

APPENDIX A`

**Northstowe Planning Performance Agreement
April 2008**

For the Management and Administration of Planning Matters between the Determining Body (South Cambridgeshire District Council and Cambridgeshire County Council) the Local Delivery Vehicle (Cambridgeshire Horizons) and the Joint Applicants (Gallagher Longstanton Ltd/ English Partnerships) for the Northstowe Outline Application, Detailed Highway Planning Applications, Design Codes and Reserved Matter Applications.

1. Introduction

This paper sets out the agreed liaison and performance arrangements between the Determining Body, the Local Delivery Vehicle (LDV), and the Joint Applicants for the outline and detailed planning applications (referred to here as the 'Planning Applications').

It sets out the principles, standards and mechanisms for the implementation of an efficient system of planning and related planning consent decision making in relation to Northstowe. The Agreement is intended to facilitate a constructive working relationship between the Determining Body, the LDV and the Joint Applicants for the Planning Applications, reserved matter applications and Design Codes and for the discharge of conditions and s.106 obligations for Northstowe.

The Agreement is divided into seven sections. The initial sections deal with five stages of the application determination process:

- Work prior to the submission of the Planning Applications
- Managing the Determination of the Planning Applications
- Managing the S.106 Agreement Negotiation Process
- Managing the Process of Submission and Determination of Reserved Matters and Discharge of Condition, including monitoring implementation.
- Design Review and the Process of Preparing and Approving Design Codes and Landscape Strategies

Each of these five sections covers matters relating to:

- Content, format and quality of the application and submissions
- Consultation processes
- Decision making processes
- Delivery/Performance Targets

The remaining three sections address matters that are common to all four stages of the process:

- Liaison arrangements
- Determining Body and Joint Applicant resourcing
- Formal review of Planning Process Agreement.

2. Pre- Submission of Outline Application and Detailed Infrastructure Applications

- 2.1 The Joint Applicants in consultation with the Determining Body will prepare a planning application strategy that:
- Describes the vision and objectives for the development.
 - Sets out the approach to the preparation of all the documentation for the Planning Applications .
 - Will include a programme (prepared by the applicant) for preparation of the Planning Applications setting out the key stages and milestones of the pre-submission process (including consultation);
 - Describes the scope and content of the documents to be submitted with the Planning Applications, including those that would form part of the applications and those that support the applications.
- 2.2 The joint applicants will prepare and agree with the Determining Body, a community and stakeholder engagement strategy that describes the process, timing and scope of consultation to be undertaken pre submission of the applications.
- 2.3 The Determining Body will identify a project officer who will be the case officer for all matters associated with the Planning Applications. This officer is Julie Ayre (Northstowe Project Manager) who will be responsible for:
- Identifying a team of officers (known as the development team) who will be responsible for liaising with the applicant at the pre-submission stage.
 - Co-ordinating the response and comments on any draft application material prepared in advance of submission (such as drafts of a masterplan);
 - Arranging, preparing agendas and drafting minutes of regular planning liaison meetings between the applicant and the Determining Body.
 - In conjunction with the Northstowe Delivery Manager (Sheryl French – Cambridgeshire Horizons) regularly reviewing the programme and providing any necessary feedback to the Joint Applicants.
 - Preparing and maintaining a joint issues log to identify major issues that require resolution for the Planning Applications.
 - Providing a timely response to requests for information and meetings necessary to progress the preparation of the Planning Applications.
 - Identifying to the Joint Applicant the key interest groups and the geographical extent of the area within which community engagement should take place.

- Providing a submission distribution schedule – identifying the name and addresses of consultees who will require some or all of the outline application and detailed infrastructure application documents. The schedule will identify what documents will be required by the consultees, the format of the documents (paper documents or electronic) and the scale and size of any plans required. An overriding objective for this schedule will be to minimise the printing of paper copies of the application material for consultees and to maximise the use of electronic versions of documents (on CD or via web sites). The schedule should be prepared seven weeks in advance of submission of the Planning Applications (by end of October 2007) to allow for the necessary printing and distribution arrangements to be put into place by the applicant.
- Setting out the requirements for formatting the documents so that they can be uploaded onto the Determining Body’s web site. These requirements will be set out seven weeks in advance of submission of the Planning Applications (by end of October 2007) to allow for the necessary formatting of the documents.

