

Planning Performance Agreement Relating to Development at Otterpool Park



Contents

1. Introduction	4	Principles relating to Local Plan Review	10
2. Purpose	5	10. Principles relating to Pre-Application Discussions	11
3. Context	5	11. Principles relating to Planning Application	12
4. Key Aims	6	12. Environmental Impact Assessment.....	14
5. Governance	7	13. Section 106 Agreement	14
6. Scope of the Agreement.....	8	14. Community and Member Engagement.....	15
7. Structure to Planning Process.....	9	15. Confidentiality	16
8. Principles of Framework Masterplan	9	16. Signatories of the agreement.....	30
9.			



Appendixes

A. Timetable and Key Milestones for review of Core Strategy Local Plan	18	E. Planning Application Timetable	26
B. SDC Governance Arrangements	21	F. The Promoter's Performance Standards	27
C. Essential Elements of the Framework Masterplan.....	22	G. Local Planning Authority Performance Standards	28
D. Necessary Planning Application Documents	25	H. Kent County Council Performance Standards	29



1. Introduction

1.1 This Planning Performance Agreement (PPA) relates to land to the south of the M20, within an Area of Search where a new garden settlement, known as Otterpool Park, is being proposed.

1.2 Shepway District Council (SDC) is the Local Planning Authority for the area in which the proposed new settlement is located.

1.3 Kent County Council is the Local Education Authority, Local Highway Authority and the Minerals and Waste Planning Authority for Kent. As the Lead Local Flood Authority, the County Council is also a statutory planning consultee on surface water drainage and provides a range of key planning services supporting plan making and decision taking.

1.4 Shepway District Council and Cozumel are the Promoters of the proposed development who together own or control the majority of the proposed site and have entered into a collaboration agreement as a prelude to a formal development agreement.

1.5 The Promoters have engaged Consultants Arcadis and Farrells to Masterplan the site and WYG as planning advisors

1.6 This PPA has been made having regard to the advice set out in paragraphs 16 to 26 of the Planning Practice Guide¹ and guidance with the Planning Advisory Service advice note on Planning Positively².

1.7 For purposes of clarification this is not a legally binding document but is a project management tool that sets out an efficient and transparent planning process for taking forward this strategic level development.

¹ <https://www.gov.uk/guidance/before-submitting-an-application>

² www.local.gov.uk/publications/-/journal.../56/.../PUBLICATION

2. Purpose

2.1 The purpose of this PPA (without prejudice to statutory decisions) is for the parties to work closely together with a view to achieving the following objectives:

- An exemplar Masterplan for a new sustainable garden settlement at Otterpool Park.
- A statutory allocation for a new garden settlement in a review of the Core Strategy Local Plan.
- Submission and subsequent determination of an outline or hybrid planning application for the strategic growth area identified in the Masterplan and the Local Plan.
- A framework for joint working throughout the local plan making and planning application processes that can be reviewed as the project progresses.
- Provide the parties with a level of certainty as to the process and timescale to be followed

3. Context

3.1 The Council submitted in June 2016 an Expression of Interest (EOI)³ for a new garden settlement known as Otterpool Park under the Government's Locally-Led Garden Villages, Towns and Cities initiative. The EOI is for up to 12,000 new homes. The Minister announced on 11th November 2016 that SDC has been included on the garden settlements programme.

3.2 The Local Planning Authority has commenced a review of its Core Strategy Local Plan 2013 with a view to planning for housing growth to 2037. In support of its review it has commissioned a range of evidence base studies including a High Level Growth Study from consultants AECOM. This study when completed in March 2017 will identify the potential location(s) for strategic growth in Shepway, including potentially some or all of the area identified as Otterpool Park in the Expression of Interest. These locations will be tested through sustainability appraisal and the formal plan making process.

³ <https://www.folkestone-hythe.gov.uk/downloads/file/3716/otterpool-park-expression-of-interest>

3.3 The Consultants acting for the Promoters have carried out significant baseline studies to support and inform ongoing masterplanning of Otterpool Park.

3.4 The outcomes of the baseline studies and masterplanning work may form part of the evidence to be submitted to the examination of the review of the Core Strategy Local Plan to demonstrate the deliverability and viability of an exemplary new settlement. It will also set the basis for preparing planning applications and related supporting material.

3.5 The boundary of the planning application for Otterpool Park will be determined by the planning and EIA processes.

3.6 The programme of work is set out in **Appendix A**.

4. Key Aims

4.1 In response to the proposed strengthening of national planning policy to provide a more supportive approach for new settlements, within locally led plans, the parties agree on the need to take a proactive approach to planning for a new settlement where this will meet the sustainable development objectives of national policy, including taking account of the need to provide an adequate supply of new homes. The spatial vision will be agreed through a collaborative masterplanning process. The ambition is to create an exemplary new standalone community of national standing with the specific five key aims of delivering:

1. Quality and innovative design
2. Cutting edge technologies
3. Local employment opportunities
4. Accessible green space for all to enjoy, and
5. High quality public realm.

5. Governance

5.1 Shepway District Council has two distinct roles in delivering Otterpool Park. Firstly as a major land owner promoting the project and secondly as the Local Planning Authority responsible for preparing the Local Development Plan and for determining a planning application.

5.2 The Council in its capacity as a joint Promoter of the scheme will work via the Collaboration Board with the appointed Masterplan consultants to bring forward Otterpool Park as a viable, sustainable and high quality development.

5.3 The Council is also the Local Planning Authority that is empowered by law to exercise statutory town planning functions for the district of Shepway. The Council in its capacity as Local Planning Authority in considering all planning matters relating to a proposed new settlement at Otterpool Park will act in accordance with best practice having proper regard to national planning guidance and policy.

