

# Planning Performance Agreement Charter

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**WELWYN  
HATFIELD**  
BOROUGH COUNCIL



# 1. What is a Planning Performance Agreement?

- 1.1 A Planning Performance (PPA) is a framework in which parties come together to agree how they are going to take a development proposal through the planning process (CLG/Atlas, April 2008). It is a project management tool for planning applications to help the process run efficiently. A PPA is also a way for applicants and the Council to agree appropriate timetables and resources for a planning application.
- 1.2 PPAs are voluntary agreements between a Local Planning Authority (LPA) and an applicant. Their purpose is to deliver high quality sustainable development that is based on a clear vision and development objectives. They provide a structured way for giving advice to applicants before applications are made, developing supplementary planning documents and processing planning applications, to an agreed project plan and work programme. They provide a framework for the involvement of relevant partner organisations and set a programme for community and councillor consultation. To be effective they should be considered and introduced at the early stage of seeking planning advice from the Council. PPAs do not guarantee a planning permission. The aim is to encourage a more efficient, joined up and less adversarial way of working, based on the principles of development management.
- 1.3 This Charter sets out how the council will work with applicants, partner organisations, the community and other stakeholders to ensure that all large and complex development schemes are carefully considered in a constructive, collaborative and open manner. It establishes the Council's commitment to the use of PPAs, indicates when it is appropriate for them to be used, clarifies the responsibilities of key parties and provides guidance on the process for developing a PPA.
- 1.4 All parties involved in a PPA with Welwyn Hatfield Borough Council are expected to adhere to the Planning Performance Charter 2014.

## 2. When is a PPA appropriate?

- 2.1 Applications for which PPAs would be recommended generally fall within Level 4 of our planning advice service (see <http://www.welhat.gov.uk/index.aspx?articleid=836>). Any request for Level 4 advice should be directed to the Head of Planning to assess the suitability of the project for a PPA by contacting the planning department on 01707 357000. If this is agreed, the process will be managed through a PPA, following an inception meeting to agree the objectives of the agreement including timescales, key milestones and scheduled meetings. In some cases it might include preparing a brief or Supplementary Planning Document to guide development of the site. A PPA can be created to suit the needs of the proposal and could cover the delivery of the scheme through the stages of planning advice, determining the application, approving details required by conditions and any potential alterations to a scheme.
- 2.2 The following types of application may be suitable for PPAs. The PPA is used in connection with our planning advice service.
- i) Large scale major applications, such as those identified in the emerging local plan, or include an Environmental Impact Assessment.
  - ii) Other major applications which are particularly complex in nature and require extensive advice.
  - iii) Applications for a programme of ongoing works where particular complexities arise such as approving details required by condition on major applications or multiple applications across an area or estate.
  - iv) The development of a Supplementary Planning Document or Master plan prior to pre-application discussions.

### **3. What does it cost?**

- 3.1 The cost of a PPA is dependent on the scale of the application, the resources required and input from officers for the project, and will be based on daily rates for officers, including overheads. The fees' cover our costs for providing the advice or seeking external advice for technical and/or legal aspects of the project, or similar, and if we did not charge this, the cost would be met by Council taxpayers generally. The fees also include VAT. Any fees paid will only be refunded in part, depending upon the amount of advice, number of meetings and work involved up to the point, it is decided advice is no longer required.
- 3.2 The assessment of the resources needed may result in a need to bring in additional expertise or temporary staff, to be funded by the applicant. Importantly, any fees paid do not directly fund the person or people involved in the project.
- 3.3 Where a planning application for a major development is submitted without a planning performance agreement, it will be handled as a routine application within the existing workload of the team, without dedicated resource.

### **4. Benefits**

- 4.1 There are many benefits and advantages of a PPA between the Council and an applicant, including:
- Better overall management of advice and post application stages;
  - Identification of key issues at an early stage;
  - More realistic and predictable timetables;
  - Greater accountability and transparency;
  - Improved partnership working;
  - Dedicated time to your project to an agreed level; and
  - Continuity and consistency in the Council's team.

## **5. Colleagues across the Council**

- 5.1 For PPA application, specialist officers may also be required to provide advice in a timely and proactive manner. These may include officers with specialisms in contamination, landscaping and affordable housing for example. Where appropriate, other officers will be invited onto the project team.

## **6. Partner organisation commitment**

- 6.1 As set out above the Council is committed to co-ordinated inter-departmental working. However for large complex schemes other stakeholders from partner organisations are likely to be required to provide a timely, proactive response to each project. Other stakeholders including the County Council, the Statutory Agencies (Highways Agency, Environment Agency, and Natural England) and Hertfordshire Constabulary have all committed to pre-application involvement. Furthermore, where major development sites straddle local authority boundaries the Council will endeavour that the joint working approach is fully embraced.
- 6.2 The Local Planning Authority and Partner organisations are committed to sharing existing information with the development interests.