2.4 The Joint Applicants will identify a lead consultant (Arup Planning: Mark Smith) who will be responsible for all matters associated with preparation of the Planning Applications, including:

- Maintaining the programme for preparing the Planning Applications and keeping the Determining Body and LDV informed on progress.
- Providing a timely response to requests for information and meetings necessary to progress the preparation of the Planning Applications.
- Attending planning liaison meetings and other meetings where appropriate (including Topic Group meetings) ensuring that the relevant specialists from within the applicants’ team are also present (as appropriate) and submitting items for the agendas in advance of these meetings.
- Providing complete planning applications with all the appropriate supporting information (as set out and agreed in the planning application strategy).
- Providing the requisite copies of the planning application documents (in accordance with the schedule described in para 2.3).
- Providing support to the Determining Body for distributing the planning application documents to consultees.
- Providing a list of the documents and their contents, drafted application forms, ownership documentation and agreed appropriate planning fees two week in advance of the submission

2.5 An initial draft of the pre-commencement planning conditions (for discussion) will be prepared by the Joint Applicants five months post submission of the application.

- 2.6 The Determining Body will seek to ensure that there is member involvement at the pre-submission stage through regular briefing of members on the development including informing them of the application strategy, the approach to the masterplanning and the community engagement strategy. The Determining Body will provide feedback to the Joint Applicants of members informal views on the project. The Joint Applicants will where appropriate make presentations to members on the evolving work.

3. Managing the Determination of the Planning Applications (Outline Application and Detailed Highway Applications)

- 3.1 The Determining Body will use their reasonable endeavours to achieve the following targets:
- Register and acknowledge receipt of the Planning Applications within five working days of receipt
 - Complete the consultation on the Planning Applications within 13 weeks of registering the applications.
 - Make any requests for additional information required to determine the Planning Applications within 14 weeks of registering the applications.
 - To take the Planning Applications to Committee for determination within 9 months of receipt of valid submissions.
 - To issue all decision notices within three working days of the decision date.
 - To inform all stakeholders and interested parties who have commented on the application of the decision taken within five working days of the decision date.
 - Agree a draft of the pre-commencement planning conditions approximately seven months after submission of the planning application.
- 3.2 If the outline planning application is invalid or incomplete the Determining Body will prior to rejecting or refusing to register the application informally (verbally or by email) notify the Joint Applicants as soon as possible to allow the applicant the opportunity to advise whether it will rectify any deficiencies or errors.
- 3.3 The Case Officer (Julie Ayre) shall act as project manager for the processing of the Planning Applications and shall arrange for consultation of all the relevant consultees and stakeholders. The case officer will:
- Ensure that consultee/ interested party responses are made available on the web-based system within five working days to enable the joint applicant to view comments received.
 - Inform consultees (that have not responded to consultation) of the need to respond within the 12 week period, at 5 weeks and at 10 weeks intervals after submission.
- 3.4 The Determining Body will set a date for the first review meeting following receipt of the majority of consultation responses on the applications. This meeting should take place 16 weeks after registration of the applications. Prior to the meeting the case officer shall write to the joint applicants setting

out the key issues for resolution on the applications including any further information that may be required to resolve matters raised by the consultees (based on a review of the consultation responses received at that time). The dates for subsequent review meetings should be agreed at the first meeting if these are deemed to be necessary.

