
Handling Arrangements in relation to Ebbsfleet Green Community Facilities
Regulation 64(2) of the Town and Country Planning (Environmental Impact Assessment)
Regulations 2017

Introduction

Background

This document sets out the administrative arrangements ("**Handling Arrangements**") made by Ebbsfleet Development Corporation ("**EDC**") under Regulation 64(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("**EIA Regulations**") for the separation of functions between persons acting for or assisting EDC in its capacity as Local Planning Authority ("**LPA**") and persons acting for or assisting EDC in its capacity as the provider of grant funding ("**Funder**") in connection with plans or proposals for the provision of enhanced community facilities within the Ebbsfleet Green Site.

EIA Regulations

Regulation 64(2) provides that where an authority is bringing forward a proposal for development and that authority will also be responsible for determining its own proposal, the authority must make appropriate administrative arrangements to ensure there is a functional separation, where performing any duty under the EIA Regulations, between the persons involved in bringing forward a proposal for development and the persons responsible for determining that proposal.

Notwithstanding that EDC is not expected to be an applicant in connection with the proposals and the proposals are not EDC's own, EDC has made available grant funding for the proposals and these arrangements are being put in place to ensure robust decision making is made.

Statement of Intent

EDC is both the Funder and the LPA in connection with planning applications the provision of enhanced community facilities within the Ebbsfleet Green Site. It is anticipated that EDC is likely to be the LPA in connection with further applications associated with such planning applications in respect of the provision of community facilities at the Ebbsfleet Green Site, for instance the discharge of conditions and potentially variations to the scheme. In accordance with Regulation 64(2), EDC has put in place these Handling Arrangements to ensure the separation of functions between the Funder and the LPA and to thereby safeguard the independence and objectivity of decisions made by the LPA in connection with any planning application and subsequent related applications for the community facilities at the Ebbsfleet Green Site.

Independence and objectivity in this context does not require separate legal personality, full self-administration or a ring-fenced budget. It requires that appropriate administrative arrangements are in place to ensure that:

- 1) The functions of the LPA are undertaken by identified persons with the necessary resources and acting impartially and objectively;
- 2) Any person acting or assisting in the handling of a planning application or subsequent related applications for community facilities within the Ebbsfleet Green Site is not involved in promoting or assisting in the promotion of such applications;
- 3) Any person involved in promoting or assisting in the promotion of a planning application for community facilities within the Ebbsfleet Green Site does not give any instructions to, or put any pressure upon, any person acting or assisting in the handling of a planning application for community facilities within the Ebbsfleet Green Site, or attempt to do so;
- 4) Discussion or communication about a planning application or subsequent related applications for community facilities within the Ebbsfleet Green Site between persons acting for or assisting (a) the

LPA, in its handling of such application, and (b) the Funder, in its funding of the proposals and (c) between persons acting for or assisting the LPA and the Funder in their respective functions do not take place, otherwise than in accordance with these Handling Arrangements.

Permissible Practical Arrangements

These Handling Arrangements do not prevent discussion or communication about any planning application for community facilities within the Ebbsfleet Green Site nor subsequent related applications, between the LPA and the Funder, through the formal channels appropriate to the relevant application process. These include, but are not limited to, the terms of any Planning Performance Agreement; pre-application meetings or correspondence; screening and scoping for the purpose of the EIA Regulations; post-application submission meetings or correspondence to discuss and agree actions in respect of responses received through publicity and consultation; and post-submission meetings or correspondence to progress planning conditions or s106 obligations, in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and other relevant legislation. It is however anticipated that such discussion or communication would be limited to the extent that the Funder is not expected to be an applicant in respect of any such applications. These Handling Arrangements are in place to help ensure that any and all discussion or communication between the LPA and the Funder take place in a way which respects the functional separation between the Funder and the LPA and safeguards the independence and objectivity of the LPA's decision making.

