

# Crawley Borough Council

Report No: PS/0351

# B

## **Report to General Purposes Committee 29 September 2008**

### **WEST OF BEWBUSH STRATEGIC DEVELOPMENT LOCATION – DETERMINATION OF PLANNING APPLICATIONS PROPOSED PROCEDURES AND MECHANISMS**

#### **1. Key Points**

- 1.1 The Submission West of Bewbush Joint Area Action Plan (JAAP) includes a series of objectives, policies and a conceptual masterplan to steer and guide the location, nature and form of strategic development West of Bewbush, which will comprise 2500 dwellings, associated uses and infrastructure. Provided the JAAP is found sound at Examination (before a Secretary of State appointed planning Inspector) and adopted a number of planning applications will need to be submitted and approved to facilitate development in conformity with the JAAP.
- 1.2 This report outlines the procedures and mechanisms that are proposed to be employed to ensure that both Councils' Members are involved in the planning application consideration and determination process, joint officer working continues and critically both Councils are able to ensure that development occurs in conformity with the JAAP. The report also addresses the financial, resource and legal implications of the proposed procedures and mechanisms.
- 1.3 The key components of the proposed joint working arrangements are the establishment of a Joint Development Control Committee to consider and determine the planning applications relating to West of Bewbush and the JAAP, the Joint Members Steering Group continues to exist but with revised terms of reference to reflect its proposed development control function and that the Councils employ a joint development management / team approach to consider and determine the planning applications, possibly including a Planning Performance Agreement (PPA).
- 1.4 Horsham District Council considered a report (a background paper to this report) at its Council meeting of 10<sup>th</sup> September 2008, which outlined the same proposed joint working procedures and mechanisms and similar recommendations to those set out in this report. Horsham District Council approved the report.

## **2. Recommendations**

2.1 The General Purposes Committee is asked to recommend the Council to

1. Agree the principle of joint working at an officer and Member level for the consideration and determination of planning applications relating to the Strategic Development Location West of Bewbush and the West of Bewbush Joint Area Action Plan;
2. Endorse the principle of the establishment of a specially constituted Joint Development Control Committee to determine planning applications in respect of the West of Bewbush Strategic Development Location and the Joint Area Action Plan, subject to working up the detailed arrangements, which will require Council endorsement through a further report;
3. Agree the principle of updating Members on the progress and content of planning applications via the Joint Members Steering Group as set out in this report, subject to revised Terms of Reference for the group being endorsed by the council through a further report to address matters of probity;
4. Endorse a development management / team approach for the consideration and determination of planning applications relating to the West of Bewbush Strategic Development Location and the Joint Area Action Plan, possibly via a Planning Performance Agreement, including an identification of the key issues, application timescales and important milestones for delivery of the applications;
5. Acknowledge the resource and financial implications of the proposed joint working procedures and mechanisms, particularly those that would be beyond the resource and financial implications of the Council being a statutory consultee to the planning applications relating to West of Bewbush Strategic Development Location and the Joint Area Action Plan.

TED BERESFORD-KNOX  
**Head of Planning Services**

### **3. Background**

- 3.1 Crawley Borough Council and Horsham District Council have been working jointly formally since February 2006 to formulate a Joint Area Action Plan (JAAP) for the Strategic Development Location West of Crawley, as identified in the West Sussex Structure Plan (2001). The joint working arrangements were agreed by both Councils and have been employed (as agreed) to guide and steer the production of the JAAP. The West Sussex Structure Plan states that the West of Crawley Strategic Development Location should accommodate 2500 dwellings and associated uses.
- 3.2 Supplemented by the Councils' adopted Core Strategy West of Crawley policies the production of the JAAP has occurred in accordance with the Councils' Local Development Schemes. The JAAP was submitted to the Secretary of State in May 2008 post endorsement from both Councils. The Examination into the soundness of the JAAP before a Secretary of State appointed planning Inspector will take place in January 2009. Provided the JAAP is found sound the JAAP will be adopted in July 2009.
- 3.3 The JAAP includes a series of objectives, policies and a conceptual masterplan to steer and guide the location, nature and form of development West of Bewbush. A number of planning applications will need to be submitted and approved to facilitate development. This report outlines the procedures and mechanisms that are proposed to be employed to ensure that both Councils' Members are involved in the planning application consideration and determination process, joint officer working continues and critically both Councils are able to ensure that development occurs in conformity with the JAAP. The report also addresses the financial, resource and legal implications of the proposed procedures and mechanisms.

### **4. Proposed Joint Working Procedures and Mechanisms**

- 4.1 The key components of the proposed joint working procedures and mechanisms are set out below.
- 4.2 The preferred Joint Development Control Committee approach is a joint sub committee of Horsham District Council's Development Control North Committee, in accordance with the report considered by Horsham District Council on 10<sup>th</sup> September 2008. The Joint Development Control Committee would only consider the planning applications relating to West of Bewbush and the JAAP. The sub committee's composition is proposed to be 10 Members of which 6 would be from Horsham District Council and 4 from Crawley Borough Council. The composition is intended to reflect the allocated site falling within Horsham District Council's administrative area. It is proposed the recourse of the sub committee would be Horsham District Council's Development Control North Committee. On this basis, if the sub committee were minded to grant planning permission to a planning application that was not in general conformity with the JAAP the application would be referred to Horsham District Council's Development Control North Committee.

