

# Planning Performance Agreements in Mid Sussex

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## A guide to their use in the District



# Planning Performance Agreements

## Introduction

A planning performance agreement (PPA) is a project management tool which local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications, usually large and complex in nature. A PPA 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 consultation with local communities and other stakeholders has been effectively undertaken before any planning application is submitted.

The management of future development to deliver well-designed, high quality and sustainable communities is one of the Council's main priorities – and this is enshrined in the District Plan which was adopted in March 2018. 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 to agree and implement. 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 District Plan and other planning policy documents;
- Proposals where there are many constraints to be resolved before the development can be delivered; and
- Proposals that would have significant impact on communities and therefore require extensive consultation or involvement from many different stakeholders.

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 enter into an Agreement between the Council and the applicant;
- The applicant has agreed to provide funding to cover the additional resources necessary to consider the proposal, in exchange for greater certainty on a range of factors including timescales to process the application;
- The proposed 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. It should be straightforward and clear in setting out what is agreed and how it will operate in practice.

A Planning Performance Agreement is intended to be in the spirit of a 'memorandum of understanding' and not a legally binding document. This will be made clear in the text of each PPA agreed with the Council.

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

An approach to the Council about a large-scale development project will initially be through the Planning & Economy team. However, it is likely that it will involve officers from other parts of the Council.

A project manager will be identified by the Council. 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. However, the Council will negotiate pre-application fees and secure other resources to assist with the timely delivery of the project, as part of the agreement. Because of the complex nature of the development proposals likely to be covered by a PPA, there is no set fee and it will be negotiated on a case-by-case basis.

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 Divisional Leader - Planning and Economy will approve the Planning Performance Agreement on behalf of the Council in liaison with the Head of Regulatory Services.

### **Partner Organisation Commitment**

For schemes covered by a PPA, other organisations are likely to be required to respond to the project. Stakeholders including the County Council and statutory agencies such as Highways England and the Environment Agency 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 consultation in advance of application has been undertaken effectively and in accordance with the Council's Statement of Community Involvement (SCI). The responsibility for carrying out consultation in advance of making an application (and the costs of doing so) will rest with the applicant. A Community Involvement Plan is required to be submitted with a Planning Application.

The Council then undertakes a separate consultation as part of the formal planning application process in line with statutory procedures and in accordance with the SCI.

Individual Planning Performance Agreements will cover arrangements for community consultation in advance of submission. All parties will agree to 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 in accordance with the guidance set out in the Council's Protocol for Involving Members in Pre-Application Discussions .

## **Expectations of 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 development. 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 together with a fee for the scope of the services set out in the PPA, in addition to the statutory application fee for any planning application.

## **Process Requirements**

The Planning Performance agreement will be developed jointly by the Council and the applicant. Where an applicant and the Council agree that a PPA will be useful, the process will involve the following key elements:

1. Meet and review the project proposal at an early stage. This is likely to include an inception day/ meeting;
2. Form a Project Team with key decision makers and a Project Manager; and
3. Produce a Project Plan and agree with the applicant to deliver key milestones on the part of both the applicant and the Council.

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

Where a PPA is in place, the statutory time limits for determining a planning application can be varied and a longer period agreed, with a firm commitment by the Council for determining the application by that date. If the Council fails to meet this deadline then the applicant may appeal in the normal manner. Likewise, if the applicant fails to meet its obligations then the Council may defer from the agreed process. Every effort will be made on the part of the Council to meet agreed timescales or to seek to vary them where there are circumstances out of its control (such as where unexpected issues arise or an external stakeholder does not meet statutory deadlines).

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