



## Guidance Note

# Implementing Planning Performance Agreements



<b>1. Introduction</b>	2
<b>2. PPAs and the planning system</b>	3
<b>3. Developing an individual PPA</b>	5
<b>Appendix A</b>	10
PPA Charter	
<b>Appendix B</b>	13
Illustrative thought process for a technical and engagement task	
<b>Appendix C</b>	14
Illustrative work programme	
<b>Appendix D</b>	15
Illustrative PPA pro forma	

## List of figures

<i>Figure 1: PPA process</i>	5
<i>Figure 2: Issues and tasks plan formation</i>	8



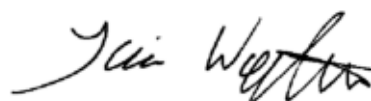
I am delighted to be able to welcome the publication of this guidance on Planning Performance Agreements, produced by the Advisory Team for Large Applications (ATLAS) in consultation with Communities and Local Government with considerable input from local authorities, developers and statutory agents.

A Planning Performance Agreement, or 'PPA', is a framework agreed between a local planning authority and a planning applicant for the management of complex development proposals within the planning process. A PPA allows both the developer and the local planning authority to agree a project plan and programme which will include the appropriate resources necessary to determine the planning application to a firm timetable.

We have introduced PPAs to put in place a more effective mechanism for handling applications for large, complex development projects, unconstrained by the 13-week limit. It makes clear in advance what will be required of each party for the effective and efficient processing of the application. It allows for early consideration of the impact of major development alongside engagement with the local community. This project management approach should encourage a transparent and more efficient process from which local planning authorities, developers and other stakeholders will benefit.

A pilot programme in 2006 demonstrated that a PPA can be very successful in providing a better process for development proposals. A PPA gives greater certainty on timescales, costs and requirements such as community involvement or supporting evidence from experts.

The proposal to introduce Planning Performance Agreements was announced in the Planning White Paper. It is another stage in the Government's drive to reform the planning system and I feel sure that PPAs will bring real improvements in the way that many large and complex planning applications are handled. This guidance document sets out best practice in establishing and operating a PPA.



**Iain Wright**  
Parliamentary Under-Secretary,  
Communities and Local Government

This guidance note aims to provide local planning authorities, developers and other key agencies with the policy framework and a recommended process for developing and delivering individual Planning Performance Agreements (PPAs) for complex development projects.

The White Paper, *Planning for a Sustainable Future* (Communities and Local Government, 2007)<sup>1</sup> emphasised the need for an effective planning system which is responsive to society's needs and has the ability to resolve differences and deliver appropriate development. Local authorities are therefore in a unique position to oversee and broker the PPA process in spatial planning, which is fundamental in the place-shaping role of local government.

PPAs can help deliver end-to-end planning and improve the quality of decision making for the largest and most complex planning applications.

It is recognised that the process to achieve high-quality sustainable development is complicated and that the potential to achieve a successful outcome can be greatly improved by:

- agreeing to a shared vision and set of objectives;
- committing to a genuinely collaborative approach by all key parties;
- adopting a spatial planning approach underpinned by development management; and
- establishing a robust project management process.

It has been recognised that PPAs could play an important role in addressing these issues and the concept has been supported and developed by the Advisory Team for Large Applications (ATLAS) with widespread cross sector input from local authorities and the development industry through the pilot process<sup>2</sup> and Communities and Local Government consultation (CLG, 2007<sup>3</sup>).

## 1.1 This Guidance Note

Whilst acknowledging the need for flexibility, this Guidance Note highlights the issues that need to be considered and the key elements that should be included in any formal PPA. The content of this document is structured in the following way:

- PPAs and the Planning system – Guidance on Communities and Local Government requirements and recommendations; and
- guidance on how to develop individual PPAs through a process of screening, scoping, inception, formalisation and implementation.

<sup>1</sup> [www.communities.gov.uk/publications/planningandbuilding/planningsustainablefuture](http://www.communities.gov.uk/publications/planningandbuilding/planningsustainablefuture)

<sup>2</sup> During 2006 the Planning Advisory Service (PAS) and ATLAS managed a piloting project with 22 local authorities and their development partners. The final report was produced by PAS (PAS, 2007 available via [www.pas.gov.uk/pas/aio/33431](http://www.pas.gov.uk/pas/aio/33431)).

<sup>3</sup> Planning Performance Agreements; a new way to manage large scale major applications (CLG, 2007) available via [www.communities.gov.uk/publications/planningandbuilding/planningperformanceagreements](http://www.communities.gov.uk/publications/planningandbuilding/planningperformanceagreements)

# PPAs and the planning system

Planning Performance Agreements are essentially a collaborative project management process primarily aimed at complex development proposals. Although PPAs can be used for all development projects that fit the Communities and Local Government definition of a major application, it is recommended that they are most appropriate for unique, complex schemes as PPAs require considerable effort. The aim is to move away from development control to a system of development management which takes into account the broader concept of spatial planning. PPAs are about improving the quality of the decision making process, not the speed of decision making, and they may not be appropriate for all types of development proposal. Collaboration is key to the process and one party cannot insist on the use of a PPA if there is no collective agreement.

