

Charter for Planning Performance
Agreements for Major Planning
Applications



**Regeneration and Policy Service
Post-Consultation Edition (2010)**

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1. **What are Planning Performance Agreements?**

- 1.1 Planning Performance Agreements (PPAs) are a framework introduced by the Department for Communities and Local Government (CLG) to assist local planning authorities and developers in delivering decisions on major planning applications.
- 1.2 In particular they seek to increase the importance of meaningful pre-application discussion with all relevant parties such as the local community, elected members, and statutory agencies. The introduction of PPAs is intended to improve the quality of planning applications through district-wide collaboration.
- 1.3 The PPA is a public document signed by the local planning authority and the developer prior to the submission of a major planning application. The overriding aim is to produce a Project Programme, which would establish a shared vision for the scheme, seek to identify and resolve the key issues and obstacles, and set appropriate and realistic timescales for each element of the programme, ranging from pre-application discussions, to community engagement, to the submission and determination of the planning application.
- 1.4 It is important to note that the PPA is not an indicator of the eventual outcome of the planning application, but a method of establishing shared development objectives between all parties, and working to a stage where the proposal can be formally tested against relevant planning policy through the planning application process.
- 1.5 A national pilot project established by the CLG and the Advisory Team for Large Applications (ATLAS) revealed that the involvement of all relevant parties at an early stage had the potential to improve the content and focus of major planning applications. In particular, the establishment of a timetable for all elements of pre-application work, community engagement, submission of the planning application and a date for decision-making gave all involved in the process greater certainty and confidence in the planning process.

1.6 PPAs cannot be used for all types of planning applications. It will often be for the local planning authority to decide whether the size and complexity of the proposal justifies a PPA.

1.7 Lancaster City Council has devised criteria for assessing whether a proposal is appropriate for a PPA. It is as follows:

- **Firstly, the proposal has to fall within the ‘major’ category of development. Major applications are those which;**
 - (i) Propose 10 or more dwellings or - where the number of dwellings is yet to be determined – the site area exceeds 0.5 hectare;
 - (ii) Proposes a building which has a floorspace of 1,000 square metres or greater; or,
 - (iii) Comprises development on a site which has an area of 1 hectare or greater.
- **Secondly, the proposal must be in conformity with the Development Plan (see Paragraph 4.4 of this Document), or where it involves a departure from policies within the Development Plan, the proposal is one that has the potential to satisfy the Local Strategic Partnership’s Sustainable Community Strategy, or the proposal is one that the City Council believes it can support in principle, for the wider benefit of the district;**
- **Finally, the proposal must be one that is either:**
 - (i) Likely to be referred to a Central or Regional Government Body; or,
 - (ii) Requires an Environmental Impact Assessment, or has an impact upon an area of environmental sensitivity; or,
 - (iii) Involves a large site (generally greater than 1 hectare, or in the event of residential development, 0.5 hectare) which has complexities regarding land ownership or a complex variety of existing or proposed uses; or,
 - (iv) Is likely to involve the drafting of a significant planning obligation agreement, or a significant highway agreement; or,
 - (v) The proposal is likely to have a significant and strategic impact upon existing communities, or would be the subject of

