



Appendix 1 - GUIDANCE NOTE

SOUTHAMPTON CITY COUNCIL

PLANNING PERFORMANCE AGREEMENTS

INTRODUCTION

The City Council has adopted a development management approach to the facilitation of development and sustainable growth across Southampton. Council resources have been allocated to ensure that all users of the planning system are given clear and concise guidance that reflects the current planning guidance and policies, with an emphasis on ensuring that those seeking pre-application advice can do so easily.

WHY USE A PLANNING PERFORMANCE AGREEMENT?

Since April 2010 a formal chargeable service for pre-application planning advice has been operating with officers making accompanied site visits (where requested) and producing a written report of their findings. The Council recognises that this approach can be adapted to facilitate larger developments, typically of 100 or more dwellings and/or 10,000sq.m of commercial floorspace and encourages applicants to enter into a Planning Performance Agreement (PPA)

A PPA is a collaborative project management process for the more complex type of developments. This process seeks to secure an early agreement between the parties as to the type of development within a defined programme with a greater likelihood of a favourable decision and a successful development.

The agreement embraces the planning process from pre-application advice, through to the submission and determination of a planning application by the Council's Planning and Rights of Way Panel, and builds in a review process to ensure that realistic targets are set and achieved.

Pre-application dialogue between applicants and the City Council is a major component of the PPA process. As part of the Council's adopted pre-application charging system a planning fee is associated with an agreed PPA. In return for entering into a PPA applicants will be rewarded with:

- increased certainty of process, timescales and issues to be addressed;
- input from relevant officers and the elected decision makers;
- the avoidance of abortive work;
- the earliest possible indications and negotiations of planning obligations;
- the opportunity to resolve issues prior to the application submission; and,
- an aftercare programme following a decision with assistance with planning conditions.

SIMPLIFIED PRE-APPLICATION DISCUSSIONS

Whilst the Council can offer a more complex form of PPA to suit the applicants' needs¹ the key stages of our simplified PPA approach can be summarised as follows:

Contact	Initial contact made to either the City Development Team or the Planning and Development Manager
Definition	The definition of the project proposal and the completion of the attached Agreement which shall include the "Project Plan" for delivery and a payment schedule
Implementation	Implementation of the Project Plan with ongoing review
Submission	Application Submission, Determination and Pre-Construction Sign Off

THE COUNCIL'S STRUCTURE & PROJECT TEAM APPROACH

The Council is committed to co-ordinated cross-departmental working involving internal and external stakeholders, the community and elected Councillors. An approach to the City Council concerning a large scale or complex development project will initially be through either the Planning Department or the City Development Team.

For large strategic projects an officers' Steering Group will be established which will be chaired by the Planning Case Officer ("The Project Manager") in close consultation with the Planning and Development Manager. This group will involve officers from other departments as necessary.

For those projects affecting high profile City Centre sites and/or those projects with a Council interest, as landowner, it is likely that the City Development Team will co-ordinate the initial contact and assign their own Project Manager, with resources being offered by the Planning and Development Manager as required. Once the parameters of the scheme have been identified the Planning Case Officer will then manage the process through to the submission and determination of the planning application.

¹ In line with the approach recommended by the Advisory Team for Large Applications (ATLAS) in their guidance note entitled "Implementing Planning Performance Agreements" (2008).

Either way, the make up of the Council's Steering Group will be determined according to the needs of the project and in accordance with the terms of the agreed PPA.

The Chair of this Steering Group will be responsible for the project's management alongside the applicant's project team, whilst ensuring corporate delivery within agreed timescales and the continual communication to Council Members and the wider community. All members of the Steering Group will work on behalf of the Council in the wider public interest and to secure a well designed, sustainable and inclusive scheme that delivers the objectives of the Council's Local Development Framework and other relevant policy documents and material considerations.

