

28 July 2017

Ref: East of Tye Lane, Walberton



Wates

Michael Eastham
Arun District Council
Arun Civic Centre
1 Maltravers Rd
Littlehampton
BN17 5LF

Wates House
Station Approach
Leatherhead
Surrey
KT22 7SW



Dear Michael,

Land East of Tye Lane, Walberton

Please find enclosed the signed Planning Performance Agreement, timetable and cheque totalling £8,064.

We look forward to meeting with you on the 17 August to discuss the application and consultee responses to date.

Yours sincerely,



JORDAN VAN LAUN
Land & Planning Manager
Wates Developments



Wates Developments Limited
Registered number: 00441484
Registered office: Wates House,
Station Approach, Leatherhead,
Surrey, KT22 7SW

wates.co.uk

**PLANNING PERFORMANCE AGREEMENT
ARUN DISTRICT COUNCIL AND WATES DEVELOPMENTS LIMITED**

PROJECT PLAN FOR DEVELOPMENT

**Outline planning application with some matters reserved for up to 175 dwellings,
new vehicular access, together with associated car parking, landscaping and
community facilities to include allotments, play space and community orchard**

Land East of Tye Lane, Walberton

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 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 / employment (*delete as appropriate*), 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 – Local Planning Authority (LPA)¹

Wates Developments Limited – Applicant

3. Site Description

- 3.1 This is a 28 acre site currently laid to pasture located north of Walberton village. The southern boundary lies adjacent to the Walberton and Binstead Primary School, the Recreation Ground and Walberton Village Conservation Area and the PRow along Avisford Park Road providing links into the village centre. Immediately north lies the Avisford Park Golf course and Hotel, beyond which is the A27. To the east lies Yapton Lane (where the access is proposed from) and to the west is Tye Lane.

4. Description of the Development

- 4.1 The application is an outline application with some matters reserved for up to 175 dwellings, new vehicular access, together with associated car parking, landscaping & community facilities to include allotments, play space & community orchard.

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

- 175 dwellings of an average density of 30 dwellings per hectare.
- 30% fully integrated affordable housing (52 dwellings)
- Over 4.4 hectares / 11 acres of publicly accessible open spaces and semi-natural amenity space
- Provision of publicly accessible areas for play and an equipped play area
- Extensive landscape buffering reflecting the rural character and parkland setting of the area
- Provision of additional community benefits including a proposed orchard and allotments to meet local need
- Creation of a new informal circular walking route in addition to 4 additional cycle / pedestrian links around the village
- Incorporation of fully sustainable drainage systems
- Significant wider transport benefits including upgraded footpaths, gateway entry feature with amended speed limit location, crossing and A27 junction improvements

5.1 The adopted Arun District Plan (2003) and the emerging Arun District Local Plan 2011 – 2031 (October 2014) contain the following policies which set out a vision/ requirements for the site

- Officers are currently inviting applications on sites identified as 'deliverable' within the HELAA to boost the immediate supply of housing. The desktop assessment within the HELAA determines the site could be capable of delivering up to 205 dwellings at a density of around 30 dph
- This acknowledges only groundwater flooding and TPO as site constraints

Description of site	Large field with four mature trees. Bounded by golf club to the north. Rectangular in shape with residential to south. Hedges surround plot.
Existing use	Agriculture
Constraints	Groundwater flooding, Tree Preservation Order (TPO)
Potential use for evaluation	Residential
Suitability Summary	The site could be considered suitable. The promoter claims that viability is not an issue and site is deliverable
Availability Summary	The site is available and was promoted as part of the May 2016 consultation
Achievability Summary	According to the Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable
Current Status	Deliverable

5.2 Arun District Council (as LPA) has set out the following vision/ agreed Masterplan

- NA – no site specific policies for development and no site specific policies that restrict development other than SPA and countryside policies which are currently considered out of date

