

PLANNING PERFORMANCE AGREEMENT – PROPOSED CHARGES

1 SUMMARY

- 1.1 This report recommends that the Council adopts a policy of charging for Planning Performance Agreements (PPA) in accordance with a published fee structure, see appendix 1.

2 INTRODUCTION

- 2.1 Planning Performance Agreements are defined by the Department for Communities and Local Government as “a new way to manage large- scale major planning applications”.
- 2.2 The purpose of a PPA is to set out the arrangements to be followed to reach and determination on a planning proposal, including the pre-application discussions, and to deal with matters post-decision such as the discharge of conditions.

3 REASON/S FOR RECOMMENDATION

- 3.1 PPAs allow applicants and the authority to agree an extended time scale to determine planning applications. The normal timescale is 13 weeks. The PPA would set out a time table with milestones from submission through to reporting to Members and almost invariably subsequent drafting and signing of a S106 agreement & issuing the decision notice.
- 3.2 Such PPAs would provide a project managed service by the Council, to a timetable that both parties agree prior to the submission of the application (which can be renegotiated during the life of the application), including regular meetings between the two parties, with planning officers working together with the developer to find solutions to issues that may arise.
- 3.3 Guidance published by the Advisory Team for Large Applications (ATLAS) recommends that if PPAs are used regularly, authorities are encouraged to set out in a “charter” their broad methodology for dealing with large complex developments. Attached at appendix 2 is a draft of the proposed PPA charter.
- 3.4 The authority are able to charge for services provided in the pre-application phase of the PPA, these are to be negotiated with the applicant and agreed early in the process and may be charged at the commencement of the PPA or in instalments as the PPA progresses. The principal in a PPA is to front load the work and activity prior to submission of the application, to ensure the applications are of a high quality in material submitted and content, and that the project management timetable is negotiated at the pre-application stage. PPAs must be agreed and signed prior to submission of the application.

- 3.5 PPAs will subject to a different charging structure to pre-application advice requests and if any of the latter convert to a PPA then the pre-application fee will be discounted against the PPA fee.
- 3.6 There is a 13 week target from submission in which to determine major applications unless a longer period is agreed in writing with the applicant as is the case in PPAs. The Government introduced last year two measures of poor performance in processing major applications; any planning authority not achieving the required standard will be taken into 'measures'.
- 3.7 PPAs are an important tool to help the Council's performance in the face of Government designation for not meeting the measured targets for major applications, and, in charging for the resources necessary to undertake this work, would also raise income to the authority.

4 RISK IMPLICATIONS

- 4.1 If such PPAs prove popular with developers there might be a risk of a hit on performance of other work streams in the service subject to the resource suggestion set out below.

5 ENVIRONMENTAL IMPLICATIONS

- 5.1 Fees for PPAs would apply to major applications where schemes are potentially policy compliant or departures that are in line with wider corporate objectives.

6 RESOURCE IMPLICATIONS

- 6.1 Project management of large-scale applications will require significant input by senior planning officers in the Planning Team; this can be met in part from existing resources together with some project management training and reorganising work within the team. However, should the take up of such PPAs prove popular with developers, then to maintain such a project managed service, there might, subject to a business case, be a requirement for additional resources.
- 6.2 The resources required to undertake these PPAs will therefore be met from existing budgets or will be financed by income generation from the Development Management planning service.

7 LEGAL IMPLICATIONS

- 7.1 The ability to charge for this service is permitted by s.93 of the Local Government Act 2003 and s.3 of the Localism Act 2011. Guidance from ATLAS and DCLG indicates their support for the position that there can be charges for a PPA. However, charging for this service must only be on a cost recovery, rather than profit, basis.

8 RECOMMENDATION

- 8.1 It is proposed that Council **RESOLVES** to adopt a policy of charging for Planning Performance Agreements and to agree the fee structure set out in appendix 1.



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Background Papers:-

None.

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If you would like this report in large print, Braille or another language please contact 01702 318111.

