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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- The establishment of a protocol for dealing with pre-application enquiries
- The establishment of a scale of charges for non-householder pre-application enquiries
- The development of a PCC Planning Performance Agreement Charter following consultation with key stakeholders

The Head of Planning Services recommends that the Peterborough City Council Pre-Application Advice Protocol and Scale of Charges be approved. Additionally, Members are asked to endorse the establishment of a Planning Performance Agreement Charter following consultation with key stakeholders.

## **2 PRE-APPLICATION ADVICE**

The giving of planning advice on proposals that are not submitted as planning applications is not a statutory function that must be carried out by Local Planning Authorities (LPAs). In practice, the majority of LPAs will offer such a discretionary service and increasingly are being advised by central government that "front – loading" the system i.e. doing much of the work up front in the process, will provide greater clarity to developers and enable LPAs to be more effective in dealing with planning applications. Indeed the Government commissioned and has recently responded to the Killian Pretty Review into the effectiveness of the current planning system. Both the Review and Central Government recognise the pre-application stage is critical in the process of delivering good development and strengthening of early and effective engagement of stakeholders.

Planning Services at Peterborough do offer pre-application advice. Presently that advice is free to all and there are no set parameters as to the amount of resource that the LPA will commit to individual projects. Officers have been offering advice on some large schemes over long periods of time. The cost of providing that officer resource is not covered by planning application fees and is therefore met from the general budget. When a scheme is submitted for pre-application advice, there is no guarantee that this will be followed up by a planning application. As the service is free, there is no disincentive for speculators to submit schemes which are unlikely to come to fruition, enabling officers to concentrate on schemes which are more likely to be deliverable.

In order to address these types of issues, some Local Authorities have introduced charges for pre-application advice. The mechanism for doing this is Section 93 of the Local Government Act 2003 which allows Local Authorities to charge for non-statutory services. Such charges can only cover the non-statutory element of the planning application process – i.e. prior to the application being submitted and can only cover the cost of providing that service as such must be on a not for profit basis. Despite this, the fees charged by LPAs for pre-application advice varies considerably from £110 for each pre-application enquiry at East Hampshire Council to £2937 for 40 dwellings/1500 sq. metres commercial floor space at Westminster Council.

We have looked at the variations in levels of charging for various local authorities. It is estimated that taking into account the total costs to the City Council for providing pre-application advice, depending upon the complexity of the proposal, that the proposed charges as set out in Appendix A are fair and reasonable and will not result in profiteering. It is therefore proposed to use this model in Appendix A as the basis for the Pre-application Advice Protocol and Scale of Charges for Peterborough.

It should be noted that pre-application advice to householders seeking to extend or improve their own property, including occupiers of residential (single dwelling) listed buildings will continue to be free of charge.

The introduction of the Protocol and Charges will bring several benefits to both customers/potential applicants and the Council alike, the main ones being;

- A consistent approach to handling pre-application enquiries
- A timescale and clear steps that will be undertaken by officers as set out in steps 1 – 6 in Appendix A
- Clarity on what is expected to be provided to the Council to enable the officer to deal with the enquiry – see Appendix A
- Most likely a reduction in the more speculative requests for advice, enabling focus on more deliverable schemes
- Potential blockages to schemes are identified early on – potential further work indentified
- Potential saving of developer time and money on schemes that are unlikely to be approved

Members should also note that following the Killian Pretty Review, Government may make recommendations relating to pre-application advice including setting levels for charging. In any event, the charges will need to be reviewed from time to time to reflect actual costs to the Authority.

### **3 PLANNING PERFORMANCE AGREEMENTS**

Planning Performance Agreements (PPAs) are a project management tool that have been developed by the Advisory Team for Large Applications (ATLAS) and endorsed by the Government. (Further information about ATLAS is included at Appendix B).

PPAs can be agreed between the Local Authority and a prospective applicant as a means for setting out an overarching aim or “vision” for a particular development site, an agreed set of expectations/aims for each party and a timescale for achieving these aims. The PPA can be agreed at the outset of the development process i.e. at the beginning of the pre-application discussions and can run through the process in to post decision/conditions discharging phases if appropriate. It is a means for setting out a framework for who will lead the project from the developer and Local Authority sides, how and with whom consultation will take place and will identify other partners/consultees to be involved in the process.

PPAs are best used on larger or more complex developments i.e. those that might be more contentious and will need significant input from many partners/bodies. Such developments may also include those requiring Environmental Impact Assessments.

The benefits to the developer of entering into a PPA include;

- Certainty as to timescales
- A named project team form the Council

The benefits to the Council of entering into a PPA include;

- Ability to take the application out of the NI 157 target (usually 13 weeks) as long as the PPA is in place prior to an application being submitted.
- Will help to provide a framework for assessing proposals/setting up of steering and topic groups and the potential for improved partnership working
- Will set out a framework for engaging Members earlier on in the process without affecting the ability of Members of the PEP Committee to determine the planning application.
- The Council can charge for the pre-application stage of the PPA

The benefits to the wider community include;

- Better community engagement
- A more transparent system

- Where development does gain planning permission, a better quality of development

ATLAS recommends that Local Authorities adopt their own PPA Charters following consultation with Members and key consultees across and outside the Local Authority. Successful project management, whether it is at pre-application or application stage requires “buy-in” from other departments and partners whose input will be required. At present, project management is ad hoc and developers often might approach several arms of the Council and other bodies outside the Council with a view to discussing their proposals. Planning Services may only get involved relatively late in the process and it is considered that adopting a PPA Charter will help to address these issues through a co-ordinated project management approach.

ATLAS and CLG have published a Guidance Note “Implementing Planning Performance Agreements”, which sets out the following components that should be included in a PPA Charter. It is these aims that the proposed working group will be seeking to achieve in a Peterborough PPA Charter:

- State the LPA’s commitment to a collaborative process, good project management and achieving high quality sustainable development (agreed amongst parties therein)
- State the pre-agreed commitment of LPA departments, statutory agencies and service providers to the PPA process
- Set out the key requirements for the statutory application process and expected content of a PPA
- Set out an approach and actions applicants are expected to commit to
- Set out how the LPA will engage with Members
- State the LPA’s expectations for Community involvement
- Set out the LPA’s approach to resources and, if relevant, their expectations of support to deliver the PPA process from the private sector, and
- Set out any pre-application fee charges

It must be stressed that PPAs are voluntary and both the Council and the developer will both need to agree that a PPA is the best option for project managing a particular proposal.

## **9 RECOMMENDATION**

1. That the Pre-Application Advice Protocol and Scale of Charges as given at Appendix A, is approved and is to be implemented forthwith, following letters of notification being sent out to planning agents and relevant customers;
2. That the Head of Planning Services be authorised (and can delegate as appropriate) to lead on and set up a working group of key cross-departmental officers and including a Member of the PEP Committee (to be nominated by the Chair) to develop a Planning Performance Agreement Charter for Peterborough City Council. The draft PPA Charter produced by the group shall be put before the PEP Committee for approval. The Planning Officers can seek advice in this regard from ATLAS and in the meantime can negotiate PPAs on individual schemes in accordance with the Pre-Application Advice Protocol/Scale of Charges.

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