As part of the pre-application dialogue at least one meeting identified as part of the PPA process will be chaired by the Council's Planning Agreements Officer. This meeting will coordinate the responses of those departments and stakeholders affected by any development proposals whose direct impacts may otherwise be mitigated against through the S.106 process². An early understanding of any likely S.106 package assists both parties in reaching a viable proposal that is deliverable, and this meeting is pivotal to a successful PPA.

A further meeting with the Planning Case Officer may also be sought to discuss the documents that should be submitted to enable the application to be validated against the current local and national 1APP requirements.

Throughout the PPA process officers will express their own professional opinions which will form guidance for the applicant. The guidance will not bind officers to a final recommendation, nor the Planning & Rights of Way Panel's determination of the planning application, and does not override the requirement for a formal planning application to be determined without prejudice and within the statutory requirements of current planning legislation. The PPA will, however, form a material consideration in the officer's consideration of any related planning application and the Council will endeavour to ensure that the same Steering Group remains in place throughout the PPA process.

EXTERNAL STAKEHOLDER INPUT

Other stakeholders from partner organisations are likely to be required to provide a timely response to the project at various stages. Partners in this context may include statutory agencies such as the Environment Agency, or neighbouring authorities where a proposal could have a cross-boundary impact. The Council's team will aim to secure adequate and timely

² As detailed in the Council's adopted S.106 Planning Obligations SPG (2006) as may be amended.

consultation with partner organisations as the project proceeds and will facilitate participation by partner organisations in the project plan.

COMMUNITY ENGAGEMENT

Promoters of large scale developments, whether or not the subject of a PPA, will be expected to carry out pre-application consultation with the local community, in accordance with the Council's adopted Statement of Community involvement. The Council's team will offer guidance to the applicant in the preparation of an appropriate consultation strategy and assist the applicant in reaching relevant people and groups. The onus for public engagement will, however, rest with the applicant in the first instance. The results of such engagement, and how the design of any proposals has altered, should be set out in a Statement of Community Involvement that is submitted by the applicant with their planning application.

THE PLANNING AND RIGHTS OF WAY PANEL

Decisions on planning applications for large scale, complex and politically sensitive developments will be made by elected councillors serving on the Council's "Planning and Rights of Way Panel". Accordingly it is appropriate for councillors to be involved in the PPA process.

The appointed chair of the Council's Project Steering Group will, in agreement with the applicant, facilitate the engagement of the Panel, affected ward councillors and other councillors as appropriate. In most cases this will take the form of a pre-arranged short presentation by the applicant followed by a question and answer session. The appropriate Panel meeting for this presentation will be agreed as part of the PPA programme and should normally follow a robust public engagement exercise.

This approach will allow councillors to develop an understanding of the issues and raise their own queries and concerns. Councillors shall, however, ensure that their decision making function is in line with the Council's adopted rules concerning probity and not compromised, and will not express views about the overall planning merits of any case or engage privately with the applicant.

COUNCIL EXPECTATIONS OF THE APPLICANT

The Council will expect the applicant to approach any proposal in an open, collaborative and creative manner and will offer the same courtesy in return.

The applicant will be expected to employ staff and/or consultants with sound expertise in delivering sustainable communities. All projects will be delivered through a robust project management process and, as with the Council's Project Steering Group, applicants will be expected to use best endeavours to meet the agreed timetables.

It is, perhaps, unrealistic to expect all potential planning related issues and material considerations to be raised and resolved as part of the PPA process. In those cases where the parties cannot agree on all elements of a project this will be clearly stated in the Council's written response with further guidance on appropriate actions for either party.

PRE-APPLICATION CHARGING

The current charging system explains that the fee for applications with a PPA will be levied at 10% of the final full planning application fee, with a schedule for payments to be agreed as part of the PPA³. The fees will be calculated on a not-for-profit basis.