PPA Fees

Scale of charges for Planning Performance Agreements

Category	Definition	Inception meeting (up to three hours), for drafting of PPA and provision of verbal advice to be subsequently confirmed in writing (if required)	Subsequent charge per meeting (three hours)
Strategic	100+ units 5,000 sqm+ commercial floor space Site is 3 ha+	£3,000 + VAT	As agreed at Inception Meeting
Large Major	50 – 99 units 2,000 - 4,999 sqm commercial floor space Site is 2 – 3 ha	£2,500 + VAT	As agreed at Inception Meeting
Standard Major	10 – 49 units 1,000 – 1,999 sqm commercial floor space Site is 1 – 2 ha	£2,000 + VAT	As agreed at Inception Meeting

All charges are based on estimated officer time and hourly costs and aim to provide cost recovery only.

Please note: Where a scheme falls within the definition criteria for more than one category, the highest applicable fee will be charged unless determined otherwise by the Planning Manager or Head of Service.

PLANNING PERFORMANCE AGREEMENTS (PPA) CHARTER**1 INTRODUCTION**

- 1.1 This document (the “PPA Charter”) sets out the approach of Rochford District Council to the development and delivery of Planning Performance Agreements (PPA). It is produced in response to the Department for Communities and Local Government (DCLG) consultation publication: ‘Planning Performance Agreements: a new way to manage large-scale major planning applications’ (May 2007). This defines a PPA as an ‘agreement between a local planning authority and an applicant to provide a project management framework for handling a major planning application’. It also follows further guidance published by the Advisory Team for Large Applications (ATLAS)¹, which recommends that if PPAs are to be used regularly, a Local Planning Authority is encouraged to establish a formal process document (“Charter”) to set out their broad methodology for dealing with large complex development projects.
- 1.2 The establishment of this PPA charter is consistent with the Council’s commitment to engage with developers/applicants in a collaborative project managed process to deliver major and complex development proposals that support the Council’s Corporate Plan Objectives and the Core Strategy objectives particularly for housing, economic development and retail and town centres through sustainable development and investment. The Core Strategy objectives also aim for a positive character of place and high quality design. PPAs will also improve planning performance and ensure effective community involvement will additionally form a key strand of the PPA process.
- 1.3 The objective of this Charter is to clarify the Planning Service’s generic expectations of the PPA process, as summarised in the five principles below:
- (1) **Commitment:** Rochford District Council expects to actively deliver the actions, behaviour and co-operation to which they commit in signing the PPA. The Planning Service will through the PPA sign up to agreed timescales for providing comment on submitted material.
 - (2) **Engagement:** Rochford District Council expects that its own officers, and external partners as well as collaborating developers and their agents/advisors to negotiate openly and honestly with each other and to embrace the principle of community involvement in shaping the outcome of major proposals.
 - (3) **Fees:** Rochford District Council expects the developer entering into a PPA with Rochford District Council’s Planning Service to pay the agreed PPA fee as and when required. The PPA scale of charges will be published on the Council’s planning service web page, and fees may be updated from time to time.

- (4) **Resources:** The Council's Planning Service will set out for the developer signing a PPA the resources that it is committing to the delivery of that PPA. It is likely that such resources will include dedicated staff and a number of pre-arranged liaison and action meetings.
- (5) **Process:** In delivering its part of the PPA process the Planning Service commits to arranging a series of liaison and action monitoring meetings in line with a project managed approach. It will after each such meeting produce or amend an agreed action plan. The aim will be to follow an agreed timetable from pre-application negotiation through a series of agreed milestones to the submission and determination of a planning application. The process will include a mechanism for any party signed up to the PPA to challenge a lack of progress and seek rapid resolution of any unjustified delay.

2 PPA APPLICATIONS

- 2.1 Inclusion within the PPA process will be determined by complexity of the project at both pre-application and application phase rather than its scale, albeit that within the DCLG definition of a small scale major application forms the minimum threshold. Where a sufficiently complex major development proposal has the potential to accord to the provisions of the relevant Development Plan, or in the case of a Departure from the Plan, to meet any of the District Council's broader housing, economic or other objectives, the management of the application through the PPA process will be promoted.
- 2.2 Any planning application for which a PPA is in place at the pre-application stage will be exempted from the performance indicator NI157a (13-weeks determination period) if the agreed PPA timescale is subsequently met, to allow applicants and the Local Authority to negotiate a flexible timescale that reflects the complexity and requirements of the individual application. Rochford District Council anticipates PPA applications ranging from strategic and very complex projects to significant but slightly less complex proposals.