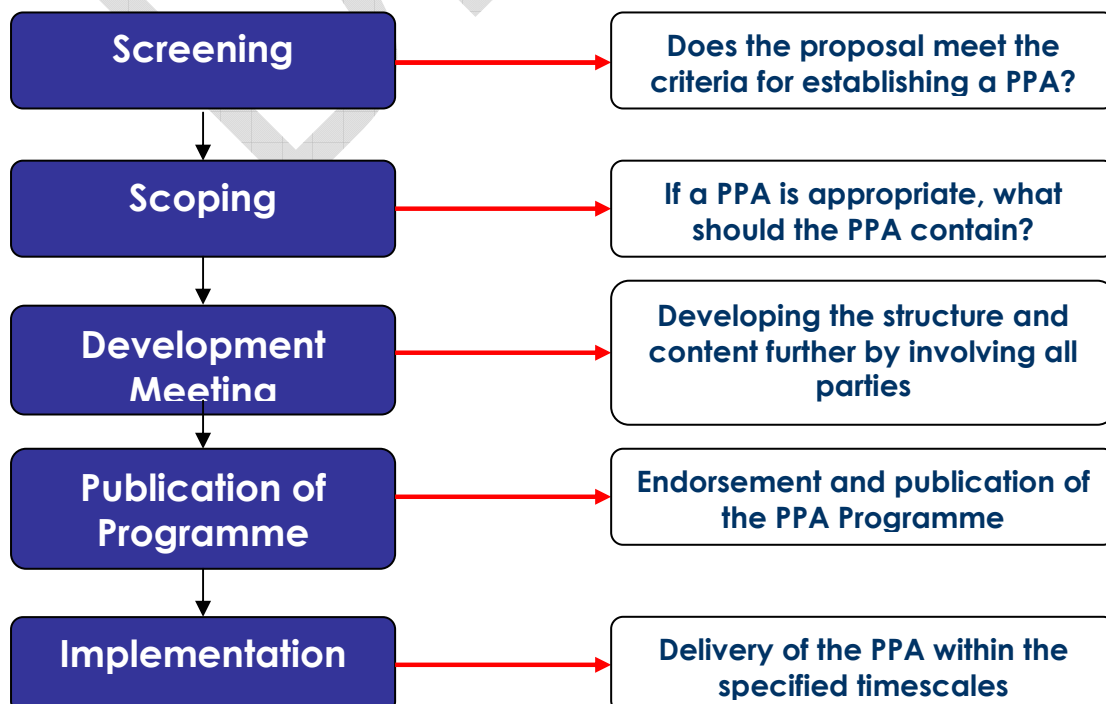
expansive consultations with a wide variety of different statutory agencies, stakeholders, interest groups etc.

- 1.8 Developers in particular should note that signing up to a PPA does not guarantee a planning approval, and the final decision regarding a planning application is dependent on the planning merits of the proposal, and is not based upon the existence of a PPA.
- 1.9 Lancaster City Council has been at the forefront of emerging planning policy in respect of PPA's since 2006, when its Planning Service took part in a PPA pilot project with The Advisory Team for Large Applications (ATLAS). The Planning Service (now the Regeneration and Policy Service) was also one of the first nationally to introduce a 'Development-Team' approach to considering and determining major planning proposals. This approach allowed collective thinking regarding major applications and proved to be successful.
- 1.10 By modifying the City Council's approach to incorporate PPA principles, the local planning authority aims to be more transparent about its pre-application discussions, to work in collaboration with the developer, statutory agencies and community groups to deliver and project-manage high-quality development, and to establish a robust timescale for determination of the planning application. This PPA Charter seeks to formalise the process.
- 1.11 At the present time Lancaster City Council does not charge a fee for participation in the PPA process. Fees for the submission of the planning application will be required in accordance and can be calculated at the National Planning Portal website, via:

<http://www.planningportal.gov.uk/pins/FeeCalculatorStandalone>
- 1.12 All parties should be aware that under the current planning application performance regimes, local planning authorities are required to determine all major applications within a timescale of 13 weeks from the date of submission of the planning application. This timescale increases to 16 weeks, where the application is the subject of an Environmental Impact Assessment. Where a PPA is agreed and signed by the local planning authority and the developer at the pre-application stage, the planning application will not be subject to those national timescales but will be determined in accordance with the timetable agreed and signed by the parties.

2. What are the key stages involved in establishing a Planning Performance Agreement?

2.1 There are **five** key stages to creating a PPA.



- 2.2 **Screening** is the process of deciding whether the development proposal is one that should be considered for the PPA process.
- 2.3 Lancaster City Council's Regeneration and Policy Service has devised criteria for assessing whether proposals merit a PPA approach. **These criteria are stated at Paragraph 1.7 of this document.**
- 2.4 The Screening Process is undertaken by the Regeneration and Policy Service, once it has received a basic indication of the extent of the proposed development. This should take the form of a written submission from the applicant/developer, which shall consist of a description of the development, an indication of the site area, and a basic proposed site layout plan. **It is not necessary, nor advisable, for detailed plans to be drawn up at this stage because development proposals will have to remain as fluid as possible to respond to observations from the Regeneration and Policy Service, the statutory agencies and community groups.** Sketched zones will often suffice.
- 2.5 Once a PPA has been identified as being appropriate, and both parties have resolved to use one, **Scoping** is the stage where the local planning authority and the developer first meet. Both parties should establish their initial positions regarding the following **six key factors**:
- What are the objectives and aspirations for the development?
What are the physical, economic, social and environmental issues and needs within the locality?
 - Who will be included within the Project Team? Which statutory agencies and community groups will be invited to participate at the Development Meeting?
 - What is the policy position regarding the site and the proposals?
 - What evidence is there that the development is required (physically, economically, socially and environmentally)?
 - What will be the Community Engagement Strategy? How will the developer and the local planning authority identify the communities and groups affected, develop a process of

engagement and ensure that their views and feedback are incorporated into the proposals?