## 2.1 Requirements for a PPA

A PPA can be used for all major applications. Local authorities are required to notify Communities and Local Government about their use of a PPA via the amended general Development Control Return – Forms PS1/2. The local planning authority (LPA) and applicant are free to agree on the necessary components of a PPA which will depend upon the individual project. However, LPAs will be monitored against that agreed PPA timescale (PPA programme).

For applications where one developer subsequently sells off land to a different developer, if the new developer agrees to the existing PPA it will remain live and monitored accordingly. If the new developer cannot commit to the PPA then either a new PPA will be drawn up or it will revert back to existing monitoring, as with a traditional application.

It is recognised that for complex schemes a number of different applications may be submitted for one site. It is recommended that one overarching PPA is agreed at the outset, which is then amended and signed up to at a later stage by other parties as appropriate.

There are a number of core components recommended as a minimum by Communities and Local Government for following the PPA process and producing a PPA. In developing the individual agreement parties must acknowledge the key written content of the PPA, which should include:

- project vision and development objectives and the planning proposal;
- project issues and tasks plan;
- project team and decision making framework; and
- project programme.

It is also recommended that PPAs for complex schemes are accompanied by an independently facilitated inception day (see section 3) as part of the inception phase as long as both parties feel it appropriate.

## 2.2 When to use a PPA?

A PPA can only be considered via agreement between the local authority and the applicant. We would recommend that by undertaking a screening process, the type of development proposal is considered and discussed in the context of its impact<sup>4</sup>. If a development proposal is likely to incur different procedures from normal practice in order to process the application, then a PPA may be appropriate.

Potential criteria for assessing the complexity of a scheme could include:

- proposals that meet a local authority's identified strategic objectives as set out in the Local Development Framework (LDF);
- proposals requiring an Environmental Impact Assessment;
- larger sites that include a variety of land uses;
- proposals that have an impact on strategic areas of environmental sensitivity, i.e. a Special Protection Area or sites where there are many constraints to be resolved before the development can be delivered;
- proposals involving significant non-standard planning obligations;
- proposals which require referral to a central or regional government body;
- proposals which would have significant impact on existing communities and therefore require expansive consultations or involvement from many different stakeholders, interest groups, statutory agents, etc; and/or
- proposals that are unique to a local authority's experience.

## 2.3 At what point is a PPA appropriate?

Experience from the pilot exercise identified a wide variety of factors that can impact on any particular development proposal and that establishing a single model agreement was neither realistic nor helpful. It also identified that the actual process of establishing an agreement is significantly beneficial in developing a common understanding of project issues and objectives and building positive relationships. The approach recommended in this Guidance Note is based on the consideration of complex proposals from early on in the pre-application process through to determination and delivery of development. The PPA process could be used at any stage in a development project, from Area Action Plan formation through to reserved matters. However, a development proposal cannot become a PPA after it has been submitted as a formal planning application as a means of removing it from the requirements of National Performance Indicator 157 (NPI, formerly BV109a).

<sup>4</sup> Although PPAs can be used for all development projects that fit the Communities and Local Government definition of a major application it is recommended that it is more appropriate for unique, complex schemes.

Only PPAs which are established early and have included the pre-application phase will be officially recognised by Communities and Local Government and removed from NPIs (from 1 April 2008). The purpose of taking a PPA out of the NPI targets is to allow applicants and local authorities to negotiate a flexible timescale that reflects and responds to the particular circumstances of the individual development proposal.

## 2.4 Fees

The fee for a planning application subject to a PPA will be the same as that for a normal planning application. From 6 April 2008, the cap on fees has been significantly raised to reflect the cost to the local authority of processing large complex applications. A fundamental principal of PPAs is the front loading of activity, prior to submission, to ensure that applications are of a high quality both in terms of the material submitted and the content of the proposal. A successful PPA should ensure that collaboration has taken place with all relevant stakeholders and that the vast majority of issues have been addressed. As such the formal application stage should be relatively straightforward.

An LPA has the power to charge for services provided in the pre-application phase of a PPA, under Section 93 of the Local Government Act 2003. Where an LPA opts to charge a fee for the pre-application phase of a PPA, this will need to be negotiated with the applicant and agreed early in the process. It can meet the cost of any discussions, the inception stage and other relevant expenditure by the authority. Any fee levied for the pre-application phase may be charged at commencement of the PPA by negotiation with the applicant(s), or charged in instalments as the PPA progresses. However, under Section 93 any charge must be on a not-for-profit basis (year-by-year) and, taking one year with another, the income from charges for such services must not exceed the cost for providing them.

