



# **Addendum to the Planning Control Charter**

## **A Protocol for the use of Planning Performance Agreements**

**October 2008**

## **Planning Performance Agreements (PPA's)**

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## **PART ONE**

### Introduction

- 1.1. Somerset County Council's Planning Control Charter, published in 2004, sets out the standards of service which can be expected by the public, applicants and external bodies from the Planning Control Service. The Charter reflects the Council's commitment to continuous improvement in service delivery.
- 1.2. The introduction of Planning Performance Agreements (PPA's), which are a collaborative project management tool, provides an opportunity for Planning Control to improve its service delivery when dealing with significant major applications.
- 1.3. This addendum has been prepared reflecting our commitment to providing an excellent service and to advise on a revised approach to the standards of service that can apply when handling major planning applications. This addendum sets out a protocol for administering Planning Performance Agreements (PPA's).
- 1.4. Whilst this document sets out the approach to PPA's, additional information will be provided in terms of fees which the County Council will charge for pre-application advice (see paragraph 1.14).
- 1.5. In recognition of the need to engage with a wide range of stakeholders in introducing this new approach, this document has been prepared as a consultation draft in the first instance. The successful introduction of PPA's will be dependent on the support and active participation of a number of statutory agencies and service providers, who play a role in the development process. Their views, together with those of the local development industry and others, will represent key inputs into decisions about the changes proposed.
- 1.6. The preparation of this protocol reflects the Council's commitment to improving the Planning Control process, and speeding up planning applications, by engaging with customers, learning from best practice, and embedding performance management.
- 1.7. The use of PPA's can be officially recognised by the Department for Communities and Local Government and removed from the National Performance Indicators, allowing the County Council to set realistic agreed timescales for determination.
- 1.8. The protocol has been produced with reference to the document "Implementing Planning Performance Agreements", produced by the Advisory Team for Large Applications (ATLAS) in consultation with the Department for Communities and Local Government. For more information on the basis of this Protocol

### Background

- 1.9. PPA's were proposed in the Planning White Paper<sup>1</sup> as a means of speeding up the delivery of large scale applications. This followed a successful pilot project, which showed that PPA's added value to the planning system, by improving the planning

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<sup>1</sup> "Planning for a Sustainable Future", DCLG, 2007

process through better project management. DCLG has now concluded that PPA's can give greater certainty on managing the development planning process (such as in relation to timescales, costs and requirements for all parties involved in the process, improving communications, including engagement with other stakeholders). DCLG is now advising that PPA's have been incorporated into the planning system, and they are endorsed as good practice for suitable applications.

### Major Applications

- 1.10. In considering which applications might be the subject of PPA's, DCLG concluded that complexity and not size should be the key determinant, as long as both the applicant and the Planning Authority are content with using a PPA. As a starting point for applicants the County Council is proposing that PPA's will not be used for applications that fail to meet the statutory definition of "major" developments. In terms of applications determined by Somerset County Council, this definition is as follows (Town & Country Planning General Development Procedure Order 1995):
- a) The winning and working of minerals or the use of land for mineral-working deposits;
  - b) Waste development – involving the treating, storing, processing or disposing of refuse or waste materials;
  - c) The provision of buildings where the floorspace to be created is 1,000 square metres or more;
  - d) Development on a site having an area of 1 hectare or more.
- 1.11. **For complex applications which meet these minimum criteria, which are likely to need to be determined by the Council's Regulation Committee and are unlikely to be determined within the Government-specified target time of 13 weeks, applicants will be encouraged to discuss with Officers in Planning Control the potential for entering into a PPA with the Council.**

### Pre-Application Engagement

- 1.12. In order to gain maximum benefit from this protocol, all parties will need to ensure that there is meaningful engagement between applicants, the Council, and other stakeholders (including local communities). PPA's will initially focus on testing the principle of proposed developments, scoping and completing the information that will be required to accompany a planning application, and "front-loading" the involvement of communities and stakeholders. It is from this early engagement and communication that maximum benefit can be derived from the PPA process.
- 1.13. Planning Control has produced a guide on how to conduct pre-application advice in its "Pre-Application Advice Protocol", which is available on the County Council's website:- <http://www.somerset.gov.uk/somerset/ete/planning/applications/index.cfm?override=subtopic&infolid=7126>.

