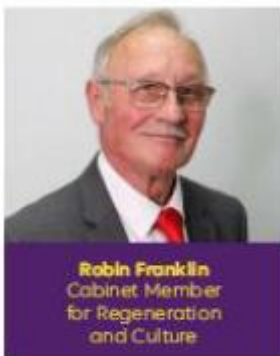




Planning Performance Agreement (PPA) Charter



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Foreword

“Barnsley Council is committed to encouraging new investment and sustainable growth in our borough. We want to ensure that all planning applications are dealt with in a timely and effective way.

We recognise that the successful delivery of development projects, requires good working relationships with developers, communities, and other organisations. Improved communication and transparency can help to reduce delays, provide accurate and timely advice, and set realistic timeframes for the determination of applications.

We will continue to work in partnership with applicants and communities to ensure that developments are deliverable and can maximise the potential benefits which a development can bring.

Many Local Planning Authorities use Planning Performance Agreements (PPAs) on large development sites and know the benefits that they can bring. We hope that introducing an approach to PPAs within Barnsley will benefit our borough and those who live and work here.

This Planning Performance Agreement Charter sets out the Council's commitment to collaborative working with applicants and the wider community and helps to put these objectives into practice.

What is a Planning Performance Agreement?

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 planning applications.

PPAs encourage joint working between applicants and local authorities but can also involve other stakeholders, such as consultees and local communities, helping to identify the preferred approach to community engagement, including the identification of the communities to involve, the process of engagement and the best approach to incorporating their views. PPAs are most likely to be used for larger applications with more complex issues but can be used for smaller schemes, based upon the key milestones that need to be adhered to. PPAs are not legally binding but are intended to be agreed in the spirit of a 'memorandum of understanding'.

PPAs can encompass the pre-application phase, the application phase and, should planning permission be granted, the post decision phase of a development. The Council and the applicant will agree the most appropriate process, format, and content of the PPA which is proportionate to the scale of the project and the complexity of the issues to be addressed. The PPA will set out the agreed timetable, development objectives and responsibility for the required tasks.

The PPA will have a cost attached, to be borne by the applicant, but this will have no implications for whether the application is granted permission. The fee will cover additional resources relating to the project management work that goes beyond the Council's statutory duty of determining the planning application, in addition to any abnormal costs associated with the processing of the application. This resource will be used by the Council for additional capacity that is genuinely required to ensure a timely and effective service.

The payments agreed by the applicant and the Council will not exceed the cost of the additional work involved but will cover the administrative work involved in agreeing and implementing the PPA itself, to the extent that this goes beyond the authority's statutory function. The PPA fee will be paid by the applicant in addition to the nationally set planning application fee. For larger or more complex PPAs there is likely to be a framework for staggered or phased payment dates.

PPAs are intended to encourage early engagement. Ideally, the PPA will be drawn up, agreed, and signed by all parties prior to the submission of the planning application during pre-application discussions. The agreed timetable for the PPA will supersede all statutory determination timeframes and the planning guarantee time limitations. If the Council fails to determine the application by the agreed date, then the applicant may appeal to the Secretary of State for non-determination in the usual way. The parties are encouraged to make the existence and content of the agreement publicly available to maintain the integrity of the Council in its duty of determining planning applications in an impartial manner.

Getting the best outcome for major applications

Barnsley is committed to dealing with major planning applications in an efficient and effective way, recognising that this benefits all parties involved.

The Planning Service promotes use of pre-application discussions for all proposals. However, for some major application proposals, entering into a PPA is the best solution as it provides bespoke ongoing advice for the duration of the agreement.

This document outlines how the process works, the benefits to all parties and details of the costs involved when entering into a PPA.

Broadly, the Local Planning Authority would normally endorse the use of PPA's for the following types of development:

- Schemes above 100 residential units or above 10,000 sqm of commercial development;
- Individual developments and development programs of major strategic importance to the area for regeneration, job creation and investment;
- Developments eligible for large-scale time limited public funding;
- Proposals for larger sites that include a variety of land uses;
- Proposals requiring an Environmental Impact Assessment;
- Proposals for sites where there's many constraints; or;
- Proposals involving significant nonstandard planning obligations or numerous planning conditions. Bespoke PPAs can be used for clients where there is a need for a single case officer or where there is grouping of potential applications.

The benefits of a Planning Performance Agreement Following best practice laid out by the Planning Advisory Service (PAS), have identified that PPAs provide a number of distinct advantages on complex sites. These include:

- Better overall management of pre-application and post-application stages
- Identification of key issues and relevant consultees at an early stage
- Setting more realistic and predictable timetables, with a structure of deadlines and action points
- Greater accountability, transparency and communication
- Improved partnership working
- Continuity and dedicated advice from our officers and consultees We will monitor the success of our PPAs to ensure they continue to provide value for money and add value to the process

Planning Performance Agreement Framework

This charter promotes the use of a PPA as a project management tool, especially for large scale major applications.

This section summarises key elements that should be incorporated within a PPA.

For smaller schemes, a more straightforward PPA can be used that focuses more on program and procedural arrangements. However, the key principle behind a PPA, to agree a way of working between developers, the Planning Service, the community and stakeholders, applies to all schemes.

