



# Belfast City Council

## PLANNING COMMITTEE

<b>Subject:</b>	Planning Performance Agreement Protocol
<b>Date:</b>	18 October 2016
<b>Reporting Officer:</b>	Phil Williams, Director of Planning and Place
<b>Contact Officer:</b>	Phil Williams, Director of Planning and Place

<b>Is this report restricted?</b>	<b>No</b>
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<b>1.0</b>	<b>Purpose of Report</b>
	<p>A planning performance agreement (PPA) is a project management tool which local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications.</p> <p>It is a voluntary agreement made between applicants and local planning authorities prior to the application being submitted and can be a useful focus of pre-application discussions about the issues that will need to be addressed. A PPA is usually agreed in the spirit of a memorandum of understanding rather than as a legally binding contract.</p> <p>It should cover the pre-application and application stages but may also extend to the post-application stage. Planning performance agreements can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority and key stakeholders and can help to bring together other parties such as statutory consultees.</p> <p>Many local authorities, including the UK core cities, have utilised this approach for major developments over a number of years. Moreover, a number of developers have contacted the Planning department volunteering a PPA, but it has not been possible for the City Council to enter into an agreement because the PPA process is not formally recognised.</p>
<b>2.0</b>	<b>Summary of Main Issues</b>
	<p>Belfast is facing an unprecedented level of growth where the development pipeline includes very significant commercial and employment generating developments. The City Council is committed to encouraging quality developments in the capital city of Northern Ireland.</p> <p>To support applicants investing in such developments the Council needs to provide certainty and sufficient resource and expertise to ensure that planning applications for large scale or complex proposals are dealt with in a timely manner with quality development outcomes.</p>

The PPA process provides the opportunity to more effectively communicate with developers and provide appropriate levels of highly skilled experienced staff to take responsibility for managing large scale or complex planning applications.

It is considered that those full or reserved matters applications which are broadly policy consistent, and for 100 dwellings or more or non-residential schemes with a floor space of 10,000 square metres or more, or having a site area of 1 hectare or more, could be suitable for a voluntary Planning Performance Agreement. In practice, the PPA process is likely only to relate to a small number of strategic applications.

Furthermore, it is considered that PPA's will have the following benefits:

- Provide certainty for applicants when the standard determination period is not appropriate.
- Ensure commitment from all parties to a shared timetable for pre-application, application and discharge of condition stages, as may be agreed.
- Create a development team with identified lead officers representing the applicant and the Council and involving all key contributors; internal and external to the Council
- Provide certainty about policy requirements, identification of consultees, key local groups or organisations to consult and provision of local knowledge.
- Provide an opportunity for an initial inception meeting for applicants with key Council officers to discuss a proposal, to formulate a PPA establishing a clear decision making framework and project programme. This will then be confirmed in writing by the Council as a project plan to then be signed by the lead officer for the applicant and Council.
- Ensure that the Council's lead officer and where necessary other named officers in key service areas, prioritise the application to provide a timely coordinated response, identify issues early and resolve any potential delays and conflicts.
- Ensure there is sufficient staff resources and expertise, including independent outside technical support as required, to deliver an effective Planning service
- Assist in delivering improved performance in determination timescales
- Support the delivery of quality development and outcomes

The applicant will be expected to agree to a project plan, pay the PPA fee which would be reflective of costs incurred by the Council, engage in meaningful pre-application discussions, allow adequate time for provision of essential information and assessment of proposal, respond within agreed timescales to requests for further information and/or revisions, attend project meetings accompanied by relevant team members, keep the Council informed of progress at all key stages, submit a complete application with all of the required supporting information and where appropriate a draft legal agreement.

It is considered that there could be benefits for including the conclusion of Section 76 Agreements as part of the PPA process if this were considered helpful.

	<p>The Council should reserve the right to decline a request for a PPA. Planning applications contrary to the Development Plan are unlikely to be considered appropriate for a PPA. The Director of Planning and Place should determine the appropriate fee level for a PPA and act consistently in determining PPA fees for comparable proposals. Higher fees will be required for particularly complex or very large scale proposals. The Director of Planning and Place should determine whether an additional fee is required if the developer significantly changes a proposal from when a PPA was originally submitted. The PPA fee will attract VAT.</p> <p>A PPA will become a public document when a planning application is submitted. The PPA is without prejudice to the Local Planning Authority's role to determine all planning applications on their merits and consider all submitted representations. <b>It does not commit the local planning authority to a particular outcome.</b> It is instead a commitment to a process and timetable for determining an application.</p> <p>The PPA process should be introduced immediately and reviewed by the Planning Committee after 12 months to consider its impact and whether any changes are required to the system and how it operates. It is considered that a shorter review period would be inappropriate given that the process will be targeted at largescale Major applications that have a determination period of 30 weeks (between 7 and 8 months).</p>
<p><b>3.0</b></p>	<p><u>Key Issues</u></p> <p><u>Financial &amp; Resource Implications</u></p> <p><u>HR/IR implications</u></p> <p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations implications in this report.</p>
<p><b>4.0</b></p>	<p><b>Recommendations</b></p> <p>That the Planning Performance Agreement Protocol as outlined at Appendix 1 is introduced from 1<sup>st</sup> November 2016 and that it is reviewed after 12 months.</p>
<p><b>4.0</b></p>	<p><b>Appendices – Documents Attached</b></p>
	<p>Appendix 1 - Draft Planning Performance Agreement Protocol</p> <p>Appendix 2 – Draft Planning Performance Agreement Form</p>