THE PLANNING PERFORMANCE AGREEMENT

PROJECT DESCRIPTION

To secure collaborative working between Southampton City Council and the applicant on planning proposals for the redevelopment of:

The site and a brief outline of the proposals to be added here

PARTIES TO THE AGREEMENT

This agreement is made on *date to be added here* between Southampton City Council as Local Planning Authority & the Applicant

Project Manager & Contact Telephone Number: *details to be added here*

Applicant Details & Contact Telephone Number: *details to be added here*

³ For instance, a scheme for 100 dwellings attracts a planning application fee of £21,565 with an additional PPA cost of £2,157. A commercial scheme for 10,000sq.m attracts a planning application fee of £24,965 with an additional PPA cost of £2,497 (at the April 2010 fee rate).

PLANNING PERFORMANCE AGREEMENT DRAFT PROGRAMME FOR DELIVERY

Stage	The Project Plan Draft Key Milestones – delete as applicable	Dates to be Agreed (Provisional)	Payment Schedule
Pre-Application	Initial Contact		
	Agreement Signature & Programme		
	Topic Meeting Dates	(to be agreed)	
	EIA Screening		
	EIA Scoping		
	S.106 Planning Agreements Officer		
	Community Engagement	(to be agreed)	
	Presentation to the Planning Panel		
	Formal SCC Pre-Application Response		
	Application	Planning Application Submission	
Consultation & Notification			
Feedback & Scheme Amendment			
Planning Panel Determination			
Completion of S.106 Legal Agreement			
Target Decision			
Post Decision	Implementation Programme		
	Pre-Commencement Conditions		

In signing this PPA Agreement both parties agree to enter into formal pre-application discussions for the above project and, unless otherwise agreed in writing, will confirm a final programme for its delivery within 28 days.

The Council's planning fee for the project will be levied at no more than 10% of the final full planning fee for any formal planning application that follows the formal pre-application discussions for this site, and will be payable in accordance with an agreed payment schedule.

Signed and dated on behalf of Southampton City Council

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Signed and dated on behalf of the Applicant

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TERMS OF REFERENCE

APPLICATION SUBMISSIONS

No planning application will be submitted “prematurely” during the agreed period for pre-application negotiations without the prior agreement of the Council. If the applicant submits an application outside the terms agreed below then the Council may determine the application without further negotiation or consideration of amended plans. Where the pre-application process has been successfully concluded or, in the event of an agreed outcome not being reached through the negotiation, the applicant may then submit an application.

As part of the Agreement both parties shall agree a provisional date for the submission and determination of the application (which can be beyond the normal 13/16 week target date) and will agree a timetable for further dialogue during consideration of the scheme. In the event that officer’s are minded to recommend a refusal of the application, despite the completion of the PPA procedure, they will offer the applicant the opportunity to formally withdraw the application before doing so.

DISPUTES PROCEDURE

The Council will work to resolve any disputes amicably, but recognises that most major development proposals will give rise to a wide range of planning issues. Accordingly, the Council acknowledges that in order to properly assess the associated range of complex planning issues the planning application may not be capable of being determined within the 13/16 week statutory period. An alternative timescale may be agreed with the applicant.

In the event of the parties not agreeing on any matter at the regular project meetings the project managers will meet together and seek to resolve differences. In the event of no resolution a special meeting of the Project Steering Group can be called by either party and this meeting shall take place within 15 working days of the request being received. If required, outstanding matters can be escalated for a resolution.

If either party shall commit any breach of its obligations under this Agreement and shall not remedy the breach within 10 working days of written notice from the other party to do so, then the other party may notify the party in breach that it wishes to terminate this Agreement and the Agreement shall be terminated immediately. No penalty fees will apply, although it is unlikely that any fees paid shall be refunded.

It remains open for the applicant team to appeal against any decision or non determination at any stage following the 13/16 statutory target date, and for the Council to determine the application where the Agreement has not been followed correctly. Nothing in this PPA shall restrict the City Council from properly exercising its role as the Local Planning Authority. Nothing in this PPA fetters the Council’s statutory powers to grant or refuse planning permission