PLANNING PERFORMANCE AGREEMENTS
Foreword

Bournemouth Borough Council is committed to building a better Bournemouth by encouraging new investment and ensuring that this benefits the community. We want to ensure that major planning applications are dealt with in an efficient and effective way. The Council understands that the grant of a planning permission is only a stage in the process and the full benefits are only achieved once a quality development is delivered.

We recognise that successful delivery of strategic developments and key regeneration projects benefits from structured communications between developers, the Council, the community and other organisations. This can help reduce delays, conflicting advice and increase certainty. We will work in partnership with the development industry and community and this will enable us to maximise the potential benefits which a development can bring and critically to ensure that the development is deliverable.

We anticipate great benefits in jointly using, with the development industry, the principles of ‘Planning Performance Agreements’ as advocated by the Department of Communities and Local Government.

Councillor David Kelsey

Chairman of the Planning Board
Getting the Best Outcome for Major Applications – our approach

The Planning Service of Bournemouth Borough Council is committed to dealing with major planning applications in an efficient and effective way, recognising that this benefits all parties involved.

The Council promotes the use of pre-application discussions for all proposals. However, for some major application proposals entering into a Planning Performance Agreement (PPA) is the best solution as it provides bespoke ongoing advice. Further details of PPA's are outlined in this document but an initial meeting with a senior planning officer will determine if a PPA or a pre-application submission is appropriate for the proposal.

This document outlines how the process works, the benefits to all parties and details of the costs involved when entering into a Planning Performance Agreement.

Range of Proposals Best Suited to a PPA

Planning Performance Agreements are one useful approach of good development management and can be applied to any development but the council would normally be seeking their use for the following types of development:-

• Schemes above 10 residential units or above 10,000 sq m of commercial development.
• Individual developments and development programmes of major strategic importance to the area for regeneration, job creation and investment.
• Developments which are a corporate priority which may have a wider Council involvement.
• Developments eligible for large scale time limited public funding.
• Proposals for larger sites that include a variety of land uses
• Proposals requiring an Environmental Impact Assessment
• Proposals for sites where there are many constraints
• Proposals involving significant non-standard planning obligations or numerous planning conditions
• Other major and/or complex proposals that are considered unique to Bournemouth

Bespoke PPAs can be used for clients where there is a need for a single case officer or where there is a grouping of potential applications.
The Benefits of a PPA

Taking into account best practice identified by the Planning Advisory Service we have identified a number of clear advantages for using PPAs, including:

- Better overall management of pre-application and post-application stages;
- Identification of key issues at an early stage;
- More realistic and predictable timetables;
- Improved input by elected members;
- Greater accountability and transparency;
- Where permissions are granted development is easier to implement;
- Improved partnership working;
- Continuity and consistency from Council officers.

We will monitor the success of our PPAs to ensure that they are providing value for money and are adding value to the process.

Time scales

The PPA includes the ability to agree a timescale in which to carry out all stages of the planning process including pre-application, application and post-application stages. Where a PPA is not in place the council need to determine the majority of major schemes within 13 weeks (16 weeks if EIA development) so the scope for negotiation once the application is made and registered is limited, and can result in refusals even when there might have been scope to resolve the objections.

The use of a PPA allows either a longer or even shorter determination periods to be agreed. For example where a pre-application process including public consultation has been handled effectively and ironed out any concerns there is no reason why a decision could not be issued in advance of the normal target 13 week period. Similarly where a development might be particularly complex it may be desirable to allow more than 13 weeks to determine the application.

Developers are encouraged to enter into a Planning Performance Agreement (PPA). A PPA is a framework for local authorities and planning applicants to agree how development proposals should be managed through the planning process. They are especially useful for agreeing a shared purpose, promoting positive joint working and providing a more realistic and predictable timetable for the project. In essence it is about good development management encapsulated in an agreed document.

To succeed, all parties must play a part. If the advice in this guide is followed, it will help the council to deliver the service described and to make decisions in a timely manner. However, the use of a PPA does not guarantee a planning permission as any application must still be suitably assessed with regard to its acceptability. Planning legislation requires that decisions on planning applications must be taken in accordance with the development plan, unless material considerations indicate otherwise. The council recognises that a broad range of matters, including development viability and market factors, can be material planning considerations.
Pre-application discussion and community engagement

An important process of the planning system is involvement with the local community and stakeholders. In order for all parties to gain maximum benefit from a PPA it is essential that there is engagement between developers, the council, the community and relevant stakeholders. The level of community engagement will be dependent on the type of development proposal and will be identified in the PPA. Our officers would be happy to provide further assistance on this as part of the PPA engagement, as they have local knowledge and are well placed to advise on local groups how would be likely to show an active interest in development proposals.

