

Appendix

Nottinghamshire County Council - Planning Performance Agreements Charter

"Nottinghamshire County Council is committed to encouraging new investment and sustainable growth in our County. 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.

The 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. "

Councillor John Cottee, Chair of Communities and Place Committee

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 26-week planning guarantee. 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.

The benefits of Planning Performance Agreements

There are many recognised benefits of PPAs to all the parties involved including the local planning authority, the applicant and the community. Benefits include:

- 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;
- Improved collaborative working between the key stakeholders;
- Better overall management of advice at pre-application and post application stages;
- Greater accountability, transparency and communication;
- Better project management with a guarantee of dedicated Council resources;
- Removal of statutory timescales for the determination of applications;
- Greater commitment from relevant consultees to respond in a timely manner, particularly internal consultees;

- Better commitment to community engagement and consultation, enabling communities to influence planning decisions;
- Ability to recover costs, thereby reducing the financial burden on Council resources.

Charging rates for PPAs

The costs associated with a PPA shall be agreed at the outset and shall be payable upon the signing of the PPA, unless the Council agrees to phased payments. The Council will charge a flat rate of £56 per hour, which includes VAT, for officers to provide services under a PPA. This rate will be charged throughout the process from meetings held at the pre-application stage, for application progress meetings, through to time spent at the post decision stage for discharging conditions or site monitoring. This rate reflects the average cost to the authority for planning officer time and will be reviewed on an annual basis.

Setting up the PPA itself will be subject to a flat fee of £400, based on an estimated six to eight hours of officer time required for this process which will involve completing the PPA template, identifying and agreeing the services to be provided and obtaining signatures from representatives of the Council and the applicant.

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/restoration, archaeology, flood risk 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 shall 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, speaking at the Council's Planning and Licensing committee and the likely timescales involved in determining the application, but shall not discuss the merits of the proposal.

Local Member involvement

Where relevant, planning officers will provide advice to the Local Member(s) about the draft proposals at the pre-application stage or at any other appropriate stage of the application. This would include informing the Local Member(s) of any public meetings or exhibitions to be held with the local community.

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 committee 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.

Processing significant levels of public representations

Where the Council receives an unusually high number of representations in response to consultation and publicity undertaken on a planning application then the Council will seek to recover "costs" incurred in processing these.

Specialist technical input required to address issues relating to the application

Given the complex nature of planning applications that the County Council deals with, the County 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 applicant to cover the costs of procuring such advice, including the procurement process itself, through the PPA.

Discharge of conditions/Site monitoring

If planning permission is granted for a planning application with an associated PPA, the PPA could also provide for any meetings between the Council and the applicant to discuss matters relating to the discharge of any conditions attached to the permission. The costs of any officer involvement in these meetings would again be covered by the applicant through the PPA.

Where appropriate, it may be necessary to undertake monitoring of sites during the construction phase, as well as once sites become operational, to ensure that conditions imposed to mitigate impacts are properly implemented and monitored. There is already provision for charging fees for monitoring minerals and landfill sites. Fees included within PPAs will relate to sites which fall outside this existing fee regime.

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 County Council 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 development.management@nottscc.gov.uk