## **7. The applicant**

- 7.1 The Council expects applicant to approach any project in an open, collaborative and creative manner. Applicants are expected to appoint the appropriate professional consultants with sufficient experience to reflect the complexity of the project and work cooperatively with the Council in sharing information. They are also expected to use reasonable endeavours to meet the agreed work programme. All applicants will be expected to adhere to the Planning Performance Agreement Charter when entering a PPA.
- 7.2 For large strategic projects the Council is likely to seek the developer's commitment to an independently facilitated 'Hertfordshire Design Review' process.

## **8. Community engagement**

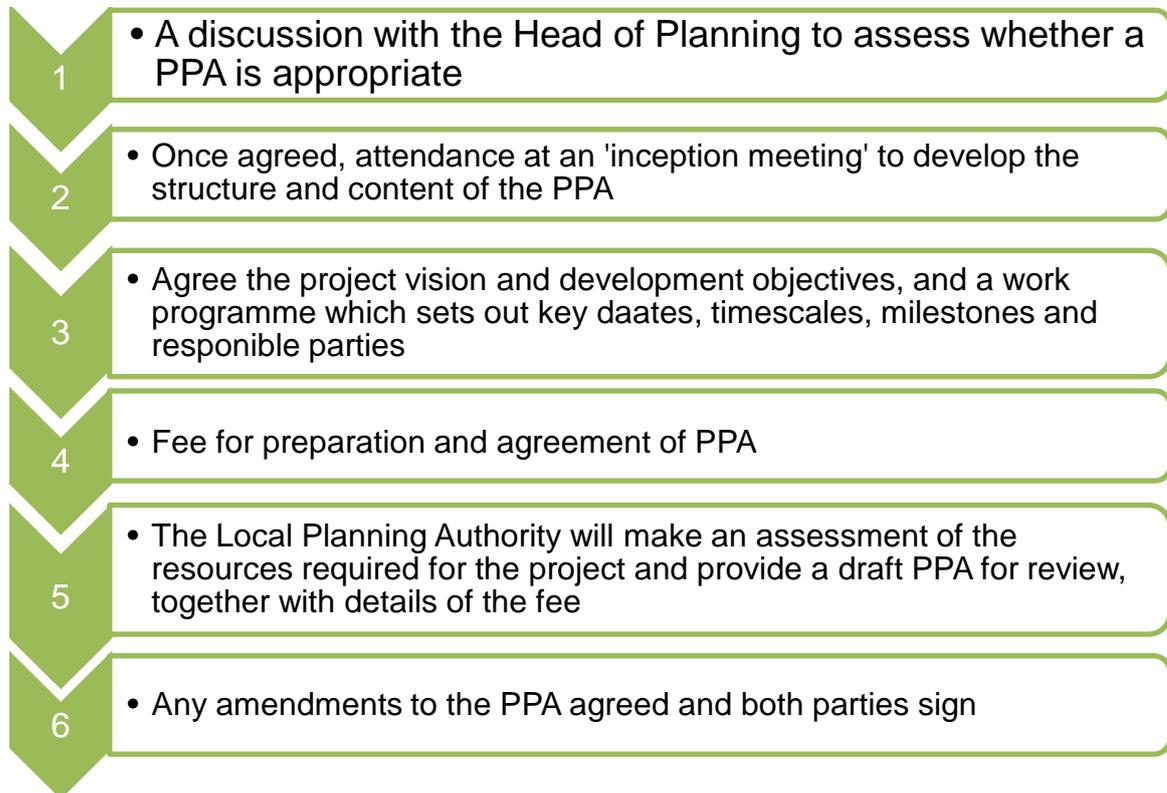
- 8.1 As set out in its Statement of Community Involvement (SCI), the Council is committed to consulting and listening to the views of the Town/Parish Council, local resident and businesses to inform its decision so they have a meaningful opportunity to influence the development of the Borough. The type 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. 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.

## **9. Councillor involvement**

- 9.1 The Council believes that Councillors should be appropriately and openly engaged with the development of the project, whilst ensuring that their decision making function is not compromised. Our normal procedure would be to request that the developer partakes in a presentation to the Development Consultation Forum. This will allow Councillors to develop an understanding of issues and raise their own issues and concerns that they wish to see addressed. Councillors are able to ask questions and raise issues but will not express views about the overall planning merits of any case and will not engage privately with the developer interest. Councillors need to adhere to the Code of Conduct for Councillors on planning matters and cannot predetermine their view on a scheme that may subsequently be the subject of a planning application. Applicants should not engage privately with Councillors.
- 9.2 Additionally, for appropriate schemes, the lead officer named in the PPA will encourage a working party with local Members and the applicant within whose ward the PPA scheme is situated.