A key aspect of our approach to PPA’s is that elected members have to opportunity to provide observations on emerging proposals. This is achieved by a presentation(s) to the Planning Board at pre-application stage. This gives members the opportunity to identify issues which may concern the community and seek clarification. Applicants will find this process particularly useful as it will allow them the opportunity to address these issues in advance of submitting an application. Members will not however give an indication as to how they might vote when the application is submitted.

Charges

A PPA sets the projects tasks and allots resources against them. In terms of council resource this is predominantly planning and other specialist officer time and the council will seek to recover these costs and no more based on an officers hourly rate. Therefore, the fee for entering into a PPA is by negotiation between all parties and will be dependent on the number of project tasks identified at the initial inception meeting.

The PPA may also include a range of discretionary services such as:

- Design review panel meeting.
- Technical briefings for members.
- Community engagement.

The scale of charges is currently set at £50 + VAT (£60) per hour of a Senior Planning Officers time, other officer involvement will vary dependant on the level of the post concerned. The power to charge for discretionary services and recover costs is provided by the Local Government Act 2003, Section 93. Discretionary services would apply to pre-application as well as non-statutory functions during the planning application process and post decision stage. Further details of the sale of charges are published on the in the Planning and Buildings section of the Council’s website.

Planning Performance Agreement Framework

This charter promotes the use of a PPA as a project management tool especially for large scale major applications. This section summarises the key elements that should be incorporated within a PPA. For smaller schemes a more straightforward PPA can be used that focuses more on programme and procedural arrangements, but the key principle
behind a PPA, to agree a way of working between
developers, the community and stakeholders,
should apply to all schemes. The key components
of a PPA are broken down into the following areas
shown below:

Stage 1 – Initial Contact / Screening

This is a critical stage and it is important that when
arranging an initial meeting a senior planning officer
is involved. The initial contact stage will include
a meeting with a senior planning officer and the
developer to discuss the proposal, screening is
offered free of charge. The planning officer will send
confirmation to the developer within 10 working
days to advise if a PPA can be offered or if the pre-
application service should be used.

Stage 2 Scoping and Inception

The scoping and inception stage will include the
following:

• Scope out the vision and objectives
• Identify key issues e.g. highways/ trees/
  heritage/design/ tourism impacts.
• Specify the PPA fee required.
• Review of resources available
• Review of evidence base
• Advise on the level of community engagement
  required including member involvement

• Advise which consultees to engage with
• Advise on relevant policies at local and national
  levels
• Outline the roles and responsibilities of the
developer and council’s teams
• Agree the project tasks with the developer and
  the council’s teams including timescales.

Specifying milestones is critical as these will allow
both the developer team and Council to ensure that
resources are available on the required dates. Both
parties will need to commit to the time line specified.

Stage 3 Formalisation and implementation

The formalisation and implementation stage will
include the following:

• Formal agreement and signing of the PPA by the
  Council, developer and any key stakeholders
  where appropriate.
• Payment by the developer of the agreed fee.
• Delivering the PPA and addressing the key
  issues and tasks.
1. First contact
   - advise
   all major developments should have a PPA if to be progressed

2. DM officer
   identified as lead and PPA project inception meeting held with development agent to agree key issues and dates for the PPA project plan

3. Agent submits PPA

5. PPA stage
   1 agree consultation strategy

7. Present to design review panel

9. Submission of draft background response arising from issue specific meetings

11. BBC confirms acceptability of reports/requests more detail if required

13. Agent responds to draft conditions and draft s.106 - can provide details to negate need for conditions and suggest alternative wording to ensure development can be carried out smoothly

15. Fast track validation check

17. DM lead drafts committee report to be reviewed by applicant

19. Submit building regs

21. Discharge of conditions

4. LPA agrees PPA

6. Hold issue specific meetings with DM lead and key officers/consultees eg Historic England, Tourism, Highways, Affordable Housing

8. Pre-app presentation to Planning Board

10. BBC checks for building regs compliance issues

12. DM case officer drafts conditions and identifies heads of terms for s.106

14. Second Planning Board Presentation update

16. Submit application

18. Agree decision date

20. Submission of condition details

22. Completion of development