They also do not prevent discussion or communication between the LPA and / or the Funder and other members of EDC for factual reporting or programming purposes, for example, to report on the timings for and progress of the relevant application for the provision of community facilities within the Ebbsfleet Green Site. They also do not prevent such discussion or communication as is necessary to inform any executive or non-executive decisions by EDC directly or indirectly in connection with the plans or proposals for the provision of community facilities within the Ebbsfleet Green Site, which decisions are separate and distinct from the LPA's determination of the planning application, or subsequent related applications for provision of community facilities within the Ebbsfleet Green Site. However, should an EDC Board Member become closely involved in the preparation of any such application for provision of community facilities within the Ebbsfleet Green Site, they will not sit as members on the Planning Committee that determines the relevant application.

In addition, these arrangements do not prevent the performance of ordinary staff management functions at EDC, subject to the safeguards set out in these Handling Arrangements.

Planning Committee members shall be mindful of the guidance set out in the Planning Advisory Service publication "Probity In Planning – Advice for councillors and officers making planning decisions" and "Openness and transparency on personal interests" published by the Ministry for Housing, Communities and Local Government.

Nothing in these Handling Arrangements shall fetter the performance of the LPA's statutory functions or the public's access to information on the plans or proposals for community facilities within the Ebbsfleet Green Site, in accordance with the Freedom of Information Act 2000 or Environmental Information Regulations 2004 or other relevant legislation.

Community Facilities within the Ebbsfleet Green Site – Handling Arrangements

This note sets out the practical arrangements that EDC has put in place to ensure a functional separation between the Funder and the LPA, in connection with the planning application and subsequent related applications for provision of community facilities within the Ebbsfleet Green Site. Amongst other things, this helps ensure that there is a clear process for handling the relevant application, which helps prevent potential conflicts of interest or undue influence, or any perception of such, and thereby safeguards the independence and objectivity of the LPA's decision-making.

PART 1

Resourcing and Allocation of Roles and Responsibilities*

A. Officials acting for or assisting the LPA

Name	Role
Mark Pullin	Director of Planning and Place
Michael Jessop	Head of Development Management
Karen Cronin	Senior Planning Manager
Gareth Owens	Senior Planning Officer
Louis Joseph	Planning Apprentice
Simon Harrison	Head of Design
Julia Johnson	Planning Technical Officer
Linda Willbourne	Planning Administration Support Officer

B. External persons appointed to act for or assist the LPA (company details)

Name	Role
Bureau Veritas	Environmental Consultant
Leap Environmental	Environmental Consultant
CSA Environmental	Landscape Advisor
Gowling WLG	Legal Advisor

C. Officials acting for or assisting the Funder

Name	Role
Jennifer Hunt	Director of Development
Chris Horton	Head of Development – Commercial and Community
Sophie Robinson	Senior Development Manager
Ian Piper	Chief Executive Note: The Chief Executive is not exercising planning responsibilities in relation to this project.

D. External persons appointed to act for or assist the Funder (company details)

Name	Role
Pinsent Masons LLP	Legal Advisors
Arcadis	Project Management

***To be kept under regular review and added / amended as necessary**

For the purposes of this note, the persons identified in groups A and B are "**the LPA team**". The persons identified in groups C and D are "**the Funder team**". Persons in the LPA team and in the Funder team are entitled to receive information on planning applications and subsequent related applications for provision of community facilities within the Ebbsfleet Green Site in order to perform their respective roles and responsibilities.

No person on the Funder team shall be involved in the case-work or decision-making in connection with a planning application nor subsequent related applications for provision of community facilities within the Ebbsfleet Green Site. No person on the LPA team shall be involved in promoting the planning application nor subsequent related applications for provision of community facilities within the Ebbsfleet Green Site. Any discussion or communication between the LPA team and the Funder team shall be carried out in accordance with these Handling Arrangements.