Where an LPA agrees to a pre-application fee they may also agree to refund this element once the planning application is submitted if they consider that the application fee would cover the administrative costs of the whole PPA.

An LPA cannot use Section 93 to secure additional money once the planning application has been submitted. Generally, LPAs should charge for pre-application discussions only where it would not significantly diminish demand for that service.

Where a PPA fails at the pre-application phase, any unresolved disputes would have to be settled in private law. An LPA's position with regards to pre-application charging should be set out in their Charter (see Appendix A).

If a development project (with an agreed PPA) does not result in submission of an application then the implications should be agreed by both parties and processes or sanctions can be set out in Charters in the first instance. If an application is submitted and the PPA approach subsequently breaks down, or an appeal route is required for various reasons, then it may be possible to use any agreed material as evidence for the appeal.

## 2.5 Third-party involvement

Where the nature of the planning application requires significant input from County Councils (where they are not the lead authority), Government and non-Government agencies, environmental bodies and/or specific consultees, the project plan should be used to identify the need to bring the agencies into the process as early as possible. Early engagement with all such bodies should allow the LPA and the applicant to plan their community engagement strategy better, so as to ensure transparency and openness.

# 3 Developing an individual PPA

A PPA is a framework in which parties come together to agree how they are going to take a development proposal through the planning process.

If PPAs are to be used regularly, LPAs are strongly advised to establish a formal process that can be enshrined in a document (PPA Charter), which sets out the LPA's generic approach and commitment for dealing with complex development projects. A PPA Charter is primarily recommended for local authorities, but could be developed by other organisations. Such approaches have been developed by some local authorities who have given their Charters different names. However, for the purpose of this guidance note the term Charter is used. Individual PPAs can be developed without a Charter, although it is recommended that one is formed to give clarity and transparency to all potential stakeholders. A Charter also helps to establish good working relationships both internally and externally with partners and stakeholders. This should improve the delivery of PPAs. Further details on PPA Charters are provided in Appendix A.

Issues such as the complexity of the project, the level of detail of existing planning policy, established working practices and existing relationships will all impact on how an individual PPA is developed. The following advice identifies the factors that need to be considered and provides a general framework for developing the structure and content of an Agreement, as illustrated in Figure 1. However it is important to consider that the process will inevitably be iterative, as PPAs will need to be flexible and used as evolving 'working' documents.

## 3.1 PPA screening

Before starting to prepare a PPA both the LPA and the applicant will need to consider whether a PPA is the right approach and, if so, who should be involved in its establishment.

The PPA approach is appropriate for use throughout the progression of development proposals at all application stages.

In many instances a relationship may well already exist between the LPA and the developer/applicant concerning potential development of a site. Whether a relationship exists or not, prior to working up a PPA it is recommended that the LPA and applicant hold an initial meeting to:

- establish whether a PPA is appropriate (considerations should include whether the proposed development concept might be acceptable in policy terms, whether the likely complexity of issues requires a PPA, or if the project is of strategic importance to a locality);
- exchange Charters (if available);
- identify the likely make up of the teams from the LPA and the applicant teams and other key parties that should be included at an inception day (see section 3.3);

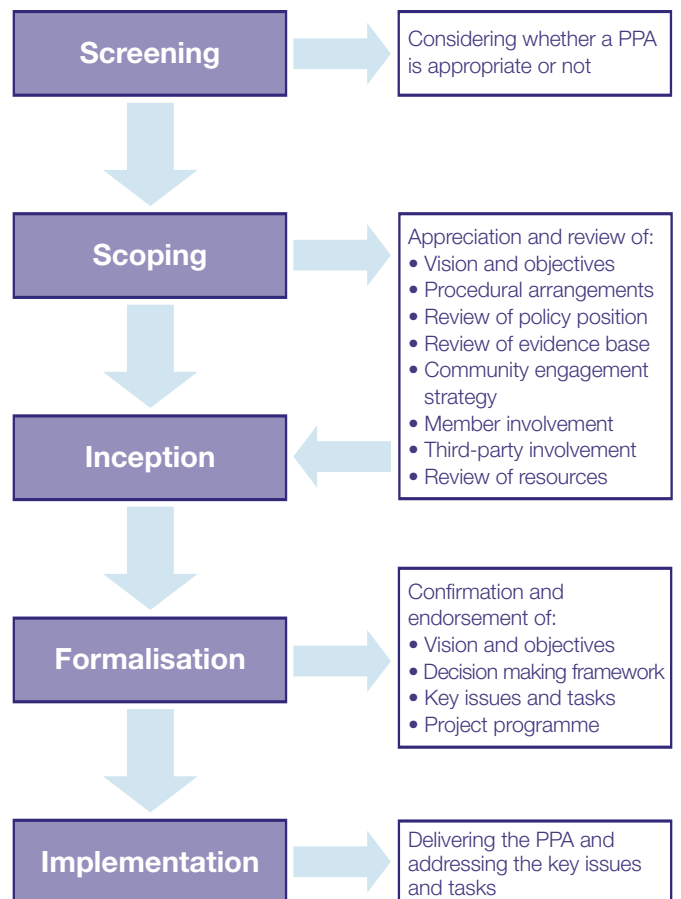
- agree to prepare for an inception process; and
- agree a date for the inception meeting and invite relevant parties.