5.4 The Council has published on its web site an Officer⁴ and Member Protocol⁵ for Otterpool Park. These protocols seek to ensure that the dual roles of the Council do not lead to conflicts of interest and perceptions of unfairness. All material planning considerations will be dealt with on their merits irrespective of the Council's land ownership interest.

5.5 The Council has also set up an internal Officer Steering Group comprising of all the members of the Council's Corporate Management Team and senior officers so as to co-ordinate project management and communications issues.

5.6 The Governance arrangements put in place by the Council are set out at **Appendix B**.

⁴ <https://www.folkestone-hythe.gov.uk/downloads/file/2634/otterpool-officer-protocol>

⁵ <https://www.folkestone-hythe.gov.uk/downloads/file/2629/otterpool-member-protocol>

6. Scope of the Agreement

6.1 This PPA is intended as a project management tool which the Local Planning Authority, KCC and the Promoter will use to agree timescales, actions and resources for taking forward planning proposals for a new garden settlement at Otterpool Park.

6.2 It establishes a joint approach to preparing further technical work to support the pre-application and policy evolution processes in tandem. In this respect it involves co-operation in terms of local plan making, masterplanning, pre-application work and the submission and determination of a planning application.

6.3 This PPA will not fetter SDC in exercising its statutory duties as Local Planning Authority. It will not prejudice any decision by the Local Planning Authority to allocate or not allocate any particular land for development in the submission version of the Core Strategy Local Plan Review nor will it fetter the outcome of the Local Plan Examination in Public, the outcome of any planning application on the land or the impartiality of SDC as Local Planning Authority.

6.4 The PPA will not fetter KCC in exercising its statutory duties and provision of discretionary services.

6.5 This PPA shall not **restrict** or inhibit the Promoters from exercising their right of appeal under Section 78 of the Town and Country Planning Act 1990.

6.6 This PPA does not replace or substitute statutory planning duties of the Local Planning Authority in relation to plan making or determining a planning application

6.7 This agreement will be terminated if the promoters submit an appeal or the planning application is called in for determination by the Secretary of State.

7. Structure to Planning Process

7.1 A Framework Masterplan is to be prepared by the Promoters and their consultants, in consultation with the Local Planning Authority, KCC, statutory agencies and local stakeholders as an essential evidence base document to support the proposed strategic allocation of the site in a review of the Shepway Core Strategy Local Plan 2013. The Promoters intend to secure a formal allocation of the new settlement through the Local Plan process and have entered into discussions with SDC/KCC.

7.2 A comprehensive Masterplan based on the principles established in the Framework Masterplan will be prepared by the Promoters and their consultants, in consultation with the Local Planning Authority and key stakeholders, as an essential document to support an outline planning application.

7.3 This PPA establishes an approach to preparing the technical work necessary to support the policy evolution and pre-application processes in tandem. The outcomes of the work will form part of the evidence to be submitted to the examination of the Local Plan to demonstrate the deliverability and viability of an exemplary new settlement on the site. It will also set the basis of preparing an outline planning application with the necessary supporting material.

8. Principles of Framework Masterplan

8.1 The purpose of the Framework Masterplan is to establish the overarching spatial vision and strategic guidance for the delivery of the development. The outcomes of the above work may form part of the evidence to be submitted to the examination of the Local Plan to demonstrate the deliverability and viability of an exemplary new settlement that achieves the objectives of the key aims set out above. It will also set the basis for preparing planning applications and related supporting material.

8.2 The Framework Masterplan will set out the overarching structural form of the development, the location of uses, key streets, broad character areas, key open spaces and infrastructure. Subsequent design documents will need to explicitly respond to the principles embodied in the Framework Masterplan. The content of the masterplan is described in Appendix B and is summarised below:

- Vision and aspirations
- Baseline site and context analysis
- Planning & urban design principles
- Overall development concept
- Development framework 'layers'
- Basis for delivery & implementation over time including phasing plan
- Illustrative layout and indicative outcomes

9. Principles relating to Local Plan Review

9.1 The completed Framework Masterplan prepared by consultants on behalf of the Promoters shall be submitted to the Local Planning Authority no later than September 2017 in order to meet the Council's programme for the review of its Core Strategy Local Plan as identified in the Milestone Table set at Appendix A. The Framework Masterplan shall include the essential elements set out in **Appendix C**.

9.2 The Promoters will continue to actively support the objective of securing a strategic allocation for Otterpool Park at all stages of the Plan making progress (including Examination) through making representations related to the soundness tests of the Local Plan.

9.3 The Local Planning Authority will pursue a fast track programme for the review of the Core Strategy Local Plan and will continue to seek freedoms and flexibilities from the Department of Communities and Local Government that will, so far as is practicable, speed up the plan making process.

9.4 The Local Planning Authority will seek continuous engagement with PINS at key stages of the plan making process with a view to enhancing the quality of the plan, reducing risk and advanced timetabling of key stages.

9.5 A Project Team will be established that represents the parties to this agreement and will be the main point of contact and resource dedicated to progress the project in a collaborative and professionally managed manner.

9.6 The Project Team will set up groups of specialists with themed workstreams to progress the development proposals and to inform the Framework Masterplan and the preparation of the outline planning application.

9.7 The Project Team will focus on evaluating progress of the Framework Masterplan and proposed planning application, overcoming obstacles, resolving blockages and ensuring the identified workstreams progress to schedule. Outputs from each group will be discussed by the Project Team and passed to the masterplanners wherever possible as agreed actions.

9.8 Each identified workstream group will comprise core members representing the Local Planning Authority, the Promoters and Kent County Council. Other members will be added to each workstream group as agreed by the core members, where appropriate, so as to provide specialist technical advice.

10. Principles relating to Pre-application Discussions

10.1 The Promoters (including their consultants) shall carry out extensive pre-application discussions with the Local Planning Authority and Kent County Council with regard to the content, form and timing of a planning application for a new garden settlement at Otterpool Park.