- 4.3 The intention is that the Joint Members Steering Group would continue to exist, post adoption of the JAAP, and would be an appropriate arena for updating and consulting with Members on the planning applications relating to west of Bewbush and the JAAP. The existing Terms and Reference and protocol of the Joint Members Steering group will be amended to ensure that probity is assured and the question of pre-determination does not arise
- 4.4 The further report, to this report outlined in the recommendations, will bring into effect the detailed matters and address the issues outlined in paragraphs 4.2 and 4.3.
- 4.5 A Planning Performance Agreement (PPA) is an agreement between the developer, the Council(s) and key stakeholders, which outlines a framework for the consideration and determination of planning applications relating to a particular site. The content of a PPA is flexible, but a PPA usually includes a vision for the development, a project plan, an indication of the role and responsibilities of each party, the procedures for decision making and a programme of key milestones for the consideration and determination of planning applications. It is proposed that a PPA be produced to steer and guide the determination and consideration of the planning applications relating to West of Bewbush and the JAAP. It is considered a PPA will assist the consideration and determination of the planning applications, ensure all issues and matters are considered, the JAAP is adhered to and delivery of the development is assisted. Currently, it is anticipated that the PPA will be in place prior to the submission of the first planning applications relating to West of Bewbush and the JAAP in July 2009.
- 4.6 The current developer for West of Bewbush (Crest Nicholson) is proposing to submit a hybrid application as the first application, post adoption of the JAAP. The hybrid application will comprise an outline application for the neighbourhood and associated uses and detailed matters for infrastructure, landfill remediation earthworks and for core phase one of development (600 dwellings). This approach will not prejudice the determination and consideration process, the formulation of the Section 106 and the hybrid application is permissible under the Town and Country Planning Act.
- 4.7 With specific regard to the Section 106, pre application discussions should enable draft Heads of Terms to be submitted with the outline application so that work can begin on preparing the draft legal agreement in parallel with the consideration of the planning application. The Horsham District Council will want to take the lead (rather than the developer) in drafting the agreement so that appropriate control is maintained over drafting and content.
- 4.8 The proposed staffing structure is that a core development control team of officers from both Councils would be managed by Horsham District Council's Major Development Planning Manager and the consideration and determination of the planning applications would be managed as a project (in accordance with the PPA) through a Development Management Team approach. It is likely that the team would require the support of one Crawley Borough Council Development Control Officer and, as appropriate, input from Housing, Environmental Health and Legal.
- 4.9 It is intended that administrative support and the servicing of the Joint Development Control Committee and the Joint Members Steering Group would be provided by Horsham District Council.

## **5. Ward Members' Views**

- 5.1 The principle of joint working between Crawley Borough Council and Horsham District Council to consider and determine the planning applications relating to west of Bewbush and the JAAP was discussed with the Joint Members Steering Group in late 2007. The Joint Members Steering Group endorsed the continued exploration and examination of the options for joint working, which has resulted in the content of this report. In addition, throughout the exploration and examination of options for joint working leading Members and the Portfolio Member for Planning and Economic Development have been kept up to date and have informed the process.

## **6. Staffing, Financial and Legal Implications/Powers**

- 6.1 The staffing and resource implications of the employment of a development management/team approach outlined in this report are considered to be manageable if the Council were to endorse the joint working procedures and mechanisms set out in this report. The Council's participation in joint working would be conditional on the project forming part of the Development Control Department's work programme, the Development Control Department's existing resource levels being maintained and the Council acknowledging that joint working will bring about resource requirements beyond that if the Council were purely a statutory consultee to the planning applications. It is considered that under the employment of a development management/team approach Horsham District Council's Major Development Planning Manager would lead a core development control team with a Crawley Borough Council officer forming part of the core development control team. In addition, as appropriate, officers from housing, environmental health and legal may be invited to participate and contribute to topic based working groups and the consideration and determination of the planning applications. It is considered that the additional staffing and resource implications of joint working, against the Council being a statutory consultee, could be managed if the Council were to endorse the joint working procedures and mechanisms outlined in this report. It should be acknowledged that the administrative support to the joint working arrangements and the servicing of the Joint Development Control Committee will be provided by Horsham District Council.
- 6.2 In terms of the financial implications of the content of this report there are several issues. The key issue is that Horsham District Council intend to retain the planning application fees in their entirety as the Local Planning Authority for west of Bewbush. On this basis, any work or participation the Council undertake beyond that that would be required of the Council as a statutory consultee would be at the expense of the Council. At this stage, any additional cost would only be in the form of Council officer time. Furthermore, the fee for any commission of consultants would be absorbed by Horsham District Council as they intend to retain the planning application fees.
- 6.3 However, if the Council endorses the principle of joint working and operating beyond a statutory consultee it is considered that provided the project was included within the Development Control Department's work programme the cost implications could be managed.

- 6.4 The legal implications of the report relate to two matters; firstly, the establishment of a Joint Development Control Committee and; secondly, the probity of continued existence of the Joint Members Steering Group.
- 6.5 Section 102 of the Local Government Act 1972 facilitates the establishment of a joint committee between authorities and the establishment of sub committees. To establish a Joint Development Control Committee, Horsham District Council will establish a sub committee of their Development Control Committee as permissible under Section 102 of the Act. The further report, to this report outlined in the recommendations, will bring into effect the detailed matters of this intended arrangement, such as political balance and the recourse for decisions intended to be made not in conformity with the JAAP.
- 6.6 In accordance with the Council's constitution, Members determining planning applications should retain their probity and not be adjudged to have predetermined or prejudged the application before them. To ensure this occurs it is essential that the Terms of Reference of the Joint Members Steering Group are amended to reflect and facilitate the ability for members of the Joint Members Steering Group to be members of the Joint Development Control Committee without probity issues arising. The further report, to this report outlined in the recommendations, will include the revised Terms of Reference and protocol.

## 7. Links to the Sustainable Community Strategy and Corporate Plan

The proposals contained in this report relate to the following key areas of the Sustainable Community Strategy

Community Cohesion	Community Safety	
Young People and Children	Health and Well Being	
Older People	The Environment	y
The Local Economy	Social Inclusion	y

The following key principles are applicable:-

- |   |   |
|---|---|
| (i) Working together                            | y |
| (ii) Dignity, respect and opportunities for all |   |
| (iii) Involving People                          | y |
| (iv) Making it last                             |   |

The proposed joint working arrangements outlined in this report should ensure that development west of Bewbush occurs in conformity with the JAAP and the Borough's physical and natural environment is given regard fully. Furthermore, the proposed joint working arrangements should ensure the planning applications relating to west of Bewbush and the JAAP are considered and determined in an efficient and effective manner, to which the formulation of the JAAP is precedent.