## 3.2 PPA project scoping

In advance of the inception process, the key parties will need to consider issues of both process and content. Where a Charter is in place the process elements should be relatively straightforward. If a Charter is not in place the LPA and applicant will have to work collaboratively to establish the commitment of both internal and external parties. In either scenario both the LPA and applicant teams should establish their initial position on the following factors:

- vision and development objectives;
- project team;
- review of policy position;
- review of evidence base;
- community engagement strategy;
- member involvement;
- statutory agency and service provider input; and
- resources.

Figure 1. PPA process



### 3.2.1 Vision and development objectives

The vision for the project should identify the kind of place that the area should become in response to what is needed physically, economically and socially in the area. Development objectives should be well defined, identify performance criteria and balance aspiration with realism.

Evolving the vision and objectives of the development proposal will be critical in establishing strong foundations for future project management. This is likely to be an iterative process but all parties should give initial consideration to what they wish the development to achieve. In many cases the LPA's vision and objectives will be well developed in their, policy documents etc. It is essential that the applicant team also gives initial consideration to its own vision and objectives (further information can be found at section 3.3.1).

### 3.2.2 Project team

The desired make up of the applicant and LPA teams should be appropriately identified<sup>6</sup>. For projects of limited scale and issues a single development team may be appropriate. For larger complex projects where there will be multiple issues to resolve a structure consisting of a series of task groups reporting to a steering group is likely to be required. The members of a steering group or development team and a project manager should be identified. For more complex projects the make up of task groups should only be established when the range of tasks has been agreed. For the LPA, consideration should also be given to identifying a 'project champion', who could work across internal departments and member interests to establish corporate buy-in.

Where there are multiple local authorities and/or multiple developers/landowners it is essential that they establish how they will work together and establish a lead.

### 3.2.3 Review of policy position

The strength of the existing policy framework should be examined to establish whether it is up to date, sound, and provides the necessary guidance and certainty. Where the policy framework is out of date there may be a need to review the policy position in tandem with handling the PPA.

### 3.2.4 Review of evidence base

The depth of knowledge on all relevant social, economic, environmental and physical factors should be assessed and checked for consistency and areas where further work may be required should be identified.

### 3.2.5 Community engagement strategy

The planning system requires local authorities to engage communities in shaping places. To ensure that community engagement is effective and meaningful, LPAs and developers should start early, continue to communicate and ensure as many people as possible feel able to make a difference to their area. PPAs are an ideal opportunity to structure this by identifying the preferred approach to community engagement (which may be based on the Statement of Community Involvement), including the identification of the communities to involve, the process of engagement and approach to incorporating their views, feedback and evaluation methods<sup>6</sup>.

### 3.2.6 Member involvement

Individual authorities will have different approaches, but for large complex development of strategic importance members should be engaged in the process. The Communities and Local Government report on Member Involvement in Planning Decisions (CLG, January 2007)<sup>7</sup> provides advice on how this can be managed without compromising the decision making process.

### 3.2.7 Statutory agency and service provider input

Consideration should also be given to the influence of these groups on the likely outcome of the project. Where they are critical they should be included in any steering group and involved in the inception process. For example, where there is a District/County structure, a representative from the County empowered to represent and co-ordinate that organisation's interests will be essential. Also, if fundamental infrastructure issues (such as flooding or access to the strategic road network) are likely then representatives of the relevant agencies should be included. The agencies and service providers should be encouraged to identify their respective objectives and evidence base.

### 3.2.8 Resources

The availability of skills and resources should be considered through an audit. If current or projected skills/resource gaps are identified, the relevant party would need to consider the options available for addressing them, including training, bringing in temporary staff or buying in other expertise and applicant funded posts. Further advice is available in 'Constructive Talk – Investing in pre-application discussions'<sup>8</sup>.