- At what stage(s) will Elected Members be informed of the progress of pre-application discussions? How can Members become involved without compromising their role in the decision-making process?

A record of the Scoping discussions will be produced by the local planning authority and will be used to inform the Project Programme, which will be published and will be publicly available.

- 2.6 Screening and Scoping establishes the foundations for the PPA Programme. However it is the **Development Meeting** that will develop the structure and content of the PPA. This is where the draft proposals are critically and openly considered by all essential stakeholders. ATLAS has previously advised that the Development Meeting should be kept relatively small if possible, with one representative from each of the groups to focus discussion. All parties will benefit from focused debate of the proposals at a single meeting.
- 2.7 The Development Meeting is where the Project Team and all invited parties meet to formally discuss and hopefully agree the following:
1. The Project Vision;
 2. Responsibility for Decision-Making;
 3. The Project Issues and Tasks;
 4. The Project Programme and Timescales.
- 2.8 The first of these – The Project Vision - is an important element of any major planning application. It is necessary to ensure that any complexities or changes in circumstances do not dilute the quality of the proposal. Amendments to proposals should always have a positive impact that adds value.
- 2.9 The project vision sets a benchmark against which the project will be measured at all stages of the process. It should reflect national and regional planning policies and comply with any site-specific local planning guidance.
- 2.10 Responsibility for project decision-making should be agreed. This would usually involve a Senior Officer from the Regeneration and Policy Service and a Senior Officer from the developer, who shall both adopt the role of Project Managers, to oversee the completion of tasks. All other statutory agencies and community groups will nominate their point of contact.

- 2.11 The Project Issues and Tasks will then be identified and recorded for inclusion in the PPA Programme. Responsibility for solving the issues raised will be allocated amongst the Project Team. Where agreement over any specific matter cannot be fully resolved (e.g. where aspirations of different parties conflict) this shall be recorded too.
- 2.12 The Development Meeting should be minuted and all actions agreed within the Project Programme, with timescales for resolution of each task. As the best practice indicated by ATLAS suggests, lengthy minutes should be avoided in favour of recording the critical detail. The minutes shall be circulated to all attendees and shall form the basis for the publication of the Project Programme.
- 2.13 In some exceptional circumstances, the Development Meeting can be facilitated independently by ATLAS, rather than by Lancaster City Council. Further details are provided in Paragraph 3.3 of this Charter.
- 2.14 **Publication of the PPA Programme** then occurs. The signatories in all cases will be the Head of the Regeneration and Policy Service and the Project Managers. Any critical third parties (e.g. key statutory agencies) may also be expected to sign the document, which will then be publicly available.
- 2.15 The Programme should contain proposed dates of any additional meetings that are required to resolve specific problems; dates for the submission of the planning application; a scheduled date for a decision by the Planning Committee, and a likely final date for a decision (should the Planning Committee's decision require referral to Government Agencies and/or the scheme requires negotiation of legal agreements).
- 2.16 It is the responsibility of the Project Managers to review the process of **Implementation** and ensure that there are no delays at any stage. Project Managers will be expected to try to resolve any conflicts that may arise during the process, and will review progress at key stages. A final review of the project is expected to be undertaken once the proposal has proceeded to a formal decision.

3. The Role of The Advisory Team for Large Applications (ATLAS)

- 3.1 ATLAS provides independent and impartial advice to local authorities for large, complex, residential development projects. The aim is to improve the quality of the management processes and development outcomes, whilst building capacity, skills and improving relationships.