3 COMMITMENT TO THE PPA PROCESS

Rochford District Council

- 3.1 Rochford District Council will establish a Project Team which will manage the process and take on the additional lead responsibility of project delivery, the lead officer will be a Senior Planner or Team Leader, supported as necessary by the Planning Manager or Head of Service. A steering group will be formed from the the lead officer, Team Leader, Planning Manager or Head of Service.
- 3.2 The lead officer responsibilities are summarised below:
- Progressing the project;
 - Reviewing progress;

- Primary interface with the developer's project team;
 - Delivery of tasks to the agreed timetable;
 - Liaison with stakeholders;
 - Public consultation;
 - Communication with Members; and
 - Regular reporting as required.
- 3.3 All Council Officers in the Project Team and Steering Group will work on behalf of the District Council in the wider public interest to secure the optimum scheme that delivers the Council's planning objectives and accords with relevant planning policy, including relevant supplementary planning documents. The Officers will express their own professional opinions that will form guidance for the applicant. This guidance will not, however, bind officers to a final recommendation nor override the requirements for a formal planning application to be determined without prejudice and within the statutory requirements of current planning legislation. The Council will use best endeavours to meet the agreed programme.

Statutory Agencies and Service Providers

- 3.4 For the larger complex applications, it is anticipated that other stakeholders from partner statutory agencies are likely to be required to provide pre-application advice in a timely and proactive manner. The most relevant Statutory Agencies in respect of applications are the Essex County Council Highway Authority, Education and Urban Design; Environment Agency and Natural England (it may be that advice from these agencies are separately chargeable). In addition, advice maybe required from Essex County Council Public Rights of Way; Conservation; Minerals & Waste; Archaeology; Anglian Water; Essex Wildlife Trust; Health & Safety Executive; Essex Police; Department for Transport; London Southend Airport; NHS Property Services Ltd.; Essex & Suffolk Water; Sport England; Access Committee for the Disabled; and the Ramblers Association. Internally advice is likely to be required from the Council's engineering; environmental protection; planning policy; woodlands; ecological; strategic housing; and waste & recycling sections.

Applicant

- 3.5 The District Council will expect the applicant to approach any project in a direct, collaborative and creative manner and to work co-operatively with the Council in the sharing of information. The applicant will be expected to appoint the appropriate professional consultants with sufficient experience to reflect the complexity of the project. They will also be expected to use best endeavours to meet the agreed programme.

4 COMMUNITY ENGAGEMENT

- 4.1 As set out in the Statement of Community Involvement (SCI), Rochford District Council is committed to engaging with the people and organisations of Rochford in planning for sustainable development in an open and constructive manner. Appropriate methods of pre-application consultation are therefore considered to play a significant role in understanding the views of residents and organisations at an early stage. The table 3 at Appendix A confirms the expectations and commitment of Rochford District Council to community engagement throughout the PPA process to ensure transparency and inclusiveness.
- 4.2 The applicant will be obliged to ensure that all pre-application community consultation is meaningful and not seen as a public relations exercise to win support for a pre-determined proposal. Additionally, the responsibility for carrying out pre-application consultation (and the costs of doing so) will rest with the applicant.

5 MEMBER INVOLVEMENT

- 5.1 Rochford District Council will ensure that Members are openly engaged in the PPA process through one or both of the following routes; whichever is most appropriate to the project:
- (1) Member briefing: where relevant and the issues are sufficiently complex, a Member Briefing will be held for the Portfolio holder, The Leader & Deputy leader of the Council, and Ward Members within whose electoral ward the PPA project is situated. The purpose of the briefing will be to allow Members to gain a full understanding of the project from the applicant's project team and other pertinent issues; or
 - (2) Liaison with the same group of Members where due to the nature of the PPA project a Member Briefing is not appropriate.