The report relates to the following areas in which the Council operates to enhance the town and the quality of life of local people:-

- |  |   |
|--|---|
| (i) <u>Our Communities</u> : (ensuring they are safe, healthy, cohesive and enjoyable) |   |
| (ii) <u>Our Environment</u> : (ensuring that it is attractive, clean,                  | y |

- protected and sustainable)
- (iii) Our Economy: (ensuring it is thriving, vibrant and prosperous)
  - (iv) Our Council: (ensuring it is engaging, transparent, business-like with a social conscience, cost-effective and a place-shaping community leader)

## **8. Reasons for the Recommendation**

- 8.1 The site allocated in the Submission JAAP falls entirely within Horsham District Council's administrative area; therefore, Horsham District Council is the Local Planning Authority for the site. As a consequence, the establishment of a Joint Development Control Committee would represent a delegation of powers by Horsham District Council and an opportunity for Crawley Members to be involved in the consideration and determination of planning applications relating to west of Bewbush and the JAAP. Joint Member working has operated efficiently and effectively to steer and guide the formulation of the JAAP. It is considered that the proposed Joint Development Control Committee and a revised Joint Members Steering Group will ensure the Council continues to inform and influence the development of west of Bewbush and ensure development occurs in conformity with the JAAP to the benefit of Crawley and its residents. It is possible that if the principle of joint working and the proposed arrangements are not endorsed, the Council as a statutory consultee to the planning applications may not be able to exercise the same ability to influence and inform the consideration and determination of the planning applications.

## **9. Background Papers**

Horsham District Council's Report to Council – 10<sup>th</sup> September 2008 - West of Bewbush Strategic Development Location Determination of Planning Applications Project Plan

Contact Officer:- Steven Dennington – Planning Policy Manager  
Direct Line:- 01293 438450

## Report to Council

10<sup>th</sup> September 2008

By the Chief Executive

**DECISION REQUIRED/  
INFORMATION REPORT**

Not exempt

West of Bewbush Strategic Development Location - ★ ★ ★ ★ ★  
Determination of Planning Applications Project Plan

### EXECUTIVE SUMMARY

This report outlines the corporate workload, resourcing and organisational issues likely to arise from the work associated with the West of Bewbush strategic development location. It also sets out proposed progress reporting arrangements to Members and options for making decisions on the planning applications.

The West of Bewbush Joint Area Action Plan (JAAP) is likely to be adopted by the Council in Summer 2009, leading to the submission of an outline planning application and a series of detailed applications for development of this land.

The report outlines the likely timescales and key stages in consideration and determination of the applications and highlights the importance of managing the planning process, potentially via a Planning Performance Agreement with the developers. This would involve agreeing key milestones, deadlines and an overall timescale for determination of the applications so as to facilitate delivery of the housing within the phased timescales identified in the JAAP.

To ensure Members, including the local Member, are involved in the process; it is considered that the Joint Members Steering Group would be an appropriate way of updating and consulting with Members on the applications on a regular basis. In terms of formal decision making, the report sets out the possible options and concludes that a specially constituted joint development control committee would be the most appropriate option.

Joint working in the form of a 'development team' will be essential to the process. To support the decision making framework, a small core 'development control team' comprising officers from both HDC and CBC, including the Council's Major Development Planning Manager would be appropriate, supported by a larger technical officer group comprising a relevant lead officer for each Service from HDC and/or CBC.

### RECOMMENDATIONS

The Council is recommended to:



- i) Agree the proposed arrangements for determining planning applications arising from the West of Bewbush strategic location;
- ii) Agree the principle of updating Members on the progress of the planning applications via the Joint Members Steering Group as set out in this report;
- iii) Endorse a development team/managed approach to work on the planning applications via a Planning Performance Agreement, including identification of the key issues, application timescales and important milestones for delivery of the applications, with the developers;
- iv) Endorse the approach outlined in the report in respect of extending the joint working arrangements with officers of Crawley Borough Council;
- v) Endorse the principle of a specially constituted joint development control committee to determine planning applications in respect of the West of Bewbush strategic location, subject to working up the detailed arrangements;
- vi) Endorse the preparation and implementation of a staff resourcing plan to ensure that the Council is properly organised and resourced to undertake work arising from the planning applications.

## REASONS FOR RECOMMENDATIONS

- i)-ii), v) To ensure that the Council has appropriate member reporting mechanisms and decision making arrangements in place;
- iii) - iv) To ensure that the Council is able to manage the work effectively;
- vi) To ensure that the necessary corporate input into work on the planning applications is adequately resourced and to provide support/cover for the Major Development Planning Manager.

Background papers	Consultation	Wards affected	Contact
	Informal Cabinet / CMT; Planning Review Advisory Group; Joint Members Steering Group (for West of Bewbush); Corporate Management Group	Rusper and Colgate	Paul Rowley Ext 5180

## **BACKGROUND INFORMATION**

### **1 INTRODUCTION**

- 1.1 This report outlines the workload and resourcing issues likely to arise from the work associated with planning applications in respect of the West of Bewbush strategic development location. It also sets out proposed progress reporting arrangements to Members and proposals for decision making. These proposals were originally discussed at a joint meeting between officers of HDC and CBC.
- 1.2 The strategic development location is an important part of the District Council's strategy in meeting its housing requirements to 2018 and also equates with the objectives for Crawley in their Core Strategy.

#### **Statutory background**

- 1.2 The Council has a statutory duty to determine planning applications in accordance with national and regional planning policy and policies contained in the Council's adopted Local Development Framework.

#### **Relevant Government policy**

- 1.4 National planning policy is largely provided through a series of Planning Policy Statements (PPSs). The most relevant to future planning applications for the strategic locations are PPS1 'Delivering Sustainable Development', including its Supplement 'Planning and Climate Change'; PPS3 'Housing' and PPG13 'Transport'.
- 1.5 A range of documents have been published and endorsed by the government relating to the management of large scale planning applications. These include advice on successful project management by the Advisory Team for Large Applications (ATLAS) set up by the former ODPM in 2004 and advice on project management and use of a corporate development team approach within 'Constructive Talk – Investing in Pre-Application Discussions', a document by DCLG (amongst others).
- 1.6 The government formally introduced Planning Performance Agreements in April 2008 as a means of providing greater certainty in terms of the speed and quality of large planning application assessments and decisions. A guidance note 'Implementing Planning Performance Agreements' has been published jointly by ATLAS and DCLG.

