

## Planning Performance Agreement Sample template 2020-2021

<b>Between:</b>	
<b>and:</b>	Nottinghamshire County Council (NCC)

<b>Planning reference(s):</b>	
<b>Site location:</b>	
<b>Description of development:</b>	
<b>Applicant team:</b>	
<b>Council team:</b>	

<b>Objectives and terms of the Planning Performance Agreement (PPA)</b>
<p>The objectives of this PPA are to:</p> <ul style="list-style-type: none"> <li>• Secure and facilitate collaborative working between the applicant, the Minerals/Waste/County Planning Authority (M/W/CPA) and other parties on the proposed development to which it relates from the earliest opportunity and on an ongoing basis throughout the planning process;</li> <li>• Provide clarity in respect of the anticipated timescales, and the County Council's costs, for project managing the application from the pre-application stage through the application stage and post-determination;</li> <li>• Allow for the early engagement with local communities likely to be affected by the proposed development in order to allow the applicant to address concerns and opportunities through the design of the proposal;</li> <li>• Provide a framework to allow for the review and renegotiation of timescales associated with this PPA in the event that there are technical matters relating to the application which need to be resolved through a request for additional information (under Regulation 25 of the Environmental Impact Assessment Regulations where the application is an EIA application).</li> </ul> <p>This PPA is subject to the following terms:</p> <ul style="list-style-type: none"> <li>• This PPA does not give a guarantee of planning permission being granted. It relates to the collaborative working between the M/W/CPA, the applicant and the local community prior to the submission of, and during the consideration of, the planning application but not the decision itself;</li> <li>• The attached Progress Chart is intended to set out the necessary steps in submitting and determining the planning application and to provide an indicative timeframe for the carrying out and completion of those steps. The applicant and NCC agree that the timetable will be kept under regular review and acknowledge that it may be subject to change. Specifically, the timetable will be reviewed when the application is submitted in order to identify a target date for the determination of the application at the County Council's Planning and Licensing Committee.</li> <li>• If, during the progress of this application, either the applicant or NCC becomes aware of circumstances arising that are likely to lead to a delay in the completion of any of the steps in the Progress Chart, that party must inform the other party at the earliest opportunity in writing, providing brief reasons for the delay and an estimated revised time frame for completion of the relevant task. In such circumstances, NCC and the applicant shall work together collaboratively to review the Progress Chart and to agree any necessary revisions to the Progress Chart at the</li> </ul>

earliest opportunity;

- This agreement is made pursuant to Section 111 of the Local Government Act 1972, Section 93 of the Local Government Act 2003 and Section 1 of the Localism Act 2011;
- The parties to this agreement will endeavour to make available members of the project team to facilitate meetings within 7 working days from a formal written request, unless otherwise agreed;
- Confidentiality protocols will be agreed and applied to specific issues and/or information as they emerge.

### **Services to be provided through this Planning Performance Agreement**

The M/W/CPA and the applicant agree that the following services shall be provided through this Planning Performance Agreement and shall be paid for by the applicant.

Setting up the PPA – this is subject to a flat fee of £416

Pre-application meetings – the M/W/CPA and the applicant agree to hold meetings prior to the submission of the application to discuss matters relating to [insert issue(s) as required, such as ecology/restoration, archaeology, flood risk etc.]. The costs of any M/W/CPA officer involvement in these meetings shall be covered by the applicant through this PPA.

Pre-application community engagement – the applicant agrees to organise [a] community engagement event[s] reflecting the communities likely to be affected by the proposed development in order to take on board comments and concerns from local residents and, where possible, address and incorporate these into the final design of the scheme. [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 this/these event[s]. Officers of the M/W/CPA shall attend such events, and their costs in doing so shall be covered through this PPA, in order to explain the application process to the local community, including making representations, speaking at committee and the likely timescales involved in determining the application, but shall not discuss the merits or otherwise of the proposal.

Application progress meetings – this PPA shall provide for the holding of meetings approximately once a month following the submission of the application in order to allow the M/W/CPA and the applicant to discuss the progress of the application against the timescales set out in the attached Progress Chart and to amend the Progress Chart accordingly. The costs of any M/W/CPA officer involvement in these meetings shall be covered by the applicant through this PPA. For applications where further information is sought under Regulation 25 of the Environmental Impact Regulations this will impact upon timescales set out in the Progress Chart and will require a review of the indicative determination date.

Processing significant levels of public representations – if the application is subject to a significant level of public representation, then the applicant shall pay an agreed amount to cover the additional officer costs associated with processing these representations.

Specialist technical input required to address issues relating to the application – if the M/W/CPA needs to procure the services of technical specialists to address issues relating to the application which cannot be addressed by statutory and non-statutory consultees, the applicant shall cover the costs of procuring this specialist advice, including the procurement process itself, through this PPA.

Discharge of conditions – in the event that planning permission is granted for the proposal, this PPA shall provide for any meetings between the M/W/CPA and the applicant to discuss matters relating to the discharge of any conditions attached to the permission. The costs of any M/W/CPA officer involvement in these meetings shall be covered by the applicant through this PPA.

Site monitoring – Where appropriate the PPA may include charges for site monitoring during the construction phase or once the site becomes operational. This will only apply to sites for which there is no provision for charging fees under existing Regulations for site monitoring.

<b>Costs for the services to be provided through this Planning Performance Agreement</b>			
<b>Task</b>	<b>Duration</b>	<b>Officers involved</b>	<b>Cost (inclusive of VAT)</b>
Setting up the PPA	N/A	Team Manager Development Management	£416
Pre-application meetings	X hours per meeting	Case officer, Team Manager Development Management, specialist officers as required	£58 per hour per officer
Pre-application community events	1 day per event	Case officer, any specialist officer identified during pre-application meetings	£58 per hour per officer (including travel time)
Application progress meetings, approximately monthly	X hours per meeting	Case officer, Team Manager Development Management, specialist officers as required	£58 per hour per officer
Processing significant levels of public representation	To be determined based on the number of additional reps	Case officer, Planning Support Officer and other Business Support Officers as required	To be determined
Specialist technical advice (including procurement)	To be determined during procurement	Team Manager Development Management, Procurement Officers	To be determined
Discharge of conditions/ site monitoring	X hours per meeting	Case officer and specialist officers as required	£57 per hour per officer

#### **4 Signatures**

I hereby agree to the terms set out above:

**On behalf of NOTTINGHAMSHIRE COUNTY COUNCIL as Minerals/Waste/County Planning Authority**

Name:

Position:

Authorised Signatory:

Date:

I hereby agree to the terms set out above: **On behalf of the applicant**

Name:

Position:

Authorised Signatory:

Date:

## Freedom of information

Your enquiry, together with any response made by the Council, will be made available for public inspection unless you confirm in writing to us that the information provided is commercially sensitive. If the Minerals Planning Authority receives a request to disclose information relating to the planning performance agreement under the Freedom of Information Act (FOI) or Environmental Information Regulations (EIR) they are obliged to do so unless the information is deemed exempt under the Act.

### **Note.**

We can only withhold information under FOI or EIR if the information falls under one of the exemptions (FOI) or exceptions (EIR) set out in legislation. For certain pre-application issues the applicant would be advised to set out in writing the reasons why, and for how long, they feel any information relating to the case needs to remain confidential. However, whilst we will take account of these views, the final decision on whether the information should be withheld rests with the Council. The Council maintains compliance to the Data Protection Act and we will not release any personal information to third parties. The Council's Privacy Statement, setting out how we will deal with personal data, can be found at <http://www.nottinghamshire.gov.uk/global-content/privacy>