

PLANNING PERFORMANCE AGREEMENTS

Report By: HEAD OF PLANNING SERVICES

1. Wards Affected

County-wide

2. Purpose

- 2.1 To update Committee on this important national initiative and to agree a local protocol.

3. Financial Implications

- 3.1 Likely to be cost neutral at this stage. Future reports will address the issue of charging for pre-application advice.

4. Background

- 4.1 Planning Performance Agreements are a key element of the Planning Reform agenda. Planning Performance Agreements are essentially a collaborative project management process primarily aimed at complex development proposals. Although PPAs can be used for all development projects that fit the Communities and Local Government definition of a major application, it is recommended that they are most appropriate for unique, complex schemes as PPAs require considerable effort. The aim is to move away from development control to a system of development management which takes account the broader concept of spatial planning. PPAs are about improving the quality of the decision making process, not the speed or decision making, and they may not be appropriate for all types of development proposal. Collaboration is key to the process and one party cannot insist on the use of a PPA if there is no collective agreement.

- 4.2 A PPA can be used for all major applications. Local authorities are required to notify Communities and Local Government about their use of a PPA via the amended general Development Control Return Forms PS1/2. The local planning authority (LPA) and applicant are free to agree on the necessary components of a PPA which will depend upon the individual project. However, LPAs will be monitored against that agreed PPA timescale (PPA programme).

- 4.3 There are a number of core components recommended as a minimum by Communities and Local Government for following the PPA process and producing a PPA. In developing the individual agreement parties must acknowledge the key written content of the PPA, which should include:

- project vision and development objectives and the planning proposal;
- project issues and tasks plan;
- project team and decision making framework; and
- project programme.

- 4.4. A PPA can only be considered via agreement between the local authority and the applicant.

Potential criteria for assessing the complexity of a scheme can include:

- proposals that meet a local authority's identified strategic objectives as set out in the Local Development Framework (LDF);
- proposals requiring an Environmental Impact Assessment;
- larger sites that include a variety of land uses;
- proposals that have an impact on strategic areas of environmental sensitivity, i.e. a Special Protection Area or sites where there are many constraints to be resolved before the development can be delivered;
- proposals involving significant non-standard planning obligations;
- proposals which require referral to a central or regional government body;
- proposals which would have significant impact on existing communities and therefore require consultations or involvement from many different stakeholders, interest groups, statutory agents, etc; and/or
- proposals that are unique to a local authority's experience.

- 4.5 Experience from the pilot exercise identified a wide variety of factors that can impact on any particular development proposal and that establishing a single model agreement was neither realistic nor helpful. It also identified that the actual process of establishing an agreement is significantly beneficial in developing a common understanding of project issues and objectives and building positive relationships.

- 4.6 The PPA process is expected to be iterative as agreements will need to be flexible and capable of being used as working documents. The following are recommended as key components to be included in any PPA.

- a) Screening – to establish if a PPA is a correct and agreed approach.
- b) Project Scoping – what needs to be done and who needs to be involved.
- c) Vision and development objectives – what vision is to be achieved.
- d) Project team – who are the key players and are all interests represented.
- e) Review of policy position – what policy guidance exists on the site.
- f) Review of evidence base – to establish what information exists and what is required.
- g) Community engagement strategy – based around the Statement of Community Involvements how best can the wider community be involved.
- h) Member involvement – how members are involved and how can this be managed without compromising the decision making process.
- i) Statutory agency and service provider input – the influence of these groups should be assessed and fully managed.
- j) Resources – the availability of skills should be assessed.

5. The Council's Approach

- 5.1 Government advice suggests that if PPAs are to be used regularly, local planning authorities are strongly advised to establish a formal process that can be set out in a formal document (a PPA Charter) which will set out the generic approach and commitment for dealing with complex development projects.
- 5.2 A proposed Charter is set out at Appendix 1. Mainly the charter is of a procedural nature and is in accordance with the key principles of the PPA process. However it proposes key criteria in suggesting when a PPA would be both appropriate and expected by this Council. For clarity these criteria are suggested as:
- a) proposals for strategic housing and/or employment sites as identified either in the existing UDP or the forthcoming LDF; or
 - b) proposals requiring an Environmental Impact Assessment; or
 - c) proposals which would have a significant impact on existing communities and therefore require expansive consultation or involvement from many different stakeholders, interest groups, statutory agencies etc.

In many cases these criteria would overlap.

RECOMMENDATION

It is recommended that the Committee:

- (a) notes the introduction of Planning Performance Agreements: and**
- (b) supports their application in Herefordshire; and**
- (c) approves the Charter sent out at Appendix 1.**

BACKGROUND PAPERS

- CLG/Atlas : Guidance Note: Implementing Planning Performance Agreements April 2008