#### **Relevant Council policy**

- 1.7 The approach towards meeting the housing requirements of Horsham District is set out in the adopted Local Development Framework (LDF) Core Strategy (2007). It includes a requirement for two major mixed-use developments taking the form of urban extensions on land to the West and North-West of Crawley and on land West of Horsham. The West of Bewbush strategic location will provide 2500 homes and accounts for a substantial proportion of the District's housing provision to 2018. Policy CP6 of the Core Strategy provides the broad principles and objectives for the Joint Area Action Plan (JAAP) process and the principles for the development.

- 1.8 The West of Bewbush Joint Area Action Plan Submission document (JAAP) was published on 30<sup>th</sup> May 2008 and was the subject of a six week period for representation which ended on 11<sup>th</sup> July 2008. The Submission document will be considered at an independent examination to test its soundness in January 2009. Adoption of the JAAP is anticipated in the summer of 2009.

### **Background/Actions taken to date**

- 1.9 A new post (Major Development Planning Manager) was created in 2007 within the Strategic and Community Planning Department to oversee and manage the development management aspects of the implementation of the strategic development proposals, including the associated Section 106 agreements.
- 1.10 The matters raised in this report including the options for decision making and arrangements for reporting progress of the applications to Members have been raised at Informal Cabinet/CMT; Joint Members Steering Group (for West of Bewbush); Planning Review Advisory Group and Corporate Management Group (Directors, Heads of Service and senior managers).
- 1.11 The Joint Members Steering Group considered the proposals set out in this report at their meeting on 14<sup>th</sup> January 2008 and endorsed the report and its recommendations.
- 1.12 The JAAP has now been formally submitted to the Secretary of State and if found to be sound will be adopted by both Councils'. This will lead to the submission of planning applications for the site and there is therefore now a need to establish an appropriate decision making framework so that the working arrangements between the two Councils' can be organised.

## **DETAILS**

### **Timescales for Submission and Determination of Applications**

- 2.1 The anticipated timescales for the submission of outline and subsequent detailed applications for West of Bewbush are:
- |    |  |                      |
|----|--|----------------------|
| 1. | Independent Examination into JAAP  | - Jan 09             |
| 2. | Adoption of JAAP   | - July 09            |
| 3. | Submission/determination of outline application incorporating phase 1 housing + infrastructure / landfill remediation earthworks | - July 09 - March 10 |
| 4. | Applications for subsequent phases of housing  | - 2010/11 onwards    |
- 2.2 The attached timeline chart (Appendix A) sets the anticipated timescales for West of Bewbush in the context of those for West of Horsham and reflects the position agreed with the West of Bewbush developers (Crest Nicholson) in relation to likely application submission so as to meet the initial phases of the housing delivery programme set out in the Submission JAAP.
- 2.3 As can be seen from the timescales, applications for the strategic locations are likely to be submitted on a rolling programme. Outline applications firstly for West of Horsham will be followed by detailed applications in a

series of phases followed by discharge of conditions and monitoring of legal agreements for each phase. It now appears likely that planning applications in respect of West of Horsham will significantly overlap that of West of Bewbush and that a series of applications for both strategic locations will need to be handled by the Council at the same time over a long period. It is also possible that the outline application for West of Bewbush may be submitted prior to July 2009 (depending on publication of the Inspector's report) which would add to the overlap of work.

- 2.4 The timeline chart provides an estimate of the likely timescales for the various stages of the application process from submission of the outline application through to determination by the Council of the detailed applications. It is estimated that part or all of 'core phase one' (as shown in the JAAP) could have been permitted by the Council by spring 2010, followed by the necessary discharge of planning conditions, to enable housing to be delivered by 2011/12 in accordance with the JAAP. Subject to progress being made in accordance with this schedule, it is considered that delivery of the early phases is therefore potentially achievable. However, an essential element to achieving these objectives will be effective and appropriate partnership working arrangements between officers and Members of the two Councils' and with the developers and other stakeholders, throughout the process.

### **Development Management/Resourcing implications**

#### *Joint working*

- 2.5 Joint working between the two Councils in the form of a Joint Officers Board to support the Joint Members Steering Group (JMSG) is well established in relation to the preparation of the JAAP. Whilst HDC is the Local Planning Authority for the land concerned; in recognition of the geographical and other linkages between this land and Crawley, it is considered that an appropriate joint officer working group should be identified, comprising officers of various Departments within the two Councils to facilitate joint working on the applications in the form of a 'development team'. This will be particularly important where joint input is required, e.g. affordable housing; design/layout; sustainable construction, contaminated land etc.
- 2.6 The detailed arrangements will need to be organised so as to support whatever decision making mechanism is agreed to determine planning applications. The Major Development Planning Manager will be case manager for the planning applications relating to the site and will lead the planning assessment of the applications, negotiations and discussions with the developers. However, it is considered that a small core 'development control team' comprising officers from both HDC and CBC would be appropriate, supplemented by a larger technical officer group (Housing, Environmental Health, Legal etc) comprising a relevant lead officer for each Service from HDC and/or CBC. Given the scale of the development and the range and complexity of the issues involved, significant professional and administrative input is likely to be required from this joint officer working group.

#### *External Joint Working*

- 2.7 Joint working arrangements with the County Council/Highway Agency will be essential to the process, in particular:

1. Head of Highways and Transport in relation to the detailed transport issues;
  2. County Infrastructure Officer in respect of the County Council's detailed infrastructure requirements (i.e. education, libraries, fire and rescue services) arising from the development.
- 2.8 Regular project update meetings will be required with WSCC to ensure that progress is made according to the defined programme. Development of a partnership approach with other statutory and non statutory consultees, including the Environment Agency, Natural England, and Southern Water will need to be established as appropriate.

