

The Operation of Planning Performance Agreements

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service/Lead Director	Rob Jarman
Lead Officer and Report Author	Rob Jarman
Classification	Public
Wards affected	All

Executive Summary

Following a second review of the operation of Planning Performance Agreements (PPAs) it is recommended that in accordance with the NPPF which encourages the use of PPA the operation of PPA's be continued given there being no major problems with their use or the provision of the service.

This report makes the following recommendations to Strategic Planning and Infrastructure Committee :-

- 1) That PPAs continue to be used.

Timetable

Meeting	Date
Strategic Planning and Infrastructure Committee	9 July 2019

The Operation of Planning Performance Agreements

1. INTRODUCTION AND BACKGROUND

- 1.1 There was a trial of the operation of Planning Performance Agreements (**PPAs**) in 2016 and 2017. This was reported to this Committee on 7 November 2017 where it was resolved: -
 - a) That the introduction of PPAs and the associated proposed fees in the report be approved.
 - b) That a report be presented to this Committee within a year in order to review PPAs
- 1.2 However, the operation of PPAs then became part of the Planning Services Implementation Project (**PSIP**) and this effectively lengthened it so that this terminated in May 2018. Therefore, this latest report is one year after PSIP.
- 1.3 The vast majority of PPAs involve :-
 - a) An initial pre-application discussion with officers where a draft project plan is submitted for consideration on behalf of the applicant.
 - b) The project plan is scoped and agreed between the local planning authority and the applicant and this then becomes the core of the PPA. The project plan contains dates (including Planning Committee), the scope of the meetings and information as to how the applicant will be updated together with contingencies.
 - c) Most project plans include at least one meeting with members of Planning Committee (plus substitutes), Local Ward Members and occasionally representatives of the local parish council.
- 1.4 PPAs have been used for the discharge of conditions and potentially Local Plan Review allocations as well as planning applications.
- 1.5 Generally, there has been positive feedback from both developers and Councillors with the former welcoming project plan working and 'front loading' and councillors welcoming the chance to engage early in the process.
- 1.6 My view is that there can be further improvements with regard to :-
 - a) the speed and detail of project plans;
 - b) involving statutory consultees more consistently in PPAs;
 - c) involving the preferred Registered Provider in PPAs in relation to the provision of affordable housing; and

d) draft s106 agreements being agreed prior to Planning Committee with the draft forming an appendix to the report.

1.7 All of the PPAs in the business year 2018/19 have been dealt with by the Majors Team. Most major planning applications are the subject of a PPA. This has generated £121,352 (including an estimate of £30,000 from pre-application discussions which subsequently have directly related to PPAs) of income. This funds an additional planning officer and specialist staff. A detailed financial breakdown is presented below.

Cost Centre Description	Account Description	Further Objective Description	Budget 18/19	Spend 18/19	Variance (- Adverse/ Favourable)
Development Control Advice	Fees & Charges	Pre Planning Application Discussions	-73,330	-105,220	31,890
Development Control Advice	Fees & Charges	Planning Receipts in Advance	0	4,000	-4,000
Development Control Advice	Fees & Charges	Planning Performance Agreement (PPA's)	-46,770	-121,352	74,582
Development Control Advice			-120,100	-222,572	102,472
Grant Total of Planning Income including Application Fees			-1,718,450	-1,541,671	-176,779

Note:

The Planning Performance Agreement (PPA) figure of £121,352 includes an estimated £30,000 Pre-Application Advice income which relates directly to PPAs.

1.8 I am not aware of any significant operational problems.

2. AVAILABLE OPTIONS

2.1 Given that there have now been two reviews of PPAs I consider that there are two options, firstly, abandon PPAs or secondly, continue with PPAs.

2.2 Given that PPAs

- a) are commonly entered into across England mainly in relation to major applications
- b) allow for both the early identification of potential problems
- c) allow for early engagement with both applicants and Councillors in a meaningful way
- d) are a project management tool which we use to agree timescales, actions and resources for handling applications, particularly major planning applications, the benefits outweigh any potential harm in continuing to offer the service. I would also reiterate that I am not aware of any significant criticism or problems in relation to the operation of PPAs. Any income generated from this service is being re-

invested in the planning service offered by the Council as the Local Planning Authority.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

3.1 The preferred option is to continue with the operation of Planning Performance Agreements because after two trials/reviews there have been no significant issues rather there has been positive feedback from both developers and councillors and PPA monies are being reinvested back into Development Management.

4. RISK

4.1 Failing to provide the PPA service would delay processing major applications. PPAs are a useful tool to focus pre-application discussions on the issues that will need to be addressed throughout the course of preparing and determining a planning application, and the timescales and resources that are likely to be required. It allows for early member engagement.

4.2 The risk if the Council does not act as recommended, has been considered in line with the Council's Risk Management Framework and it is considered to be 'high'.

5. CONSULTATION

5.1 There has been no formal consultation.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 The PPA service would continue and the fee structure will need to be reviewed.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

7.1 This is clearly an operational matter and so these are limited.

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims in relation to the priority of 'embracing growth and enabling infrastructure'	Rob Jarman
Risk Management	Already covered in the risk section.	Rob Jarman
Financial	Planning Performance Agreements allow planning service costs to be recovered directly and therefore make a positive financial contribution. Agreed budgets assume that an additional £30,000 income will be received from PPAs in 2019/20 and a further £15,000 in 2020/21. Actual performance in 2018/19 was even better than this, which helped to offset the budget shortfall from the drop in planning application fee income on major developments.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Rob Jarman
Legal	Para. 46 of the National Planning Policy Framework encourages applicants and local planning authorities to consider the potential for voluntary planning performance agreements where this might achieve a faster and more effective planning application process.	Russell Fitzpatrick, MKLS (Planning)

Privacy and Data Protection	No privacy and data protection arise out of this report.	Russell Fitzpatrick, MKLS (Planning)
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities and Corporate Policy Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Rob Jarman

8. REPORT APPENDICES

None