10.2 The Project Team Meetings will be held at a venue to be agreed by the three principal parties and will be scheduled at four week intervals to identify planning issues and potential outcomes. All Project Team Meetings will have agendas circulated one week in advance and draft actions circulated one week after the meeting. Action points will be recorded and included in documentation submitted with the planning application.

10.3 The first Project Team Meeting will be held within four weeks of this agreement being completed.

10.4 Other stakeholders will be invited to Project Team Meetings as required with the agreement of the three principle parties.

10.5 SDC will also provide the supporting administration of the meetings, including agendas and recording actions and minutes, unless otherwise agreed.

10.6 Separate arrangements shall be made, outside the Project Team Meetings, for masterplan workshops involving the applicant's masterplan team; relevant officers of Shepway District Council and Kent County Council together with any other design related key stakeholders. The outcome of such technical meetings would be reported to the Project Team Meetings by the Local Planning Authority, KCC or the Promoter as applicable.

10.7 SDC agrees to identify an experienced planning officer who will work exclusively on professional planning issues relating to pre-application discussions for Otterpool Park.

10.8 SDC as Local Planning Authority will work closely with the Promoters providing professional pre-application planning advice. SDC's adopted pre-application charging schedule will apply for Resource Recovery Payments as detailed in paragraph 10.10.

10.9 KCC agree to provide professional highways and transportation advice and co-ordinated advice relating to social and community facilities, (i.e Education, Community Learning, Youth Service, Libraries and Adult Social Care) schools, and on matters relating to ecology, heritage, sustainable drainage and other issues that might be identified as relevant during the pre-application discussions. KCC will also seek a Resource Recovery Payments as detailed in paragraph 10.10.

10.10 The Promoters will in return for this non statutory service make four equally staged Resource Recovery Payments to SDC and to KCC. The total maximum payment in 2017/18 to SDC will be £49,063 and the total maximum payment in 2017/18 to KCC will be £59,781 unless otherwise agreed by the relevant parties. Invoices will be provided by SCC and KCC for the expenditure incurred in each quarter so as to enable each authority to recover the costs it has incurred in providing the pre-application advice for the financial year 2017/18. All time incurred on pre- application matters to be logged, monitored monthly and subject to quarterly reviews at Project Team Meetings. Each invoice will be paid by the Promoters within 28 days of receipt.

- Where time incurred exceeds an original estimate, a revised agreement between KCC and the Promoter will be required as swiftly as possible in order to avoid any delays to the progression of the project;
- Technical meetings involving KCC specialists are assumed to take place in Maidstone (or via teleconference) or alternatively, travel time will be a cost incurred; and
- Given the size and likely technical complexities of the project, the involvement of one or two officers is at the discretion of KCC and will be reflected in the time accrued accordingly.

Additionally each themed workshop meeting (to be held at Shepway District Council as required) will require an additional Resource Recovery Payment of £1,000 per meeting to SDC.

10.11 If pre-application work continues into 2018/19 the Promoters, SDC and KCC shall seek to agree an additional payment based on the work that remains outstanding prior to the submission of a planning application.

10.12 The Local Planning Authority may require specialist external consultants or external stakeholders to provide independent review of the emerging Framework Masterplan and associated technical documents in accordance with best practice. The Local Planning Authority will consult with the Promoters on any such commission and take into account any views expressed by them.

11. Principles relating to Planning Application

11.1 No planning application shall be submitted without a comprehensive Masterplan prepared by the consultants on behalf of the Promoters and based on the agreed Framework Masterplan. The Masterplan shall be informed by prior consultation with the Local Planning Authority, Kent County Council, statutory agencies and local stakeholders. The Masterplan shall articulate the guiding principles and the development principles set out in the Otterpool Park Expression of Interest and also include the essential elements set out in **Appendix C**.

11.2 The application for a new settlement at Otterpool Park shall in addition to the completed Masterplan include other necessary

application documents set out at **Appendix D**.

11.3 The local planning authority will validate the planning application and include it on the statutory register of applications within one week of receipt of all necessary documents, certificates, plans and forms as set out in Appendix D.

11.4 During the process of considering the planning application, the applicant shall supply such additional information and documentation as maybe reasonably necessary following public consultation and responses from stakeholders. These documents if material are likely to require further public consultation.

11.5 Given the complexity of the proposals and the range of issues involved, it is acknowledged that the Local Planning Authority would be unlikely to be in a position to formally determine the Planning Application within the statutory period of 16 weeks (for EIA development). Nevertheless all parties wish to ensure that the application is considered in a timely manner and as expeditiously as is practicable having regard to a timetable to be agreed between the parties in broad accordance with **Appendix E**.

11.6 The Local Planning Authority recognise that the Promoter may submit a outline application with material matters reserved for future detailed approval or a hybrid application which is predominantly in outline form but with phase one of the development submitted as a full application including plans showing detailed design, landscaping, infrastructure and access. An application of whatever format shall include all necessary documents required for that type of application in accordance with the national checklist⁶ and SDC's published local validation checklist⁷.

11.7 Parameter plans included in the outline planning application will be derived from the agreed 'layers' of the Framework Masterplan. These are OS based, at an appropriate scale, precise and unambiguous. They form the envelope for technical documents including the Transport Assessment and Environmental Impact Assessment. The Framework Masterplan will also form the basis for a Design and Access Statement (DAS) that supports the outline planning application.

11.8 A summary document will be provided by the applicant which highlights the key design principles of the DAS including key principles and parameters relating to the design of the key elements. This may be referred to as a Design Principles document and is in addition to a Development Specification which describes precisely what is being applied for.