- 3.2 ATLAS is sponsored by the CLG and hosted by the Homes and Communities Agency, as part of the Planning Advisory Service.
- 3.3 To support the implementation of PPAs, national funding is allocated to provide Development Meetings, hosted by ATLAS and free of charge, providing that they meet one of the following ATLAS criteria:
- **The proposal is for a residential scheme with a minimum of 500 dwellings; or,**
 - **The proposal is for an important regeneration, town centre or mixed use project which incorporates a minimum of 200 dwellings.**
- 3.4 ATLAS does not offer this Development Meeting service unless the proposed number of residential properties meets the thresholds above. Where the proposal does meet one of these criteria, the Regeneration and Policy Service will make contact with ATLAS to request that ATLAS facilitate the Development Meeting. All parties must be aware that the City Council would need to make contact with ATLAS at least one month before the proposed date of the Development Meeting.
- 3.5 For applications which are below these thresholds, the Development Meeting will be likely to be facilitated by the Regeneration and Policy Service and not by ATLAS.
- 3.6 ATLAS staff are trained facilitators and experienced professionals with an in-depth knowledge of the planning process. For further information regarding the role of ATLAS, please contact, **ATLAS, Central Business Exchange, 414-428 Midsummer Boulevard, Central Milton Keynes, MK9 2EA.**

4. **Planning Performance Agreement - Principles and Protocol**

- 4.1 The following paragraphs explain the general principles and protocols that will be expected of Lancaster City Council's Regeneration and Policy Service, and those that will be expected of the developer and all third parties.

The General Principles – Use of PPAs

- 4.2 Lancaster City Council's Core Strategy sets out its spatial vision for the district. It is a vision of a sustainable district where quality of life and standards of development will lead the North West, comprising a prosperous knowledge-based City, a regenerated Coast and a Conserved Countryside. It also explains where new homes and jobs will be located, which areas will be regenerated and which areas will be conserved.
- 4.3 The Core Strategy forms part of a suite of '**Development Plan**' documents, against which all planning applications are considered. These Development Plan documents also include the Regional Spatial Strategy, the Lancashire Minerals & Waste Core Strategy, and the saved policies and saved land allocations of the Lancaster District Local Plan (*all policies in the Lancaster District Local Plan will eventually be replaced by policies under the new Local Development Framework regime, of which the Core Strategy is part; however until this process is complete the majority of existing District Local Plan policies have been 'saved' following a Direction from the Secretary of State and are therefore still applicable*).
- 4.4 Where major development proposals are deemed to be in accordance with the Development Plan documents listed above, or where they may involve a departure from the Development Plan but the proposals are deemed (by the Planning Service) to have the potential to satisfy the Local Strategic Partnership's Sustainable Community Strategy or are deemed (again by the Regeneration and Policy Service) to have wider benefits for the district, the Regeneration and Policy Service will offer to manage this process through a PPA. Equally an applicant or developer may wish to make a case for use of the PPA procedure for their proposals. However the final judgement will remain the responsibility of the Regeneration and Policy Service.

(The Local Strategic Partnership consists of the City Council, County Council, Police, National Health Service, Parish Councils, Further Education providers and representatives from business, voluntary and community sectors. The Sustainable Community Strategy is a collaborative document

which aims to meet the future needs and aspirations of the people of the District).

- 4.5 Where major proposals clearly do not comply with the Development Plan documents or the Sustainable Community Strategy, consideration under the PPA procedure will **not** be offered.
- 4.6 A PPA can only be used where there is agreement to do so between the Regeneration and Policy Service and the developer/applicant. A PPA cannot be forced on either party. A PPA cannot be used once a planning application has already been submitted. It must be established at the outset of the process in accordance with this Charter.
- 4.7 In the event of the proposed scheme being subsequently amended so that it no longer complies with the Development Plan, or fails to accord with the Local Strategic Partnership's Sustainable Community Strategy, or fails to deliver previously identified wider benefits for the district, the Regeneration and Policy Service reserves the right to withdraw from the PPA process.