- 3.5 The Joint Applicant will seek to provide any additional information requested from the determining body within a month of the request. Where this is not achievable the applicant will clearly explain why additional time is required and identify the likely date when the information will be submitted. In the event that additional information takes more than a month to provide the Determining Body with the Joint Applicant will consider and agree how this will impact on the objective to determine to resolve the Planning Applications within the 9 months period (see 3.1 above) and have the S106 agreement signed within 12months (see 4.5 overleaf)
- 3.6 Following receipt of any additional information the Determining Body shall identify a committee date for resolution on the Planning Applications. In identifying the committee date the Determining Body should also set out a deadline for receipt of final information from the Joint Applicants, taking into account the need to re-consult stakeholders and interested parties, as appropriate. Any further consultation shall be completed within 5-7 weeks (1 week to issue and 4 -6week consultation period – timescale to be dependent on extent of additional information/amendments)
- 3.7 Following the committee meeting the Determining Body shall write to the Joint Applicants, within 5 working days, setting out the committee resolution and highlighting any matters that need to be resolved

4. Managing the S.106 Negotiation Process

- 4.1 The s.106 agreement process will commence at meetings of the S106 Co-ordination Group, with discussion on a detailed draft heads of terms to be prepared by the Joint Applicants and templates detailing obligations submitted by all service providers, which are being co-ordinated by the Determining Body in conjunction with LDV.
- 4.2 At the outset a detailed project timetable should be agreed between the parties involved in the s.106 process. This programme will set out the different activities that need to take place over the various stages by the parties involved and dates of the process to ensure the obligations are agreed on time (in accordance with para 4.15 of the Planning Obligations Practice Guide – DCLG – July 2006).
- 4.3 The Determining Body and LDV will be represented on S106 Co-ordinating/ Negotiation Group by:
- The Lead Officer (Peter Studdert - The Director of Joint Planning (Cambridge Growth Areas and Northstowe) in leading the negotiation process on behalf of the Determining Body; supported by SCDC Major Development Manager (Jane Green) and/or Northstowe Project Manager (Julie Ayre), who will manage the process and monitor progress – to ensure that work-streams, meetings and deliverables are delivered to the relevant milestones and that deadlines are met
 - The Director For Sustainable Infrastructure (Graham Hughes) , supported by Head of New Communities(Joseph Whelan) lead for service provision by Cambridgeshire County Council.
 - SCDC Growth Project Manager (Tom Barrance) lead for service provision for South Cambridgeshire District Council and any Parish provision.
 - The Northstowe Delivery Manager (Sheryl French), supported by Leader Project Officer (Paul Mumford) for LDV who will provide information from services outside the Local Authorities e.g. emergency services, utilities, health and highways agency , commission and manage specialist advice e.g. financial viability, explore funding from alternative sources and report progress and key issues to the Northstowe Delivery Board.

The Joint Applicants will be represented by:

- Caroline Clapson – English Partnerships Senior Regeneration Manager
- Alan Joyner – Executive Director – Gallagher Longstanton Ltd

- Legal advisers (Pinsent Masons for Joint Applicants, and Eversheds for the Determining Body) will attend the S106 Co-ordination/Negotiation Group on an as needs basis.
 - All negotiations including those involving external service providers shall only be carried out through the s.106 Co-ordination/ Negotiation Group.
- 4.5 The Local Delivery Vehicle and the Determining Body with any necessary appropriate support and the Joint Applicants will aim to deliver a s.106 agreement to be duly signed by all parties concerned 12 months from submission of the Planning Applications.