11.9 Parameter plans will define what permission is actually granted and should include the following:

- Open Space Framework

⁶ https://www.planningportal.co.uk/info/200126/applications/59/how_to_apply/6

⁷ <https://www.folkestone-hythe.gov.uk/downloads/file/999/checklist-for-planning-validation-requirements-2020>

- Land Use Plan – including residential, commercial and recreational areas
- Residential density
- Access and strategic routes
- Building heights (scale parameters, block dimensions)
- Character areas (supported by indicative phasing plan)
- Landscape and open space strategy
- Public realm,
- Neighbourhood centre

12. Environmental Impact Assessment

12.1 The Promoter accepts that the scale of development proposed and its nature will require an Environmental Impact Assessment to be submitted in accordance with the 2011 EIA Regulations (as amended).

12.2 A scoping report setting out the content and nature of the Environmental Statement will be prepared by the Promoter for informal comment by the Local Planning Authority and KCC, prior to a formal scoping opinion being submitted.

12.3 If the Promoter decides to submit a formal scoping opinion for the Local Planning Authority's formal opinion on the information to be supplied in the Environmental Statement, the Local Planning Authority will use its best endeavors to respond within the prescribed five week timescale, having regard to the speed with which the statutory bodies it is required to consult respond.

12.4 The promoter will agree an extension of time if there are compelling reasons to do so.

12.5 Technical meetings relating to key EIA chapters (for example highways, drainage, sustainable energy and air quality) will be arranged outside the monthly meetings. The outcome of such technical meetings would be reported to the monthly Project Team Meetings by the Promoter.

12.6 Consideration will also be given by all parties, having regard to advice from Natural England (and potentially KCC's ecologist), on whether the development might have a significant negative impact on a European Site and therefore need a Habitat Regulations Assessment.

13. Section 106 Agreement

13.1 The Promoter, the Local Planning Authority and Kent County Council will discuss the content of a prospective section 106 agreement at the Project Team Meetings.

13.2 The planning application when submitted will as a minimum include a document setting out the proposed Heads of Terms for a section 106 agreement that will inform further negotiations as the planning application is processed. This document will also identify at the outset those parties that are likely to be signatories of the section 106 agreements so as to avoid delays at a later stage.

13.3 The planning application will also identify the matters that can potentially be dealt with by planning conditions and the matters that will need to be dealt with in the section 106 agreement.

13.4 The 106 agreement will set out any financial contributions that must be made in advance of development commencing or being occupied, as the case maybe, as well as any phasing requirements that are necessary and are linked to key infrastructure provision.

13.5 The application when reported to the Council's Planning and Licensing Committee shall include a draft section 106 agreement that addresses all material planning matters that cannot be secured by planning conditions including matters relating to the provision of essential new on-site and off-site infrastructure and financial contributions necessary for the development to proceed.

13.6 No planning permission will be granted by the Local Planning authority until the completed section 106 agreement has been entered into by all necessary parties (including SDC, KCC and the landowners).

14. Community and Member Engagement

14.1 All parties recognise the importance of involving the community in accordance with best practice.

The development process will:

- encourage public participation in the whole planning process from a broad spectrum of the local community;

- provide the public with an appropriate level of information on the proposals;
- maximise the means by which consultees can provide written and oral feedback;
- keep the local community informed and updated with the

latest information throughout the planning process; and

- demonstrate how the feedback received has been considered and applied; where possible, in the progression of the planning proposal.

14.2 Members of the Council will be encouraged to openly and appropriately engage with the development of the project, whilst ensuring that their decision making function is not compromised.

15. Confidentiality

15.1 SDC will seek to place in the public domain as much completed documentation and information as is practicable but having regard to commercial confidentiality, work in progress and legal exemptions.

15.2 However, SDC is governed by the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 in how it handles the information that it holds. Information that has not been published may have to be provided on request.

16. Performance Standards

16.1 The Promoter and the Local Planning Authority agree to work to the Governance Arrangements and Performance Standards as set out at Appendix E and Appendix F respectively.

Appendixes

APPENDIX A - Timetable and Key Milestones for review of Core Strategy Local Plan.....	18
APPENDIX B - Shepway District Council Governance Arrangements	21
APPENDIX C - Essential Elements of the Framework Masterplan.....	22
APPENDIX D - Necessary Planning Application Documents	25
APPENDIX E - Planning Application Timetable.....	26
APPENDIX F - The Promoter's Performance Standards.....	27
APPENDIX G - Local Planning Authority Performance Standards	28
Appendix H - Kent County Council's Performance Standards.....	29



APPENDIX A – Timetable and Key Milestones for review of Core Strategy Local Plan

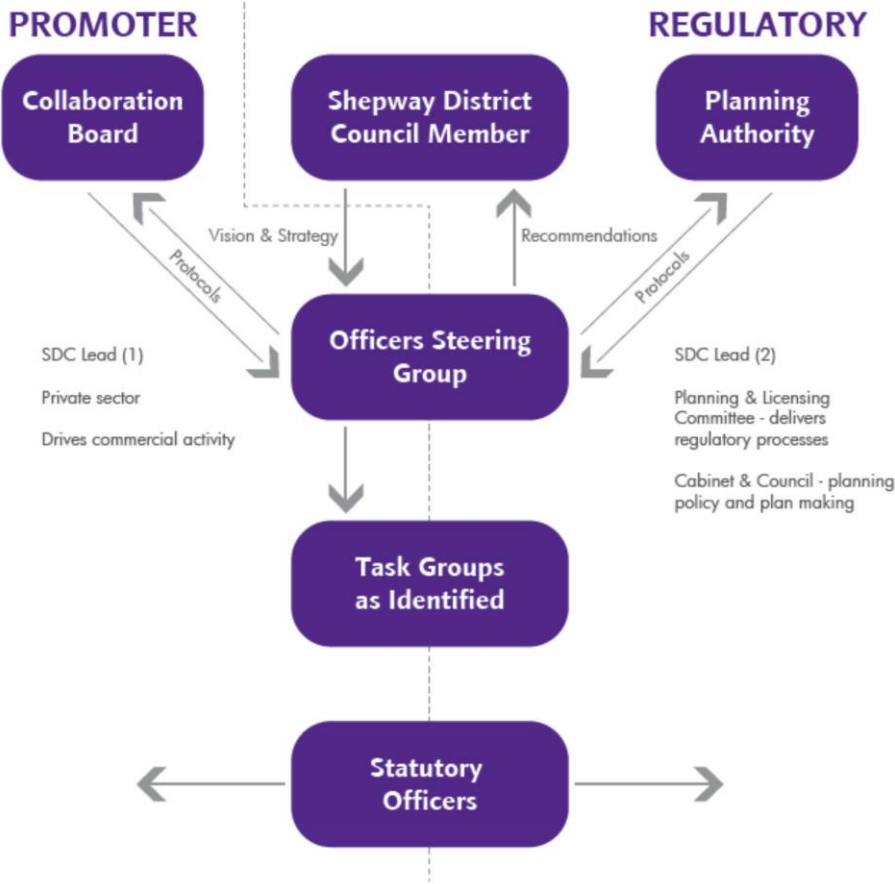
The parties to the PPA have agreed to use their reasonable endeavors to progress the Concept Masterplan, pre-application and planning application process to the timetable and key milestones set out below. This will be subject to monitoring and mutually agreed adjustment as necessary by the parties.

