

POST- CONSULTATION DRAFT



PLANNING PERFORMANCE AGREEMENTS (PPA) CHARTER

INTRODUCTION

- 1 This document (the “PPA Charter”) sets out the approach of City of York Council to Planning Performance Agreements (PPA). The Department for Communities and Local Government (CLG) consultation publication: ‘Planning Performance Agreements: a new way to manage large-scale major planning applications’ (May 2007) defines a PPA as an ‘agreement between a local planning authority and an applicant to provide a project management framework for handing a major planning application’. It also follows further guidance published by the Advisory Team for Large Applications (ATLAS), 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.
- 2 The establishment of this PPA charter is consistent with the Council’s commitment to collaborate with developers/applicants to deliver major and complex developments that address Planning and Sustainable Development Service Plan objectives:
 - To provide effective stewardship of the City’s historic and natural environment alongside the complementary objective of economic growth within the City.
 - To influence development schemes, to ensure the highest quality of design and appearance which enhances the unique character and future well being of York.
- 3 The Planning Service also has strategic objectives to improve planning application performance without compromising the quality of development.
- 4 The objective of this Charter is to clarify the Council’s expectations of the PPA process, summarised as:

Commitment: The commitment of City of York Council, statutory agencies and service providers to the PPA process and the approach and actions that developers/applicants are expected to commit;

Engagement: Expectations for community involvement and the method of engagement with Members;

Resources: The expectations of the Local Planning Authority with regard to the delivery of the PPA process and support from the developer/applicant;

Process: The key requirements of the statutory application process and the expected content of a PPA.

PPA APPLICATIONS

- 5 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 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 City Council's broader regeneration or community objectives, the management of the application through the PPA process will be promoted.
- 6 Any planning application for which a PPA is in place at the pre-application stage will be exempted from the Best Value performance indicator N157a (formerly 109a) (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.
- 7 CYC anticipates promoting a PPA for strategic and very complex projects and other significant proposals which have one or more complex planning issues that need careful and well planned consideration with the assistance of a statutory consultee.

COMMITMENT TO THE PPA PROCESS

City of York Council

- 8 An initial approach regarding any large-scale development project should be directed towards City Strategy officers in either Development Control or City Development (Major Projects Team). As the project evolves towards the PPA process, a Project Team will be created involving relevant officers from other Council departments to ensure a unified and consistent approach.
- 9 The Development Control Area Team Leader will oversee those development proposals that have a PPA, unless undertaking the role of the Council's Lead Officer in the Project Team. The Project Team will report to the Area Team Leader directly. The Assistant Director (Planning And Sustainable Development) or Head of Development Control will oversee those developments where the Area Team Leader is the Council's Lead Officer. For most development proposals with PPAs a DC Officer or Assistant Team Leader will be the Council's Lead Officer.

- 10 The responsibilities of the Overseeing Officer are to advise or direct the Project Team on the:-
- links with other relevant corporate initiatives of the Council
 - direction of the project to meet corporate objectives;
 - most appropriate form of consultation including with members;
 - timescales to be achieved
- 11 The responsibilities of the Council's Lead Officer include:-
- coordination of the project team
 - primary contact with the developers' project team
 - delivery of tasks to timetable
 - liaison with stakeholders including public consultation
 - regularly reporting back to Overseeing Officer
- 12 As part of the Council's commitment :-
- All Council officers will work on behalf of CYC in the wider public interest to secure the optimum scheme that delivers the Council's planning and regeneration objectives and accords with relevant planning policy, including relevant supplementary planning documents.
 - 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, and will repond to requests for information, advice and meetings in a timely way.
 - Officers will facilitate the presentation of proposals to Members at appropriate stages, where required within a PPA.
 - Officers will idenitfy issues and information that need to be addressed, as well as any likely Legal Agreement obligations, at an early stage of pre application discussions.
 - Officers will facilitate discussion and negotiation with external consultees involved in the PPA.