*Pre Application Stage*

- 2.9 Pre-application discussions with the developers (Crest Nicholson) have now begun in relation to the form and content of the outline planning application and management of the application process.
- 2.10 In terms of application 'management', the Government has recently introduced Planning Performance Agreements (PPA's). These are voluntary agreements between Local Planning Authorities and developers and are promoted by the government as a means of providing greater certainty in terms of the speed and quality of large planning application assessments and decisions. They form part of the Government's 'development management' agenda and are essentially a collaborative project management process aimed at complex applications.
- 2.11 Officers have met with ATLAS (Advisory Team for Large Applications) to discuss the potential use and benefit of PPA's to the strategic locations and major applications generally. The strategic scale and complexity of the applications and associated Section 106 agreements for West of Bewbush meet the criteria set out in the recently published guidance on using PPA's. ATLAS has advised that they would support use of a PPA for the strategic locations and have indicated that they are willing to assist in the preparation of a PPA and potentially facilitate the inception process.
- 2.12 The additional benefit to the Council is that where a PPA is agreed and the timetable is adhered to, the planning application concerned is not subject to the requirement of National Performance Indicator (NPI) 157 (i.e. the 13 week target). Guidance on the use of PPA's was recently published jointly by ATLAS/DCLG.
- 2.13 A PPA is agreed at the pre application stage and comprises a document which would incorporate:
- Target submission and determination dates;
  - Any other important milestones (e.g. amended plan turnaround);
  - Agreed form and content of outline (and detailed) applications;
  - Agreed supporting documents and plans to be submitted;
  - LPA/Applicant meeting schedule;
  - Key issues list;
  - Project programme and development phasing/timescales;
  - Community engagement strategy;
  - Section 106 agreement - heads of terms
  - Member progress reporting and decision making arrangements.

- 2.14 There would therefore be a commitment by the main parties to this process and to the agreed milestones, including application determination dates.
- 2.15 The possibility of agreeing a PPA for the planning applications in respect of West of Bewbush has been raised with the developers. Their initial response was very positive and as a consequence, a recent meeting was held between Council officers and officers of CBC, the developers and ATLAS to discuss the process and implications of preparing and signing up to a PPA. It is envisaged that an 'Inception Day' facilitated by ATLAS will be held in September/October 2008 to agree the form and content of the PPA with a view to the main parties (HDC, CBC, Crest Nicholson) and potentially WSCC and the Environment Agency signing the Agreement thereafter.
- 2.16 Pre application discussions will also focus on the likely Section 106 requirements. This should enable draft Heads of Terms to be submitted with the outline application so that work can begin in parallel on preparing the draft legal agreement. The Council will want to take the lead (rather than the developer) in drafting the agreement so that appropriate control is maintained over drafting and content.

*Application stage*

- 2.17 On the basis of the JAAP for West of Bewbush being formally adopted by the Council, Crest Nicholson propose to initially submit:
- a) an outline planning application for the whole neighbourhood and associated uses, in July 2009. This application will incorporate:
  - b) the reserved matters (details) for infrastructure and landfill remediation earthworks; and
  - c) the reserved matters (details) for about 600 dwellings (core phase 1).
- 2.18 Crest Nicholson have also indicated that they envisage delivery of the three broad phases of development (which will provide a total of 2500 dwellings) in a series of smaller phases by a number of house builders, including themselves with individual reserved matters/detailed applications being submitted for each smaller phase.
- 2.19 In accordance with the national validation requirements and the Council's agreed local validation checklist, an extensive set of supporting documents will be required to be submitted with the outline application. The list below illustrates the likely requirements but is not necessarily exhaustive. Appropriate supporting details and documents will also be required with subsequent detailed applications. The reports/studies prepared to inform the Submission JAAP and examination evidence base are likely to provide the basis for some of these documents.
- 1. Supporting Planning Statement
  - 2. Design and Access Statement
  - 3. Transport Assessment
  - 4. (Draft) Travel Plan
  - 5. Stage 1 Safety Audit
  - 6. Environmental Impact Assessment

7. Affordable Housing Statement
8. Land Contamination Assessment
9. Landfill Remediation/Development Phasing Statement
10. Noise and Air Quality Assessment
11. Neighbourhood Assessment
12. Flood Risk assessment
13. Sustainable Construction Statement
14. Noise Impact Assessment
15. Heritage Statement (including historical and archaeological features)
16. Open Space Assessment
17. Landscape Design Statement
18. Landscape Management Plan
19. Arboricultural Survey/Implications
20. Biodiversity Survey and Report
21. Foul Sewerage Assessment
22. Utilities Statement
23. Site Waste Management Plan (including refuse disposal details)
24. Planning Obligations/draft Heads of Terms
25. Statement of Community Involvement

2.20 These reports/studies will be circulated to the relevant officers within the joint officer working group for consideration and comment and externally, as necessary.

2.21 As with West of Horsham, an estimate of 6 months has been made at this stage for processing the outline application (and associated reserved matters for Phase 1 + infrastructure/earthworks) from submission to the stage where the application is in a form to be reported to Committee. This assumes that assessment of all the issues, negotiation and any amendments over no more than one or two stages can be accommodated within this timescale by Council officers, any Member progress/Steering Group (e.g. Joint Members Steering Group), WSCC, other external partners/consultees and the developers. The joint officer working group (or sub groups) will meet when necessary to enable the applications to be progressed as far as possible in accordance with the milestones and deadlines set out in the agreed Planning Performance Agreement/Project Plan (as illustrated on the timeline chart in Appendix A).

2.22 The scheme will also involve significant associated work lead by other Departments, including Housing Services and the Council Secretary and Solicitor (in relation to the Section 106 agreement), running in parallel with work on the planning consideration of the applications. The corporate resourcing requirements for this work (and that for subsequent key stages) are likely to be similar to that for West of Horsham, although lessons may have been learned in that time with which to improve the project management process.