Date	Developer / Promoter	LPA	Comments
April 2017			
	Planning Performance Agreement signed.	Planning Performance Agreement signed.	Published on SDC web site.
Collaborative masterplanning process (framework masterplan)		Strategic Housing Market Assessment completed.	Reporting to Cabinet 19 th April.
		Sustainability Appraisal Framework (SAF) completed.	Reporting to Cabinet 19 th April.
		Establish Core Strategy Spatial Polices to be reviewed.	Reporting to Cabinet 19 th April.
		Shepway Growth Options Study completed.	To identify options and alternatives for growth that can be tested by Sustainability Appraisal Framework.
		High Level Landscape Appraisal completed.	Informs options testing.
		Shepway Employment Land Review completed.	Informs policy development.
			Shepway Highway Transport Model completed.
	Rail Franchise Consultation.	Rail Franchise Consultation.	LPA to respond to consultation. Promoter to prepare business case.
		Employment Needs and Opportunities study commissioned.	Scope of study to be established.
		Strategic Flood Risk Assessment update commissioned.	To address fluvial flooding issues.
		HRA and Green Infrastructure reports to be commissioned.	Statutory requirement and to inform policy development.
		Playing Pitch Strategy to be commissioned	To meet Sport England requirements.
		District Heritage Strategy completed.	Being produced by KCC on behalf of SDC.
June 2017			
	Character study and manifesto for place making commissioned.	Character study and manifesto for place making commissioned.	Potential jointly commissioned study.
	Otterpool Park Heritage Strategy commenced.		Informed by District Heritage Strategy and essential for masterplanning.
	Soft Market Employment Testing.		Supports LPA policy drafting work.
July 2017			

	Public Transport and Movement.		LPA may need to commission verification work of promoter's emerging transport proposals.
August 2017			
	Draft Framework Masterplan for discussion.		Essential for planning policy drafting. To include the contents set out in Appendix C of the PPA.
		Town Centre Impact Study update commissioned	To test impact of proposals in Framework Masterplan on existing centres.
	Housing Mix and Profile proposed.		To demonstrate how the housing mix proposed meets the SHMA requirements.
	Ultra fast broadband and IT enabled community study commissioned	Ultra fast broadband and IT enabled community commissioned.	Potential joint study to inform policy development.
	Draft Infrastructure Delivery Plan completed		To demonstrate that proposals in Framework Masterplan can be delivered. Informed by KCC and infrastructure suppliers.
Sept 2017			
	Approach to long term Stewardship.		To be considered by Collaboration Board.
	Low Carbon – Sustainable Energy Strategy agreed.	Low Carbon - Low Sustainable Energy Strategy agreed.	LPA to set standard and Promoter to demonstrate that standard met.
	Culture Strategy produced.		To inform planning policy.
	Community Engagement Strategy proposed.		To identify how the community will be consulted on the draft planning application.
Oct 2017			
	Self Build and Custom Build Action Plan produced.		To inform planning policy and planning application.
		Shepway Transport Study complete.	To inform planning policy and planning application
		Shepway Water Cycle Study complete.	Informed by Infrastructure Delivery Plan. To inform planning policy.
	Approach to off-site construction finalised.		To inform delivery programme.
Nov 2017			
	Air Quality Report produced.		To identify impacts of proposed development and proposed mitigation.
	Bespoke parking study produced.		To inform parking standards for the development.
Dec 2017			
		Cabinet consider Regulation 18 Local Plan.	Formal consultation starts January 2018 for 6 weeks.

Jan 2018			
	Infrastructure Delivery Plan completed.		Informed by KCC and infrastructure suppliers.
	Waste Management and Collection proposals completed.		To inform Masterplan.
	Ecological Assessment completed.		To inform Masterplan.
	Agricultural Land Assessment completed.		To demonstrate the extent and grade of agricultural land that will be lost to development
Feb 2018			
	Economic Viability Assessment (if appropriate) completed		To inform draft section 106 /heads of terms and delivery programme.
	Discussions on draft planning application. To include all necessary planning application documents set out in Appendix D of the PPA.	Discussions on draft planning application. To include all necessary planning application documents set out in Appendix D of the PPA.	To ensure a valid planning application is submitted with all the documentation set out in Appendix D of the PPA.
March 2018			
	Submit Planning Application.	Register Planning Application.	Supported by full Masterplan.
	Long term stewardship strategy proposed.		
Sept 2018			
		Cabinet consider Regulation 19 Local Plan.	Includes amendments to consultation responses.
Oct 2018			
		Final consultation on Regulation 19 Local Plan.	6 weeks statutory consultation.
		Resolution to grant planning permission subject to completion of section 106 agreement.	Subject to satisfactory consultation responses.
Jan 2019		Submit Core Strategy Local Plan evidence base to PINS.	Includes supporting statement and all representations received pursuant to Regulation 19 consultation.
March 2019		Core Strategy Local Plan Examination begins.	Will include examination in public.
June 2019		Inspector finds Local Plan "Sound"	Dependent on PINS timetable.
		Issue Planning Permission.	Subject to satisfactory section 106 agreement being completed and Local Plan found sound.
July 2019	Submit first reserved matters application.		
Jan 2020	Phase one development commences on-site		

