



**Agenda**

<b>Report for:</b>	<b>Strategic Planning and Environment Overview and Scrutiny Committee</b>
<b>Date of meeting:</b>	<b>28<sup>th</sup> July 2020</b>
<b>Part:</b>	<b>1</b>
If Part II, reason:	

Title of report:	<b>Planning Performance Agreements</b>
Contact:	<p>Cllr Graham Sutton, Portfolio Holder for Planning and Infrastructure</p> <p><b>Responsible Officer:</b></p> <p>James Doe, Assistant Director, Planning, Development &amp; Regeneration</p> <p><b>Author:</b></p> <p>Sara Whelan – Group Manager, Development management and Planning</p>
Purpose of report:	To provide an update on Planning Performance Agreements
Corporate objectives:	The process and approach to delivering Planning Performance Agreements will help to deliver our strategically important and other major development sites. These will deliver a wide-ranging set of benefits and relate to all corporate objectives.
Consultees:	Mark Gaynor, Corporate Director (Housing & Regeneration)
Background papers and useful links:	<p><a href="#">Dacorum Borough Council Planning Applications</a></p> <p><a href="#">Dacorum Borough Council Pre-Application Advice Service</a></p> <p><a href="#">Dacorum Community Review Panel</a></p> <p><a href="#">Design South East Panel</a></p> <p><a href="#">Building Futures Design Review Panel</a></p> <p><a href="#">Dacorum Statement of Community Involvement</a></p> <p><a href="#">Government Guidance on PPAs</a></p> <p><a href="#">Royal Institute of British Architects - stages of work</a></p>
Glossary of acronyms and any other abbreviations	<p>PPA – Planning Performance Agreement</p> <p>DPD – Development Plan Document</p>

used in this report:	<p>RIBA – Royal Institute of British Architects</p> <p>SCI – Statement of Community Involvement</p>
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## Introduction

1. A Planning Performance Agreements (PPA) is a project management tool which local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications. It should cover the pre-application and application stages but may also extend through to the post-application stage. PPAs can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority, and can also help to bring together other parties such as statutory consultees.
  
2. The aim is to deliver better quality developments by integrating the design process into the pre-application process. By working together from the outset of the development process (see appendix A) the local planning authorities and applicants are more likely to align their briefs at an early stage, work collaboratively on addressing issues and be focused on producing a quality development.
  
3. A PPA is different to our pre application advice service. We offer a pre-application advice service to all applicants wanting to discuss all forms of proposals from house extensions through to major developments of over 75 residential units or where the floor space to be built is more than 7,500m<sup>2</sup>. We encourage applicants to use this service prior to submitting an application to reduce the likelihood of it being invalid, saving time and money and to enable speedier decisions to be made. However, the pre-application service is best suited to smaller and simpler proposals. A PPA is best suited to major and complex developments.
  
4. A PPA is agreed between the applicant and the local planning authority prior to the application being submitted, and can be a useful focus of pre-application discussions about the issues that will need to be addressed. Applicants pay DBC a fee for the PPA process. In 2019/20, £246,000 was received by DBC in PPA and pre-application advice income.

## **Benefits of a PPA**

- Early identification of any “show-stopping” issues
  - Agreeing key issues which need consideration prior to submission of application
  - Realistic timescales, and agreement to a longer determination period if appropriate/required
  - Avoiding incomplete applications
  - Higher level of certainty
  - Cost savings
  - Collaborative working and greater communication
  - Project management with dedicated Council resources to provide consistency
  - Bespoke advice from the key consultees
  - Advising applicants on the most appropriate community / design review panels to engage with; and
5. The Council makes a commitment to all applicants entering into a PPA that it will work in an open and transparent manner towards identified and agreed outcomes for the project. We expect a commitment from applicants to fully engage with the PPA process and work in a project team with us to resolve issues and make decisions that result in proposals for high quality schemes rather than a speedy process where issues are not addressed and can lead to poor quality.

## **How does a planning performance agreement relate to the statutory time limits for determining a planning application?**

6. The existence of a PPA means that the statutory time limits for determining the application no longer apply (to the extent that the agreement specifies a longer period for the decision, in which case the agreement will count in the same way as an agreed extension of time). If the Council fails to determine the application by the agreed date, then the applicant may appeal. Likewise, if an applicant does not abide by the agreement, the Council may not be able to follow the agreed process. However, in many cases there will be good reasons to try and address what has happened and renegotiate the planning performance agreement, as the reason for a problem may not be any one party's fault and may have arisen from unexpected issues. It is important that the agreement is sufficiently flexible to cope with potential changes in circumstances.

