

REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

PLANNING PERFORMANCE AGREEMENTS

Cabinet Holder Cllr Richard Chesterton
Responsible Officer Jenny Clifford

Reason for Report: To advise Members on the proposed use of planning performance agreements for major applications and for associated changes to be made to pre-application advice guidance.

RECOMMENDATION:

- 1. That the intention to enter into planning performance agreements for major applications be noted.**
- 2. That pre-application advice guidance be amended to refer to this and that delegated authority be granted to the Head of Planning and Regeneration to make these changes.**

Relationship to Corporate Plan: Planning decision making is relevant to key objectives within the Corporate Plan of thriving economy, better homes, empowering our communities and caring for our environment.

Financial Implications: The provision of pre application advice is a discretionary customer service that also acts as an income stream for the Planning Service. Planning performance agreements act as a project management tool and may establish funding for the Council to resource the contents of the agreement.

Legal Implications: Entering into a planning performance agreement is not a guarantee that a particular decision will be made. The existence of an agreement does not fetter the Council as a planning authority, prejudice the outcome of the planning application or the impartiality of the Council. Such agreements are not legally enforceable.

Risk Assessment: Planning performance agreements set out expectations in terms of project managements, resources and timescale. The Planning Service needs to be able to resource this level of service in order to ensure the success of the scheme and comply with the spirit of the agreement. If service levels are not met, applicant expectations will not be met and it will have a detrimental effect on the working relationship with agents and applicants.

1.0 INTRODUCTION

1.1 A system for prospective developers to gain pre-application planning advice incorporating a charge was introduced several years ago together with the detail of standards of service. It was most recently reviewed in 2015.

1.2 To date Mid Devon has not been active in entering into planning performance agreements with prospective applicants at a pre-application stage. It is proposed to do so for major applications.

2.0 PLANNING PERFORMANCE AGREEMENTS.

2.1 National planning practice guidance provides information on planning performance agreements:

This is a project management tool which the 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. Planning performance agreements 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. A planning performance agreement is agreed voluntarily 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.

In addition the guidance clarifies that in the case of large or complex schemes the agreement may also provide a basis for any voluntary contributions which the applicant has offered to pay to assist with abnormal costs of processing the application. The parties will want to ensure that such payments do not exceed the cost of the additional work involved, are not seen to have any implications for the decision on the application, and do not deflect resources from processing other cases; any additional resource provided in this way needs to be used for additional capacity that is genuinely required to ensure a timely and effective service.

Planning performance agreements are intended to be agreed in the spirit of a 'memorandum of understanding'. They are not intended to be a legally binding contract, unless the parties wish to approach it in this way. It is helpful to be clear about its status in the planning performance agreement itself. The parties are encouraged to make the existence and content of a planning performance agreement publicly available, so that the agreed process and timescale are transparent.

3. THE PROPOSAL

3.1 It is intended to seek to enter into such planning performance agreements with applicants on major developments and for this to take place at a pre-application stage. The Local Planning Authority will also look to negotiate with developers the financing of the resources the Council will need to spend on servicing the proposal and meeting the project timescales to be agreed within the planning performance agreement.

3.2 It will be made clear that the existence of the agreement does not fetter the Council as a planning authority, prejudice the outcome of the planning application or the impartiality of the Council.

Contact for any more information	Head of Planning and Regeneration (Mrs Jenny Clifford) 01884 234346
Background Papers	Planning Committee 6th January and 31st March 2010, 6th November 2013, 5 th March 2014, December 2015
File Reference	None.
Circulation of the Report	Members of Planning Committee, Cllr Richard Chesterton.