Appendix B - SDC Governance Arrangements



APPENDIX C - Essential Elements of the Framework Masterplan

Chapter	Contents	Evidence Required
1. Introduction	Scene setting and overall context. To include: <ul style="list-style-type: none"> • Definition and background/context of Study Area • Planning policy context • Purpose & Status (to demonstrate planning rationale, the planning strategy for the site and the role/status of this work) • Overview of methodology/approach including how the partners have worked through the PPA process and to what end 	
2. Vision & Development Objectives	Establishing a vision & development objectives for the development taking into account: <ul style="list-style-type: none"> • Site related context, strengths, weakness and opportunities; • The underlying policy context • Initial concept testing and spatial planning work • Stakeholder inputs and; • Community engagement 	
3. Baseline Summary (Technical studies under this section to be submitted as separate documents, with a summary of key constraints/ opportunities to be included in the principal Concept framework/spatial framework document)	Summary of Constraints and Opportunities (including evidence base and analysis as appendices where necessary) <ul style="list-style-type: none"> Site location and Surroundings Landownership/status of land-holdings Land Use/Local Facilities Character & Vernacular Green Space Analysis (Strategic and local Green infrastructure assets) Visual and Landscape Character and Sensitivity Appraisal (including Views) Ecological Analysis [to include a Phase 1 habitat survey and assessment?] Heritage & archaeology Contamination/Land Stability & Minerals Flooding Services & Utilities (on and above ground, easements etc) Access/Transport Network Summary of Site Constraints and Opportunities Composite Constraints Map (including assumptions on required exclusion areas/buffer zones) Noise, dust and odour Summary Constraints and Opportunities mapping 	See also document timetable referred to in Appendix A

4. Design	<p>To set out the overall approach to landscape and urban design, to include:</p> <ul style="list-style-type: none"> • Responding to context & conceptual evolution of proposals • Design response to the vision and development objectives. • Potential Developable Area (Capacity Estimates/Density Ranges) • Approaches to dealing/mitigating constraints • Testing of Options/Selection of Preferred Option • Integration of stakeholder /community engagement 	
5. Spatial Framework/ Concept Framework	<p>To set out, the proposed approach in more detailed and aligned to key themes to achieve a high quality sustainable mixed use development as per the agreed project vision and development objectives. The approach will involve consideration of all matters above and presented through a series of framework plans and related explanation/strategy wording. The work should establish the following key aspects and come together to create an over-arching framework/Concept framework for the site (explained further after table)</p>	
a) Land Use Framework	<p>Site specific land use framework & strategy to set out the key land use proposals, quantum, location and mix</p> <ul style="list-style-type: none"> • Housing (including dwelling mix, tenure and approach to type of housing including self-build, provision for multiple age groups, and gypsy & traveller provision) • Commercial and employment land • Retail & mixed use centres (role, scale and extent of function/activities); • Community/Social Infrastructure (to include education, health, community space and formal leisure facilities) • Open Space (to be presented in more detail via the Green Infrastructure Framework below) • Infrastructure/utilities. • Noise, dust and odour • Framework plan to show key land use disposition 	
b) Transport Framework	<p>Site specific transport framework & strategy to address vehicular and non-vehicular movement. To include all matters relating to transport and movement including private car, public transport, travel plan measures, walking and cycling.</p> <ul style="list-style-type: none"> • Summary of Evidence Base/Capacity of Strategic and Local Network • Stakeholder perspectives on issue/requirements • Key Access Points into the site • Proposed Movement Network within site and surroundings (vehicular, bus, cycle, pedestrian) including fit to wider networks • Approach to modal shift & travel planning • Off-site highway requirements/phasing • Framework plan to show key transport proposals 	

c) Green and Blue Infrastructure Framework	<p>Site specific green infrastructure framework & strategy to set out approach to open space, landscape and green assets. To include formal and informal open space, key structuring landscape principles and proposals, relationships to adjoining uses/landscape setting, etc.</p> <ul style="list-style-type: none"> • Summary of evidence base (including location, quantum and function of strategic open space/Green Infrastructure Network) • Strategic role and function of proposed green spaces (recreational/sport, parks, greenways, ecology, flood/water management, SUDS, landscape) • Approach to local green spaces as part of Development • Green links and connections through the site and beyond • Framework plan to illustrate overarching green and blue infrastructure approach 	
d) Place-making Framework	<p>Site specific place making and urban design framework & strategy to set out approach to the design concept and key site specific structuring elements (such as gateways, landmarks, views, focal points, hubs, frontages, interfaces, etc). To also include</p> <ul style="list-style-type: none"> • Response to context and design concept; • Scale, massing and density zones • Key structuring components • Character areas descriptions and urban design principles; • Framework plan to illustrate key place making components 	
e) Sustainability Framework	<p>Site specific sustainability framework & strategy to set out approach to energy, waste, water use. To include</p> <ul style="list-style-type: none"> • Sustainability Principles and strategy explicit to water, waste and energy. • Site wide and building scale opportunities for low carbon & environmental sustainable initiatives. • Framework plan to illustrate key sustainability components • Health and well being strategy • Community and social infrastructure • Approach to long-term community stewardship and maintenance 	
6. Delivery & Implementation	<p>Site specific delivery strategy to set out how the Development would be implemented. To include:</p> <p>Phasing and Programming of Development Approach to subsequent design process and use of design codes Developer and Landowner Engagement/Partnership Arrangements (public and private sector) & wider delivery options/considerations Approach to site wide phasing and funding and delivery of infrastructure, to include key principles to how items will be funded (S106, CIL and/or external sources) – viability Site-specific Infrastructure Delivery Plan to set out what is needed, when, who is responsible and how will it come forward.</p>	
7. Next Steps	<p>To set out the process from this piece of work:</p> <ul style="list-style-type: none"> • Further testing of the Spatial Framework and further technical work required and when. • Relationship to preparation of Planning Applications and PPA process • Relationship to further possible policy making (such as SPD) • Further Public Consultation 	