5.3 The Walberton Neighbourhood Development Plan (March 2017) includes the following vision/policies for the site:

- The site is not allocated for development within the Neighbourhood Plan.
- There are no specific land designations of the site that would impact that sites deliverability
- There are no specific policies that constrain the sites deliverability
- The pre-ap response sets out the following policies that have all been taken account of within the submitted application:
- Policy VE1: Designation of Local Green Space
- Policy VE3: Protection of Trees and Hedgerows
- Policy VE4: Conservation Areas and Areas of Special Character
- Policy VE5: Buildings and Structures of Character
- Policy VE7: Surface Water Management
- Policy VE8: Unlit Village Status
- Policy HP1: Spatial Plan of the Parish
- Policy HP10: Affordable Housing
- Policy HP11: Housing Density
- Policy HP13: Design Guidance (see also emerging Village Design Statement)
- Policy GA1: Open Access and Permissive Paths
- Policy GA2: Footpath Bridleway and Cycle Path Network
- Policy GA5: Traffic Management
- Policy GA6: A27/A29 Junction West and other strategic junctions
- Policy CL6: Health Care
- Policy CL7: Recreation Facilities
- Policy CL8: Allotments

6. Key Objectives for this Agreement

6.1 The aims and objectives of this agreement can be summarised as:

- Clarity
- Transparency
- Managing all expectations
- Setting out firm timescales for the determination of the application – this is acknowledged within the application registration as being by 20th September 2017
- 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. Key Objectives of the Development

- To secure Outline Planning Permission for the development at Land East of Tye Lane, Walberton
- To provide 175 new homes of a range of size and tenure, including affordable housing, community facilities, highway infrastructure and off-site improvements to facilitate sustainable travel
- To deliver new housing with first occupations expected in 2018 in line with the HELAA estimated projections to help meet the districts shortfall

8. Project Governance

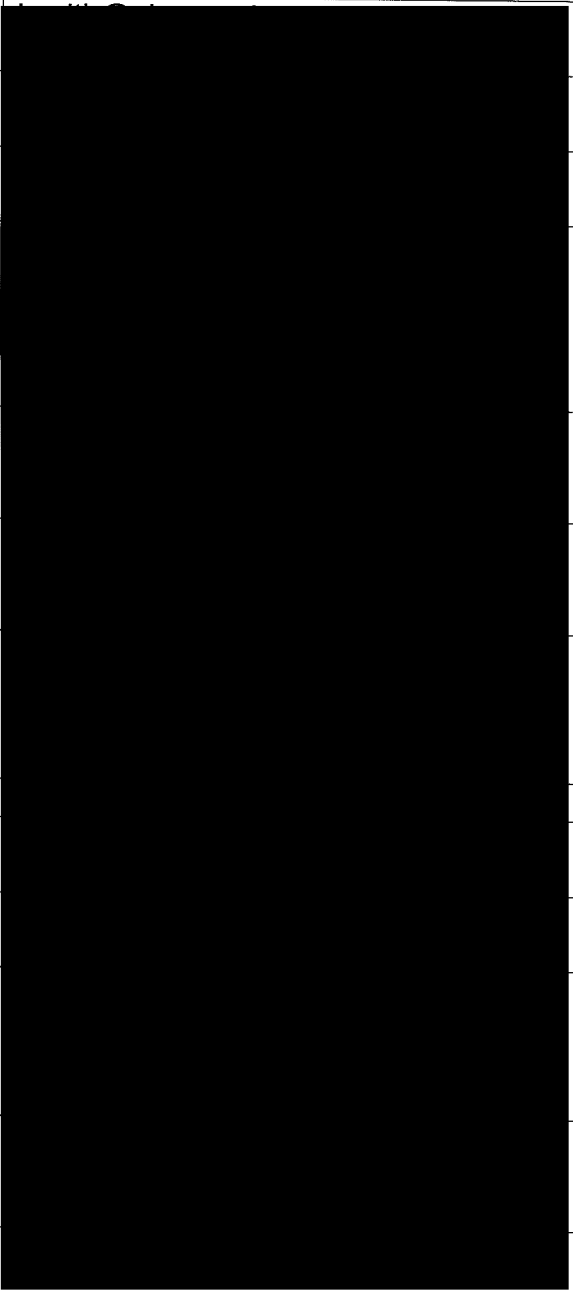
- 8.1 A dedicated project team, comprising of Wates Developments Limited, ADC and key stakeholders, and clear governance arrangements are required to facilitate this complex proposal and ensure the delivery of a high quality development.
- 8.2 This is essential to ensure that all stakeholders are successfully 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.
- 8.3 Governance arrangements are summarised below and the terms of reference set out at Appendix A.