<sup>6</sup> Further guidance on how best to involve communities in the planning process is located on the ATLAS Guide and in the PAS case study entitled, 'Getting Engaged': <http://www.pas.gov.uk/pas/core/page.do?pagelid=48779>

<sup>7</sup> Document can be found via <http://www.communities.gov.uk/publications/planningandbuilding/councillorinvolvement>

<sup>8</sup> Constructive Talk ([www.pas.gov.uk/pas/aio/39020](http://www.pas.gov.uk/pas/aio/39020))

<sup>5</sup> Examples of procedural arrangements for complex schemes can be found under the Project Management section within the Process Zone at [www.atlasplanning.com](http://www.atlasplanning.com)

### 3.3 PPA inception

The inception stage<sup>9</sup> develops the structure and content of the PPA and should seek to formalise a PPA document by agreeing the following:

- project vision and development objectives and the planning proposal;
- project issues and tasks plan;
- project team and decision making framework; and
- project programme.

It is likely, particularly for more complex projects, that the inception stage will require a number of iterations and will not be completed in one session. ATLAS and Communities and Local Government recommend that an independently facilitated inception day is undertaken, and there are a number of reasons why a concentrated day or session with all relevant parties would be beneficial:

- it allows collective thinking about place shaping by getting people together to consider what a place will look like and how to achieve it;
- feedback from the pilot study confirmed it was one of the most beneficial parts of the process, the earlier it occurred in the project, the better;
- it brings together all key decision makers to discuss critical issues without prejudice;
- it forges a collaborative approach; and
- it leads to defining the content and structure of the PPA.

An ‘inception day’ should be attended by the key decision makers that will influence the outcome of the project. The size of the group should be kept relatively small. Typically it will include those who will steer the project, the project managers and those third parties whose input could potentially have critical impact on the likely outcome.

The purpose of the inception day is to openly consider the critical issues surrounding the project that have been outlined in the previous ‘scoping’ stage and make as much progress as possible to formally establish a project plan and programme. Whilst there are no hard and fast rules, there is considerable merit in parties agreeing that their discussions would be without prejudice. It may not be possible to complete a PPA by the end of the inception day, in which case it is recommended that a follow up meeting is arranged to sign off the PPA within a short timescale, e.g. two weeks.

<sup>9</sup> ATLAS and PAS have provided training for individuals in both the public and private sector who wish to provide PPA inception. The list is available at [www.pas.gov.uk/pas/aio/49507](http://www.pas.gov.uk/pas/aio/49507). In addition, ATLAS will have a key role in providing inception services nationally and will aim to provide independent facilitation of PPAs for larger scale, complex proposals. See [www.atlasplanning.com](http://www.atlasplanning.com) for further details.

The various issues to be addressed at the Inception stage are discussed in more detail below.

#### 3.3.1 Vision and development objectives

Visioning is an important key stage in establishing a PPA and indeed at the outset of any complex project. It helps to focus partners on the place being created, and helps establish the basis of collaborative working.

In this way the PPA functions not simply as a project management tool but also as a framework to focus on the delivery of a quality outcome.

Developing a shared vision helps to establish consensus with all parties and by setting objectives collectively, agreement can be reached on how that vision can be achieved. The vision and objectives provide a benchmark for stakeholders to refer back to, ensuring that discussions on details remain appropriate and aligned to meeting the broader strategic direction.

The aim should be to identify a vision and set of development objectives that all parties can agree. It is also important to highlight differences, if they exist, and how they could be reconciled. The importance of establishing key objectives is that they will heavily impact on defining appropriate decision making and the issues that need to be addressed.

Where LPA policy is up to date and well expressed it will normally underpin many of the objectives but it will always be sensible to review and consider any change in circumstance. (For example, the climate change agenda is moving rapidly and a site-wide strategy for environmental sustainability may be required.)

It is important to recognise that development objectives may need to be modified over time as additional evidence is gathered. The development of a vision and a set of development objectives is a fluid process which will go through several iterations. Any amendments should have a positive impact that adds value and be recorded in the PPA. In addition, particularly for important strategic projects, developing and agreeing the project vision and a set of objectives with the community may be a critical early task.

It is recommended that the agreed vision and objectives are formally recorded, but this should not be too onerous and if existing policy is adequate it can just be referred to and does not need to be restated. A reference to policy objectives, agreed applicant/developer objectives and any additional third party objectives will normally be appropriate.