## Funding

- 1.14. PPA guidance indicates that PPA's will normally involve an expectation that the applicant will fund the Council's input into pre-application activity. The Council will undertake a review within the scope of this project, of the scale of any pre-application fees payable (on top of normal planning fees) which are associated with the use of PPA's and will seek to recover the reasonable costs involved.

## Project Management

- 1.15. Project management arrangements for PPA's will normally be consistent with Somerset County Council's project management standard, which utilises PRINCE 2 systems and processes.

## Unacceptable Proposals

- 1.16. It must be stressed that a PPA is not a passport to getting permission for inappropriate planning proposals. All decisions on planning applications are required to be taken in accordance with the Development Plan, unless material considerations determine otherwise. **This position will not change as a result of introducing PPA's.** PPA's provide a project management framework for the delivery of the planning service, and provide no guarantee of any planning outcome.
- 1.17. Where major development proposals are deemed to be in accordance with the Development Plan for the area, or, if a departure, have the potential to contribute to the Council's corporate objectives, the Council will favour the use of a PPA as a mechanism for applying project management disciplines to the application process. Where proposals are unlikely to meet these criteria, or the proposal is relatively straightforward, the Council reserves the right to decline the use of a PPA.

## Monitoring and Review

- 1.18. As a new initiative it will be particularly important that the effectiveness of this protocol is monitored, and that any lessons learned are fed into an annual review, in conjunction with user feedback. It is therefore proposed that the annual review considers the success of each individual PPA and will be used to inform amendments to the Protocol and processes involved.

## **PART TWO**

### **Planning Performance Agreement (PPA) Protocol: A Framework for the use of individual PPA's**

- 2.1. If PPA's are to be used a formal process should exist, and this should be enshrined in a Charter or Protocol. For this purpose the ATLAS/CLG document provides comprehensive guidance.
- 2.2. This part of the Protocol sets out a generic framework for Somerset County Council when administering individual PPA's for development proposals. All PPA's will be expected to be approached in the manner set out below. PPA's will need to set out the commitments of both the applicant and the Council as planning authority to work in the manner specified, and will need to be signed by both parties.

#### Roles and Responsibilities: The Project Team

- 2.3. Each individual PPA will set out roles and responsibilities of the developer and the County Council's teams in dealing with the development proposal. The Project will identify all individuals including a Project Manager, agreed at an early stage between applicant and County Council. Within the Council, while the process will be led from within the Planning Control the team will include representatives of other services as required (such as Highways Development Control or Community Protection). The PPA will identify the principal point of contact for each team, with a commitment to channelling all communications through, or with the knowledge of, those individuals. The same process will be undertaken for the developer and any persons they identify as having a constructive role in the process.
- 2.4. The ethos of the PPA, collaborative working within a project management framework, will require that all parties work in an open, constructive and creative manner. Parties signing up to the PPA will approach the process positively in order to achieve a quality outcome.

#### Planning Policy Position

- 2.5. As a key consideration in the planning process, the policy position is an integral part of a PPA. The PPA will set out the process for examining the robustness of the planning policy framework as it applies to the development proposal. If the framework is not considered to be sufficiently robust, the PPA will need to set out the process for addressing this. If the proposal is contrary to the existing policy framework, the PPA will need to identify any task required to address this issue. The consideration of other relevant documents beyond the development plan – supplementary planning guidance, planning guidance/statements, emerging policy documents, etc – will also be included.

#### Review of Evidence Base

- 2.6. The depth and quality of information about the site and the potential impact of the proposed development will need to be assessed. The PPA will set out the scope and

timescales of any further work that will be required. This will also embrace arrangements for Environmental Impact Assessment (EIA) screening and scoping.

### Community Engagement

- 2.7. The Council's broad approach to community engagement is set out in its Statement of Community Involvement. This will need to be addressed and in some cases supplemented through the PPA with details to be agreed on the engagement of the community.