## 10. The process for developing a PPA

10.1 For an applicant wishing to enter into a PPA, the process comprises five key stages:



## 11. Inception meeting

11.1 A PPA will not be entered into with an applicant without an inception meeting being held. Sections of the PPA agreement will be formulated at this time for the lead officer for the applicant to draft an agreement following the meeting. This is likely to include the key issues and tasks, the project team, who is responsible, and developing a work programme which will set out key dates and milestones. This list is not exhaustive and sections of the PPA template can be adjusted to cater for any requirement. Only the project lead for the applicant need usually attend. Architects and other advisers are not usually necessary for this meeting unless they are acting as planning agent. At the end of the inception meeting, the lead officer for the applicant will draft a PPA ready for review by the lead officer for the Council, subject to the appropriate information being provided. A template PPA can be provided by the Council.

- 11.2 Once implemented it is expected that the work programme and milestones within the 'timescales and schedule' section of a PPA will be reviewed at regular intervals to check progress. Where necessary, a PPA could be updated if agreed with both the Council and the applicant.

## **12. Requirements for all PPAs**

All PPAs are completed in this legal context and are subject to these standard requirements:

- 12.1 When a PPA is entered into it is recognised that the scale of the development proposals will give rise to complex planning issues and the advice and application stages will require significant input from the Council team. Both parties will ensure that the advice and application stages are considered and dealt with in a timely manner, having regard to any timetable set out in a PPA and in compliance with relevant statutory procedures.
- 12.2 All PPAs are made pursuant to Section 111 of the Local Government Act 1972, Section 2 of the Local Government Act 2000, Section 93 of the Local Government Act 2003 and Part 1 of Chapter 1 of the Localism Act 2011.
- 12.3 No PPA will fetter the Council in exercising its statutory duties as local planning authority. It will not prejudice the outcome of planning (and related) application(s) or the impartiality of the Council.
- 12.4 No PPA will restrict or inhibit the applicant named in the agreement from exercising the right of appeal under Section 78 of the Town and Country Planning Act 1990 (as amended). If this right is exercised the PPA between the parties will be terminated.
- 12.5 the parties entering into a PPA agreement will act with fairness and in good faith in respect to all matters related to the handling of the planning (and related) application(s) and will work jointly in complying with their respective obligations under the PPA.
- 12.6 Any party entering into a PPA agreement will undertake to meet and/or discuss matters by telephone or e-mail in a spirit of co-operation and where necessary seek early resolution to any areas of misunderstanding or dispute.
- 12.7 Any party entered into a PPA agreement will use their reasonable endeavours to adhere to any agreed timetable/schedule which sets out the procedure for handling the relevant planning enquiries, pre-application negotiations, and planning and/or listed building consent applications in relation to the site.

- 12.8 Nothing contained in a PPA shall be construed to imply a joint venture of partnership relationship between the parties who have entered into such an agreement. The parties shall not have any right, power or authority to act or create any obligations, express or implied, on behalf of the other party, and the applicant and Welwyn Hatfield Borough Council shall not be obliged, separately or jointly, to any third party of any agreement.
- 12.9 Applicants will provide access to the pre-application/application site upon the Council's reasonable request to support the provision of advice and processing of any application.
- 12.10 Unless specified in a PPA agreement, the Council will use its available resources to determine application(s) within 91 days of receipt (major applications), 112 days (EIA applications) and 56 days of receipt (minor and other applications).
- 12.11 Either party may by written notice terminate a PPA with immediate effect in the event that
- (i) The other commits a material breach of any of the terms of this Agreement and in the event of a breach any such breach within 7 working days of being required so to do by written notice identifying the breach and steps which must be taken to remedy it; or
  - (ii) The applicant or the Council wishes to terminate the agreement for any other reason.
- 12.12 The parties' rights, duties and responsibilities shall continue in full force during any termination notice period.
- 12.13 If the applicant is concerned about performance in relation to any matter in this Agreement a representative may contact the project champion names in the individual PPA in the first instance.
- 12.14 Failure to pay the fees as set out in the individual PPAs at the stated times will result in the PPA being dissolved.

## 13. Freedom of Information

- 13.1 Under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 we may receive a request to disclose pre-application advice requests and the advice we have provided. If you require your request to be confidential please advise us in writing of the reasons valid under the Act for this at the time of your request. We will not respond at the time of your request but will take it into account when deciding whether to release information.

More information about Freedom of Information may be found at [www.foi.gov.uk](http://www.foi.gov.uk)

## 14. Further information

- 14.1 More information about planning at Welwyn Hatfield Borough Council is available at [www.welhat.gov.uk/planning](http://www.welhat.gov.uk/planning). Alternatively advice may be obtained by calling 01707 357000.

## 15. Tell us what you think

- 15.1 When we get things right please tell us. When we could do better, please also tell us so we can improve. Contact [planning@welhat.gov.uk](mailto:planning@welhat.gov.uk) or call 01707 357000 and ask for the Planning Department.

**Putting people first.**