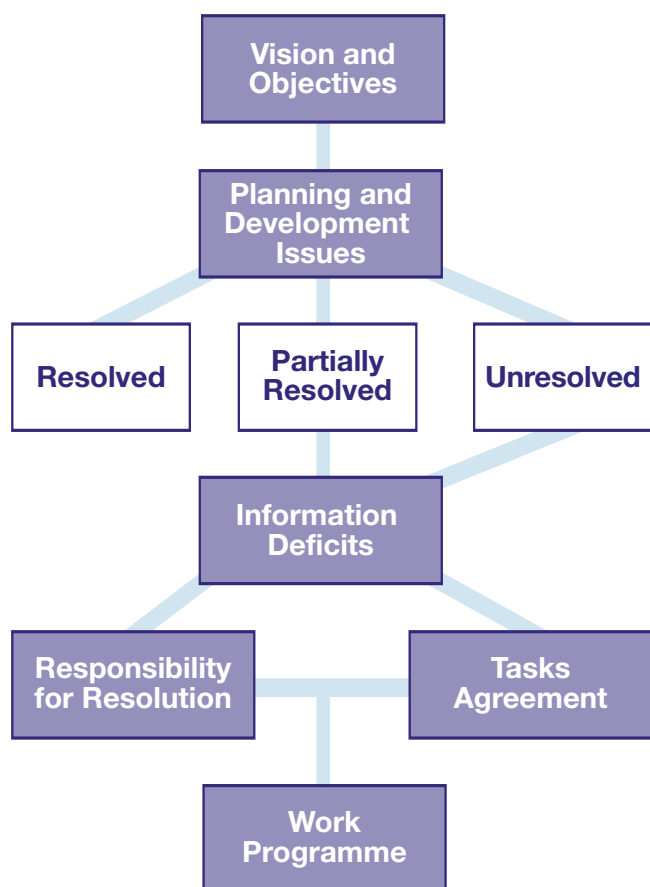
### 3.3.2 Key issues and tasks plan

A sound 'key issues and tasks' plan, which identifies who is responsible for each task, will be critical for a PPA. This process is related to the decision making process but it is suggested that the starting point should be the identification of tasks, as the range and complexity will influence what decision-making processes are required and, in turn, inform the most appropriate method of addressing them.

The key issues and tasks plan should act as a record of decisions as well as a project management tool to guide the process going forward.

Figure 2 describes how project teams should initially progress the project plan through to developing technical tasks.

Figure 2: PPA: Issues and tasks plan formation



Leading on from the agreed vision and objectives the key technical issues should be identified and considered. At the inception day a list of resolved, partially resolved or unresolved issues should be set out and agreed upon.

In the vast majority of cases where issues are unresolved there will be a need for further information and investigation. The parties should agree the scope and nature of the task to be undertaken. Examples of the thought process for a technical and engagement task is set out in Appendix B.

For most technical tasks the prime responsibility for funding additional study and investigation is likely to rest with the developer/applicant, as the information will need to be prepared and submitted as part of any formal planning application. This is also an appropriate method of reducing the resource burden on the local authority. However, it is essential that the LPA, statutory agencies and service providers share any relevant information that they already hold. In addition it is vital that the scope of works to address the issue is agreed between the parties.

Through the above process a set of tasks will be established to inform the key issues and tasks plan.

### 3.3.3 Project team and decision making framework

A decision making process and agreement on who will be involved is essential. For more complex projects it will normally be necessary to set up a series of project working groups or task groups to move the critical tasks forward under a limited number of key themes. The composition of each task group should be agreed.

A steering group of senior people from both the LPA and applicant (as a minimum) should be established. This group should have the authority to agree direction and sign off completed tasks. The project manager from both the LPA and the applicant should be included within the group to ensure continuity and a flow of information.

The steering group should meet on a regular basis, preferably monthly.

### 3.3.4 Project programme

A programme of work, based on tasks, will be naturally established by the completion of the stages above. For particularly complex projects it may be necessary to undertake a critical path analysis and prioritise the tasks. However many tasks can be undertaken in parallel and this will be key to speed of delivery.

A good programme should clarify impacts for resources and decision making pinch-points as well as milestones for project review. Programmes should relate to tasks and include critical meetings. Different programmes can be produced for different phases. It is essential that the programme is recorded. An example of a spreadsheet approach is shown in Appendix C.

The project managers from the LPA and applicant should be given responsibility for developing and managing the programme.<sup>10</sup>

<sup>10</sup> Communities and Local Government are proposing that a PPA will be exempted from NPI 157 (formerly BVPI 109a) reporting and the replacement target will be based on the agreed Individual PPA programme.

### 3.4 Formalisation and sign off of PPA

The output of the inception stage should be captured in writing and a suggested pro forma is attached as Appendix D. In summary, the PPA document should capture the following:

- project vision and development objectives and the planning proposal;
- project issues and tasks plan;
- project team and decision making framework; and
- project programme.

The overall document should capture critical detail and not be overly excessive in content as it should be seen as a 'live' document which can be updated as appropriate. When complete it should be signed by empowered representatives of the LPA and applicant/developer, and where appropriate any critical third party (i.e. County Council, Environment Agency, etc). The proposed signatories could be set out in the PPA Charter.

