

# Mid Sussex

## How we involve you in Planning Performance Agreements



### **An Appendix to Mid Sussex District Council's Code of Practice and Statement of Community Involvement**

Adopted

This document sets out the process for a Planning Performance Agreement. It details how the District Council will seek to involve applicants, the community and other organisations.

October 2011

# Planning Performance Agreement Charter

## Introduction

A Planning Performance Agreement is a joint project management process between an applicant and the Council, at the beginning of discussions aimed at large, complex development schemes. It sets out the commitments of both parties for the effective processing of a planning application before it is submitted. It sets out a structured approach to developing a work programme and forming a project team, to bring forward major new development proposals. It will include a Community Involvement Plan and the applicant will need to demonstrate that the pre-application consultation has been effectively undertaken.

The management of future development to deliver well-designed, high quality and sustainable communities is one of the Council's main priorities - as set out in the Sustainable Communities Strategy. Planning Performance Agreements are a way of developing proposals to see if they can meet the vision and objectives of the Council as well as giving the community an appropriate opportunity to be involved in the process in a meaningful way.

## Aims

The Council is committed to encouraging new investment of the highest quality that contributes to the well being of existing and future communities and recognises that it is important to reduce uncertainty for local communities when applicants bring forward proposals for development.

The successful delivery of significant major developments requires commitment to partnership working, sound project management and effective communication with the community, developers, and other agencies. Planning Performance Agreements are a tool that can help deliver this.

## Development Qualifying for a Planning Performance Agreement

Planning Performance Agreements are resource intensive and their use is therefore aimed at large, complex development proposals.

A complex project may include:

- Proposals requiring an Environmental Impact Assessment;
- Large site proposals that meet the Council's strategic objectives as set out in the Local Development Framework documents;
- Proposals where there are many constraints to be resolved before the development can be delivered;
- Proposals that would have significant impact on communities and therefore require extensive consultation or involvement from many different stakeholders;
- And / or proposals that are unique to a Local Authority's experience

The Council will only enter into a Planning Performance Agreement or be prepared to commit its resources where:

- Their use is warranted;
- There is mutual agreement to undertake an Agreement between the Council and the applicant.
- Development is acceptable in policy terms, unless there would be clear positive outcomes for the community from such proposals.

Careful consideration will be given to such proposals in advance of entering into a Planning Performance Agreement to ensure that there is sufficient common ground to enable effective partnership working amongst key stakeholders including Councillors and the local community.

A Planning Performance Agreement is intended to cover the full process of planning a major development from an initial meeting when a shared vision for the site would be developed, through to community involvement and management of the application process and the post decision stages. A Planning Performance Agreement approach is suitable for sites where a masterplan is already in place.

## **Proposed Process for a Planning Performance Agreement**

An approach to the Council about a large-scale development project will initially be through the Economic Promotion and Planning Services Division. However, it is likely that it will involve officers from other parts of the Council.

A project manager will be identified. They will be responsible for the co-ordination of the project team. They will ensure that tasks are delivered to agreed timescales, and that regular reporting and liaison with other stakeholders occurs.

It should be noted that the Planning Performance Agreement process does not financially tie the Council to the proposal or to the applicant. The Council may negotiate pre-application fees and secure other resources to assist with the timely delivery of the project, as part of the agreement.

All members of the project team will work on behalf of the Council in the wider public interest to secure the best quality scheme.

The guidance will not bind the Council to final recommendations nor override the requirement for a formal planning application to be determined without prejudice and within the statutory requirements of current planning legislation.

The Head of Economic Promotion and Planning will approve the Planning Performance Agreement on behalf of the Council.

## **Partner Organisation Commitment**

For large complex schemes, other organisations are likely to be required to respond to each project. Other stakeholders including the County Council and the Statutory Agencies (for example Highways Agency, Environment Agency and Natural England) will, where relevant, be asked to commit to pre-application involvement. Where major development sites are close to or cross local authority boundaries, the Council will ensure that it will work closely with these other authorities.

## Community Engagement

The applicant will be required to ensure that pre-application consultation has been undertaken effectively. Additionally, the responsibility for carrying out pre-application consultation (and the costs of doing so) will rest with the applicant.

The Council then undertakes a separate consultation as part of the formal planning application process in line with statutory procedure and in accordance with the Council's Statement of Community Involvement.

Individual Planning Performance Agreements will contain a Community Involvement Plan. All parties will agree this at an early stage.

## Councillor Involvement

Councillors should be appropriately and openly engaged with the development of a project. Councillors will be encouraged to be involved in discussions from an early stage, following the Members Protocol for Involvement in Pre Application Discussions<sup>1</sup>.

## Expectations from Applicant

The Council will expect applicants to approach any proposal in an open, collaborative and creative manner. Applicants will be expected to employ staff/ consultants with sound expertise in delivering sustainable communities. Robust project management processes and a timetable will be agreed with the Council to aid delivery, with any amendments or changes to the timetable only by agreement of all parties.

Where there are multiple interests the Council will seek a single steering group member where appropriate, to represent the collective developer interest.

## Funding

The Council will have an expectation that the applicant will fund the preparation of the application material, production of technical reports, and all community engagement activity. Prior to the commencement of individual tasks the Council and the Applicant will agree a brief to define the scope of the Agreement.

## Planning Performance Agreements: Process Requirements

The Planning Performance agreement will be developed jointly by the Council and the applicant.

The Council will expect the applicant for schemes covered by this Charter to engage in and sign a Planning Performance Agreement. The process will involve the following key elements:

- Meet and review the project proposal at an early stage likely to include an inception day/ meeting.
- Agree a vision and development objectives
- Form a Project Team with key decision makers and a Project Manager
- Produce a Project Plan and agree with the applicant to deliver key milestones.

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<sup>1</sup> See part 5 of the Council's constitution – Codes and Protocols [www.midsussex.gov.uk/media/Part\\_5\\_-\\_Codes\\_and\\_Protocols5.pdf](http://www.midsussex.gov.uk/media/Part_5_-_Codes_and_Protocols5.pdf)

The Project Plan and Programme will be updated regularly to reflect the ongoing work of the project. The Programme can be reviewed accordingly, in agreement with both applicant and the Council.

The Council requires that applicants engage with Council officers and other organisations as set out above and agree the following key elements in writing:

- Decision Making Group and communication structure
- Vision and Development Objectives
- Community Involvement Plan
- Project Plan and Programme

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