## **Local Plan promoted sites**

7. In some large scale major development cases, it may be appropriate to use a PPA where a site has been put forward by a promoter for consideration in the Council's emerging Local Plan or other Development Plan Document (DPD), but not yet allocated in an adopted document. This can be helpful in providing further information on sites as the Local Plan or DPD moves through its statutory process and demonstrate deliverability of the development.
8. The Council has already published a number of evidence studies required to underpin the new Local Plan, but in some cases promoters may wish to provide further technical assessments for consideration by the Council. Using the PPA process allows the Council to allocate more resources to reviewing additional material at this all-important stage of the Local Plan process. We know from experience that developers generally welcome and benefit from such a service and has the potential to reduce the need for pre-application meetings and costs associated with technical matters and masterplanning being considered at an earlier stage with the Council.
9. However, any request by a promoter to the Council to enter into a PPA is entirely a matter for each promoter. The Council offers this service on a 'without prejudice' basis. ***Please note that signing a PPA between promoter and the Council should not be considered as the Council's acceptance that the site will be accepted through the plan making process.***
10. There are currently no PPAs for any sites being promoted by developers and landowners in respect of the emerging Local Plan. The Council's intention is to publish this for public consultation in November 2020, and the use of PPAs for proposed sites that will feature in the draft Local Plan may be appropriate, subject to the caveats above, at that stage.

## **Community Engagement**

11. PPAs provide an ideal opportunity for identifying 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.
12. As set out in Dacorum's Statement of Community Involvement (SCI), the Council is committed to listening to the views of local residents and businesses to inform our decisions. The type of consultation that is

appropriate before applications are made will vary depending upon the scheme but could include public exhibitions and meetings, surveys of opinion and consultation with other key local groups, including Parish and Town Councils. The Council will expect the developer to carry out the consultation but can provide advice on the most appropriate methods for doing so and the groups they may wish to consult.

13. The Council advocates the use of our Community Review Panel for major or controversial schemes. The panel plays an independent, advisory role, which helps to ensure that new developments are of the highest possible design quality, and meet the needs of people living, working and studying in the area, now and in the future. The panel meets once a month to discuss development proposals and give its views, each session costs £3500 + VAT.

### **Councillor involvement**

14. If appropriate the Council will support applicants throughout the PPA process to engage with relevant Councillors. Councillors involved in early discussions have an invaluable opportunity to understand issues of viability and to explore potential contributions to local infrastructure and affordable housing. Members are able to provide a clear steer on what is likely to be acceptable to the community and can allow problems and opportunities to be identified and addressed as the proposals for the development are put together. The issues raised can be explored and alternatives assessed.
15. While the outcome of the planning application is not pre-determined by this process, the issues are better understood and the likelihood of deferrals and delays much reduced. Where appropriate, a briefing will be held and all councillors, including those on Development Management Committee will be supported by officers to be sure they adhere to the Code of Conduct for Members.

### **Design Review Panel**

16. Design review is an independent assessment of development proposals by a panel of multidisciplinary professionals and experts, which can inform and improve design quality in new development. The Council advocates the use of independent Design Review Panels on complex, large scale or highly constrained schemes where it is considered this would be useful.

### **Developing the Council's approach to PPAs**

17. Currently, PPAs are negotiated and agreed on a bespoke basis having regard to the complexity of the proposal in question, the issues it is likely to raise and the resources required to deal with it.
18. Work is currently underway to create a PPA protocol providing details of the service and publicising this to promote this approach. This will help to allocate sufficient resources to large and strategically important sites.

## Appendix A

### Planning Officers Society advice on design approach throughout PPA

The Council is supportive of the Planning Officers Society (POS) approach to works stages throughout a PPA and linking these to the Royal Institute British Architects (RIBA) work plan. More information can be found [here](#) and the key advice has been included below for transparency.

Architects generally follow the stages in the RIBA Plan of Work<sup>1</sup> in developing a major scheme from inception through to delivery. This eight stage process produced by the Royal Institute of British Architects is an internationally recognised methodology for designing and constructing buildings and other such development.