2.23 An appropriate consultation strategy for the planning applications which involves residents and other stakeholders and incorporates the statutory notification requirements will need to be prepared.

*Progress reporting to Members*

2.24 The existing Joint Members Steering Group (JMSG) which forms the principal part of the existing joint working arrangements between the two Councils would be appropriate for this purpose. The local Member also sits

on this Group. The Group would be a suitable means of informal Member consultation on the applications as they progress through the planning process and to assist in keeping the development on track and in accordance with the principles set out in the JAAP. The existing function and terms of reference of the Group would need to be revised for this role.

#### *Feedback to developers*

- 2.25 An important element of the management of the planning applications will be good communication. In this respect, the developers will need to be given feedback on the progress of the applications on a regular basis, via a series of scheduled meetings which will be set out in advance in the PPA. The views of the joint officer working group and the JMSG e.g. on detailed planning issues and on amendments submitted by the developers will need to be reported back to the developers regularly. It will be important therefore for the joint officer group to determine the Councils response on the range of issues that arise and agree the appropriate means of feeding back to the developers. It is envisaged that feedback on the principal planning issues will be co-coordinated by the Major Development Planning Manager to avoid the possibility of confusion and ensure consistent advice and feedback is given.
- 2.26 Additionally and as with West of Horsham, technical and other detailed feedback on certain specialist issues will also need to be given direct by members of the joint officer working group or WSCC to the developers.

#### **Decision Making**

- 2.27 Due to the scale of the development West of Bewbush and the range of issues involved, there is a need to consider the options available to the Council with which to determine the planning applications expeditiously and without unreasonably disrupting the consideration of other business by the Development Control Committees.
- 2.28 At this stage, it would appear that the options available are:
- (i) Development Control Committee North – existing programmed dates in committee calendar;
  - (ii) Development Control Committee North - additional meetings;
  - (iii) Full Council;
  - (iv) Specially Constituted Joint Committee.
- 2.29 The pros and cons of each option are summarised below:

#### **(i) Development Control Committee North**

##### *Advantages:*

- Would be in accordance with this Council's role as LPA;
- Programmed 4 weekly cycle provides flexibility;
- Convenient alternative dates within short periods of time;
- No need to arrange additional meetings.

##### *Disadvantages:*

- Complex applications will require long committee deliberation;
- Will dominate committee business;
- Other applications on agenda may not get full committee airing;
- Possible deferral of other applications;



- Unreasonable for other applicants on committee agenda;
- Potential adverse impact on development control performance;
- CBC would be a consultee only and not directly involved in the decision making process, unlike the established joint working arrangements on the JAAP.

#### **(ii) Development Control Committee North - additional meetings**

*Advantages:*

- Would be in accordance with this Council's role as LPA;
- Would provide suitable committee time for full and proper consideration of the applications;
- No adverse impact on other applications or DC performance;
- Series of potential additional meetings could be programmed in advance.

*Disadvantages:*

- Additional meetings will need servicing by relevant staff (Democratic Services/Legal/Planning Administration);
- CBC would be a consultee only and not directly involved in the decision making process, unlike the established joint working arrangements on the JAAP.

#### **(iii) Full Council**

*Advantages:*

- Would be in accordance with this Council's role as LPA;
- Meetings are programmed in advance;
- Meetings are open to public.

*Disadvantages:*

- Not role of meetings of Council;
- Would set precedent for determining planning applications;
- CBC would be a consultee only and not directly involved in the decision making process, unlike the established joint working arrangements on the JAAP.

#### **(iv) Specially Constituted Joint Committee**

2.30 In terms of this option, the background to the established joint working arrangements between the Councils' are relevant. The Local Development Schemes and Core Strategies for each Authority have been prepared on the basis that the two Authorities would work together on the formulation of the Area Action Plan. Core Strategy Policy CP6 recognises the linkages between the development and Crawley and states that the development is intended to meet its growth and development needs.

2.31 The site lies within Horsham District and HDC is therefore the Local Planning Authority. However, it is considered that the particular circumstances of this site warrant further examination as in practical, if not administrative terms, the new neighbourhood will effectively be an extension to the built up area of Crawley. At the very least, there will need to be supporting infrastructure within Crawley Borough. Moreover, the impact of any development will fall most directly on areas within both Horsham and Crawley - the countryside in the north-east of Horsham District and the urban areas on the western side of Crawley Borough.

- 2.32 In light of the joint approach in each Core Strategy and the location of the proposed development, this option would involve extending the existing joint working arrangements further by creating a joint development control committee to consider planning applications relating specifically to this site, i.e. West of Bewbush.
- 2.33 The possibility of establishing a Joint Committee for the Area of Study has previously been examined prior to work commencing on the JAAP. It was concluded however at that time that establishing a Joint Committee as a new Local Planning Authority would be resource intensive to both establish and service. There was also concern that the time required to set up a Joint Committee could have undermined the delivery of the Area Action Plan and Area Action Plan milestones set out in each Authorities' Local Development Scheme. Furthermore, establishing a Joint Committee could have been considered as duplicating the existing democratic arrangements that exist at each Authority.
- 2.34 The planning policy position relating to the strategic location is now at an advanced stage given that the JAAP has been formally 'submitted' with a date set for the independent examination. It is therefore considered appropriate to re-examine further the opportunity for establishing a form of Joint Committee as a mechanism to determine planning applications as one of the possible options. Under this option, it is envisaged that HDC would remain the Local Planning Authority for the area but that a 'Joint Development Control Committee' comprising Members of both Authorities would either make formal recommendations to the District Council or would be given delegated powers to determine planning applications arising from the strategic development location (rather than the Area of Study as a whole). The potential advantages and disadvantages of a Joint Committee are set out below:

*Advantages:*

- Both Authorities' Core Strategy support the principle of joint working;
- Could be seen as a natural means of determining planning applications arising from the JAAP;
- Would be an extension of the JMSG;
- Planning applications could be determined by a single focused committee;
- Planning applications might not need to be considered by separate Authorities' planning committees;
- Would enable CBC to take part in the decision making process in recognition of the location of the site, whilst HDC would remain the Local Planning Authority for the land;
- Formalising joint working further by setting up a Joint Committee would help to remove uncertainty and potential difference of view/approach in the planning/decision making processes;
- Would provide a suitable joint 'forum' for a large scale strategic scheme.

