

**Planning Performance Agreement between Arun District Council ('the Council') and
Gleeson Strategic Land ('the Applicant').**

**Outline planning application for "development of up to 250 residential dwellings, public
open space, play areas, with associated infrastructure including roads, drainage and
landscaping" ('the Proposed Development')**

at

land off Bilsham Road, Yapton

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

Gleeson Strategic Land ('the Applicant').

3. Site Description

The Site covers an area of approximately 11.6ha of land, located to north of Bilsham Road, Yapton.

The Site forms part of the emerging allocation of SD7.

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:

"Outline planning application for "development of up to 250 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. However, both parties recognise that if delays occur as a result of external stakeholders not providing information when required, that the timetable may need to be reviewed

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 Easton, Arun District Council, Principal Planning Officer Tel: 01903 737619

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. When set up, the Advisory Group will provide a forum for this to take place. Council officers may also update Members through the monthly Briefing Panel meetings if required. If deemed necessary and

agreed by both parties, a Member Briefing meeting can be arranged by the Council where the applicant would present the application and answer questions about the proposal.

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 (required attendees to be agreed between Council and Applicant in advance of meetings) and through provision of written responses. As set out above, if there are delays caused by a lack of response or delayed response from external agencies, both parties may need to agree a revised timetable.

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.
- the applicant will be expected to attend the relevant Advisory Group when it is set up. The Terms of Reference for this group can be found on the Council's website under the Cabinet meeting 16th October 2017.

11. Planning Policy

The development plan for the application 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 (2011-2031) which allocates the Site for development (as part of strategic allocation SD7) and for which examination hearing sessions have now taken place.

12. Application Documentation

A pre-application meeting took place with the Council in August 2017.

It has been agreed that the application submission should include for approval:

- Planning Application Form (including ownership and agricultural land declaration certificates);
- Location 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;
- Biodiversity Checklist
- Flood Risk Assessment;
- Foul and Surface Water Drainage Statement;
- Landscaping Strategy;
- Transport Assessment
- Tree Survey and Arboricultural Report;
- Archaeological Desk Based Assessment (inc Historic Environment Records Search)
- Statement of Community Involvement

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;
- Highways England;
- Southern Water;
- Environment Agency;
- 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;
- Yapton Parish Council.
- Network Rail
- Sport England

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.

Objective	Date
Submission of planning application	Week commencing 11 th December 2017
Council's validation of the planning application	Week commencing 18 th December 2017
Consultation with statutory consultees begins	Week commencing 18 th December 2017. The Consultation Period will be extended, if required.
Potential date for attendance at the Yapton Advisory Group. This Group will be arranged by the Case Officer	Date to be confirmed.
Planning Meeting 1 with Case Officer to discuss Consultee Responses and implications, together with Section 106 Heads of Terms, and review of agreed PPA timetable if required	Week Commencing 12 th February 2018
Nexus Planning to respond to Meeting 1	Week commencing 19 th February 2018
Planning Meeting 2 with the Case Officer, and review of agreed PPA timetable if required	As and when required.
Planning Committee (The s106 Agreement must be near completion in advance of planning committee in order for this date to be achieved)	April 2018 or as otherwise agreed.
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)

Where appropriate, joint meetings with the adjacent land promoter will be arranged. These meetings will be arranged as and when required.

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, the Council's Strategic Team Leader 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.

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.

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 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 where required the Strategic Team Leader 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 31st May 2018 (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 £16,123 (exc 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 resource to work with the Applicant during the 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: 02/02/2018

For and on behalf of Nexus Planning acting for and on behalf of Gleeson Strategic Land.

Signed by:



Date: 7/2/18

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 Easton	Principal Planner	01903 737619 David.easton@arun.gov.uk
Claire Potts	Strategic Development Team Leader, ADC (as required)	Claire.potts@arun.gov.uk 01903 737698
APPLICANT		
Gleeson Strategic Land	Applicant	c/o Nexus Planning
Nexus Planning	Senior Planner	Zoe Knott [REDACTED] [REDACTED]
Nexus Planning	Director	[REDACTED]
Other appropriate specialists or external agencies to be invited depending on the agenda as follows:		
APPLICANT	Masterplanner	Colin Richards Richards Urban Design [REDACTED]
	Landscape Architect	Daniel Houghton FPCR Environment and Design Ltd [REDACTED]
	Ecologist	Alexia Tamblyn Ecology Partnership [REDACTED]
	Transport	Richard Harrison Odyssey [REDACTED]
	Arboriculture	Nick Brett PJC [REDACTED]
	Hydrology and Flood Risk	Gerald Guma Odyssey [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-	Group Head Neighbourhood	01903 737914

Wells	Services	joe.russell-wells@arun.gov.uk
Sue Howell	Leisure and Landscape Officer	Sue.howell@arun.gov.uk 01903 737943
Paul Cann	Engineering Services (Drainage for Arun District Council)	01903 737597 paul.cann@arun.gov.uk
tbc	Environmental Health Officer	
tbc	Tree 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.