### Member Involvement

- 2.8. The process of engaging with elected Members (Executive Board Members / Area Panels / Regulation Committee / Ward Councillors) will also be set out and agreed. This will enable Members to be informed and involved at appropriate stages **without compromising their ability to take part in the decision-making process.**

### Input of Statutory Agencies and Service Providers

- 2.9. The PPA will be drawn up in consultation with those Council departments, statutory agencies and service providers who will have a role in evaluating the development proposal, and commenting at pre-application stage. The PPA will identify these interests, and set out how and when they will be involved.

### The Development of an Individual PPA

- 2.10. **The process for administering an individual PPA will follow the guidance provided by the ATLAS/CLG document.** The PPA will set out the process that all parties will work through, from pre-application discussions, to the submission and determination of an application, and the discharge of any conditions and agreements. In accordance with good project management, the PPA document will be supported by key written material which will provide quality assurance on the way in which the PPA is prepared and implemented, and on how decisions are taken.
- 2.11. The process of preparing the PPA will follow the process of Screening, Scoping, Inception, Formalisation, and Implementation.
- 2.12. Following from paragraph 1.13, depending on the review relating to the scale of any pre-application fees payable which are associated with the use of PPA's, these fees will be set out in the PPA.

### PPA Screening & Scoping

- 2.13. Before starting to prepare a PPA, the County Council will need to consider whether a PPA is appropriate for the development proposal in question. An initial meeting will be sought to consider the acceptability of the proposal in policy terms, its projected complexity, and which key parties may need to be involved.

- 2.14. In the scoping stage, the key parties will need to consider issues of process and content. The existence of this protocol should help to simplify this process. At this stage the parties will need to establish:
- The Vision, objectives for the development, having regard to the planning policy (and other material considerations) context;
  - Procedural and management arrangements, including project governance, roles, responsibilities, flexibility, contingency, the need for a Project Manager;
  - Resources, involving the identification of any gaps, and the options available for addressing them, including the potential use of charges for the pre-application stage.
- 2.15. For less complex proposals, it may be possible to combine the project management of screening and scoping activity into a single stage.

### Inception

- 2.16. The Inception stage develops the structure and content of the PPA. Building on the scoping stage, inception should seek to identify key issues, to formalise a work programme, Project Plan (including a “Key Issues and Tasks” Plan, which will identify responsibility for each task and respective timescales), resource requirements and the decision-making and communications framework. It will require input from the key decision makers who will influence the outcome of the project, including those third parties who could potentially have a critical impact upon it. In particularly complex proposals an Inception Day/Event is recommended to allow collective thinking from all key parties and to give them the opportunity to discuss critical issues together. A Risk Log will need to be opened, identifying risks, and ownership of risks. A steering group will be created to provide direction and focus to proceedings. The Vision and Development Objectives, and the project programme/plan will all be agreed in writing. Flexibility to changing circumstances should be considered and embedded in the PPA, however a realistic timescale for delivery will be set. Ideally, the PPA would be formalised and signed off at the end of this stage.

### The Project Plan

- 2.17. The process that the parties will work through, including timescales and key milestones, from pre-application stages, through submission of an application, to determination, discharge of any conditions and Section 106 or other agreements, and monitoring of the development on the ground, will need to be mapped out in a Project Plan in Gantt chart format. Each stage of the process will be given a realistic timescale for completion, along with potential review opportunities.

### Implementation

- 2.18. Progress on the preparation and implementation of the PPA will be regularly reviewed and monitored by the project manager(s) and steering group, and the project managers will take the initiative to work with risk owners in resolving blockages and conflicts. In some cases (larger, more complex proposals) a number of project review stages attached to the key milestones may be built in to the process to allow a phased approach to its management. In all cases, a final review of each project will need to be undertaken to identify any lessons learned.



### Background Documents

1. Planning Delivery Agreements Pilot Project Final Report – Planning Advisory Service (PAS); January 2007.
2. Planning White Paper – Planning Performance Agreements; DCLG - May 2007.
3. Implementing Planning Performance Agreements – Advisory Team for Large Applications (ATLAS); June 07.
4. Planning White Paper – Planning Performance Agreements – Government response to consultation replies; DCLG - November 2007.

### SCC Documents

5. Charter for Planning Control Service; September 2004.
6. Protocol for Conduct in Planning Control.
7. Applying for Planning Permission with SCC – Pre-application Advice and Validation Checklist.
8. Pre-Application Advice Protocol; November 2006.

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