

APPENDIX 1 – Draft Planning Performance Agreement Protocol

What is a Planning Performance Agreement?

A planning performance agreement (PPA) is a project management tool which local planning authorities and applicants may use to agree milestones, actions and resources for handling particular largescale and/or complex planning applications.

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 by a planning application.

The PPA should cover the pre-application and application stages but may also extend to the post-application stage. Planning performance agreements are especially 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.

Many local authorities, including the UK core cities, have utilised the PPA approach for major developments over a number of years.

What are the benefits of a Planning Performance Agreement?

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.

To support applicants investing in such developments the PPA process helps to provide certainty and sufficient resource and expertise to ensure that planning applications for largescale or complex proposals are dealt with in a timely manner with quality outcomes.

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.

Planning Performance Agreements may have the following specific 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 appropriate, to deliver an effective Planning service
- Assist in delivering improved performance in determination timescales
- Support the delivery of high quality development and outcomes

What types of proposal do Planning Performance Agreements apply to?

A PPA may be agreed by the City Council for 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.

The Council reserves 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.

What should be included in the Planning Performance Agreement?

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.

The Director of Planning and Place will 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 will 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.

The Planning department has produced a draft PPA form that may form the basis of the PPA. The PPA must be agreed and signed by all parties.

Who may enter into a Planning Performance Agreement?

The PPA will be drawn up between the City Council and applicant but may also include Government departments and other third parties and stakeholders, depending on the issues and circumstances of the proposal.

What is the status of a Planning Performance Agreement?

On signing, a PPA will become a public document when a planning application is submitted.

The PPA takes the form of a memorandum of understanding and is not legally binding. It should be seen as a very useful project management tool to support the planning application process.

There are no penalties, financial or otherwise, if a PPA is not complied with by any of the parties. However, any deviation from the PPA may have time consequences for the handling of the planning process. The performance of Planning Performance Agreements will be monitored by the Planning department.

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. **It does not commit the local planning authority to a particular outcome.** It is instead a commitment to a process and timetable for determining an application.