### 3.5 Implementation

The project managers should regularly review progress on the implementation of the PPA key issues and tasks plan, with reference to the programme. Applicants and LPAs should take shared responsibility for addressing any delays.

Where possible the project managers should seek to resolve blockages or conflicts. If this is not possible the issue should be referred to the next steering group meeting. During the pilot, concerns about potential conflicts were resolved through the PPA project management process and it was recognised that if the approach was not adhered to, then the existing statutory procedures for applications were an alternative.

For larger, more complex proposals it may be necessary to build in a number of project review stages attached to the key milestones of the agreed planning process. These should be programmed into the steering group meetings.

The key issues and tasks plan, and project programme, should be considered at each steering group meeting by discussing progress on critical tasks. Risks and consequences for the implementation of the project should also be discussed in this forum. As an output, it is more important that critical decisions are recorded at these meetings (ideally as part of the key issues and tasks plan), rather than producing long and detailed minutes.

If a PPA key issues and tasks plan and programme has been put in place for all stages of the development process, the scope of the agreement should be regularly reviewed and, if necessary, modified. However, if the PPA Programme has only covered a limited part of the planning process, a new one may be needed to cover the next phase or phases. The PPA document will therefore need reviewing (which may entail re-signing) at critical milestones.

In all cases a final review of the project should be undertaken to identify the positive and negative aspects of the process and identify how it could be improved in the future.

# Appendix A: PPA Charter

A Charter should:

- state the LPA's commitment to a collaborative process, good project management and achieving high quality sustainable development (agreed among parties therein);
- state the pre-agreed commitment of LPA departments, statutory agencies<sup>11</sup> and service providers to the PPA process;
- set out the key requirements for the statutory application process and expected content of a PPA;
- set out the approach and actions that applicants are expected to commit to;
- set out how the LPA will engage with Members;
- state the LPA's expectations for community involvement;
- set out the LPA's approach to resources and, if relevant, their expectations of support to deliver the PPA process from the private sector; and
- set out any pre-application fee charges<sup>12</sup>.

The potential demands of developing an effective Charter will depend on a variety of factors including existing relationships and working practices both within the LPA and with its key partners. It is important that the commitments contained within the Charter are deliverable and agreed. The Charter should be developed in consultation with Council Members, the local development industry, statutory agencies/service providers and, in particular, with the community.

There is no set statutory process for preparing and agreeing a Charter but it is important that it is influenced by and consistent with the LPA's Statement of Community Involvement into which it could be incorporated.

In addition to the LPA Charter, developers/applicants should give consideration to producing their own Charter to set out their corporate approach to large scale development and PPAs.

LPAs should also consider including information on their approach to resourcing pre-application discussions, including any adopted pre-application charging regime, under Section 93 of the Local Government Act 2003.

However, as has been outlined above, the process of establishing the Charter will be influenced by the LPA's relationship to key stakeholders and development in their specific area. Its preparation can support a collaborative working approach with these stakeholders and is the crucial element that will influence its scope, content and overall effectiveness.

<sup>11</sup> Communities and Local Government recognise the need for third party involvement in large scale development and are requiring the early engagement of Government Offices and other government departments to help support local authorities.

<sup>12</sup> LPAs have the option to charge for the PPA pre-application phase under Section 93 of the Local Government Act 2003.

# PPA Charter (generic example)

*Set out below is a generic example of a local authority Charter. Its primary purpose is to demonstrate a logical structure and should not be viewed as an approved template. Examples of adopted Charters will be placed on the ATLAS website.*

## Introduction

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. The Core Strategy states that 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 to see if they can 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, if a departure, 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 Corporate Delivery Board. For large strategic projects an officers' Steering Group will be established, which will be chaired by a corporate Director or Head of Service. 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. Other stakeholders including the County Council, the Statutory Agencies (Highways Agency, Environment Agency and Natural England) and the Primary Health Care Trust have all committed to pre application involvement. Furthermore, 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 Local Strategic Partnership. As a minimum this will include the relevant Parish or Community Council(s) and any established resident groups. Where desirable, a community forum will be set up to allow for regular communication with and input from the community. 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 Development Control 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 to meet agreed timetables.

Where there are multiple developer interests the Council will seek a single steering group member and separate project manager empowered to represent the collective developer interest.

## Funding

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.

In establishing an individual PPA, consideration will be given to how the authority can service the project programme. If the cost is likely to exceed the subsequent planning application fee then the authority will expect the applicant to fund the additional cost. In addition when the proposal involves extensive pre-application activity the authority will seek appropriate upfront payment, which will be refunded to the applicant upon receipt of the planning application fee.

## Process requirements

The Council will expect the promoters of schemes covered by this Charter to engage in and sign a PPA. 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; and
- 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 require 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; and
- Project Programme.

