

Taunton Deane Borough Council

Executive - 14 March 2012

Planning Performance Agreements and Major application performance targets

Report of Growth and Development Manager

(This matter is the responsibility of the Planning and Transportation Portfolio Holder)

1 Executive Summary

The report outlines the benefits of using Planning Performance Agreements as a tool to assist in the delivery of major development proposals and sets out principles for their use across Taunton Deane.

The report also outlines changes to the way major planning application performance is to be monitored in order to better reflect performance specific to the largest and most important proposals.

2 Background

- 2.1 Planning Performance Agreements (PPAs) were introduced formally into the planning system in 2008. They are a project management tool and provide a framework agreed between the local planning authority and an applicant, about how development proposals should be managed in the planning process, including the determination of planning applications. They can help to improve the pre application and application process, by creating greater certainty through agreement in what information is needed to enable an application to be determined and the timescale. They differ from other pre application approaches in that they focus as an agreement between the applicant and the local planning authority.
- 2.2 It is important to state that a PPA is focused on the process and not the decision and cannot commit the Council to granting permission upon receipt of an application. However, the use of a project management framework should help deliver clarity, speed and certainty in the planning process.
- 2.3 The PPA commits both parties to an agreed timetable containing 'milestones' make clear what level of resources and community engagement are required and ensure that all relevant aspects are properly considered. The agreed timetable becomes the target for determination and takes the proposal outside of the usual 13/16 week indicators.
- 2.4 The planning process for large major development proposals can be resource

hungry for both the applicant and the local planning authority. Through a PPA the true costs can be identified and where appropriate, capacity that would otherwise have been funded by the Council can be paid for by the applicant.

- 2.5 The original concept and methodology for PPAs was based on Advisory Team for Large Applications (ATLAS) experience of enabling large complex projects. The current guidance 'Implementing Planning Performance Agreements (ATLAS/DCLG 2008) was written principally for larger more complex schemes. It is for such large and complex schemes where this approach is of greatest benefit.

3. Use of PPAs at Taunton Deane

- 3.1 A national evaluation of the use of PPAs in 2010 established that many authorities were already using PPAs as a project management tool for projects of varying scale and complexity and used at different stages in the process.
- 3.2 There is experience of their use in the South West with South Gloucestershire having produced a protocol for their use and several examples of them being used by Bristol City Council. An example of a particularly complex PPA is that drawn up between Sedgemoor, West Somerset, Somerset County Council and EDF relating to the new nuclear at Hinkley Point. This PPA has funded significant additional capacity within the local authorities to address the needs of the Development Consent process.
- 3.3 As stated earlier in this report, PPAs bring greatest benefit when proposals are particularly complex. It is therefore suggested that in future this Council seeks to agree a Planning Performance Agreement for all proposals which fall within the Significant Major Developments category.
- 200 or more dwellings or 4ha
 - 10,000sqm of floor space or 2ha for other uses

For smaller scale developments the Council will consider as a case by case basis, but will generally not seek a PPA.

- 3.4 The Task and Finish Group on delivery of large housing schemes, whilst not specifically referring to PPAs, did recommend that a charter for major applications be developed. The proposals in this report therefore take forward this recommendation.

4. Performance Indicators

- 4.1 Currently all major applications are categorised together as:
- 10 or more dwellings or 0.5ha or 1000sqm floor space or more than 1ha for other uses are measured against a 13 week target date (or 16 weeks in the case of EIA development). The national target is currently 60% (the Taunton Deane target is 65%).

- 4.2 However, it is widely accepted that to determine the most complex applications in thirteen weeks is unrealistic and the target is therefore somewhat meaningless. It is proposed that the Performance Indicator be retained, but no longer applied to Significant Major Developments.
- 4.3 Performance targets for Significant Major Developments should be based firstly upon the proportion of developments where a PPA has been negotiated and secondly whether the milestones set out in the PPA have been met.

5. Corporate Scrutiny Committee's Views

- 5.1 This matter was considered by Corporate Scrutiny Committee on 23 February
- 5.2 Members were generally supportive of the recommendations, but wanted to be sure that opportunities for PPAs for schemes smaller than specified in Paragraph 3:3 were not missed.
- 5.3 Councillor Ross proposed an additional recommendation as follows: *That Members consider the impacts or benefits of inviting commercial developers to submit draft PPAs for consideration and when not required by the Authority, encourage implementation of elements of public engagement in them in advance of submission of formal applications.* This was supported by the Committee.
- 5.4 Whilst it is good practice to encourage all applicants to carry out meaningful public engagement prior to submission, I do have concerns about inviting developers to submit draft documents. A PPA should be a negotiated document and be bespoke to that particular development. I do not therefore want to encourage developers to adopt a standard approach and enter negotiations with a preconceived idea of the outcome.

6. Finance Comments

- 6.1 No financial implications

7. Legal Comments

- 7.1 No legal implications

8. Links to Corporate Aims

- 8.1 The delivery of the growth agenda through the planning process is fundamental to the Council's Corporate Aims. Any initiative that improves the efficiency and effectiveness of the process will assist delivery of all four aims.

9. Environmental and Community Safety Implications

- 9.1 Collaboration, establishing a shared purpose and clear and structured project management can only assist in the delivery of high quality sustainable development.

9.2 There are no identified community safety implications.

10. Equalities Impact

10.1 An Equalities Impact Assessment has not been carried out in respect of this report. Individual assessments will be made where necessary in respect of specific PPAs.

11. Risk Management

11.1 The proposed use of PPAs is intrinsically linked to the need to deliver the Council's growth agenda. Failure to deliver the proposals identified in the Core Strategy could leave the Council in an extremely vulnerable position in defending refusal of less sustainable development proposals.

12. Partnership Implications

12.1 A structured project management approach is of benefit to all key stakeholders, for example Somerset County Council as transport authority, The Highways Agency, Natural England and the Environmental Agency

13. Recommendations

- That Members endorse the use of Planning Performance Agreements for all Significant Major proposals.
- That a Charter be drawn up in consultation with developers and other key stakeholders to set out the Council's preferred approach to project managing the planning and delivery of large and complex development proposals.
- That Performance Indicators be amended to reflect these changes.

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