

Agenda item:

[No.]

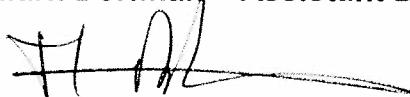
Planning Committee

On 8th December 2008

Report Title: Planning Performance Agreement Charter Adoption

Report of **Mark Dorfman – Assistant Director Planning and Regeneration**

Signed :



Contact Officer : **Costas Christoforou – Group Manager Business Support, Planning and Regeneration**

Wards(s) affected: **All**

Report for: **Non Key Decision**

1. Purpose of the report (That is, the decision required)

- 1.1. To inform the Committee of the responses obtained from the consultation on the proposed Planning Performance Agreement Charter.
- 1.2. To ask the Committee to formally adopt the Planning Performance Agreement Charter.

2. Introduction by Cabinet Member (if necessary)

- 2.1. N/A

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

Council Priorities:

- 3.1. Priority 2 – Creating a Better Haringey: cleaner, greener and safer
- 3.2. Priority 5 – Delivering excellent, customer focused, cost effective services

Council Strategies

- 3.3. Unitary Development Plan
- 3.4. Regeneration Strategy

4. Recommendations

- 4.1. That the Committee is asked to formally adopt the Planning Performance Agreement Charter as set out in Appendix 1.

5. Reason for recommendation(s)

5.1. As part of the recent introduction of a charging regime for Pre-Application Advice Services and in particular the establishment of Planning Performance Agreements (PPAs), the Advisory Team for Large Applications (ATLAS) and the Department for Communities and Local Government (DCLG) have advised local authorities to produce a charter which sets out the organisational framework for PPA approach.

5.2. Other London boroughs who have adopted Planning Performance Agreements have followed the procedure of informing Planning Committee of the intention to consult, consulting on the charter and then bringing the charter back to Planning Committee for a final decision after the consultation has taken place.

6. Other options considered

6.1. N/A

7. Summary

7.1. This report set out the results of the recent consultation on the draft Planning Performance Agreement Charter.

Planning Performance Agreements

7.2. A Planning Performance Agreement (PPA) is an agreement between a local planning authority and an applicant to provide a project management framework for the handling of a major planning application.

7.3. The use of PPAs was piloted by PAS and ATLAS in a year-long project which began in January 2006¹. The project involved 22 local planning authorities and their developer partners. PAS published a final report, and made a series of recommendations to the Department for Communities and Local Government (DCLG).

7.4. PPAs are designed to enable the two parties, developer and LA, to work in partnership throughout the entire planning process creating greater certainty with regard to the speed and quality of large planning application assessments and decisions.

7.5. It should be strongly emphasised that a PPA is not a guarantee that an application will be approved or an indication of its likelihood. The DCLG consultation states: "It relates to the process of considering development proposals and not to the decision itself."²

The Charter

¹ <http://www.pas.gov.uk/pas/aio/33643>

² <http://www.communities.gov.uk/documents/planningandbuilding/doc/326072.doc>

7.6. During the pilot, it was identified that there were certain issues around probity. When members of the public saw a PPA in place they thought the council were working in league with a developer and that the PPA gave a developer guaranteed approval of planning permission.

7.7. The report recommended that one way of overcoming this is for LAs to adopt a PPA Charter to give the process more transparency.

7.8. It was also recommended that the charter includes information on:

- The structural approach to the PPA e.g. establishment of roles such as a project manager, stream board membership
- Partner organisation commitment – for partners such as the PCT, Highways Agency – to demonstrate the council is committed to partnership working
- A community engagement statement
- Details of Member involvement
- Expectations from applicants - what the council expects of the developer e.g. approaching the agreement in an open and collaborative way
- What the fees will be and what they cover
- What is agreed in writing between the two parties
- What information the draft PPA will contain

7.9. If these issues are covered by the charter it presents the process in a transparent way that keeps members of the public and Council Members well informed and aware of the processes.

8. Chief Financial Officer Comments

8.1. The recommendation of this report does not give rise to any significant financial implications for the Council.

9. Head of Legal Services Comments

9.1. The Head of Legal Services comments that since the close of the consultation period the Killian Pretty Review Report was published on the 24th November 2008. Recommendation 4 of the Review Report urges the Government to encourage the use of Planning Performance Agreements by making clear that a proportionate approach to PPAs is acceptable. Thus for smaller and less complex schemes a much simpler approach to a PPA, centred around an agreed timetable may be all that is required.