The key components of a PPA can be broken down into the following stages:

Stage 1: Initial contact and screening

The initial contact stage is critical and will include a meeting with planning staff and the developer to discuss the proposal. The planning officer will send confirmation to the developer within 10 working days of the meeting to advise if a PPA can be offered or if the pre-application service should be used. If a PPA can be used, a program for the PPA will be agreed prior to an application pertaining to the PPA being submitted.

Stage 2: Scoping and inception

The scoping and inception stage will include the following:

- Scope out the vision and objectives
- Agree timetable for project delivery
- Identify key issues, for example, transport, landscape, biodiversity, heritage, design
- Agree the PPA fee estimate and payment schedule
- Advice on the level of community engagement required
- Outline the roles and responsibilities of the developer and Council teams.

Specifying milestones is critical as these will allow both the developer team and the Planning Service to ensure that resources are available on the required dates. Both parties will need to commit to the timeline specified. The initial meeting and all work done in formulating the PPA is chargeable at officer's average hourly rate plus overheads.

Stage 3: Formalisation and implementation

The formalisation and implementation stage will generally form the bulk of the work done on the PPA and will include the following:

- Formal agreement and signing of the PPA by Barnsley Council and the developer.
- Delivering the PPA and addressing the key issues and tasks specified.
- Prompt payments of PPA payments by the applicant.

Charges

A PPA sets the project's tasks and timetable and provides an anticipated cost for expected work. In terms of resource within the Planning Service, this is predominantly planning and other specialist officers' time and we will seek to recover costs based on an officer's average hourly rate plus overheads. Therefore, the estimated fee for entering a PPA varies according to negotiation of scope between all parties and will be dependent on the project tasks and meetings agreed at the initial inception meeting.

The power to charge for discretionary services and recover costs is provided by the Local Government Act 2003, Section 93. Discretionary services include pre-application as well as all non-statutory functions during the planning application process and post-decision stage.

Scoping and Inception expanded - Services provided through the Planning Performance Agreement

The range of “enhanced” planning services that will be provided through a PPA are set out below.

Pre-application meetings/advice

It is anticipated that the Council and the applicant will hold meetings prior to the submission of the application to discuss matters relating to relevant planning policies/site history and specialist matters such as ecology/BNG, trees, highways, LVIA etc. At these meetings an indicative timeframe for determining the planning application will also be discussed, in addition to discussing the most appropriate way to engage local communities before an application is submitted. The costs of any planning or other specialist officer involvement in these meetings shall be covered by the applicant through the PPA.

Pre-application community engagement

One of the key benefits of PPAs is the potential for enhanced engagement with local communities and to make early community engagement a fundamental part of the planning process. To achieve this the applicant will be expected to organise and facilitate community engagement event/s reflecting the communities likely to be affected by the proposed development. These events will provide an opportunity to take on board any comments and concerns raised by local residents or businesses and, where possible, address and incorporate these into the final design of the scheme. Where appropriate, this could include a site visit to the operator's existing site/facility. The applicant shall cover the costs of hiring any community facility required for these events. Planning and other appropriate Council officers may attend such events, and their costs in doing so shall be covered through the PPA. The purpose of their attendance will be to explain the planning application process to the local community, including how to make representations to the Council and the likely timescales involved in determining the application, but shall not discuss the merits of the proposal.

Application progress meetings

When an application is submitted, the applicant will be provided with a Progress Chart detailing an indicative timeframe for the determination of the application, including the target Planning Regulatory Board (PRB) date. The PPA will provide for the holding of meetings approximately once a month following the submission of the application to allow for the Council and the applicant to discuss the progress of the application against the timescales set out in the Progress Chart and to amend the Progress Chart accordingly. The costs of any officer involvement in these meetings shall be covered by the applicant through the PPA. Progress meetings will be used to identify the need for the provision of additional information to be submitted by the applicant at the validation stage and any specialist information required following responses received from statutory and non-statutory consultees. Requests for additional information made under Regulation 25 of the Environmental Impact Assessment Regulations 2017 are likely to

have implications for the determination timescale of the application due to the requirement to undertake additional formal publicity and consultation under these Regulations. The Progress Chart and the indicative determination date will be reviewed to reflect this.

Specialist technical input required to address issues relating to the application

Given the complex nature of planning applications that the Council deals with, the Council may have to engage specialist technical advice to deal with a particular matter relating to a planning application which the broad range of statutory and non-statutory consultees have not been able to respond to. It is considered reasonable for applicants to cover the costs of procuring such advice, including the procurement process itself, through the PPA. This will be charged at the hourly rate of the specialist.

Review of this Planning Performance Agreement Charter

In addition to the charging rates being reviewed on an annual basis, officers will regularly review the overall PPA Charter to assess its use and effectiveness, including identifying any improvements which can be made to it. Further information about PPAs can be found on the Council's website.

Interested in entering into a Planning Performance Agreement?

For more information about setting up a Planning Performance Agreement please email the Development Management Team at developmentmanagement@barnsley.gov.uk