As mentioned above the Council advocates that a PPA should be designed to track the RIBA stages and ensure the right input is provided at each stage of the process. The RIBA stages go from 0 to 7 but it is only the first four stages (0 to 3) that are relevant to the PPA process. These stages are:

RIBA WORK STAGES	CORE OBJECTIVES
Stage 0 Strategic Definition	Identify client's Business Case and Strategic Brief and other core project requirements
Stage 1 Preparing the Brief	Develop Project Objectives, including Quality Objectives and Project Outcomes, Sustainability Aspirations, Project Budget, other parameters or constraints and develop Initial Project Brief. Undertake Feasibility Studies and review of Site Information.
Stage 2 Concept Design	Prepare Concept Design, including outline proposals for structural design, building services systems, outline specifications and preliminary Cost Information along with relevant Project Strategies in accordance with Design Programme. Agree alterations to brief and issue Final Project Brief.

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<sup>1</sup> <https://www.architecture.com/knowledge-and-resources/resources-landing-page/riba-plan-of-work#>

RIBA WORK STAGES	CORE OBJECTIVES
Stage 3 Developed Design	Prepare Developed Design, including coordinated and updated proposals for structural design, building services systems, outline specifications, Cost Information and Project Strategies in accordance with Design Programme.

RIBA Stage 0 is when the applicant’s brief is being formed. The Council also has a brief: our Corporate Plan, Growth and Infrastructure Strategy, development plans and associated guidance (more information can be found [here](#)). Articulating and aligning these two briefs early in the process maximises the chances of a mutually acceptable development being designed and delivered.

### Bringing the two together in the PPA Process

The PPA process is usually structured in five key stages. These are summarised in the table below. However, flexibility is key, and the process should be tailored to meet the needs of each development proposal.

The relationship of the RIBA stages to the pre-app process are as follows:

PRE-APP STAGES	RIBA WORK STAGES
Initiation: Strategic input	Scheme moves from Stage 0 Strategic Definition to Stage 1 Preparing the Brief
Urban Design: Defining the place	Scheme moves from Stage1 Preparing the Brief to Stage 2 Concept Design
Community engagement	Finalise Stage 2 Concept Design
Application preparation: Addressing the issues	Scheme moves from Stage 2 Concept Design to Stage 3 Developed Design
Closedown: Finalising the application	Finalise Stage 3 Developed Design

### Stage 1 Initiation: strategic input

What we expect from the developer	What happens	What is the expected outcome
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What we expect from the developer	What happens	What is the expected outcome
OS map of the site Description of development	Meeting with more senior officers (on large schemes Corporate & Political Leadership) to look at strategic issues  Consider and agree strategic issues and the process needed to address them	Planning Statement/masterplan Project Plan Draft community engagement strategy EIA Screening Opinion Ward member input

### Stage 2 Urban design: defining the place

What we expect from the developer	What happens	What is the expected outcome
Draft Design & Access Statement including an urban design analysis  Draft concept scheme, potentially including options	Establish urban design principles in one or more design workshops.  Understand the site, it's surroundings and the nature of the development and how it can be accommodated  Discuss consultation methodology & identify relevant consultees	Design & Access Statement Concept scheme, potentially including options EIA Scoping Opinion (if required) Confirmation of required technical studies Consultation Strategy Design Review Panel Presentation to Committee

### Stage 3 Community engagement

What we expect from the developer	What happens	What is the expected outcome
Illustrative material of proposed scheme, potentially including options	Meaningful engagement with the community affected  An explicit feedback session	Draft statement of community involvement  Amendments to concept scheme

### Stage 4 Application preparation: addressing the issues

What we expect from the developer	What happens	What is the expected outcome
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What we expect from the developer	What happens	What is the expected outcome
<p>Draft planning application</p> <p>Draft EIA (if required) and other supporting documents</p> <p>Draft heads of terms of S106 legal agreement</p>	<p>Consider and address the comments raised by the local community</p> <p>One or more workshops to understand the details of the development, its impacts on immediate neighbours and the surrounding area</p>	<p>Completed planning application</p> <p>EIA (if required)</p> <p>Agreed S106 heads of terms</p> <p>Ward member input</p> <p>Design Review Panel</p> <p>Presentation to Committee</p>

Stage 5 Closedown: finalising the application

What we expect from the developer	What happens	What is the expected outcome
<p>Final amendments to planning application</p> <p>Final EIA and other supporting documents</p> <p>Final amendments to heads of terms of S106 legal agreement</p>	<p>Address any final comments from members</p> <p>Finalise the application &amp; S106 legal agreement</p>	<p>A valid planning application ready for submission</p> <p>A well-designed scheme that benefits from a fronted loaded process</p> <p>Review of process</p>