5. Managing the Submission of and Determination of Reserve Matters and Discharge of Conditions

5.1 The Determining Body will:

- Use reasonable endeavours to achieve the following targets:
 - o Register and acknowledge receipt of all valid submissions within 3 working days;
 - o Determine 95 % all major consent submissions with 13 weeks from date of receipt of a valid submission, unless application needs to be accompanied by an Environmental Statement. (Target to be reviewed on an annual basis with aim of achieving 100%).
 - o Undertake consultation within a 21 day period following registration /validation. unless the application is accompanied by an Environmental Statement.
 - o Determine 80% of minor applications within an 8 week period.
 - o To issue all decision notices within 5 working days of the decision date
- Prepare a compliance checklist for agreement with the applicant 3 months before submission of the 1st reserved matter application or application to discharge a condition. The compliance checklist will provide a simple means for both the applicant and the determining body to confirm that the submission is complete and valid in respect of the matters being submitted.
- Prepare a standard list of consultees for reserved matters and discharge of condition applications in the form of a standard distribution schedule to be prepared and agreed with the Joint Applicants shortly following submission of the Planning Applications.
- In the event that an invalid or incomplete submission is received by the Determining Body the lead planning officer, prior to rejecting the submission informally (ie verbally or by email), notify the Joint Applicants as soon as possible and allow the Joint Applicants the opportunity to advise whether it can rectify any deficiencies or errors or voluntarily withdraw the submission. If the Joint Applicants are not Gallagher/English Partnerships then the Council will also alert these parties of its concerns.
- Identify and discuss the consultees to be consulted prior to each submission, which will normally be drawn from a standard list of consultees to be set out in a distribution schedule (see above). The consultation process will be in accordance with normal procedures with reference to the Council's Statement of Community Involvement and General Development Procedural Order.

- Have standing delegated power arrangements for reserve matter consent and conditions discharge submissions, normally determined by the Director of Joint Planning (Cambridge Growth Areas and Northstowe). These arrangements will normally be applied to Northstowe reserved matter and condition discharge submissions.
- Ensure minor amendments and minor condition discharge applications are determined at officer level. The extent of consultation will be determined on a case by case basis. Such applications would not necessarily require a full public consultation exercise, but consultation with affected statutory consultees would be expected.

5.2 The Joint Applicants will:

- Provide one named point of contact from lead consultant to represent the applicant for reserved matter applications.
- Seek to ensure that all consent submissions are clear, concise and complete and are fully in compliance with the outline permission and other relevant strategies and codes (such as Design Codes agreed for the development).
- Application packages submitted by any applicants for reserved matters and discharging of conditions will include an original copy of the application and a number of copies in accordance with standard distribution list schedules for different types of applications. The standard distribution list schedules will be agreed with the Determining Body shortly following submission of the outline application.
- Ensure that all submissions include two location plans showing the application area outlined in red. One plan will show the area superimposed on an ordnance survey base and the other plan will show the area superimposed on the relevant approved outline application drawing, including any approved layouts to provide an appropriate context.
- Provide prospective developers of sites and other relevant interested parties with an information pack setting out the relevant requirements of the outline planning permission and other permissions and s.106 agreement. The Joint Applicants with Arup will assist in the co-ordination of reserved matter applications from other relevant parties.
- Set out a programme of forthcoming applications and submissions to be reviewed on a quarterly basis, to enable the Determining Body to programme resources accordingly.

6. Design Codes and Design Review

6.1 Design Review Panel

A Design Review Panel will be established by the Determining Body to achieve a consistent but dynamic response to evolving design proposals, and to ensure that those proposals live up to the vision set out in the Design and Access Statement and aspire to the achievement of new urban design of the highest quality. The Design Review Panel will be asked to review certain key elements of the Joint Applicants' proposals as they are developed in detail, and will advise the Determining Body to inform their consideration of reserved matter applications and Design Codes.

The objectives of the Design Review Panel will be:

- To encourage the achievement of design quality throughout the development.
- To encourage consensus among stakeholders in relation to the design of the development, in order to facilitate collective decision making and expedition of the approval process.
- To provide continuity of design from the grant of the Planning Applications through to the approval of reserved matters.
- To advise on the format, structure and content of Design Codes.
- To provide advice to the Determining Body on the design quality of the Joint Applicants' proposals and for the Determining Body to take into consideration in the determination of whether to grant approval for those proposals.

6.2 Operation of the Design Review Panel

Details on the operation and constitution of the Panel will be agreed between the Joint Applicants and the Determining Body four months after submission of the Planning Applications. These details will include:

- Agreeing who will chair the panel. (the Chair should be an independent individual of acknowledged high calibre with relevant experience in design and masterplanning).
- Membership of the Design Review Panel
- Date for establishment of the panel and the frequency of meetings
- Aims and objectives of the Panel
- Cost and expenses of the Panel and financing arrangements.

