

Planning Performance Agreements – Draft Charter for Consultation

Summary

- 1 This report seeks Committee approval to consult upon a draft charter for Planning Performance Agreements (PPAs). A PPA is an agreement between the Council and applicants to provide a project management framework for handling a large scale or complex major planning application.

Background

- 2 Planning Performance Agreements (PPAs) were formally introduced into the planning system on 6 April 2008. They can be used for any 'major' planning proposal, but are primarily aimed at complex development proposals.
- 3 PPAs are about improving the quality of planning applications and the decision making process through collaboration. They bring together the Local Planning Authority (LPA), developer and key stakeholders from an early stage to work together in partnership throughout all stages of the planning process. They are essentially part of a collaborative project management process and tool that provide greater certainty and transparency to planning application assessment and decision making. They are also part of a wider shift in the approach to how the development process is dealt with in local authorities, with the term Development Management (DM) now widely used in place of Development Control
- 4 The key characteristics of Development Management are:-
 - a. It is an integral part of the spatial planning process as it involves putting spatial development plans into action
 - b. It is the end-to-end (i.e. from first pre-application approach to completion on site) management of the delivery chain for sustainable development
 - c. The Development Management approach involves a culture change, underlining the role of the local authority as a place shaper in partnership with others
 - d. It aims to recognise that the processes for considering proposals need to be proportionate and appropriate to the impact of the individual development

- e. The DM approach tends to necessitate changes in the structure and allocation of resources within local planning authorities
- 5 The PPA concept has evolved from an initial idea put forward in the 2001 Planning Green Paper, through to a pilot project in 2006 (on the use of 'planning delivery agreements') which was run by the Planning Advisory Service with ATLAS (**A**dvisory **T**eam for **L**arge **A**pplication**S** support). The vast majority of participants across both the public and private sectors recognised the value that some form of agreement could add in terms of improving the quality of process and outcome, and giving greater robustness to decision making. The response of Communities and Local Government is encapsulated in their consultation document and was announced in the Planning White Paper 2007.
- 6 The draft charter as attached at Annex A sets out the framework for an agreements, highlighting the content.

Options

Option A - Approve the charter as attached at Annex A for public consultation over a 3 week period. This option is recommended

Option B - To Approve the charter as attached at Annex A without public consultation. This option is not recommended

Option C - To not approve and adopt the charter, and so not introduce Planning Performance Agreements. This option is not recommended

Analysis

- 7 There are a number of perceived benefits to the PPA process for large scale or complex major developments, which include the following:
- Providing certainty for all development partners (the Council, developer, elected Members and the community) in terms of an agreed timetable for the handling of complex major projects
 - Nomination of a project lead on behalf of both the Council and developer to take forward the major development proposals in accordance with the agreed timetable
 - Providing certainty about the requirements for processing large scale complex applications;
 - Clarifying the means of engagement and consultation with the local community, in accordance with the Statement for Community Involvement
 - Establishing a clear framework for the delivery of the complex major projects

- 8 In addition, the adoption of an agreement allows the timescales for the determination of the subsequent planning application to be decided by the parties involved, taking the application out of the 13 week government target regime, which is often unrealistic.
- 9 The most commonly cited concern with PPAs is the perception that an Authority is, in entering an agreement, committing itself to supporting or approving the application. For this reason it is important that the agreement makes it quite clear that it relates to the process rather than the support or otherwise of the application. Paragraphs 12 and 18 of the draft charter cover this point.
- 10 A second issue relates to the ability of the Local Authority to be able to deliver on its side of the agreement, by committing sufficient levels of resource into the particular project and being appropriately organised to provide the input. In terms of major or complex proposals to which such agreements would relate, the Projects Team of City Development together with the Community Planning officers and nominated Development Control case officers help to fulfil many of the commitments. Funding from Yorkshire Forward towards a renaissance team to help to deal with the large-scale projects such as Castle Piccadilly and York Central/Northwest will also ensure there is sufficient capacity to successfully administer these important development projects. The agreements will help to provide a more formalised framework or structure to this pre application activity, and secure commitment from consultees to this process.

Conclusion

- 11 PPAs are an important element of the Development Management approach to delivery of important schemes to the City. They help to demonstrate the Local Authority's commitment to dealing with the whole of the development process from first pre application discussion through to implementation of a scheme (if it is acceptable and permission is granted). In return they help to secure a commitment from developers and major consultees to follow appropriate pre-application consultation processes and to allow the Authority sufficient time to consider the evolving details.

Corporate Priorities

- 12 The charter and the introduction of Performance agreements for large schemes will help to support the City's economy, and help to ensure the special qualities of the City are considered at the earliest stages of development process. The Charter therefore supports the corporate objectives relating to making York a thriving city and a sustainable city, as well as contributing towards a more effective organisation.

Implications

- 13 Financial – There are no financial implications directly arising from the adoption of a charter for Planning Performance agreements

14 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the more formalised pre application processes.

15 Legal – There are no known legal implications associated with this report or the recommendations within it.

16 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

17 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

18 That the Committee agree to Option A, to approve the charter for public consultation over a 3 week period to include:-

- Consultation with planning agents and consultants
- Consultation with community groups and amenity bodies
- Consultation with statutory and the main non statutory consultees
- Placement of the charter document on the Council's website and in the Council Offices
- That Members receive any comments arising from the consultation and consider them at the October Planning Committee meeting.

Reason: To aim to provide a project management framework for handling large scale or complex major planning applications which will provide certainty for all development partners.

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Report Approved



Date

14th August 2009

Specialist Implications Officer(s) None.

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Planning Performance Agreements: a new way to manage large-scale major planning applications - Government response to consultation replies. Department of Communities and Local Government (CLG). May 2007

Implementing Planning Performance Agreements: Guidance Note by CLG and Planning Advisory Service. June 2009

Development Management Guidance and Discussion Document :Planning Advisory Service and Addison Associates. June 2008

Killian Pretty Review - Planning Applications: A faster and more Responsive system November 2008 CLG

Government Response to the Killian Pretty Review: CLG. March 2009

Annexes:

Annex A - Draft Charter for Planning Performance Agreements