APPENDIX D - Necessary Planning Application Documents

Doc. No.	Topic Heading	Comments
1.	Application forms, certificates, site plan, design and access statement (including summary statement).	Statutory requirements.
2.	Application Plans and Parameter Plans.	Distinguish plans to be determined and plans that are illustrative#.
3.	Full Masterplan	Based on Framework Masterplan. Including Land Use, Transport, Green and Blue Infrastructure, Place Making and Sustainability Frameworks as referenced in section 5 of Appendix B.
4.	Development Specification	Clarifies what is being applied for.
5.	Overarching Planning Statement	A document that pulls together the relevant policy (including economic, commercial and retail considerations) and sets out the case for the application being approved
6.	Design Principles Specification and Design Principles Summary	To set the design parameter requirements of the development.
7.	Sustainable Energy Proposals	Objective of achieving a carbon neutral development*.
8.	Transportation Proposals	Sustainable transport, highway movement and parking.
9.	Drainage Strategy.	To achieve a sustainable drainage scheme*.
10..	Heritage and Archaeology Proposals	To achieve suitable mitigation and enhancement*.
11.	Air Quality Implications	To achieve suitable mitigation and enhancement*.
12.	Landscaping Strategy	Establishing structural landscaping requirements*.
13.	Housing Mix and Density	Affordable housing, self build, custom build proposals and delivery
14.	Employment	Employment proposals and delivery.
15.	Connectivity	High Speed Broadband.
16.	Infrastructure	Water, energy, waste, power*.
17.	Open space	Provision, phasing, maintenance and custodianship.
18.	Health Impact Assessment	Proposals for a healthy community.
19.	Education and community facilities	Provision and delivery.
20.	Viability Appraisal (if appropriate)	To justify land uses proposed if policy requirements such as for affordable housing are not being met.
21.	Habitat	To achieve suitable mitigation and enhancement*.
22.	Retail Impact Assessment	To assess impact on neighbouring town centres.
23.	Innovation Strategy	Including customer led choice and design.
24.	Heads of terms / Draft Section 106 Agreement	To inform negotiations as application progresses.

#Parameter Plans include

- Open Space Framework
- Land Use Plan
- Residential density
- Access and strategic routes
- Storey heights (scale parameters, block dimensions)

- Character areas (supported by indicative phasing plan)
- Landscape strategy
- Public realm
- Neighbourhood centre

*Sustainable Energy Proposals - maybe covered in part or in totality by EIA.

APPENDIX E - Planning Application Timetable

Week No.	Task	Comments
1.	Validation and Registration	Only if all necessary documentation is received – see Appendix C
2.	Commencement of Statutory Consultation.	Pre-prepared list of consultees. 28 day consultation.
3.	Consultation Events and Drop ins.	Venues to be arranged.
4.	Consultation on-going.	Venues to be arranged.
5.	Consultation on-going.	Venues to be arranged.
6.	Assessment of Consultation Responses.	To identify issues that require additional discussion and negotiation.
7.	Assessment of Consultation Responses.	To identify issues that require additional discussion and negotiation.
8.	Assessment of Consultation Responses.	To identify issues that require additional discussion and negotiation.
9.	Meeting with Applicant.	To brief and discuss issues arising from consultation.
10.	Meetings with Statutory Stakeholders.	To discuss technical and planning issues arising.
11.	Meetings with Statutory Stakeholders.	To discuss technical and planning issues arising.
12.	Identify outstanding Planning Issues that need addressing (following statutory consultation).	Letter to Applicant maybe appropriate.
13.	Applicant to prepare Amended Plans.	Depends on complexity of outstanding issues.
14.	Applicant to prepare Amended Plans.	Depends on complexity of outstanding issues.
15.	Applicant to prepare Amended Plans	Depends on complexity of outstanding issues.
16.	LPA to carry out re-consultation on Revised Plans.	21 day consultation.
17.	LPA to meet statutory stakeholders as required.	21 day consultation.
18.	LPA to brief and meet with applicant	To discuss outstanding issues and potential recommendations to Planning Committee
19.	LPA to prepare Planning Committee Report	
20.	LPA to prepare Planning Committee Report	
21.	LPA to prepare Planning Committee Report	
22.	Publication of Planning Committee report	
23.	Publication of Planning Committee report	
24.	Planning and Licensing Committee Meeting	To secure delegated authority for Head of Planning to grant permission, subject to completion of 106 (and PINS finding Local Plan sound).
25.	Completion of section 106 Agreement	As much work carried out in advance as possible.
26.	Completion of section 106 Agreement	
27.	Completion of section 106 Agreement	
28.	Completion of section 106 Agreement	
29.	Section 106 Agreement engrossed	All signatories to agreement in place.
30.	Planning Permission Issued.	Notifications sent out to stakeholders and respondents to consultation.