Project Team

- 7.4 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.

Members

Principal Names	Position and Role	Contact Details
Claire Potts - Case Officer	Strategic Development Team Leader ADC	
APPLICANT		
Wates Developments Ltd	Applicant	
Ellie White – MCC Planning	Planning Consultant/Agent	
Jordan Van Laun – Wates Developments	Project Manager	

Other appropriate specialists or external agencies to be invited depending on the agenda as follows:		
APPLICANT		
Jeremy Smith - SLR	Landscape Architect	
Tom James - OMEGA	Architect	
Tim Wall - iTransport	Transport	
Malcolm Cooper – Malcolm A Cooper Consulting	Heritage	
Rita Hegedus – Ramboll Environ	Flooding & Drainage	
Karen Colebourn – EPR	Ecologist	
Elizabeth Sturgess – Osborne Clarke LLP	Solicitor	
ARUN DC		
Andy Elder	Housing Strategy and Delivery Manager	
Delwyn Jones	Planning Solicitor Arun District Council	
Joe Russell-Wells	Environmental Services & 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

- 8.4 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.
- 8.5 The application offers the ability to provide Councillor briefings/ meetings as requested during the consultation period.

External Agencies

- 8.6 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

- 8.7 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:
- <http://www.tyelane.co.uk/welcome> to provide further information to accurately reflect the submitted plans and provide additional feedback opportunities
 - Direct engagement with such other non-statutory consultees/ local groups as deemed necessary and most appropriate by Wates developments Limited and ADC.
 - ADC will carry out the normal publicity for a major application as set out in the Statement of Community Involvement.

9. Planning Policy

- Arun District Local Plan 2003 saved policies
- Emerging Local Plan
- Neighbourhood Development Plan
- NPPF

10. Supporting Documentation accompanying the Planning Application

- 10.1 Wates Developments Limited 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.

11. Consultation Strategy

- 11.1 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
- Highways England
- Southern Water
- Environment Agency
- Natural England
- South Downs National Park Authority (SDNPA)
- Historic England

- Sussex Police
- Ecology
- Archaeology
- NHS / Clinical Commissioning Group (CCG)
- 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
 - Landscape Officer
 - Environmental Amenities and Community Safety
- Town Council/Parish Council and Neighbourhood Plan Group

11.2 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.

11.3 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.

12. Timetable

12.1 The Project Plan is set out at Appendix B.

Adherence to the Project Plan

12.2 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

12.3 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 where appropriate) between both the Lead Council Officer and the Promoters' Project Manager.

12.4 This is an extremely 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 significant public interest. 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 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.

12.5 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.

13. Decision Making and Communication

13.1 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.

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.
- 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 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.
- Where reasonably requested by the applicant, use all reasonable endeavour 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

- 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.

14. 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 18th September 2017 (or such extension of this Team 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 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.

15. Decision Making and Obligations

15.1 The applicant will make a financial contribution of £8,064. 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.

16. Legal Fees

16.1 The promoters 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.

16. 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

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

Meetings will be held monthly in Arun Civic Centre, Littlehampton, unless otherwise agreed by the Chair

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 – separate document

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Project Team - annual
leave

Note dates here