Non-public information on the planning application and subsequent related applications for provision of community facilities within the Ebbsfleet Green Site may not, except with express authority of Ian Piper

(as Chief Executive Officer of EDC and Senior Responsible Officer) be disclosed to or discussed with any person not on the list of persons to whom such information can be disclosed. Any authorisation must comply with Regulation 64(2), and must require any authorised person discussing or receiving such information to comply with that Regulation and these Handling Arrangements.

Project Board Members for any application for provision of community facilities within the Ebbsfleet Green Site will not sit as members on the Planning Committee that determines that application.

Planning Committee members shall not partake in decision-making in connection with the planning application or subsequent related applications for provision of community facilities within the Ebbsfleet Green Site if they have previously been involved in promoting any such application. Planning Committee members will excuse themselves from any discussions on related planning applications for community facilities within the Ebbsfleet Green Site during EDC Board meetings.

In addition, any persons identified in Group A will excuse themselves from any discussion relating to live planning applications for community facilities within the Ebbsfleet Green Site which have been submitted to, and are being determined by, EDC in its role as Local Planning Authority during internal governance meetings including Working Groups and Project Board.

PART 2

Detailed Handling Arrangements

- a. **Publication.** These Handling Arrangements shall be publicly available, subject to any personal details redacted as appropriate for data protection reasons.
- b. **Education.** Each person on the Funder team and on the LPA team shall be provided with a copy of these Handling Arrangements.
- c. **Updates.** These Handling Arrangements shall be recirculated to the Funder team and the LPA team on a bi-annual basis, or earlier where there is a material amendment. The publicly available version will be kept under review on the same basis.
- d. **Information sharing.**
 - Information can be shared orally or in writing
 - Written information can take the form of words or images (maps, plans, drawings, photos etc.).
 - Written information includes information shared electronically (by e-mail, data sharing or information exchange platforms, social media etc.)
 - All information on any planning application for provision of community facilities within the Ebbsfleet Green Site shall be shared between the Funder team and the LPA team through the formal channels appropriate to the relevant planning application process. Discussion or other communication about the merits of the planning application and subsequent related applications for provision of community facilities within the Ebbsfleet Green Site shall not take place between the Funder team and the LPA team (or with other members of EDC) outside of the parameters set out in these Handling Arrangements.
 - In respect of written information, persons on the Funder team and the LPA team shall clearly identify the intended recipient of the information. This can be done, for example, by marking the information for the attention of the Funder team / LPA team, as applicable.
- e. **Document storage by the Funder.** Measures have been put in place to ensure that the material related to the Funder's applications for provision of community facilities within the Ebbsfleet Green Site is not stored on shared file spaces (physical or electronic) accessible by those outside of the Funder's team. Where it is not physically or technically possible to fully restrict access, all reasonable steps shall be taken to ensure that the material is stored in a way which deters access by persons outside of the Funder's team.
- f. **Document storage by the LPA.** Measures have been put in place to ensure that material related to the LPA's determination of relevant application(s) in connection with the provision of community facilities within the Ebbsfleet Green Site is not stored on shared file spaces (physical or electronic) accessible by those outside of the LPA's team. Where it is not physically or technically possible to fully restrict access, all reasonable steps shall be taken to ensure that the material is stored in a way which deters access by persons outside of the LPA's team.

- g. **Authorised persons.** EDC maintains a list of every person working on the relevant application for the provision of community facilities within the Ebbsfleet Green Site on the Funder's team and on the LPA's team, respectively, including date of assignment to the task and, where appropriate, date of leaving the task.
- h. **Reporting.** Members of the Funder team and the LPA team shall report to Ian Piper on the performance of the practical arrangements set out in this note. Where improvements are identified as reasonably necessary to secure the outcomes identified in the Statement of Intent, EDC shall take all reasonable steps to implement these amended or additional measures as soon as reasonably practicable.
- i. **Management and Governance.** EDC has put in place appropriate governance and line management structures to safeguard the independence and objectivity of the LPA's decision-making. These include but are not limited to separate lines of team management, team filing systems and reporting processes.