Appendix F- Promoters' Performance Standards

The Joint Promoters agree to use their reasonable endeavours to:

- a. follow the agreed Project Programme (set out in this PPA) and submit the documents at the required time;
- b. engage with a formal pre-application process with SDC in accordance with this planning performance agreement;
- c. submit the Framework Masterplan, Masterplan and Planning Application to SDC in accordance with the Project Programme set out in Appendix A;
- d. submit such of the technical documents set out in Appendixes A and C as are required by the Local Planning Authority, in the format(s) requested;
- e. submit such of the application documents (set out in Appendix D) as are required by the Local Planning Authority, in the format(s) requested with the Planning Application when it is submitted to the Local Planning Authority.

The Joint Promoters agree to use their reasonable endeavours to achieve the following performance standards at all times:

- a. To carry out such public engagement as may be reasonably requested by SDC in accordance with the Council(s)' current Statement(s) of Community Involvement (SCI)). Such public consultation might include a presentation to a Consultation Forum of members of the Council, the timing of which should enable amendments to be made to the Framework Masterplan, Masterplan or Planning Application prior to submission, if required and agreed to by the Joint Promoters.
- b. To wherever possible address any concerns raised by any consultee prior to the submission of the Planning Application to SDC.
- c. To include a Community Engagement Statement with the Planning Application, explaining the Framework Masterplan, Masterplan and pre-submission consultation processes, detailing the feedback received from consultees and setting out how the Landowner/Developer has taken account of the responses to consultation.
- d. To provide SDC with such reasonable additional information as may be requested within 10 working days of such written

request from SDC (or such other time period as may be agreed) in order to enable SDC to discharge its responsibilities.

- e. To provide to SDC at least 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 item identified

Appendix G – Local Planning Authority Performance Standards

Without prejudice to their other duties as local planning authority, SDC agree to use their reasonable endeavours to:

- a. designate a planning officer(s) who alone or as part of a team will be responsible for overseeing or carrying out the functions in accordance with this PPA and notify the Promoters of the identity and contact details of that officer, and of any other officer who may be required to substitute from time to time;
- b. ensure that the designated officer(s) or other appropriate member(s) of the local authority team are available to attend regular progress meetings at reasonable intervals as set out in this agreement or at key stages of the Concept Master Plan development;
- c. follow the agreed Project Programme (set out in Appendix A above);

In addition to its statutory obligations, SDC agrees to use its reasonable endeavours to achieve the following performance standards at all times:

- a. Respond substantively to all emails, letters and telephone calls within 10 working days of receipt. Where circumstances beyond the reasonable control of SDC prevent its compliance with this Performance Standard, SDC shall in each case notify the Promoters of such circumstances and advise the Promoters of the likely date of response.
- b. Notify the Promoters no later than 5 working days prior to any meeting of a committee or panel of either SDC at which any report or matter relevant to the Development will be discussed and or considered and provide the Promoters with a copy of any report to that committee or panel at that time.
- c. To provide to the Promoters within 5 working days following any meeting, the minutes or action points arising from that meeting for agreement, and subsequently to provide a copy of the agreed version of the minutes or action points.

Appendix H – Kent County Council’s Performance Standards

Without prejudice to its duties as Local Highway Authority, KCC agrees to use its reasonable endeavours to:

- a. Designate a Principal Transport and Development Planner who alone or as part of a team will be responsible for overseeing or carrying out the functions relevant to the Local Highway Authority in accordance with this PPA and notify the Promoter of the identify and contact details of that Officer, and of any other Officer who may be required to substitute from time-to-time;
- b. Ensure that the designated officer(s) or other appropriate member(s) of the team are available to attend regular progress meetings at reasonable intervals as set out in this agreement or at key stages of the comprehensive Masterplan development;
- c. Provide a written response within 21 days of receipt of the fee, or within 21 days of the meeting; and
- d. Follow the agreed Project Programme (set out in Appendix A).

Without prejudice to its duties as Lead Local Flood Authority, KCC agrees to use its reasonable endeavours to:

- a. Designate a Flood Risk Project Officer who alone or as part of a team will be responsible for overseeing or carrying out the functions relevant to the Lead Local Flood Authority in accordance with this PPA and notify the Promoter of the identify and contact details of that Officer, and of any other Officer who may be required to substitute from time-to-time;
- b. Ensure that the designated officer(s) or other appropriate member(s) of the team are available to attend regular progress meetings at reasonable intervals as set out in this agreement or at key stages of the comprehensive Masterplan development;
- c. Provide a written response within 14 days of receipt of the fee, or within 14 days of the meeting; and
- d. Follow the agreed Project Programme (set out in Appendix A).

In providing Ecological Advice, KCC agrees to use its reasonable endeavours to:

- a. Designate a qualified, CIEEM registered Biodiversity Officer who alone or as part of a team will be responsible for overseeing or carrying out the functions relevant to Ecology in accordance with this PPA and notify the Promoters of the identify and contact details of that Officer, and of any other Officer who may be required to substitute from time-to-time;
- b. Ensure that the designated officer(s) or other appropriate member(s) of the team are available to attend regular progress meetings at reasonable intervals as set out in this agreement or at key stages of the comprehensive Masterplan development;
- c. Provide a written response within 21 days of receipt of the initial request for advice and where deadlines are less than 21 days, a mutually acceptable response time will be agreed with the Promoters; and
- d. Follow the agreed Project Programme (set out in Appendix A).

16. Signatories to Agreement

Signatures (One signed copy for each party)

Signed by the parties or their duly authorised representatives:

Signed by S. Higgins and duly authorised for and on behalf of Cozumel as Joint Promoter

Date: 26/06/2017

Signed by A Jarrett and duly authorised for and on behalf of Shepway District Council as Joint Promoter

Date: 07/06/2017

Signed by B. Geering and duly authorised for and on behalf of Shepway District Council as Local Planning Authority

Date: 12/06/2017

Signed by T. Marchant and duly authorised for and on behalf of Kent County Council

Date: 21/06/2016