Service Providers and Statutory Agencies

- 13 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 in York are the Environment Agency, English Heritage and Natural England, who have all committed in principle to pre-application involvement as part of the PPA process.

Applicant

- 14 The developer/applicant will be expected to:-
- Approach any project in a direct, collaborative and creative manner and to work co-operatively with the Council in the sharing of information.

- Provide Sufficient detail and information for consultees to properly assess a proposal and provide substantive responses at pre-application and application stage.
- Allow adequate time for the assessment of proposals by the Council and consultees involved
- Appoint the appropriate professional consultants with sufficient experience to reflect the complexity of the project.
- Use best endeavours to meet the agreed programme.
- Agree to contribute to and participate in public consultation, undertaking pre application consultation with local communities and stakeholders in accordance with the Council's Statement of Community involvement.
- Respond within the agreed timescales to requests for further information and/or revisions
- Recognise that new/additional issues may arise from the consultation or negotiation processes which may affect previously agreed timescales

COMMUNITY ENGAGEMENT

- 15 As set out in the Statement of Community Involvement (SCI), CYC is committed to engaging with the people and organisations of York in planning for sustainable development in an open and constructive manner. Appropriate methods of pre-application consultation therefore play a significant role in understanding the views of residents and organisations at an early stage. The SCI can be viewed at www.york.gov.uk following the links 'Planning' and then 'Local Development Framework'.
- 16 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.

MEMBER INVOLVEMENT

- 17 CYC will ensure that its Members are openly engaged in the PPA process. This will be through means considered most appropriate by the Overseeing Officer depending on the complexity and strategic impacts of the proposal. This could involve briefing;
- The Executive
 - Ward Members
 - Planning Committee Chairs and Vice-Chairs
 - Planning Committee
- 18 The purpose of the briefing will be to allow Members to gain a full understanding of the project and other pertinent issues. Members will not express views about the planning merits of the project nor will they engage privately with the applicant.

- 19 The role of Members in such briefings is principally to facilitate community involvement in the planning process. There will be no conflict between this role and the proper conduct of Members who are involved in determining applications as Members of a Planning Committee and they will be expected to adhere to the Code of Conduct for Members on planning matters and must not predetermine their view on an application. Members attending briefings who are not on the Planning Committee are free to express a view on the scheme if they so wish.

FEES

- 20 At the present time, City of York does not intend to charge a fee for the PPA process unless circumstances change or exceptional service is required.

PPA PROCESS EXPECTATIONS

- 21 CYC will expect any applicant engaged in the PPA process to 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

- Early pre-application review of the project and agreement to engage in the PPA process.
- Agreement on whether an Inception Day is to be held and if so whether a facilitator is to be appointed and paid for by the developer and when it should be held.
- Nomination of the Council's and Applicant's Project Team Leaders and other's responsibilities.

Inception Phase

- 22 This phase (which may include an Inception Day) is designed to achieve–
- Agreement of a shared vision and development objectives as far as possible;
 - Review of policies and identification of key technical issues including identification of differences and how these might be resolved;
 - Agreement of community involvement including member engagement and involvement of statutory agencies;
 - Development of a project plan to identify key tasks and responsibilities of project team
 - Development of work programme with target dates and milestones including project review.
- 23 The phase is concluded with the signing of the PPA by the Council, applicant and any critical consultees.

Implementation Phase

- 24 This phase includes the delivery of the work required by the work programme, regular review of the PPA project plan and includes the final review of the process.

The Form of Planning Performance Agreements

- 25 The Council, applicant and any critical consultees engaged in the PPA process will collaboratively set out and reach agreement on the following key headlines –

- Project lead for both the Council and applicant
- Vision and Objectives
- Project Structure
- Consultation Strategy
- Project Issues and Task List
- Project Programme
- Decision Making Framework

- 26 The Council will publish a template to clarify the expected format of any PPA although the precise format will depend on the complexity and nature of each individual project.

Further Information

- 27 For further information on the PPA process please contact the Development Control or City Development teams team by -

- Phone – (01904) 551553
- E mail – planning.enquiries@york.gov.uk