# Appendix B: Illustrative thought process for a technical and engagement task

## Example – Technical task agreement

**Issue:** Insufficient evidence base of the employment market to inform masterplan.

**Solution:** Undertake employment market assessment to agreed timetable.

**Developer responsibilities:** Confirm willingness to fund the study. Respond to local planning authority brief. Agree brief. Obtain consultants expressions of interest. Appoint consultants. Jointly brief consultants with the LPA. Present report to relevant task group and agree actions. Sign off by steering group.

**Local planning authority responsibility:** Prepare study brief. Identify sources of information from other services and consultees. Agree brief. Joint briefing of consultants.

**Other services and consultees:** Provide information to consultants.

**Outcome:** Robust understanding of employment market to inform masterplanning process.

## Example – Community engagement agreement

**Issue:** Given background of case what is the most appropriate form of engagement?

**Solution:** Enquiry by Design.

**Developer responsibilities:** Confirm willingness to fund/contribute to event. Prepare draft content of development presentation. Agree facilitator. Confirm agreement to draft invitation list and event programme. Prepare display documents.

**Local planning authority responsibility:** Prepare draft invitation list and event programme. Consult all development team members on programme. Agree facilitator. Organise event. Issue invitations.

**Other Services and consultees:** Comment on draft presentation content, invitation list and programme. Attend event.

**Outcome:** Managed and creative public engagement leading to identification of issues, development of options and solutions and hopefully consensus to inform masterplanning stage.

# Appendix C: Illustrative work programme

In this example programme, the movement and access theme has been expanded to illustrate the typical tasks that might take place within the various project themes.

Task Name	Quarter 1, 2010			Quarter 2, 2010			Quarter 3, 2010			Quarter 4, 2010		
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>KEY STAGES</b>												
Evidence gathering	■											
Option generation and testing				■								
Finalisation for planning submission								■				
Design freeze								■				
<b>PROJECT THEMES</b>												
<b>Housing</b>	▶											
<b>Heritage</b>	▶											
<b>Community infrastructure</b>	▶											
<b>Open space</b>	▶											
<b>Movement and access</b>	▶											
<b>Strategic Transport Framework</b>												
Review LTP and policy background	■											
Review available survey data	■											
Estimate trip generation and distribution	■											
Estimate mode split for development traffic		■										
Seek scoping opinion from LPA and LHA			■									
Agree transport objectives for development				■								
Commission additional surveys where necessary			■									
<b>Public Transport Strategy</b>												
Review public transport networks	■											
Estimate demand for public transport			■									
Develop Public Transport Strategy				■								
<b>Pedestrian and Cycle Movement</b>												
Review pedestrian movement networks	■											
Estimate demand for movement			■									
Develop Pedestrian and Cycle Movement Strategy				■								
<b>Traffic Impact Assessment</b>												
Traffic impact modelling						■						
Travel plan											■	
<b>Site Access and Network Design</b>												
Review access options	■											
Preliminary junction design				■								
Stage 1 safety audit									■			
Detailed junction design											■	
Network layout and design						■						
<b>Application Documentation</b>												
Prepare access and movement parameter plan								■				
Transport statement											■	
Costings and S106 Heads of Terms											■	
<b>Review options though working groups</b>												
Transport working group meetings	●	●	●	●	●	●	●	●	●	●	●	●
<b>Drainage and surface water</b>	▶											
<b>Environment</b>	▶											
<b>Urban design</b>	▶											
<b>Finance</b>	▶											
<b>Sustainability</b>	▶											
<b>Employment</b>	▶											
<b>STEERING GROUP MEETINGS</b>	●	●	●	●	●	●	●	●	●	●	●	●
<b>PREPARE APPLICATION DOCUMENTS</b>											▶	
<b>SUBMIT PLANNING APPLICATION</b>												◆

# Appendix D: Illustrative PPA pro forma

Project Description	
Local Planning Authority(ies)	
Developer(s)	

## 1. Procedural Arrangements

### Steering Group

Name	Position and Role	Contact Details
	Steering Group Chair	
	LA Project Manager	
	Lead Developer	
	Developer Project Manager	
	Lead County Council Officer	

### Working Groups

Name	Position and Role	Contact Details

### Decision Making Framework

< Insert explanation of management process and forum for decision making >

## 2. Vision

< Explanation of the scope of the project and the outcomes for development >

## 3. Key Issues and Task Plan

Issue	Action/Task	Responsibility	Progress	Timetable/Dates

## 4. Programme

< This will normally be attached as a chart >

Signature[s]

Print name

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The Advisory Team for Large Applications (ATLAS) provides an independent and impartial advisory service to local planning authorities and other public and private sector stakeholders involved in the delivery of quality, large scale development.

ATLAS is sponsored by Communities and Local Government and hosted by English Partnerships, as part of the Planning Advisory Service (PAS).

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