6.3 Design Codes

Design Codes will be prepared by the Joint Applicants for Development Zones or combination of Development Zones within the site.in accordance with the guidance set out in 'Design Codes For Major Developments within the Cambridge Area' Cambridge City Council and South Cambridgeshire District Council October 2007. The objectives for preparing and agreeing these Codes and Strategies will be to:

- Allow for a better designed development and provide the framework for creating a positive sense of place and better quality design;
- Provide a more certain planning process and link this to a more certain climate for investment;

- Allow for streamlined development control, saving time and resources in the longer term for the local authorities and applicants alike; and.
- Allow for a more coordinated development process which is built on consensus instead of conflict.

Enough detail should be given in the Codes to provide clarity and certainty. The Codes should be clear about aspects that are mandatory and those included as guidance only, and they also need to be flexible enough to deal with the changing circumstances of long-term projects, for example, changes in market conditions or lifestyles. How and when the Codes will be reviewed should also be established at the outset, to address the issue of change during the delivery of the project. Further details on the principles and objectives for the Codes, their scope and content and their relationship to other application documents should be set out in the Design and Access Statement and in a Design Code Framework Document to be agreed at the post submission stage (6 months after submission of the outline application).

6.4 **Timescales for Preparing Codes and Strategies**

Responsibility of the Joint Applicant

- A timetable for preparing the initial Design Codes for the first phase of development will be set out by the applicant in the Design Code Framework Document; including the nature and extent of public and stakeholder consultation and testing to be carried out.
- All the Codes that are intended to be prepared and their approximate boundaries should be identified by the applicant six months after submission of the application;
- The first Design Code should be submitted by the applicant in draft at least nine months after submission of the outline application or three months after agreement to the Design Code Framework (whichever is the latter);
- The applicant will work with the officers of the Determining Body and where appropriate the Design Panel in preparing the Design Codes.

Responsibility of the Determining Body

- The timetable for preparing the initial Design Codes and the approximate boundaries of Codes should be agreed through agreement to the Design Code Framework.
- The Determining Body will consult on, seek Design Panel advice and aim to take the Design Codes to Planning Committee for determination within 3 months of receipt of a Finalised Draft Design Code.
- The Determining Body will engage with the Joint Applicants in preparing the Design Codes through the establishment of working groups and other mechanisms appropriate to the matters being considered

- **Determining Body and Applicant Liaison**

7.1 Planning Liaison Meetings. A programme of regular (monthly) planning liaison meetings between the Joint Applicants and the Determining Body will be set out by the Determining Body and will look at least 6 months ahead. The liaison meetings will be the primary forum for discussion of matters relating to the implementation and monitoring of the Planning Applications, reserved matter applications, discharge of conditions and other related permission and consents. Once the S.106 agreement is signed it will also provide the basis for monitoring the progress of the project against the requirements of the s.106.

Planning Liaison Meetings will consider the following matters:

- Review of Issues log
- Review of Programme
- Review of Community and Stakeholder Engagement Work
- Review of progress on preparation of masterplan and application documentation and consideration of scope and content of the documentation (both post submission and pre submission).
- Review of forthcoming meetings including agendas for meetings and involvement of the applicant and determining body in those meetings (including the Masterplan Topic Group meeting and other Topic Group meetings)
- Compliance monitoring against conditions of the consents and s.106 agreement.
- Monitoring of the process (including agreed targets) as set out in this Planning Process Agreement.

The liaison meetings will be attended by the following (or their nominated representative):

- South Cambridgeshire District Council – the Northstowe Project Manager and lead case officer
- Cambridgeshire County Council – Head Of New Communities
- Cambridgeshire Horizons – Delivery Manager
- Representatives of the joint applicants
- Applicant project managers and/or planning consultant (Arup)
- Other Council Departments as appropriate
- Stakeholder organisations as appropriate.