9.2. Recommendation 4 of the Killian Pretty Review Report also proposes that each local planning authority should publish a statement or Code of Good Practice clearly setting out the range of guidance and opportunities that it offers for pre-planning application advice, what is required or expected from potential applicants and detailed information on what will be delivered where there is a charging regime. Appropriate professional bodies and stakeholders should jointly develop guidance for those councils which charge for pre-application advice, so as to introduce a more measured and consistent approach to charging across the country.

9.3. Accordingly, the Charter may be commended for adoption and publication at this juncture but the Committee is advised that it may need to be reviewed and revised with Stakeholder input if the Government accept and act on the Killian Pretty Review Report recommendations.

10. Head of Procurement Comments –[Required for Procurement Committee]

10.1. N/A

11. Equalities &Community Cohesion Comments

11.1. The adoption of the charter will improve the transparency of the Planning performance agreements, and indirectly allow for equality issues to be raised and addressed.

12. Consultation

12.1. A four week consultation period on the proposed Planning Performance Agreement Charter ran from the 10th September to the 8th October 2008.

12.2. In line with government guidance the following stakeholders were consulted on the Charter:

- Agents and developers
- Statutory consultees
- General Public (via the Haringey Website and hard copies displayed in the Customer Service Centre/Planning Offices)

12.3. A number of other stakeholders who have attended Development Control forums or have expressed an interest in planning issues in the borough also received the consultation documents.

12.4. As a result three responses were received to the consultation on the proposed Planning Performance Agreement Charter. These responses were from the Environment Agency, Natural England and the Metropolitan Police.

12.5. The Metropolitan Police and Natural England were both supportive and encouraged by the opportunity to work in partnership with the Council and developers during pre-application discussions. The Environment Agency stated that although it was not their standard practice to sign up to Planning Performance Agreements they are committed to being involved in pre-application discussions.

13. Service Financial Comments

13.1. There are no Financial implications to adopting the charter.

14. Use of appendices /Tables and photographs

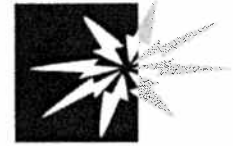
14.1. Appendix 1: Planning Performance Agreement Charter

14.2. Appendix 2: PPA Charter Consultation Responses

15. Local Government (Access to Information) Act 1985

15.1. N/A

Appendix 1 –Planning Performance Agreement Charter



Haringey Council

Haringey Planning Performance Agreement Charter

The Council's Sustainable Communities Strategy sets out its vision for the future of the Borough. This vision requires that all development is of the highest quality and is founded on the principles of economic, social, environmental and physical sustainability. As set out in its Core Strategy new development must contribute to the well-being of existing and future communities.

This Charter sets out how the Council will work with developers, the community and other key stakeholders to ensure that all large and complex development proposals are carefully considered in a constructive, collaborative and open manner. Such an approach is the best way of developing proposals that will meet the vision and objectives of the Council. Where major development proposals are deemed to be in accordance with the Development Plan for the Area or have the potential to meet the Council's Corporate Objectives, the Council will instigate a Project Team approach and seek to manage the project through a Planning Performance Agreement.

The Council Structure

An approach to the Council about a large scale development project will initially be through the Planning Department. However when a project is defined it is likely that it will involve officers from other departments and the Council is committed to co-ordinated cross departmental working.

The make up of the Project Team will be determined, according to the needs of the project, by the Planning Policy and Development Senior Management Team. For large strategic projects an officers' Steering Group will be established which will be chaired by the Assistant Director for Planning Development and Management. The Chair of the Steering Group will be responsible for corporate delivery, progressing the project and communication to Council Members and the Public. In addition, a Project Manager will be identified. The Project Manager will be responsible for the co-ordination of the project team and the primary interface with the developer's Project Team; ensuring tasks are delivered to agreed timescales, regular reporting and liaison with other stakeholders.