*Disadvantages:*

- Given that HDC is the Local Planning Authority, a joint committee could involve sharing decision making with CBC;
- Not all DC Committee North Members would be involved in decision making process;
- Would be resource intensive to establish;
- Would be an additional committee needing 'servicing', administrative support etc;

- Could be seen to be a duplication of the existing democratic arrangements that exist at each Authority;
  - Initial and ongoing administrative costs of setting up and servicing a Joint Committee;
  - If an alternative committee option is pursued, planning applications would need to be considered separately by each Authority.
- 2.35 Of all the options, it is considered that Option (iv) i.e. a Specially Constituted Joint Development Control Committee to determine applications in respect of the West of Bewbush strategic location would be the most appropriate in the circumstances. It is also considered that this committee option would best match the preferred joint officer working arrangements and would reinforce the partnership approach between officers of both Councils' that has worked well so far in bringing forward the JAAP Submission document. The alternative would be for CBC to have the more traditional role of 'consultee' on the planning applications which, given the scale of the development and its impact on Crawley, is not considered to be appropriate in this instance.
- 2.36 It is suggested that a Joint Committee of 10 Members might be appropriate with 6 Members from HDC and 4 Members from CBC, i.e. a majority from HDC to reflect the location of the site within this Council's administrative boundary.
- 2.37 There are a range of issues that would need to be examined in relation to this option including its terms of reference and responsibilities; the political composition of the committee; the ward derivation of Members; the frequency of meetings and any budgetary issues. Terms of reference may need to include a mechanism for referral of applications to this Council's Development Control Committee North in certain circumstances.
- 2.38 Agreement with the developers regarding application submission dates, important milestones and timescales for determination of applications (e.g. via a PPA as outlined in paragraph 2.13) will assist in programming these committees, if this option is agreed.

### **Post decision stage**

#### *Section 106*

- 2.39 Following a committee resolution to grant outline planning permission, the associated Section 106 agreement will need to be completed before the decision notice can be issued. Given the likely complexity of the Section 106 agreement, past experience indicates that time needs to be built into the project plan to allow completion of the agreement to take place. A period of 2 months is shown on the timeline chart for this work although this period (or longer period, if needed) has implications for the timing of subsequent detailed applications and therefore commencement of works on site.

#### *Planning conditions*

- 2.40 Both the outline permission and subsequent detailed permissions will be subject to what are likely to be extensive lists of conditions. The developers will need to submit the required plans and other details pursuant to the relevant pre-commencement conditions so that the conditions have been substantially discharged by the Councils prior to

development commencing on site. These requirements are also included on the timeline chart, following the final grant of permission and an allowance needs to be made for this in estimating when development is likely to begin on site. A period of 3 months is estimated to enable discharge of planning conditions.

- 2.41 The likely post committee input needed from the joint officer working group on the planning issues arising from the Section 106 agreement and conditions is shown on the timeline chart (Appendix A).

### **Risk Analysis of Project Management**

- 2.42 Delivery of the housing at West of Bewbush as far as possible in accordance with the programme set out in the Submission JAAP defines the target time periods for determining the outline planning application (including details of infrastructure/earthworks and for the phase 1 housing). The timing of the adoption of the JAAP and the SPD for West of Horsham, prior to that, are also critical issues which are interlinked in terms of timescales. There are therefore, a number of factors and assumptions which need to be examined further.
- 2.43 Due to slippage in respect of the adoption of the SPD for West of Horsham, it is now anticipated that the timescales for submission and determination of planning applications for both strategic locations will merge. It is likely that applications will be submitted on a rolling programme from September 2008 beginning with the outline applications for West of Horsham. Determination of these applications is anticipated in spring 2009 which would lead to either a series of detailed applications for individual phases of development (for West of Horsham) or, potentially to appeals, should permission be refused. Whilst there are no firm phasing proposals yet before the Council, it is likely that phases of housing would be submitted on a rolling programme over subsequent years.
- 2.44 As can be seen from the timeline chart, the outline application for West of Bewbush is likely to be submitted in July 2009 (or earlier – see paragraphs 2.1-2.4 above). Applications for numerous further phases are expected to follow over a number of years.
- 2.45 It seems inevitable therefore that planning applications in respect of West of Horsham will significantly overlap those for West of Bewbush and that the Council will need to be capable of accommodating a series of large scale major applications within the context of existing workload commitments, for both strategic locations at the same time, over a long period.
- 2.46 The PPA will set out agreed milestones for processing the applications for West of Bewbush through the system. However, these milestones will be based on assumptions relating to matters such as estimated timescales; turnaround times by the developers of requests for additional details/amended plans; nature of responses received to consultation; availability of Council staff in respect of this work and the committee process. There are many variables, some of which are outside the Council's control and the timescales for determination of the applications could be extended beyond that estimated. The PPA process acknowledges this possibility and allows for such variations to be agreed between the developer and Council. The likelihood of merging timescales between the two strategic locations will also add to the pressures on the Major

Development Planning Manager/joint officer working group to get the applications into a form where they can be reported to Committee and/or decisions issued. Potential areas of weakness are:

- No flexibility in programme between work on the strategic locations (West of Horsham/West of Bewbush) and overlapping/merging timescales between the two;
- Agreed PPA timescales from submission of West of Bewbush (and/or West of Horsham) applications through key stages to decision may be too short, unrealistic or unachievable;
- Section 106 agreement for West of Bewbush - complexity, range of issues and likely timescale required for completion;
- Resourcing and availability of members of the joint officer working group at each stage of the planning process as identified on the timeline chart, including reliance on the Major Development Planning Manager as case manager;
- Impact on other staff resources e.g.
  - HDC Planning Administration Team, during West of Bewbush workload peaks (application submission and subsequent re-consultation stages);
  - HDC Administrative Technical Support Officer (Strategic & Community Planning Department);
  - HDC Corporate scanning team.