General Principles – Conduct

- 4.8 Officers of the Regeneration and Policy Service will work on behalf of Lancaster City Council, and they will do so in the wider public interest. They aim to secure the best quality scheme, in accordance with the objectives of the Core Strategy and other Development Plan documents. **Officers will express their own professional guidance, but this guidance does not bind Officers to a final recommendation, nor does the signing up to a PPA override the requirement for a formal planning application to be determined without prejudice and within the statutory requirements of existing planning legislation.**
- 4.9 The Regeneration and Policy Service expects the applicant/developer to approach the project in a transparent and co-operative manner. They should also be prepared to respond to any reasonable and well-founded requests for amendments to the scheme. Both parties should ensure that suitable staff resources are employed to deliver the Project Programme in accordance with the timescales formally agreed.
- 4.10 For the purpose of clarity the designation of Project Managers for the respective parties does not imply that there is a conflict of interest between the regulatory role of the Council's Officers and their involvement in the project. The Regeneration and Policy Service's Project

Manager is responsible for carrying out negotiations to advance the interests of the Council, its Committees and the wider interests of the community. The developer's Project Manager is responsible for advancing the private interests of their clients, and those with a functional and/or financial interest in the project.

General Principles – Community

- 4.11 As set out in Lancaster City Council's Statement of Community Involvement, the Council is committed to open and constructive community engagement. In all projects which necessitate the creation of a PPA, a Community Engagement Strategy will be required. This would be likely to include the relevant Parish Council, residents and community groups.
- 4.12 As part of the Community Engagement Strategy, the Regeneration and Policy Service believes that a representative of any affected Parish Council or community group should be involved at the Development Meeting.
- 4.13 The Regeneration and Policy Service expects the developer to commit to meaningful and constructive community involvement in drafting development proposals. This should not be a 'tick-box' consultation exercise, but a meaningful way of allowing expressions regarding the vision and objectives of the proposal at the pre-application stages. Communities will often have a deeper knowledge of the area and may be able to address issues that have not been considered. In addition, early engagement will provide the opportunity for communities to identify their needs and potential solutions.
- 4.14 Notwithstanding this, the Regeneration and Policy Service will still continue to undertake separate public consultation as part of the formal planning application process. This will continue to take the form of the national, formal 21-day consultation period timescale.

General Principles – Member Engagement

4.15 The introduction of the PPA process provides an opportunity for improved pre-application engagement with Elected Members on major proposals. However, there is a need to protect the Planning Committee's decision-making functions. To avoid any potential compromise, the following principles shall be adopted:

- Ward Members shall be invited to the Development Meeting to observe the presentation and discussion.
- To ensure that the final decision-making process at Planning Committee remains unfettered, under no circumstances should suggestions or views regarding the planning merits of the case be made by Members direct to the developer. Instead, suggestions (or a list of issues) should be forwarded to the Head of Planning Services, or the local planning authority's Project Manager for the PPA, who will negotiate or direct discussions on their behalf.
- Members of the Planning Committee will continue to be briefed as per current arrangements, prior to Planning Committee.

General Principles – Timescales for Decisions

4.16 PPAs which have been formally established and signed by the relevant parties will be officially recognised by the CLG and will be removed from the National Performance Indicators (The fixed 13 week and 16 week timescales for planning application decision-making). This will allow the developer and the Regeneration and Policy Service to negotiate a timescale which reflects and responds to the particular circumstances of the proposal.

4.17 As part of national performance monitoring, the City Council confirms that it will notify the CLG regarding the use of any PPAs. This will be via the Standard Development Control Return Forms. The City Council understands that its performance will then be monitored against the agreed PPA timescale.

4.18 In the event of a planning decision not being reached within the agreed timescale, the applicant retains the right to appeal against non-determination in the same manner as they would any other planning application.

4.19 In the event of a refusal of planning permission, the participation in a PPA project does not affect the developer's or the Regeneration and Policy

Service's rights at any appeal against the refusal. Similarly, if a decision is called-in for determination by the Secretary of State, participation in the PPA project does not affect the statutory rights of any party.

- 4.20 All parties shall adhere to these general principles. The formal PPA Charter, containing a summary of the process recognised by this document, is attached at Appendix A.

Appendix A: The Planning Performance Agreement Charter

1. Screening

During the Screening Phase, the Applicant or Developer shall:

Make the first formal contact to the Regeneration and Policy Service, by providing a short, written description of the development, including an indication of the size of the site and basic proposed layout plans (not detailed plans at this stage – general zoning sketches are acceptable).

During the Screening Phase, the Regeneration and Policy Service shall:

On receipt of this information, Officers will formally screen the proposal against the criteria indicated in Paragraph 1.7 of this Charter;

Officers shall then provide a written response within 10 working days of the receipt of the correspondence, indicating whether the proposal is of sufficient scale and complexity to warrant a PPA approach.