All members of the project teams will work on behalf of the council in the wider public interest and to secure the best quality scheme delivering the objectives of the Local Development Framework and relevant policy documents. Officers will express their own professional opinions which will form guidance for the applicant. The guidance will not bind officers to final recommendation nor override the requirement for a formal planning application to be determined without prejudice and within the statutory requirements of current planning legislation.

Partner Organisation Commitment

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. The importance of other stakeholders including Statutory Agencies (Highways Agency, Environment Agency and Natural England) and the Primary Health Care Trust buying into pre-application involvement is essential. Where major development sites straddle local authority boundaries the Council will ensure that the joint working approach is fully embraced. The local planning authority and Partner organisations are committed to sharing existing information with the development interests.

Community Engagement

As set out in the Statement of Community Involvement, the Council is committed to open and constructive community engagement. In all projects falling within the scope of this Charter, community engagement will be established in liaison with the Haringey Strategic Partnership. For large strategic projects the Council is likely to seek the developer's commitment to an independently facilitated Enquiry by Design process.

Notwithstanding the above, the Council will also undertake separate consultation as part of the formal planning application process as a statutory procedure, in accordance with the Council's Statement of Community Involvement.

Member Involvement

The Council believes that Members 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 ensure regular information is reported to members at the normal open Planning Committee meetings in the form of 'Issues Report' at least once before the application is submitted. This will allow Members to develop an understanding of issues and raise their own issues and concerns that they wish to be addressed. Members will not express views about the overall planning merits of any case and will not engage privately with the developer interest.

Expectations from Applicant

The Council will expect the developer interest to approach any proposal in an open, collaborative and creative manner. The developer interest will be expected to employ high quality staff/consultants with sound expertise in delivering sustainable communities. All projects will be delivered through a robust project management process and as with the Council; applicants will be expected use best endeavours to meet agreed timetables.

Funding

The applicant will be expected to fund the Council's input into pre-application activity in accordance with their individual PPA.

In addition the Council will have an expectation that the preparation of the application material, production of technical reports, and community engagement activity will be funded by the applicant. Prior to the commencement of individual tasks the Council and the Applicant will agree a brief to define the scope of work.

Process Requirements

The Council will expect the promoters of schemes covered by this Charter to engage in and sign a Planning Performance Agreement. The process will involve the following key elements:

- Meet and review the project proposal at an early stage
- Agree vision and development objectives
- Form a Project Steering Group with key decision makers and the Project Manager (Council lead). Technical working groups may be required when technical tasks are identified (which will be co-ordinated by the Project Manager). The Steering Group should deal with any issues/conflicts arising, not the mechanics of the project
- Produce a Project Plan based on identification of project issues and subsequent tasks
- Produce a Programme directly linked to the Project Plan and agree with the applicant to deliver key milestones

The Project Plan and Programme will be updated regularly to reflect the ongoing work of the project. The Programme can be reviewed accordingly, in agreement with both applicant and the Council.

Planning Performance Agreements

The Council requires that applicants undertake a collaborative process with Council officers and other stakeholders as set out above and agree the key elements in writing:

- Decision making group and communication structure;
- Vision and Development Objectives;
- Project Plan and Programme.

Appendix 2 – PPA Consultation Responses

Respondent Name	Respondent Org (if applicable)	Comment	Haringey Response
Lisa Walduck	Natural England	We do not have any detailed comments to make with regards to this charter. However we would like to point out that we are encouraged by the inclusion of the Partner Organisation Commitment, and would welcome the opportunity to be involved in pre-application discussions with the Council and with developers where this is deemed appropriate.	Haringey supports this comment.
Elizabeth Lightbourne	Environment Agency	It is not our standard practice to sign up to these documents with LPAs. However we are committed to being involved in pre-application discussions and...are happy to meet with your Council Officers and developers for any pre-application discussions on large scale developments.	Haringey supports this comment.
Andrew Snape & Eric Childs	Metropolitan Police	With regard to the Charter, we would like to be consulted at an early stage on all major projects and would relish the opportunity to give our advice in a wider forum to partners and any interested party. As a development cycle progresses, it becomes increasingly hard to include necessary security measures or to change elements of a design that could become crime generators. We would welcome the chance to work in partnership to deliver high quality new developments for the well-being of existing and future communities.	Haringey supports this comment.