Each party will notify the other of matters to be included for discussion at least 3 working days in advance of the meeting. Minutes will be prepared by the Determining Body and issued to the applicant for approval.

7.2 High Level Steering Group Meetings

Progress reports will be made to the Northstowe Delivery Board by officers of the Determining Body, LDV and representatives of the Joint Applicants.

7.3 Topic Group Meetings

The role of the Topic Groups (that were convened for the pre outline application submission work) should be reviewed and the role of the Task Finish Groups going

forward should be agreed between the Determining Body and the Joint Applicants by the 5th month after the date of the submission of the outline application.

7.4 The Determining Body will:

- Prepare and maintain an issues log for the project – based on actions agreed at the planning liaison meeting and topic group meetings.
- Prepare and maintain a schedule of meetings involving the applicants and the Determining Body and other key agencies.
- Prepare a submission distribution schedule for the Planning Applications – identifying the name and address of consultees who will require some or all of the application documents.
- Agree a draft of the pre-commencement planning conditions approximately seven months after submission of the planning application.
- Prepare a compliance checklist and standard content of submissions for reserved matters and discharge of conditions applications for agreement with the applicant.
- Prepare a standard list of consultees for reserved matters and discharge of condition applications.
- Prepare a project contacts directory containing the names of all officers, consultants and personnel responsible for the Northstowe project. The directory is aimed to assist communication. It will contain the details of relevant contacts, their area(s) of responsibility and liaison and their telephone number and email address. The directory will be regularly updated.

All schedules and checklists will be subject to regular review.

7.5 The Joint Applicants will:

- Prepare and maintain a consents submission programme for outline and subsequently for the reserved matter and discharge of conditions stage.
- Prepare and maintain a high level development programme.
- Prepare and update a masterplan – which will be the subject of ongoing discussion with the Determining Body and other key stakeholders (principally through the Masterplan Topic Group).
- Prepare and update a Planning Application Strategy document that sets out the scope and content of applications (both outline and reserve matters) as well as other documents to be prepared (such a Design Codes and Strategies) to guide the application process.
- Prepare an initial draft of pre-commencement conditions – for discussion with the determining body prior to submission of the Planning Applications (five months after the submission of the outline application).

- Inform the Determining Body of all meetings with key stakeholders – to be recorded on the schedule of meetings maintained by the determining body.
- Prepare and update a Community and Stakeholder Engagement Strategy that will be informed by the Determining Body's Statement of Community Involvement.

All Strategies will be subject to regular review and programmes will be issued monthly, at least 3 days in advance of planning liaison meetings.

8. Determining body and Joint Applicant Resourcing

- 8.1 The Determining Body and Joint Applicants will endeavour to make available appropriate resources to enable achievement of the targets and commitments set out in this agreement.
- 8.2 The Determining Body will advise the Joint Applicant as soon as possible in each instance where resource constraints are likely to prevent achievement of the targets and commitments set out in this agreement. In such cases the Joint Applicants with the Determining Body will seek to agree measures to overcome the constraint or to mitigate its effect.

9 Review of Planning Process Agreement.

- 9.1 Given the scale of the development and length of time over which it will be built , it will be necessary to review this agreement. A review will occur between the parties on an annual basis and/or at each significant stage of the planning process, namely following a resolution to grant planning permission, determination of the outline application, approval of design codes, and submission and implementation of applications for reserved matter consent.

10. Signatures:

Determining Body:

South Cambridgeshire District Council and Cambridgeshire County Council

Name:

Signature:

Position:

On Behalf Of

Date:

LDV: Cambridgeshire Horizons

Name:

Signature:

Position:

On Behalf Of

Date:

The Joint Applicants (Gallagher Longstanton Ltd/ English Partnerships)

Name:

Signature:

Position:

On Behalf Of

Date:

Name:

Signature:

Position:

On Behalf Of

Date: