

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM No. 6</b>
<b>27 JULY 2010</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Cllr Peter Hiller, Cabinet Member for Housing, Neighbourhoods and Planning	
Contact Officer(s):	Simon Machen	Tel. 453475

**PETERBOROUGH PLANNING PERFORMANCE AGREEMENT (PPA) CHARTER**

<b>RECOMMENDATIONS</b>	
<b>FROM:</b> Scrutiny Committee 29 April 2009.	<b>Deadline date :</b> Report to next Scrutiny Committee
1. That the P&EP Committee endorse the PPA Charter as the Council's preferred procedural mechanism for dealing with large/complex planning applications	

**1. ORIGIN OF REPORT**

- 1.1 This report is submitted to the Committee following the report to P & EP Committee on 14 April 2009 and then Scrutiny Committee on 29 April 2009. This Committee approved the setting up of a working group to establish a PPA Charter and that prior to that Charter being "adopted" by the Council, the results of the working group i.e. the draft Charter would be brought back to the P & EP and Scrutiny Committees.

**2. PURPOSE OF REPORT**

- 2.1 The purpose of this report is to present the draft PPA Charter to Committee for their endorsement prior to the Charter being taken to Scrutiny Committee and then being used as guidance for developers.

**3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	
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**4. BACKGROUND TO THE PPA CHARTER**

- 4.1 The Planning Service has now established a protocol and charging system for dealing with Pre-Application Enquiries and this has been running since January 2010. The methods and timescales for dealing with such enquiries is set out on our website and we currently aim to send a response on applications for proposals which will fall within the "major" category within 30 working days.
- 4.2 This approach is appropriate for the majority of pre-application enquiries but for those projects which are very large scale or complex, a more detailed project management approach will be appropriate. The Government advocates that Planning Performance Agreements are an effective tool for enabling collaborative working between local authority planners, other services and developers and to ensure that proposals are progressed in a timely manner. Planning Performance Agreement Charter sets out how we would wish to

see this work. It also re-emphasises the importance of early developer engagement with the local community and compliments the Statement of Community Involvement in this regard.

- 4.3 The Charter below is a product of the working group set up earlier this year and included officers from the main services most often involved in discussions/consultations on planning applications. Members from each main political group were also invited. We carried out some informal consultation with neighbouring authorities, internal and external consultees and house builders. Few responses came in but where possible these have been incorporated.
- 4.4 This report is for information and seeks Members endorsement of using the PPA Charter and planning performance agreements generally as a project management tool to enable partnership working on large and complex proposals. It is intended that the Charter set out below will be properly formatted and added to the Council's website.

## 5. PLANNING PERFORMANCE AGREEMENT CHARTER

- 5.1 This Charter is primarily aimed at developers and potential planning applicants who are proposing large scale or complex development in Peterborough.

### 5.2 Our Aims

Peterborough City Council has embraced the growth agenda as an opportunity to bring investment to the City and to improve the lives of people who live and work here. We want to promote good development through the planning process and as part of the move towards a more “development management” approach to dealing with development proposals, this Charter helps to set a framework for collaborative working between developers, public bodies and communities. This can be achieved by the developer and local authority entering into a “Planning Performance Agreement.” A PPA is a tool to effectively manage the planning process from pre-application to post decision. It sets out roles and responsibilities and timetables for both parties and the means of engaging with consultees and the community. We want to ensure that major planning applications are dealt with in a timely and effective way. A PPA is non-binding and is not set within a legal framework; it can only work with collaboration between the parties and is about improving the quality of the decision making process.

This Charter sets out which type of developments would be suitable for a Planning Performance Agreement approach and what the benefits will be for all involved.

*For background advice on the government's aims with regard to the development management approach and the use of Planning Performance Agreements, please go to the Advisory Team for Large Applications (ATLAS) and Communities and Local Govt. websites listed below.*

### 5.3 Developments qualifying for the PPA approach

- **Residential** – where the number of residential units is 200 or more. If the number is not known, where the site area is 4 hectares or more
- **Non-residential** – For all other large-scale major applications, where the floor space proposed is 10,000 square metres or more or the site area is over 2 hectares  
Where the development requires an Environmental Impact Assessment  
Where the development is unusual or complex, is a corporate priority which may have a wider Council involvement or may involve complex land assembly issues  
Where the development may have an impact on a small or particular community e.g. residential development of more than 10 houses in a village

## 5.4 Potential Benefits

We have an approved protocol for dealing with all pre-application enquiries which can be found on our website at [www.peterborough.gov.uk/planning](http://www.peterborough.gov.uk/planning). Large major projects require an individual approach which can be achieved through a PPA. We would negotiate fees with you at the start of the process. The benefits include:-

- A PPA inception service day to discuss and agree the project vision and objectives, set out key issues and begin to draw up a project framework and timetable. We would work with ATLAS and ask them to facilitate the Inception Service in line with their guidance which can be found at [www.atlasplanning.com/page/ppa.cfm](http://www.atlasplanning.com/page/ppa.cfm)
- Advice on current policy and site history
- Following receipt of draft design and access statement and plans, a full written pre-application response
- Advice on who to consult with in the local community and how this should be carried out, enabling you to more than fulfil your obligations under the Statement of Community Involvement.
- Opportunity for inclusion of third party consultees in the process/discussion and for them to be party to the agreement where appropriate
- Advice on changes to the proposal brought about by the public consultation
- Drawing up a project plan, identifying key team members, timetables for meetings, workshops giving more certainty on the time it may take to deal with the application. Once the process for each party has been properly scoped, setting a target for the determination of the application.
- Advice on what the formal submission must contain which will help with validation of the application
- Advice on likely S106 requirements so that there is early notice of any contributions required
- Less cost and delay later in the process
- Improvements to schemes through collaborative working with us, other bodies and the local community

Whilst entering into a Planning Performance Agreement as part of the pre-application procedures will not guarantee any applicant a favourable decision, it will reduce the likelihood of unforeseen issues arising during the application process, thus reducing the possibility of delays. It will give the developer the opportunity to address any concerns early on. If planning permission is granted it may help reduce the number of conditions attached to the decision thus potentially facilitating a quicker start to the development with less complication. In other words, "front loading" at pre-application stage may save time and money later on.

## 5.5 Responsibilities under the Charter

Success of a Planning Performance Agreement rests with the Council and the Developer.

## 5.6 City Council Responsibilities:-

- Where a developer proposes a PPA we will determine whether we feel the project suitable for this approach within 10 working days. Otherwise, we will suggest a PPA approach if the project is suitable and the developer has not proposed a PPA.

- We will agree and arrange an inception meeting with the developer and ensure that the appropriate likely project team members from the Council are invited and can attend.
- We will provide you with a written pre-application response to your submitted proposals within 30 working days of receipt of all the necessary information (or as agreed with you).
- We will agree a project plan and timetable with you and we will let you know who the key members of the Council's project team will be; they will include the Project Manager who will normally be the planning case officer.
- We will advise on the appropriate consultations that must be carried out prior to an application being submitted.
- Provide you with details of all that needs to be submitted to make the application valid.
- Advice on likely Section 106 requirements.
- Provide the opportunity for you to take your proposals to our Design Review Panel.
- Ensure that we keep the relevant Council Members briefed on your proposals.
- Ensure that the relevant Senior Officers, including the Head of Service are aware of your proposal and agree with the written pre-application response we shall provide.

### 5.7 Developer Responsibilities:-

- Agree to a project plan, including the key stages and milestones which take into account the need for review and discussion to take place.
- Appoint a Project Manager to provide a single point of contact and to act as co-ordinator from the developer side.
- Pay the required pre-application fee (as negotiated) – this is already set out in our Pre-application advice (available on our website).
- Provide good quality and adequate information, including a draft Design and Access Statement up front, to enable the Council to provide considered feedback to you.
- Engage in meaningful pre-application discussions/consultations with the local community, allowing enough time for community feedback and for plans and documents to be drawn up taking account of the views of the community.
- Respond positively to requests for further information.
- Attend project meetings with the relevant persons.
- Keep the Council informed of progress at all key stages of the project.
- Submit a complete planning application with all the relevant information as agreed with the Council, including draft Section 106 Agreement or Unilateral Undertaking where appropriate, solicitor details and evidence of title.

**If you would like an initial discussion with us as to whether your proposal may be suitable for a PPA, please contact Nick Harding on 01733 454441**

The following websites and documents provide useful advice:-

Peterborough City Council websites-

Peterborough Statement of Community Involvement February 2008 (link to web)

Sustainable Community Strategy 2008 – 21 (link to web)

Pre-Application advice service (link to web)

Planning Obligations Implementation Scheme (POIS) (link to web)

For all current and emerging development plan policy, go to our website via the following link (link to web)

Other websites-

Implementing Planning Performance Agreements – Advisory Team for Large Applications, in particular Section T3 within the Topic Zone of the ATLAS website

[www.atlasplanning.com](http://www.atlasplanning.com)

Communities and Local Government

## **6. CONSULTATION**

- 6.1 Informal consultation was carried out by email on 26 May 2010. The draft PPA Charter was sent to neighbouring local authorities, key external consultees (e.g. Environment Agency, Highways Agency), some local house builders and agents and internal Directors. Two comments were received from local agents.

## **7. ANTICIPATED OUTCOMES**

- 7.1 The anticipated outcome is that better partnership working will be facilitated by the use of Planning Performance Agreements and that this Charter will advise developers and other interested parties that PCC has the intent to properly manage the development process from pre-application stage through the planning application stage to ensure that the best outcome is achieved on the ground for the developer and the local community.

## **8. REASONS FOR RECOMMENDATIONS**

- 8.1 This approach has been recommended by the Planning Advisory Service, the Advisory Team for Large Applications (ATLAS) which is under the umbrella of the Homes and Communities Agency. The PPA approach is recognised nationally as an effective project management tool for dealing with complex applications thus facilitating the potential to deliver good development in a timely way.

## **9. ALTERNATIVE OPTIONS CONSIDERED**

- 9.1 The alternative is to continue with the status quo. Currently, there is no internal project management system for dealing with large scale development. Developers often talk to different services and Managers as often they are not sure who they should be talking to. Sometimes schemes are progressed without adequate input, early on from the Planning Service. The PPA Charter and subsequent agreements will clarify that normally the planning case officer is the project manager once a development proposal is submitted and that person will co-ordinate and consult with other stakeholders. Thus a clear framework is set out at the beginning. The status quo is often open ended in terms of time scales and expectations and whilst the use of a PPA cannot guarantee a positive decision it allows the developer to plan to an agreed timescale. It also enables the public to see what can be expected and what progress is being made on development proposals.

## **10. IMPLICATIONS**

- 10.1 There are no financial implications. The adoption of the Charter will involve a level of commitment from internal consultees to work within agreed timescales but that is currently the case when internal colleagues are consulted on applications.

## **11. BACKGROUND DOCUMENTS**

- 11.1 The background documents are set out in the main body of the report above.

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