Members will operate within the Council's Codes & Protocols set out in The Constitution, in particular the Code of Good Practice on planning matters. Members can express views, but not give an indication of how they or other Members might vote nor will they engage privately with the applicant and must not predetermine their view on an application.

6 FEES

- 6.1 The scale of PPA fees will always be published on the Planning Service's webpage.

7 PPA PROCESS EXPECTATIONS

- 7.1 The District Council will expect any applicant engaged in the PPA process to ultimately sign a Planning Performance Agreement to which the Council will also commit. It is envisaged that the process will comprise three key phases:

Screening and scoping phase (pre-application)

- (1) Early pre-application review of the project and agreement to engage in the PPA process;
- (2) Nomination by both the Council and applicant of their 'project lead' and Lead Council Officer as appropriate and clarification of reporting structures;
- (3) Preparation for an 'Inception Day' to develop the structure and content of a PPA. Whilst not a formal requirement of the PPA process, Rochford District Council welcomes the Inception Day approach. It may (optionally) be independently facilitated as agreed between the Council and the applicant, to be funded by the applicant.

Inception phase (pre-application)

- (1) Agreement of a shared vision and development objectives as far as possible;
- (2) Review of policy base and identification of key technical issues, to include areas of difference (if relevant) and how these might be resolved;
- (3) Agreement to a process of community and member engagement and involvement of statutory agencies;
- (4) Development of a project plan to identify key tasks and responsibilities of the project team;
- (5) Development of a work programme setting out key target dates and timescales e.g. planning application determination period (in excess of 13 weeks) and the milestones for project review;
- (6) Finalisation and signing of formal Planning Performance Agreement by the Council and Applicant.

Implementation phase (application and post-application)

- (1) Regular review of the PPA project plan and revision (as required) to include a final review/analysis and appraisal of the process.

7.2 It is expected that the PPA project plan and work programme will be collaboratively reviewed at regular intervals and updated accordingly with any key changes agreed in writing.

8 THE FORM OF PLANNING PERFORMANCE AGREEMENTS

8.1 The District Council will require any applicant engaged in the PPA process to collaboratively set out and reach agreement on the following key headlines:

- (a) Project 'lead' for both the Council and applicant;
 - (b) Vision and objectives;
 - (c) Project structure;
 - (d) Consultation strategy;
 - (e) Project issues and task list;
 - (f) Project programme;
 - (g) Decision making framework to include a post-decision structure; and
 - (h) Closing review of process.
- 8.2 The District Council will provide a template to clarify the expected format of any PPA albeit that the precise content of the PPA is subject to agreement between the applicant and the District Council and will be determined by the complexity of each individual project.

9 FURTHER INFORMATION

- 9.1 For further information with regard to the PPA process please contact Planning Services:

Phone: 01702 318191

E-mail: planning.applications@rochford.gov.uk

Post: Council Offices, East Street, Rochford, Essex, SS4 1BW

APPENDIX A: COMMUNITY ENGAGEMENT: 'MINIMUM' EXPECTATIONS

PRE-APPLICATION PHASE	APPLICATION SUBMISSION PHASE
Primary responsibility: Applicant	Primary responsibility: Council
<ul style="list-style-type: none"> Public meetings. Public exhibitions (with appropriate exhibit material to include 3D images where possible) with the opportunity to make comments. Media coverage, by briefings, press releases and use of the Council's website. Consultation letters to local residents, neighbours, parish/town council, etc. Preparation of a consultation statement for submission at application stage summarising the pre-application consultation and the views received. It should also include an assessment of how the scheme has responded to the consultation process and the views expressed and if unchanged in response, the reasons for making no amendments. 	<ul style="list-style-type: none"> Public consultation undertaken in accordance with Part 8 of the Town and Country Planning GPDO. As a minimum, a site notice will be displayed on or near the application site for at least 21 days. Where required, publicity will be given in local newspaper. All directly affected adjoining neighbours, where identifiable, will be notified by letter. Statutory consultation will be undertaken in accordance with Part 10 of the GDPO. Consideration shall be given to how much weight is afforded the outcome of the applicant's consultation statement and the effectiveness of the public consultation strategy.

