validation.
- 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 Planning 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 Planning 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 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 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 Council accepts 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

- 13.1 All parties to this PPA shall work jointly in complying with their respective obligations under this agreement.
- 13.2 This PPA will apply from the date this agreement is signed and shall remain in force until week commencing 18th October 2021 (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.
- 13.3 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.
- 13.4 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.
- 13.5 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.
- 13.6 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.

14. Decision Making and Obligations

14.1 The Applicant will make a financial contribution **of £16,200 and a further £3,000** to cover the cost of an external consultant to review the drainage proposals. The Council will secure additional resource to ensure that the assessment of drainage details does not delay the application. The maximum fee for this will be £3,000 and any unspent monies following the end date of this agreement (or any extension to the agreement agreed by both parties) will be returned. If the work required on the drainage scheme means that the maximum fee is exceeded then the Council will resort to using in-house resources to continue consideration of the scheme, unless additional funding is agreed by both parties through a revision to this PPA.

14.2 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. 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

..... Claire Potts, Strategic Development Team
Leader.....25/06/21..... 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

Virtual meetings will be held monthly and will, if necessary, include the wider project team.

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

The accompany GANNT charts shows the timetable for the applications: the blue represents the anticipated date and the peach is a contingency allowance. The key dates are as follows:

Reserved Matters for Phase 5 and Spine Road	
Application to be submitted	w/c 21 st June 2021
Application to be validated	w/c 28 th June 2021
Application to be determined	w/c 27 th September 2021
Decision Notice	w/c 4 th October 2021

Reserved Matters for Central Wetland Area	
Application to be submitted	w/c 28 th June 2021
Application to be validated	w/c 5 th July 2021
Application to be determined	w/c 4 th October 2021
Decision Notice	w/c 11 th October 2021