If the proposal is one that is appropriate for consideration via the PPA process, and both parties have agreed to adopt the procedure, work will then commence upon the Scoping Phase.

2. Scoping Phase

During the Scoping Phase, both parties shall:

Establish their position regarding the six key criteria referred to in Paragraph 2.5 of this Charter;

Ensure that the identified Project Managers for all parties remain responsible for the co-ordination of the Project Team. This includes identifying those statutory agencies and other stakeholders whose views will be critical to the outcome of the planning application.

At the end of the Scoping Phase, the Regeneration and Policy Service shall:

Compile a written record of the Scoping discussions between the applicant/developer and the Regeneration and Policy Service, and ensure that a copy of this record is distributed to all persons involved in the Scoping discussions.

Once Scoping has been completed, the parties will work towards arranging a Development Meeting.

3. Development Meeting

Before the Development Meeting, the Regeneration and Policy Service shall:

Determine whether the proposal will be chaired by the Project Managers, or whether it is of sufficient scale to warrant independent facilitation by ATLAS. In determining this, the criteria contained at Paragraph 3.3 is applicable;

Arrange a convenient date, time and venue for all Inception Meeting participants and invite essential stakeholders;

Arrange for the meeting to be minuted.

At the Development Meeting, the Applicant or Developer shall:

Make a short presentation of the proposals to all present, explaining the project vision, and answer any questions regarding specific issues arising;

Agree to work with all present to try to satisfactorily resolve any concerns raised.

At the Development Meeting, all parties including the statutory agencies and community groups shall:

Ensure that they are represented at the Development Meeting;

Raise any concerns or points that require clarification during (or before) the Development Meeting;

Identify any likely planning contribution requests and, where possible, broadly indicate what these may be during (or before) the Development Meeting;

Commit to being proactively involved in the process and ensure that their involvement is appropriately resourced, with a single point of contact (for ease of reference and consistency).

4. Publication of Programme

After the Development Meeting, the Project Managers for the respective parties shall:

Formally draft and agree the Project Programme by signing the Planning Performance Agreement, based upon the template provided at Appendix B. This Programme shall be publicly available.

5. Implementation

Following Publication of the Programme, the Applicant or Developer shall:

Be responsible for the funding of the production of the planning

Following Publication of the Programme, the Regeneration and Policy Service shall:

Formally consult all relevant parties in accordance with

5. Implementation (continued)

Following a decision by the Planning and Highways Regulatory Committee, all parties shall:

Make arrangements for the drafting of any outstanding planning or highway agreements (if the application is approved), or make the necessary arrangements for referral to any Government Agency (if required) within the timescales agreed in the Programme;

Ensure that all tasks are concluded so that a decision notice can be issued in accordance with the project timescales;

Continue to monitor compliance with any planning conditions throughout the process;

Commit to reviewing the project once a formal, final decision on the

Appendix B: Draft Planning Performance Agreement - Template Example

Project Site	
Project Proposal	
Developer/Applicant	

1. PROCEDURAL ARRANGEMENTS

Name	Position & Role	Contact Details
	Lancaster City Council Project Manager	

Name	Position & Role	Contact Details
	Developer/Applicant Project Manager	
	(For example) Key Stakeholder	
	(For example) Key Stakeholder	
	Lancaster City Council Section 106 Officer	

2. VISION FOR THE DEVELOPMENT

(Explanation of the scope of the project and the physical, economic, environmental and social outcomes for development).

3. KEY ISSUES AND TASKS PLAN

Issues and Tasks	Responsibility	Details of Progress	Timescale

Issues and Tasks	Responsibility	Details of Progress	Timescale

4. PROJECT PROGRAMME

(Summary of Key Dates and Milestones to be included here, culminating in a date for reporting to the Planning Committee and a date for issuing of the decision notice).

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5. SIGNATURES

The parties to this Planning Performance Agreement shall be committed to inter-organisational working and shall use all reasonable endeavours to adhere to the Published Programme at all times, in order to deliver a planning application decision for the proposed development.

Project Manager & Head of Regeneration and Policy Services – City Council		(Print Names)
Project Manager – Applicant/Developer		(Print Name)
Other Project Managers (if required)		(Print Names)
Other Project Managers (if required)		(Print Names)
Other Project Managers (if required)		(Print Names)

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