

## PLANNING PERFORMANCE AGREEMENTS

## REPORT OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

## 1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to inform and consult the Committee about Planning Performance Agreements (PPA), their use and to seek the Committee's agreement in using them in processing and determining certain planning applications.

## 2.0 PLANNING PERFORMANCE AGREEMENTS AND THEIR BACKGROUND

- 2.1 Planning Performance Agreements (PPAs), (formerly called Planning Delivery Agreements), were originally proposed in the Planning Green Paper, Planning: Delivering a Fundamental Change (Office of the Deputy Prime Minister, December 2001). The aim was to give greater certainty with regard to the speed and quality of large planning application assessments and decisions. This was followed by a consultation paper, Options for Implementation (June 2005), after which the Advisory Team for Large Applications (ATLAS) was commissioned to produce the report Planning Delivery Agreements (January 2006).
- 2.2 PPAs were then proposed in the Planning White Paper (2007) and in June 2008 the government published a new guide to speed up the adoption of planning partnerships between councils and developers, by means of voluntary PPAs.
- 2.3 A PPA is a mechanism which allows both the developer and the Local Planning Authority to agree a project plan and programme which will include the appropriate resources necessary to determine the planning application to a firm timetable. The intention of PPAs is to put in place a more effective arrangement for handling applications for large, complex development projects, unconstrained by the national target of a 13-week limit. All PPAs that meet agreed timetables will be excluded from the standard target meaning that developers would no longer have to worry about permissions being refused because outstanding issues remain unresolved by the 13 week deadline.
- 2.4 For a PPA to be successful, it is essential that the Local Planning Authority and the applicant establish a collaborative relationship based on trust, with good communication and regular exchange of information. It is important to emphasise that a PPA is not a guarantee, nor an indication of

likelihood that the application will be approved. It relates to the process of considering development proposals and to the decision itself. Local Authorities are required to notify the Department for Communities and Local Government (DCLG) about their use of a PPA and Local Planning Authorities will be monitored against the agreed PPA timescale. However, a development proposal cannot become a PPA after it has been submitted as a formal planning application as a means of removing it from the requirements of the 13-week time limit.

2.5 In essence, the voluntary PPA process represents Central Government's attempt to make the planning system a more positive and efficient process, responding imaginatively to the challenges of regeneration, housing and delivering high quality places. The DCLG is now advising that PPAs have been incorporated into the planning system, and they are endorsed as good practice.

### 3.0 WHEN TO USE PPAs AND THE ADVANTAGES THEY BRING

3.1 Developments that qualify for consideration of a PPA approach would generally fall within the category of large-scale major applications or significant developments, which are unique complex schemes. The potential criteria for assessing the complexity of a scheme could include;

- proposals that meet a Local Authority's identified strategic objectives,
- 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 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 central or regional governing body, e.g. a departure from the Development Plan,
- proposals which would have significant impact on existing communities and therefore require expansive consultations or involvement from many different stakeholders, interest groups, statutory agents,
- proposals that are unique to a Local Authority's experience, and/or
- proposals which raise significant urban design issues.

3.2 PPAs are about improving the quality of the decision making process, not the speed of decision making, whilst 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. A PPA involves a commitment from not only the Planning Service but all other internal and external consultees to keep to the agreed programme and to determine the application in the agreed timescale.

3.3 In conclusion the purpose of taking a PPA out of the National Performance Indicator regime (i.e. the 13-week limit) is to allow applicants and local authorities to negotiate a timescale that reflects and responds to the particular circumstances of an individual large scale or complex development proposal.

3.4 However, especially during the economic downturn when not as many major applications are being submitted, it is important to ensure that the council is not disadvantaged from removing an application from the National Performance Indicator regime, especially if an application could be determined within the 13 week target.

#### 4.0 THE NEXT STEPS

4.1 The approach of the Local Authority to PPAs is set out within the draft document, Planning Performance Agreement Charter attached, which sets out the Local Planning Authority's approach and commitment for dealing within complex development projects. If the Committee considers the PPA process and its Charter are appropriate, it will be publicised initially via Development Control and Building Control's Developer Forum, which is due to take place on the 9 October 2009, and thereafter through the council's website and other planning documents.

#### 5.0 RECOMMENDATION

5.1 The Committee is recommended to note the contents of this report and agree the adoption of the PPA process and its Charter for use in the appropriate cases.