2.47 Given these factors, further consideration needs to be given to the staff resourcing requirements for the joint officer working group in terms of (a) the core DC team and (b) the corporate resourcing implications for this Council, particularly in the light of the work demands that will arise in respect of West of Horsham.

2.48 The provision of a core DC team, potentially comprising officers of both Councils, will enable the issues and merits of the applications to be properly assessed so that comprehensive feedback can be given to the developers at each stage of the process and negotiation carried out in a co-ordinated fashion. It should provide the means to cope with peak periods; to provide cover, e.g. during staff absence and should enable the work to be properly resourced on both sides. The possibility of sharing the administrative support required by the applications between the two Authorities will also be explored further.

### 3. **NEXT STEPS**

3.1 It is important that the Council is organised so as to be able to deal effectively with the planning applications relating to West of Bewbush. Therefore, subject to the approval of Council, it is proposed to implement/investigate (as appropriate), whichever of the decision making options and Member reporting arrangements in relation to progress on the planning applications, are agreed.

3.2 Identifying and establishing the necessary staff resources, i.e. the core development control team and overall joint officer working group to support the agreed decision making framework also needs to be progressed. Officers will also continue to work with the developers on setting up a project management (Planning Performance Agreement) approach to the management of the planning applications.

#### **4. OUTCOME OF CONSULTATIONS**

- 4.1 Consultations on this Project Plan have been undertaken as outlined in paragraph 1.10 of the report. Public consultation on planning applications for the strategic locations will be carried out in accordance with the statutory requirements, as referred to in paragraph 2.23 above.

#### **5. OTHER COURSES OF ACTION CONSIDERED BUT REJECTED**

- 5.1 An alternative course of action would be to do nothing and await the submission of planning applications. This would however leave the Council without a planned and considered approach to managing, assessing and determining large scale planning applications which will have a significant impact across the Council and without a proper assessment of the required corporate staff resources, member involvement and decision making framework. Such an approach would be unsatisfactory and contrary to the thrust of current and emerging government guidance.

#### **6. STAFFING CONSEQUENCES**

- 6.1 The Major Development Planning Manager post has been established and subject to the vacancy being filled, there are no additional staffing consequences for the Strategic and Community Planning Department as a result of the submission of outline planning applications for West of Horsham.
- 6.2 The report to Council on 23<sup>rd</sup> January 2008 in respect of West of Horsham recommended that a staff resourcing plan be prepared and the implications reported to Members as appropriate. An estimate of these requirements for the Services likely to be most affected has been prepared and was considered by the Council's Corporate Management Team on 9<sup>th</sup> July 2008. Directors in conjunction with Heads of Service have been asked to review the implications for their Departments, particularly in the light of the overlapping timescales for applications on both strategic locations, as outlined above.

#### **7. FINANCIAL CONSEQUENCES**

- 7.1 There are no direct financial consequences for the Council arising from the matters raised in this report. However, on 6<sup>th</sup> April 2008, new fee levels came into effect which increased planning application fees by 25% (householder 11%). The maximum fee cap has been raised to £125,000 for outline applications and £250,000 for detailed applications. This will have significant implications for the level of fees due with the outline application for West of Bewbush and subsequent full/reserved matters applications.

#### **8. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

- 8.1 The Council has a positive obligation to ensure that respect for human rights is at the core of its day to day work, and must in particular consider Article 6 (Determination of Civil Rights), Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property). The proposals in this report are intended to improve management of the planning application process in relation to the West of

Bewbush strategic location and therefore ensure better delivery of the planning service to residents and other stakeholders in the District.

9. **HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

9.1 There are no direct crime and disorder consequences arising from the contents of this report.

10. **HOW THE PROPOSAL WILL HELP TO PROMOTE RACE RELATIONS**

10.1 It is not considered that there are any race relations implications arising from this report.

## SUSTAINABILITY APPRAISAL CHECKLIST FOR REPORTS

Please assess the Reports proposals and decide how far the following Statements will be met by the proposals, by rating the extent.

The five Statements are the Governments Sustainability Guiding Principles, and the *Council's Key Themes* have been incorporated into these five Objectives.

**Name of Proposal:**

**Project Code:**

**Date:**

**Name of Officer:**

ASPECT OF SUSTAINABILITY/ GUIDING PRINCIPLES	POSITIVE			Neutral or Not Relevant 0 points	NEGATIVE		
	Maximum 10 points	Medium 5 points	Minimum 1 point		Minimum -1 point	Medium -5 points	Maximum -10 points
1). <b>Living Within Environmental Limits</b> <i>Protecting Our World</i> <i>Helping You To Have Your Say</i>		5					
2). <b>Ensuring a Strong, Healthy and Just Society</b> <i>Building Sustainable Communities</i> <i>Securing Affordable Homes</i> <i>Promoting Good Health</i>	10						
3). <b>Achieving A Sustainable Economy</b> <i>Helping Businesses To Succeed</i> <i>Protecting Our World</i> <i>Helping You to Have Your Say</i>		5					
4). <b>Promoting Good Governance</b> <i>Building Sustainable Communities</i> <i>Managing Our Resources</i> <i>Helping You To Have Your Say</i>		5					
5). <b>Using Sound Science Responsibly</b> <i>Protecting Our world</i> <i>Helping You To Have Your Say</i>		5					
<b>TOTALS</b> (add up column points)							
<b>GRAND TOTAL</b> (sum of all TOTALS)	30						

### STAR RATING

30-40 points = 5 Stars	★★★★★	<i>Excellent</i>
20-29 points = 4 Stars	★★★★	<i>Very Good</i>
10-19 points = 3 Stars	★★★	<i>Good</i>
5-9 points = 2 Stars	★★	<i>Moderately Good</i>
1-4 points = 1 Star	★	<i>Fair</i>

*“The goal of sustainable development is to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations”.*

Securing the Future – delivering UK Sustainable Development Strategy 2005