

<b>Subject:</b>	<b>Planning Performance Agreement Charges</b>		
<b>Date of Meeting:</b>	<b>27 September 2018</b>		
<b>Report of:</b>	<b>Executive Director Economy Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Paul Vidler</b>	<b>Tel: 01273 292192</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 Planning Performance Agreements (PPAs) are agreements that set timescales for pre-application advice, planning applications and implementation of development between the local planning authority and applicants. There is a charge for PPAs. These are bespoke and based on an officer hourly rate to cover the cost of the service.
- 1.2 The report seeks agreement to the introduction of a fast track fee option for PPAs. This is necessary to cover the costs of bringing in additional planning, transport and other specialist staff support at short notice (agency/consultancy staff) to resource and meet the deadlines sought.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee grants delegated authority to the Executive Director Economy Environment & Culture to agree the fast track fee for Planning Performance Agreements based on the hourly cost of additional agency/consultancy planning, transport and other specialist staff support.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The Policy & Resources Committee agreed in October 2015 for delegated authority to be granted to the Executive Director Environment, Development & Housing to negotiate the terms of bespoke, cost neutral PPAs on major development schemes, based on officer hourly rates. It is not proposed that this approach is changed. PPAs set out officer resourcing and provide developers with agreed timescales for pre-application advice and for the determination of planning applications. They do not influence the final decision on an application by the local planning authority.
- 3.2 PPAs are particularly favoured by developers of more significant major schemes as they provide more certainty on the timing of key decisions. Since 2015, the council has entered into thirteen PPAs with developers on major site and a number are in the pipeline.

- 3.3 In addition to the current arrangement, to enable the council as local planning authority to agree to the timetables set out by developers in PPAs and provide adequate staff resources, it is proposed that a fast track fee option is introduced. This would enable additional resourcing by agency/consultancy planning, transport and other specialist staff to be introduced to either backfill for current staff or to directly undertake the work required by the PPA. This approach has been requested by a number of developers on major development sites. The developer would be expected to cover the cost of the additional resource, including hourly rates plus the council's additional costs around IT, office accommodation and administration of the staff's agency contract.
- 3.4 The staff that are appointed to cover this work will continue to be commissioned by, and directly responsible to, the Local Planning Authority. The developer will just be covering the additional cost to the local authority of employing the additional staff resource. It can be confirmed that the staff will not be appointed by the developer and the fact the developer is paying for the staffing resource to deal with their application will not fetter the discretion of the local planning authority. Some other local planning authorities have also introduced charges for consultants/agency staff for PPAs similar to those proposed in this report.
- 3.5 Fees for PPAs would continue to be set on a bespoke, cost neutral basis. PPA fees for specialist advice provided by transport officers and officers from other services are set annually in November by the Tourism Development & Culture Committee. As there are current pressures to agree fast track PPAs, agreement is being sort for this funding change at the present time.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 The provision of additional staff support at short notice for fast track PPAs would enable to council to ensure that timetables are achieved for the determination of planning applications for major development and, following approval, the implementation of such schemes. This is in line with the advice in the Planning Advisory Service peer challenge of the council's planning function which suggested that the council agree "more Planning Performance Agreements (PPAs) in particular in the context of major applications which might otherwise not be able to be adequately resourced from within the service"
- 4.2 The alternative option of not providing fast track PPAs could result in delays to the approval and implementation of major developments, adversely impacting on the provision of essential development and the economy of the city.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Engagement and consultation was undertaken on the introduction of charges in 2015. There has been further internal consultation on this current proposal.

#### **6. CONCLUSION**

- 6.1 The introduction of a fast track fee option for PPAs would enable the council to provide adequate resources to support these and ensure that major development proposals are brought forward and implemented within agreed timetables.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 The proposed charges will be subject to the council's Corporate Fees and Charges Policy. The Corporate Fees and Charges Policy addresses the requirement for a more corporate approach to the issue of fees and charges and provides a clear policy framework within which to conduct annual or other reviews of fees and charges. Fundamentally, the policy aims to increase the proportion of income contributed by users of services where appropriate, rather than the cost being met from the general Council Tax payer. As a minimum, charges will be reviewed annually as part of the budget and service planning process
- 7.2 A Local Planning Authority has the power to charge for the proposed services under Section 93 of the Local Government Act 2003. Under this legislation, taking one financial year with another, the income and charges should not exceed the cost of provision. The level of fees will therefore be set based on this requirement and regularly reviewed to ensure compliance. It is anticipated that the costs of the fast track service will be recovered by the charges to service users through the Planning Performance Agreement and therefore be cost neutral to the council.

*Finance Officer Consulted: Gemma Jackson*

*Date: 30/08/18*

### Legal Implications:

- 7.3 The power to charge for discretionary planning services is found in s93 of the Local Government Act 2003. This power is subject to the duty (s93 (3)) to secure that, taking one financial year with another, the income from charges does not exceed the costs of provision.
- 7.4 It is not considered that any adverse human rights implications arise from the recommendations of the report.

*Lawyer Consulted: Alison Gatherer*

*Date: 03/09/2018*

### Equalities Implications:

- 7.5 No specific equalities implications.

### Sustainability Implications:

- 7.6 In order to assist with the long-term sustainability and efficiency of the Planning & Building Control Service and to continue providing a quality service, it is necessary that the charges be set at an appropriate level.

### Any Other Significant Implications:

- 7.7 There are no other significant implications arising from the recommendation in this report.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. None

### **Documents in Members' Rooms**

1. None

### **Background Documents**

1. P&R Report October 2015 introducing PPAs